

## **PART 3: RESPONSIBILITY FOR FUNCTIONS**

Part 3 of the Constitution sets who is responsible for the various functions of the Council.

The Local Government Act 2000 divides the Council's functions into the following categories:

### **1. Executive Functions**

By virtue of section 9D of the Local Government Act 2000, every Council function is an "executive" function (i.e. the function is to be the responsibility of the Executive), unless a statute says differently or the function is identified as a "non-executive" function by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

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:

- a. the Executive (the Cabinet); or
- b. another member of the Executive; or
- c. a committee of the Cabinet; or
- d. an officer of the Council; or
- e. another local authority or the executive of another local authority
- f. joint arrangements with one or more other local authorities, including the establishment of a joint committee with such authority or authorities

### **2. Council (Non-Executive) Functions**

"Non-executive" functions are the responsibility of the Council, which may decide to delegate their discharge to a Council Committee or Joint Committee. They can also be delegated to a Council Sub-Committee or a council officer. There are some non-executive functions that can only be the responsibility of the full Council and cannot be delegated to another body.

These are set out in Part 2, Article 4.2 of this Constitution.

### **3. Local Choice Functions**

Some Council functions are "local choice functions". This means that the Council can decide whether the function is to be the responsibility of the Executive (an "executive function") or the responsibility of the Council (a "non-executive" function).

## **Responsibility for Functions**

Part 3, Section A sets out these “local choice functions”, designates them as “executive” or “nonexecutive”, and shows who is authorised to discharge them.

### **Responsibility for Local Choice Functions**

There is a discretion on which body or person can make certain decisions. These are known as Local Choice Functions and are listed in the table below.

<b>Local Choice Function</b>	<b>Responsible Body or Person</b>	<b>Any Restrictions</b>	<b>Statutory References</b>
Any function under a local Act other than a function specified or referred to in Regulation 2 of, or Schedule 1 to, the Regulations	Council	Except to the extent that powers are delegated to officers	Local Authorities Functions and Responsibilities) (England) Regulations 2000.
The making of arrangements in relation to appeals against the exclusion of pupils from maintained	Council but delegated to the Schools Appeals Committee	Except to the extent that powers are delegated to officers	Section 52 of the Education Act 2002 and any relevant subordinate legislation.
The making of arrangements for appeals by governing bodies against an LEA decision to admit a child permanently excluded from two schools	Council but delegated to the Schools Appeals Committee	Except to the extent that powers are delegated to officers	Sections 87 and 95(2) and (3A) of the School Standards and Framework Act 1998 and relevant subordinate legislation.
Any function relating to contaminated land	Council	Delegated to the Regulatory Committee except to the extent that powers are delegated to officers	Part IIA of the Environmental Protection Act 1990 and relevant subordinate legislation

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The discharge of any function relating to the control of pollution or the management of air quality	Council	Delegated to the Regulatory Committee except to the extent that powers are delegated to officers	The Pollution Prevention and Control Act 1999; Part IV of the Environmental Protection Act 1990 and the Clean Air Act 1993
The service of an abatement notice in respect of a statutory nuisance	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	The Noise and Statutory Nuisance Act 1993 and the Environmental Protection Act 1990
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	Section 8 of and Schedule 2 to the Noise and Statutory Nuisance Act 1993
The inspection of the authority's area to detect any statutory nuisance	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	Section 79 of the Environmental Protection Act 1990
The investigation of any complaint as to the existence of a statutory nuisance	Council	Delegated to the Licensing and Regulatory Committee except to the extent that powers are delegated to officers	Section 79 of the Environmental Protection Act 1990
The obtaining of information as to interests in land	Council	Delegated to the Planning Committee except to the extent that powers are delegated to officers	Section 330 of the Town and Country Planning Act 1990

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<p>The obtaining of particulars of persons interested in land</p>	<p>Cabinet or Cabinet Member</p>	<p>Except to the extent that powers are delegated to officers</p>	<p>Section 16 of the Local Government (Miscellaneous Provisions) Act 1976</p>
<p>The making of agreements for the execution of highways works</p>	<p>Council</p>	<p>Delegated to the Planning Committee except to the extent that powers are delegated to officers</p>	<p>Section 278 of the Highways Act 1980 and Section 23 of the New Roads and Street Works Act 1991</p>
<p>The appointment of any individual—            (a) to any office other than an office in which he is employed by the authority;            (b) to any body other than:                (i) the authority;                (ii) a joint committee of two or more authorities; or            (c) to any committee or sub-committee of such a body; and the revocation of any such appointment.</p>	<p>Council</p>		<p>Any enactment conferring a power to make such appointments or to revoke the same</p>

**Part 3: Functions of Cabinet**

The Cabinet will carry out all of the Council's functions which are not the responsibility of any other part of the Council.

**Terms of Reference of Cabinet**

The Cabinet will specifically be responsible for:

- a. The financial management of the City Council in accordance with the Financial Procedure Rules, the Budget and Policy Framework Procedure Rules and any other relevant rules in Part 4.
- b. Recommendations to the Council in respect of annual Policy Priorities and Resources allocation process and the resulting revenue and capital budgets or other aspects of the Budget and Policy Framework.
- c. Decisions on resources and priorities within the Budget and Policy Framework agreed by the City Council.
- d. Approval of the Council Tax Base and Recommendations to the Council in respect of the level of Council Tax to be levied each year.
- e. Recommendations to the Council in respect of statutory plans, the Wolverhampton Community Plan and other plans forming component parts of the Budget and Policy Framework.
- f. Obtaining views within the Council and with other stakeholders, agencies and the business, voluntary and community sectors to identify and address local needs.
- g. Obtaining views from Scrutiny, other Council Committees, appropriate employees and any other person or body necessary to ensure that proposals of the Cabinet are put forward on a properly informed basis.
- h. Preparation of the Council Plan, monitoring performance and ensuring the implementation of that Plan and undertaking the duty of Best Value.
- i. Executive proposals/recommendations and effective implementation of Council policies and the setting and delivery of service standards in line with the approved Budget and Policy Framework.
- j. Forming partnerships with other agencies and the business, voluntary and community sectors.
- k. Holding Members of the Strategic Executive Board accountable for their strategic and management responsibilities.

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- l. Recommendations to the Council on matters which are Cabinet functions but in relation to which by virtue of the significance or importance of the matter, the Cabinet decides additionally to seek the confirmation of the Council.
- m. Agreement of responses to Government or other consultation papers where consideration by full Council is not practicable within the timescale of the relevant consultation.
- n. Recommendations to the Council on matters which by virtue of financial significance must be referred to Council for confirmation in accordance with the Council's Financial Procedure Rules.
- o. To consider (where appropriate) reports and recommendations from Scrutiny on matters considered under the Call-In arrangements or as part of a Scrutiny Review or otherwise respond to the relevant Scrutiny Board/Committee concerned.
- p. To consider motions referred from Full Council and Petitions referred to them.
- q. To take any urgent action (other than decisions as to levying or issuing a precept for a rate or borrowing money or any matter statutorily requiring a decision of the Council). In such circumstances, the decision of the Cabinet will contain a statement justifying the grounds upon which the urgent action was taken.
- r. The Cabinet may reallocate monies within the overall budget in response to new pressures or changing circumstances. However, the Cabinet is not empowered to incur additional expenditure which cannot be offset by additional income, contingency funds or one-off resources without reference to the full Council.
- s. To discharge the Executive Functions of the Council, except to the extent that these have been delegated to a Cabinet Member or to an employee.

**Part 3: Functions of Cabinet (Resources) Panel**

The Cabinet (Resources) Panel will carry out all of the Council's functions which are not the responsibility of any other part of the Council.

**Terms of Reference of Cabinet (Resources) Panel**

The Cabinet (Resources) Panel will specifically be responsible for:

- a. Financial issues (but not the budget)
- b. Asset Management in accordance with approved Asset Management Plan
- c. Property and Land Transactions
- d. Contract Strategy
- e. Litigation
- f. Regulatory enforcement policy and fees
- g. Operational issues

**Part 3 - Functions of Cabinet**

**Cabinet Portfolios**

The Cabinet Member responsible for each portfolio will be required to advise the Cabinet on the matters relating to their portfolio when the Cabinet is acting collectively.

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

- a. Require approval by the Council;
- b. Where appropriate should be determined by the Council due to its significance or importance following consultation with the Leader;
- c. Are reserved to Scrutiny, Planning, Licensing, Governance and Ethics Committee or to the Cabinet;
- d. Are delegated to other Council Committees or to Employees;
- e. Are significant in financial terms as specified in the Financial Procedure Rules;
- f. Are Key Decisions;
- g. 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;

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

Decisions of the Cabinet and Cabinet Members are subject to the Call-In arrangements, except where urgent.

Notwithstanding the above, the Cabinet Member responsible for each portfolio may refer any matter which they considers should be dealt with by the Cabinet collectively because of its significance or importance.

If the appropriate Cabinet Member is unavailable and a decision needs to be taken urgently, the Leader may take the decision in consultation with the appropriate Senior Officer. If the Leader is unavailable and a decision needs to be taken urgently, the Deputy Leader or any other Cabinet Member, may take the decision with the appropriate Senior Officer.



**Cabinet Portfolios**

<b>Cabinet Portfolio</b>	<b>Policy Area</b>
<b>The Leader of the Council</b>	<ul style="list-style-type: none"> <li>• Our City: Our Plan</li> <li>• City Partnerships</li> <li>• West Midlands Combined Authority</li> <li>• International, national, regional and sub-regional Leadership</li> <li>• External relations, Public Relations and Reputation Management</li> <li>• New Communities and migration</li> <li>• Wolverhampton Pound</li> <li>• Visitor Experience (Culture and Events)</li> </ul>
<b>Deputy Leader: Inclusive City Economy</b>	<ul style="list-style-type: none"> <li>• Our City: Our Plan – thriving economy in all parts of the city</li> <li>• Strategic Planning, incl. Local Plan policy,</li> <li>• Supporting City businesses</li> <li>• Stimulating Inward investment</li> <li>• Economic growth and inclusion partnerships</li> <li>• City Marketing</li> </ul>
<b>Cabinet Member for Governance and Equalities</b>	<ul style="list-style-type: none"> <li>• Our City: Our Plan - Fair and Inclusive priority including equalities</li> <li>• Legal</li> <li>• Democratic Services and Scrutiny</li> <li>• Electoral Registration and Elections</li> <li>• Information Governance</li> <li>• Civic Support (Mayoral and Councillor Support) and Councillor Enquiries</li> <li>• Complaints and Feedback</li> <li>• Our People Strategy Incl. HR and Organisation Development</li> <li>• Health and Safety</li> </ul>

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<b>Cabinet Portfolio</b>	<b>Policy Area</b>
<p><b>Cabinet Member for Education, Skills and Work</b></p>	<ul style="list-style-type: none"> <li>• Our City: Our Plan – more local people into good jobs and training</li> <li>• Our City: Our Plan – strong families where children grow up well and achieve their full potential</li> <li>• Early Years</li> <li>• School standards and attainment</li> <li>• Strategic School place planning</li> <li>• School admissions</li> <li>• 0-25 Special Educational Needs and Disability</li> <li>• Education inclusion incl. behaviour, attendance, and elected home education</li> <li>• School governance</li> <li>• Home to school transport</li> <li>• Commercial services to schools</li> <li>• Health and wellbeing for schools</li> <li>• Post 16 School Education provision</li> <li>• Adult Education</li> <li>• Further and higher education (incl. Wolverhampton College, training providers and universities)</li> <li>• Skills and employability including Careers advice, Wolves@work, Impact and Workbox</li> </ul>
<p><b>Cabinet Member for Children and Young People</b></p>	<ul style="list-style-type: none"> <li>• Our City: Our Plan – strong families where children grow up well and achieve their full potential</li> <li>• Our City: Our Plan – fulfilled lives for all with quality care for those that need it Children’s safeguarding incl. prevention of exploitation</li> <li>• Children in need and in need of protection</li> <li>• Children and young people in care and care leavers</li> <li>• Corporate parenting</li> <li>• Early intervention, prevention and specialist services</li> <li>• Children’s Transformation work (incl. specific funded programmes and national reform)</li> <li>• Youth Offending</li> <li>• Children and young people partnership working</li> <li>• Children and young people’s health incl. disabilities and emotional health and wellbeing</li> <li>• Children’s Services commissioning</li> <li>• Children and Young People’s participation and engagement</li> </ul>

**Responsibility for Functions**

<b>Cabinet Portfolio</b>	<b>Policy Area</b>
<b>Cabinet Member for Adults</b>	<ul style="list-style-type: none"> <li>• Our City: Our Plan – fulfilled lives for all with quality care for those that need it</li> <li>• Health and Care integration through the integrated care system, place based partnership and integrated care partnership</li> <li>• Health and Care reform including the fair cost of care and social care cap government reforms.</li> <li>• Adult Services Transformation work</li> <li>• Operational Social care provision for adults, older people, learning and physical disabilities, complex needs and mental health including:-</li> <li>• -Adult Safeguarding (MASH 24)</li> <li>• AMHP Hub</li> <li>• Carer support (paid and unpaid)</li> <li>• Welfare rights</li> <li>• Information, advice and guidance (including Wolverhampton Information Network)</li> <li>• Better Care Fund</li> <li>• Adult care commissioning and market sustainability</li> <li>• Quality assurance and monitoring</li> <li>• Adult user engagement</li> <li>• Financial Assessments</li> <li>• CQC inspection framework</li> </ul>
<b>Cabinet Member for Health and Wellbeing</b>	<ul style="list-style-type: none"> <li>• Our City: Our Plan – healthy, inclusive communities Preventing Ill Health and reducing Health Inequalities</li> <li>• Starting and developing well</li> <li>• Healthy Life Expectancy</li> <li>• Healthy Ageing</li> <li>• Community safety &amp; community cohesion</li> <li>• Emergency Planning, Resilience and business continuity</li> <li>• NHS Partnerships</li> <li>• Voluntary and Community Sector Partnerships</li> <li>• Community Engagement</li> <li>• Public Health Commissioning</li> <li>• Libraries and Community Hubs</li> </ul>

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<b>Cabinet Portfolio</b>	<b>Policy Area</b>
<b>Cabinet Member for City Assets and Housing</b>	<ul style="list-style-type: none"> <li>• Our City: Our Plan – good homes in well-connected neighbourhoods</li> <li>• Our City Our Plan – Our Assets – ensuring the city has a fit for purpose asset portfolio to meet current and future needs</li> <li>• Delivery and implementation of the Strategic Asset Plan</li> <li>• City Housing Strategy and Housing Policies</li> <li>• City Prevention of Homelessness Strategy</li> <li>• City Housing Needs &amp; Affordable Housing incl. Temporary Accommodation-</li> <li>• City Private Housing Services Incl. Enforcement and Civil Penalties</li> <li>• Safer Homes incl. National Residential Building Safety Programme</li> <li>• City Residential Landlord Services – Wolverhampton Homes Arm’s Length Management Company</li> <li>• City Residential Landlord Services – Tenant Management Organisations Right to Manage Tenant Organisations and Cooperatives</li> <li>• City Housing Company – WV Living Ltd City Housing Development Strategy</li> </ul>
<b>Cabinet Member for City Environment and Climate Change</b>	<ul style="list-style-type: none"> <li>• Our City: Our Plan – healthy inclusive communities</li> <li>• Our City: Our Plan – good homes in well-connected neighbourhoods</li> <li>• Our City: Our Plan – climate conscious</li> <li>• Strategic Transportation</li> <li>• Operational Transportation incl. highways management and maintenance</li> <li>• Waste and Recycling Services</li> <li>• Street cleansing</li> <li>• Grounds maintenance, parks operations, country parks operations</li> <li>• Markets</li> <li>• Public protection and consumer protection</li> <li>• Licensing</li> <li>• Parking Services</li> <li>• Bereavement and Registrars</li> <li>• Coroner</li> <li>• Fleet management</li> <li>• Passenger Transport</li> <li>• Sustainability</li> <li>• Climate Change (Chair of Climate Change Advisory Group)</li> </ul>

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<b>Cabinet Portfolio</b>	<b>Policy Area</b>
<b>Cabinet Member for Resources and Digital City</b>	<ul style="list-style-type: none"><li>• Our Money including Medium term financial planning<ul style="list-style-type: none"><li>a. capital strategy (incl. schools)</li><li>b. budget development process</li><li>c. treasury management strategy</li></ul></li><li>• Council tax and business rates</li><li>• Housing benefits and council tax benefits</li><li>• Procurement and Commercialisation</li><li>• Audit and Corporate risk</li><li>• Customer Services</li><li>• Our City: Our Plan - Driven by Digital</li><li>• Our Digital including the council's digital and IT service</li><li>• Our Data including data and analytics</li><li>• Digital infrastructure and connectivity</li><li>• Digital Inclusion including digital skills</li><li>• Digital innovation</li><li>• Digital Projects</li></ul>

**\*The Cabinet Member (Children and Young People) is designated as the Lead Member for Children's Services as required by Section 19 of the Children Act 2004**

**Part 3: Functions of Council**

1. The following functions will be the responsibility of the Council:-

	<b>Functions</b>	<b>Statutory Reference</b>
1.1	Adopting and changing the Constitution.	Part 1A Local Government Act 2000 and subordinate legislation
1.2	Electing the Mayor and appointing the Deputy Mayor.	Sections 3 and 5 Local Government Act 1972
1.3	Electing and removing the Leader.	Sections 9I to 9ID Local Government Act 2000
1.4	Approving or adopting the Policy Framework and the Budget.	Sections 9D and 105 Local Government Act 2000; Regulation 4 and Schedule 3 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853
1.5	Making decisions where executive decisions are contrary to the policy framework or executive decisions are contrary to or not wholly in accordance with the budget.	Sections 9D and 105 Local Government Act 2000; Regulation 5 and Schedule 4 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853
1.6	In relation to functions which are not the responsibility of the Cabinet agreeing and/or amending the terms of reference for committees, or joint committees, deciding on their composition and making appointments to them, including appointing the Chairs and Vice Chairs of Committees.	Sections 101 and 102 Local Government Act 1972 and Sections 9F and 9FA Local Government Act 2000
1.7	Power to alter governance arrangements.	Section 9KC Local Government Act 2000
1.8	Appointing representatives to outside bodies unless the appointment is an executive function or has been otherwise delegated by the Council.	

## **Responsibility for Functions**

### **Part 3 - Functions of Council**

1.9	Adopting an allowances scheme (See Part 6).	Local Authorities (Members' Allowances) (England) Regulations 2003
1.10	Changing the name of the area.	Section 74 Local Government Act 1972
1.11	Making, amending or revoking standing orders.	Sections 106, 135, paragraph 42 Schedule 12 Local Government Act 1972; Section 9P Local Government Act 2000; Sections 8 and 20 Local Government and Housing Act 1989 and the Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202,) the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384) and any other relevant regulations
1.12	Confirming the appointment of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer and dismissal of the Head of Paid Service.	Sections 151 Local Government Act 1972; Sections 4 & 5 Local Government and Housing Act 1989; Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202) and the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384)
1.13	Duty to provide staff and resources, to the Monitoring Officer and Head of Paid Service.	Sections 4 and 5 of the Local Government and Housing Act 1989
1.14	Powers relating to Overview and Scrutiny Committees (voting rights of co-opted Members).	Section 9F et seq of the Local Government Act 2000
1.15	Making, amending, revoking, re-enacting or adopting bylaws.	Any provision or any enactment (including a local Act) whenever passed; Section 14 Interpretation Act 1978
1.16	Promoting or opposing the making of local legislation or personal Bills.	Section 239 Local Government Act 1972

**Part 3- Functions of Council**

1.17	<p>All local choice functions which the Council decides should be undertaken by itself rather than any other person or body or other matters reserved to full Council by this Constitution including the following:</p> <ul style="list-style-type: none"> <li>• Appointing the Members and Chairs of the Scrutiny Boards and Members, Chair and Vice Chair of Scrutiny Co-ordination Committee</li> <li>• Electing the Mayor and Deputy Mayor.</li> </ul>	<p>Sections 9D and 105 Local Government Act 2000; Regulation 3(1) and Schedule 2 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853; sections 3 and 5 Local Government Act 1972</p>
1.18	<p>Determining whether or not to delegate to another local authority any of its functions or to accept the delegation of any functions from another local authority.</p>	<p>Sections 101 and 102 Local Government Act 1972</p>
1.19	<p>Appointing Proper Officers for the purposes of any particular functions</p>	<p>Section 270(3) Local Government Act 1972</p>
1.20	<p>Approval for the purposes of public consultation draft proposals associated with the preparation of alterations to, or the replacement of, a development plan (but excluding any SPG or development brief prepared under the Development Plan) under Regulations 10. 21 and 22.</p>	<p>Town and Country Planning (Development Plans) (England) Regulations 1999 (1999/3280)</p>
1.21	<p>Power to undertake a Community Governance Review.</p>	<p>Section 82 Local Government and Public Involvement in Health Act 2007</p>
1.22	<p>Power to confer title of honorary alderman or to admit an honorary freeman.</p>	<p>Section 249 of the Local Government Act 1972, ss(5), and (6); West Midlands County Council Act 1980</p>



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1.23	Functions relating to local government pensions.	Regulations under section 7, 12 or 24 Superannuation Act 1972
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1.24	Power to make payments or provide other benefits in cases of maladministration.	Section 92 of the Local Government Act 2000
1.25	All relevant functions relating to local, parliamentary, European elections and elections for a Police and Crime Commissioner.	Sections 8(2),18A to 18E 31, 39(4), 52(4), 54 of the Representation of People Act 1983 Also refer to the review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006, (SI 2006/2965), , and the Local Elections (Principal Areas) (England and Wales) Rules 2006, (SI 2006/3304), Chapter 6 of the Police Reform and Social Responsibility Act 2011 and any regulations made thereunder.
1.26	Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972
1.27	Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972
1.28	The passing of a resolution: (a) For whole council elections; and to change the name of an electoral area.	Section 32 of the Local Government and Public Involvement in Health Act 2007; Section 59 of the Local Government and Public Involvement in Health Act 2007
1.29	Appointment of coroner	The Coroners and Justice Act 2009
1.30	Appointment of one or more independent persons to advise on Elected and Co-opted Member misconduct.	Sections 26 - 37 and Schedule 4 of the Localism Act 2011
1.31	Approval of Annual Pay Policy.	Section 38 Localism Act 2011

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1.32	A Resolution not to issue a casino premises licence	Section 166 of the Gambling Act 2005
1.33	All other matters which, by law, must be reserved to the Council	Any provision of any enactment (including a local Act) whenever passed or made

**2. The Policy Framework will include the following Plans and Strategies**

- The Council Plan
- Sustainable Community Strategy
- Plans and alterations that together comprise the Wolverhampton Development Plan
- Children and Young People's Plan
- Local Transport Plan
- Licensing Authority Policy Statement
- Statement of Gambling Policy
- Youth Justice Plan
- Community Safety and Harm Reduction Strategy
- Emergency Plan
- Sufficiency Strategy
- Care leavers Strategy
- Health and Wellbeing Strategy
- The Plan and Strategy which comprise the Housing Investment Programme including housing finance and rents;
- Adult Learning and Skills Strategy;
- Environment Strategy;
- The Children and Young People's Plan
- Corporate Parenting Strategy
- Children and Young Persons Participation Strategy

NB: Whilst the Cabinet will have responsibility for the formulation of such plans and strategies the formal approval or adoption of any such plan or strategy will be a matter for full Council to determine.

**3. Budget**

The budget includes the allocation of capital and revenue resources, the precept level, the council tax, the planned use of reserves, the Council's borrowing limit and the virement limits. The approval of the Council Tax base will be determined by Cabinet.

**4. Petitions**

Dealing with any petition containing 5000+ signatures received by the Council in accordance with the Protocol for dealing with Petitions at Full Council Meetings set out in Part 4.

## ***Responsibility for Functions***

### ***Part 3 - Functions of Scrutiny***

#### **Part 3: Functions of Scrutiny**

As set out in Part 2 Article 7 and Part 4 Overview and Scrutiny Procedure Rules of the Constitution.

**1. Functions Delegated to the Planning Committee.**

The Planning Committee will have responsibility for the following delegated functions **except** where specific functions have been delegated to an employee:

- a. 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 under the Town & Country Planning Acts, Town & Country Planning Development Orders and all other associated legislation relating to planning, development and building control, including structure and local plans and the National Planning Policy Framework.
- b. to exercise the powers and duties of the local planning authority in relation to the planning of sustainable development; local development schemes; local development monitoring reports and neighbourhood planning including the power to recover costs incurred in putting Neighbourhood Development plans or orders in place under the Planning and Compensation Act 2004 as amended, the Localism Act 2011 and all other associated legislation.
- c. Matters relating to the designation and management of conservation areas and building conservation.
- d. To deal with applications for grants for repair or maintenance of buildings of architectural or historic interest and matters in connection with the acquisition, restoration and disposal of buildings (excluding terms for the acquisition or disposal of land and property) or materials for conservation purposes.
- e. Matters relating to tree preservation orders and statutory notices, highways, hedgerows, reclamation of derelict land, enforcement, structures used for unauthorised display, unauthorised advertisements, defacement of premises, removal of signs at the request of the owner or occupier of premises, deposited plans under the Health & Safety at Work Act 1974, Building Act 1984 and Building Regulations or other subordinate legislation, public rights of way including stopping up and diversions, registration of common land and town/village greens, the creation, stopping up and diversion of highways and other related matters, including without limitation those specified in Schedule 1, Part 1A, Part B paragraphs 37-38 and 41-56, Part E, Part I paragraphs 1-34 and 46-47A Local Authorities (Functions & Responsibilities) (England) Regulations 2000/2853.
- f. To approve, adopt, review, amend and revise codes of best practice and procedure for planning and other matters, including the Planning Code of Good Practice, within its terms of reference and to make the same publicly available.
- g. To delegate these functions, where appropriate, to employees or any subcommittee.

**Matters incidental to the exercise of the Committee's delegated functions**

The exercise of the above functions by the Planning Committee will include the power to impose any condition limitation or other restriction on any approval consent licence permission or registration granted in the exercise of those functions and the power to determine any other terms to which any such approval consent licence permission or registration is subject.

The exercise of the above functions by the Planning Committee will include the power to determine whether, and in what manner, to enforce any failure to comply with any approval consent licence permission or registration granted or any failure to comply with the condition limitation or term to which a such approval consent licence permission or registration is subject or any other contravention in relation to a matter with regard to which the function has been exercised.

The exercise of the above functions by the Planning Committee will include the power to amend modify or vary any such approval consent licence permission or registration or any condition limitation or term to which it is subject and the power to revoke any such approval consent licence permission or registration.

**1. Functions Delegated to the Statutory Licensing Committee**

The Committee will have responsibility for the following delegated functions **except** where specific functions have been delegated to an employee of the Council by virtue of **Part 3** of this Constitution and subject to those provisions regarding legal proceedings.

- a. To exercise the functions of the Council as Licensing Authority for the purposes and requirements of the Licensing Act 2003 and the Gambling Act 2005 except where functions are reserved to full Council;
- b. To advise full Council or Cabinet on the authority's response to any consultation documents issued by the Secretary of State on licensing matters and revisions to the local statements of licensing policy and gambling policy;
- c. To establish sub-committees comprising three members as and when required for the purpose of conducting hearings under the Licensing Act 2003 and Gambling Act 2005;
- d. To delegate these functions, where appropriate, to the appropriate Director or other appropriate employees; and
- e. To approve, adopt, review, amend and revise codes of best practice and procedure for licensing matters within its terms of reference and to make the same publicly available.

**2. Matters incidental to the exercise of the Committee's delegated functions**

- 2.1 The exercise of the above functions by the Statutory Licensing Committee will include the power to impose any condition limitation or other restriction on any approval consent licence permission or registration granted in the exercise of those functions and the power to determine any other terms to which any such approval consent licence permission or registration is subject.
- 2.2 The exercise of the above functions by the Statutory Licensing Committee will include the power to determine whether, and in what manner, to enforce any failure to comply with any approval consent licence permission or registration granted or any failure to comply with the condition limitation or term to which a such approval consent licence permission or registration is subject or any other contravention in relation to a matter with regard to which the function has been exercised.
- 2.3 The exercise of the above functions by the Statutory Licensing Committee will include the power to amend modify or vary any such approval consent licence permission or registration or any condition limitation or term to which it is subject and the power to revoke any such approval consent licence permission or registration, including powers to charge for licenses, consents, permissions and permits in accordance with appropriate legislation.



**3. Legal Proceedings**

- 3.1 The Statutory Licensing Committee shall (except where delegated to an Employee under Part 3) have the power to institute, defend and conduct legal proceedings in furtherance of or arising from the discharge of functions delegated to it.

**4. Licensing Policy**

- 4.1 Without prejudice to the Committee's functions to determine applications on their own merit and to depart from policy guidelines when appropriate, responsibility for determining the Council's licensing policies has been allocated to the following decision-making bodies:

a. Licensing Act 2003 and Gambling Act 2005: full Council

**5. Sub-Committees of the Statutory Licensing Committee**

- 5.1. All Members of the Statutory Licensing Committee will be required to receive training before considering applications under the Licensing Act 2003 and the Gambling Act 2005.
- 5.2 Sub-Committees of the Statutory Licensing Committee will be established as necessary to consider applications under the Licensing Act 2003 and the Gambling Act 2005.
- 5.3 The membership of each Sub-Committee will be 3 Members, to be selected by the Democratic Services Officer in consultation with the Chair of the Statutory Licensing Committee, drawn from the membership of the Statutory Licensing Committee. The Democratic Services Officer will report regularly to the Chair of the Statutory Licensing Committee on Members' availability for and/or attendance at Sub-Committees
- 5.4 A Member who is unable to attend a meeting will be entitled to appoint a substitute Member, provided that such substitute Member is a member of the Statutory Licensing Committee.
- 5.5 The Quorum for each Sub-Committee will be 2 Members.
- 5.6 The Chair for each meeting will be the Chair of Statutory Licensing Committee if they are unavailable the Chair will be appointed by the Sub-Committee at the start of their meeting. (The Chair will normally be a Member of the Controlling Group).
- 5.7 The Sub-Committees are subject to the Access to Information Procedure Rules set out in Part 4.
- 5.8 Decisions of the Sub-Committees are not subject to the call-in procedure.

5.9 Minutes of the Sub-Committees will be submitted to the Statutory Licensing Committee.

**1. Functions Delegated to the Regulatory Committee**

The Committee will have responsibility for the following delegated functions **except** where specific functions have been delegated to an employee of the Council by virtue of Part 3 of this Constitution and subject to those provisions regarding legal proceedings.

To exercise the functions of the Council as Licensing Authority for all other relevant licensing and regulatory legislation including (without limitation) that which relates to acupuncture and body piercing, animals and pet shops, hackney carriage and private hire (taxis), house to house and street collections, street trading, sexual entertainment venues, safety of sports grounds, food, meat and dairy production, caravan and camping sites, zoos, alcohol, pleasure boats and pleasure vessels, tattoos, electrolysis, markets, Clean Air Act, environmental pollution control (including IPPC permits), approval of premises for the solemnisation of marriages and civil partnerships, alcohol disorder zones and smoke free premises as well as any other regulatory or licensing matters specified in Schedule 1 Local Authorities (Functions & Responsibilities) (England) Regulations 2000/2853 together with any Local Choice functions delegated to the Committee by Council as set out in Part 3;

- a. To advise full Council or Cabinet on the authority's response to any consultation documents issued by the Secretary of State on Public Protection matters;
- b. To establish sub-committees comprising three members as and when required for the purpose of conducting hearings to:
  - consider and determine applications as detailed in the annual Delegation Report,
- c. To delegate these functions, where appropriate, to the appropriate Director or other appropriate employees; and
- d. To approve, adopt, review, amend and revise codes of best practice, policy and procedure for Licensing and Public Protection matters within its terms of reference and to make the same publicly available.

**2. Matters incidental to the exercise of the Committee's delegated functions**

- 2.1 The exercise of the above functions by the Regulatory Committee will include the power to impose any condition limitation or other restriction on any approval consent licence permission or registration granted in the exercise of those functions and the power to determine any other terms to which any such approval consent licence permission or registration is subject.

## ***Responsibility for Functions***

- 2.2 The exercise of the above functions by the Regulatory Committee will include the power to determine whether, and in what manner, to enforce any failure to comply with any approval consent licence permission or registration granted or any failure to comply with the condition limitation or term to which a such approval consent licence permission or registration is subject or any other contravention in relation to a matter with regard to which the function has been exercised.
- 2.3 The exercise of the above functions by the Regulatory Committee will include the power to amend modify or vary any such approval consent licence permission or registration or any condition limitation or term to which it is subject and the power to revoke any such approval consent licence permission or registration, including powers to charge for licenses, consents, permissions and permits in accordance with appropriate legislation.

### **3. Licensing Policy**

- 3.1 Without prejudice to the Committee's functions to determine applications on their own merit and to depart from policy guidelines when appropriate, responsibility for determining the Council's licensing policies has been allocated to the following decision-making bodies:

Hackney carriages/ private hire: Regulatory Committee

Other policies: Regulatory Committee

### **4. Sub-Committees of the Regulatory Committee**

- 6.1 All Members of the Regulatory Committee will be required to receive training before considering applications.
- 4.2 Sub-Committees of the Regulatory Committee will be established as necessary to consider applications.
- 4.3 The membership of each Sub-Committee will be 3 Members, to be selected by the Democratic Services Officer in consultation with the Chair of the Regulatory Committee, drawn from the membership of Regulatory Committee.
- 4.4 The Democratic Services Officer will report regularly to the Chair of the Regulatory Committee on Members' availability for and/or attendance at Sub-Committees
- 4.5 Sub-Committees are the subject of proportionality requirements of the Local Government Act 1989 and the Democratic Services Officer, in selecting the membership of any Sub-Committee, will ensure that the membership, as far as it is practicable, properly reflects the political makeup of the Council.
- 4.6 A Member who is unable to attend a meeting will be entitled to appoint a substitute Member, provided that such substitute Member is a member of the Regulatory Committee.

## ***Responsibility for Functions***

- 4.7 The Quorum for each Sub-Committee will be 2 Members.
- 4.8 The Chair for each meeting will be the Chair of Regulatory Committee unless they are unavailable in which case a Chair will be appointed by the Sub-Committee at the start of their meeting. (The Chair will normally be a Member of the Controlling Group).
- 4.9 The Sub-Committees are subject to the Access to Information Procedure Rules set out in Part 4.
- 4.10 Decisions of the Sub-Committees are not subject to the call-in procedure.
- 4.11 Minutes of the Sub-Committees will be submitted to the Regulatory Committee.

**Functions Delegated to the Audit and Risk Committee**

**1.1 Governance, risk and control**

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

**1.2 Internal Audit**

- To approve the internal audit charter.
- To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- To approve risk based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- To approve significant interim changes to the risk-based internal audit plan and resource requirements.

## ***Responsibility for Functions***

- To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.
- To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the head of internal audit. To approve and periodically review safeguards to limit such impairments.
- To consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
  - a. Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;
  - b. Regular reports on the results of the quality assurance and improvement programme;
  - c. Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement.
- To consider the head of internal audit's annual report:
  - a. The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement - these will indicate the reliability of the conclusions of internal audit.
  - b. The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the annual governance statement.
- To consider summaries of specific internal audit reports as requested.
- To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- To contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- To consider a report on the effectiveness of internal audit to support the annual governance statement, where required to do so by the Accounts and Audit Regulations.

## ***Responsibility for Functions***

- To provide free and unfettered access to the Audit and Risk Committee chair for the head of internal audit, including the opportunity for a private meeting with the committee.

### **1.3 External Audit**

- To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA or the authority's auditor panel as appropriate.
- To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- To consider specific reports as agreed with the external auditor.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To commission work from internal and external audit.
- To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

### **1.4 Financial Reporting**

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

### **1.5 Accountability arrangements**

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



## ***Responsibility for Functions***

- The Chair of the Committee will answer questions on its work at full Council meetings.
- To publish an annual report on the work of the committee.

**Functions Delegated to the Governance and Ethics Committee**

The Governance and Ethics Committee will have responsibility for the following functions which are reserved to it:

The Governance and Ethics Committee will have the following Terms of Reference:

- a. Shall be an advisory body, comprising Councillors, dealing with governance, ethics and constitutional arrangements.
- b. Shall, where appropriate, consider and advise the Council on matters relating to the Council's governance and Constitution, including standards of conduct, the timetable of meetings, the administrative and procedural arrangements for implementing new legislation and the terms of reference of or scheme of delegation to Council bodies.
- c. Shall consider and advise the Council on elections and electoral arrangements, including boundary reviews, and polling districts, places and stations, where these are not the sole responsibility of the Returning Officer.
- d. Be consulted, and may offer feedback for consideration, on elections and electoral arrangements that are the sole responsibility of the Returning Office.
- e. Shall advise Full Council on the adoption or revision of the Councillors' Code of Conduct and Councillors' Allowances Scheme.
- f. Shall liaise between the Council and the Ombudsman;
- g. Shall advise the Council on the conferment of the title of Honorary Alderman or Freedom of the City;
- h. Shall advise the Council on the making, amendment, revocation or re-enactment of bylaws and the promotion of or opposition to local or personal Bills in Parliament.
- i. Promoting and maintaining high standards of conduct by Elected Members and co-opted Members;
- j. Making recommendations to the Council on the appointment of "independent persons" under the Localism Act 2011;
- k. Approving and revising the Complaints Protocol which will set out the detailed procedures for considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members;
- l. Considering complaints made against Elected and Co-opted Members under the Code of Conduct for Elected and Co-opted Members in accordance with the Complaints Protocol;

## ***Responsibility for Functions***

- m. Monitoring the operation of the Code of Conduct for Elected and Co-opted Members and making appropriate recommendations to the relevant body;
- n. At the request of the member or co-opted member concerned, reviewing any decision of the Monitoring Officer not to grant a dispensation in relation to disclosable pecuniary interests in accordance with Section 33 of the Localism Act 2011;
- o. Monitoring the operation of the Code of Conduct for Employees and making appropriate recommendations to the relevant body;
- p. Considering any other matters which are relevant to the ethical governance of the Council, its Members or Employees.

### **Governance and Ethics (Hearings) Sub-Committee**

The Sub-Committee shall conduct hearings into allegations that a Councillor has breached the Code of Conduct for Councillors of the relevant authority in accordance with the arrangements for such hearings approved by the Council.

## **Functions of Councillor Champions**

### **Appointment of Champions**

At its discretion the Council may from time to time designate Champions from amongst Councillors.

The Council may also choose to form an advisory group to support the Champion, consisting of Executive and Scrutiny members, although this will not be appropriate in all situations.

### **Purpose of a Councillor Champion:**

To promote the relevant issue within the Council and with key partners in liaison with Cabinet Members in line with Council policy.

To contribute to the review and development of policies pertaining to the area of interest.

To engage with the Executive and Scrutiny to ensure that due regard is given to the issue as part of policy development and strategic planning activities.

To provide positive support, and on occasions, constructive challenge to the Council and officers in driving forward the Council's agenda on relevant issues.

To represent the Local Authority at relevant events and on external bodies on issues relating to the theme they are championing.

### **Key responsibilities:**

To develop priorities and work plans in discussion with relevant councillors and officer forums. Champions will be assigned a link officer who will provide ongoing support on the issue being championed.

To publish an annual report on the work undertaken over the year for consideration by the Scrutiny Board.

To chair a quarterly meetings of the advisory group (if formed), in order to provide a formal opportunity to exchange information and discuss relevant issues.

A Champion cannot:

- Take decisions
- Deputise for a Cabinet Member

### **Health & Wellbeing Together**

#### **Terms of Reference: Health & Wellbeing Together**

Health & 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.

#### **Health & Wellbeing Together will:**

- Provide strong local leadership for the improvement of the health and wellbeing of the population of Wolverhampton.
- Encourage integrated working through promoting an ethos of integration and partnership in the planning, commissioning and delivery of services.
- Collaborate with other City Partnership Boards/stakeholder groups to identify shared priorities and appropriately coordinate activity, informed by a commitment to a place-based approach to health.

#### **Health & Wellbeing Together is responsible for:**

- Assessing the needs of the local population by developing and overseeing the implementation of the City's Joint Strategic Needs Assessment (JSNA).
- Preparing and publishing a Joint Health and Wellbeing Strategy (JHWS) that is evidence based through the work of the JSNA and other supporting needs assessments.
- Taking forward the key priorities from the JHWS and to performance manage progress against defined targets.
- Preparing a Pharmaceutical Needs Assessment (PNA) to ensure pharmaceutical services in Wolverhampton meet local needs.
- Ensuring that health and social care commissioning plans are coordinated, align with the JSNA, the JHWS and meet local needs.
- Overseeing and coordinating plans for the integration of health and social care services to improve the health and wellbeing of people in Wolverhampton and reduce health inequalities.
- Coordinating public health work that is undertaken on behalf of Health & Wellbeing Together, including wellbeing and social care prevention pathways.
- Supporting local voice and patient choice by ensuring that the views of local people are used to inform decision making and improve democratic accountability.
- Working collaboratively with other strategic City Boards/ Partnerships on the implementation of the City 2030 Vision.
- Ensure the work of Health & Wellbeing Together is aligned with policy developments both locally and nationally.

A Health and Wellbeing Together member role description is available in Appendix 1 of this document.

### Health & Wellbeing Together governance and reporting relationships:

Health & 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 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.



- The Children & 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.
- Living & Ageing Well is responsible for leading the Better Care Fund workstream and Adult Transformation activity. It reports Better Care Fund submissions into Health and Wellbeing Together so that the Board can measure performance and have strategic oversight of the delivery of agreed programmes.
- The Executive Commissioning Group brings together senior executives of the health and well-being community with commissioning responsibility in the city of Wolverhampton. It will inform the Health and Wellbeing Together Executive.
- The Integrated Care Alliance is a patient centred collaborative approach based on a shared vision and clinical alignment with the aim of removing artificial distinctions between primary and secondary care. It aims to work collectively to develop coherent plans for the Wolverhampton health and care system. It informs the Health and Wellbeing Together Executive.
- The WMCA Wellbeing Board was established to support the West Midlands Combined Authority to achieve its ambitions of improving health and wellbeing outcomes for its residents by adding value to the work that already goes on within individual localities. This includes, providing governance for the

## ***Responsibility for Functions***

Combined Authority's work to improve wellbeing and health outcomes including the development of devolution propositions and ensuring that the Combined Authority's work in relation to wellbeing and health complements and supports the work of Sustainability & Transformation Plans within the Combined Authority area. The Cabinet Member for Public Health & Wellbeing represents Wolverhampton on the WMCA regional Wellbeing Board.

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

### **Health & Wellbeing Together membership**

In line with the Health and Social Care Act 2012 membership of Health & Wellbeing Together 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, and
- such other persons, or representatives of such other persons, as the local authority thinks appropriate.

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

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.

## ***Responsibility for Functions***

Agency	Role
City of Wolverhampton Council	Leader of the Council <sup>+</sup>
	Cabinet Member for Children and Young People
	Cabinet Member for Adults
	Cabinet Member for Public Health & Wellbeing, Chair <sup>+</sup>
	Opposition representative
	Director of Public Health <sup>+</sup>
	Executive Director of Families <sup>+</sup>
Black Country & West Birmingham CCGs	Wolverhampton Managing Director Black Country & West Birmingham CCGs
Wolverhampton Healthwatch	Chief Officer or Manager
University of Wolverhampton	Senior representative - Institute of Health, Faculty of Education, Health and Wellbeing
West Midlands Fire Service	Group Commander Operations North
	Black Country North Walsall and Wolverhampton
West Midlands Police	Chief Superintendent
Third Sector Partnership	Designated representative
Chair Wolverhampton Safeguarding Together	Independent Chair
Royal Wolverhampton NHS Trust	Chief Executive <sup>+</sup>
	Chair <sup>+</sup>
Black Country Healthcare NHS Foundation Trust	Director of Partnerships
Wolverhampton Voluntary Sector Council	Chief Executive

*+ Executive Group member*



## ***Responsibility for Functions***

The Chair will be appointed by the City of Wolverhampton Council. The Vice-chair will be appointed by Black Country & West Birmingham CCGs.

Should neither Chair or Vice Chair be able to attend a meeting of Health & 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.

The Chair of Health Scrutiny and a representative from NHS England and NHS Improvement (Midlands) are invited to attend Full Board meetings as an observer.

### **Health & Wellbeing Together voting and decision-making**

Reports to Health & 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.

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 & Wellbeing Together will have delegated authority from their organisations to take decisions within the terms of reference.

Decisions taken by Health & 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.

Items can be added to the agenda by completing the Agenda Item Request Template. Completed forms will be considered at the next available meeting of the Health & Wellbeing Together Executive as part of the agenda setting and forward planning process. 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 & Wellbeing Together to ensure agenda items are strategic and timely.

### **Health & Wellbeing Together frequency of meetings and quorum**

A full meeting of Health & 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 & 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

## ***Responsibility for Functions***

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 one third of membership, with at least one Elected Member and one external partner in attendance.

**DELEGATIONS TO THE PENSION COMMITTEE**

- To exercise all those functions of City of Wolverhampton Council which are required to be performed by it in its role as Administering Authority for the Local Government Pension Scheme under the Public Service Pensions Act 2013 (and any associated legislation) adhering to the principles required by Statutory Guidance.
- Under Section 4 of the Public Service Pensions Act 2013 the Scheme Manager for the Administering Authority shall be the City of Wolverhampton Council's Pensions Committee.
- To exercise all the general powers and duties of the Council granted to the Cabinet and Cabinet Panels and Regulatory or other Committees provided that those parts of the Council's Financial Procedure Rules and Contracts Procedure Rules which relate to the acquisition and disposal of land, Fund Investment transactions, custody of assets, appointment of advisors and approval of expenditure and their related activities, shall not apply in relation to the West Midlands Pension Fund.
- The Council's financial procedure rules, contract procedure rules and internal financial limits concerning procurement do not relate to the Pensions Committee who, by delegation from Council, has authority to enter into contracts, procure services, purchase goods and manage financial investment through the internal controls of the West Midlands Pension Fund and in compliance with all applicable legislation.
- To ensure that consideration is given to the impact which the Committee's policies and provision of services have with regard to environmental matters. Provided such considerations are in line with the duty of the Pension Committee, as Scheme Manager, to manage investments in accordance with fiduciary duty and the overall duty to secure investment returns.
- The Pensions Committee may call upon the Local Pensions Board to seek assistance on matters to be discussed at the committee meeting. Where such assistance is sought it must be considered as part of the decision-making process.
- Any reference within the Council's constitution that refers to Council or Cabinet and includes powers relevant to the work of the Pensions Committee should be read to include Pensions Committee, including the setting of the Budget and Policy framework of the West Midlands Pension Fund.

**TERMS OF REFERENCE**

- The Pensions Committee shall adhere to the Standing Orders of the City of Wolverhampton Council and all matters of due process so far as they do not conflict with the statutory duty of Scheme Managers.

### **MEMBERSHIP**

The membership of the Pensions Committee shall consist of the following;

- 10 City of Wolverhampton Council elected Councillors
  - 6 District representatives, one elected Councillor from each of the Metropolitan District Councils participating within the West Midlands Pension Fund. District representatives are invited to sit as full members of the committee with debate and voting rights on the matters presented.
  - 4 Trade Union member representatives are invited as observers from three main trade unions from across the region. Trade Union representatives are invited observers to the committee meetings, they may participate in debate but hold no voting rights on the matters presented
- 
- The quorum for a Committee meeting is 9 voting members.
  - Should an elected Councillor no longer be a member of their Authority, their appointment on the Committee shall cease and a further nomination will be sought from that Authority.
  - The Committee shall meet on a formal basis a minimum of 4 times a year with additional informal meetings throughout the year as required.
  - Councillors sitting on the Pensions Committee do so as a representative of the West Midlands Pension Fund, taking decisions in the best interest of the Fund. Whilst politically balanced, the Committee meets on a non-political basis with all members meeting collectively in compliance with statutory duties as outlined in legislation and statutory guidance.
  - Trade Union representatives who observe committee meetings will adhere to the formal meeting process, and have regard to the Nolan Principles of Public Life and the expected behaviours for Governing Body members as set out by regulatory bodies.
  - Persons sitting on the Committee are expected to make themselves available to attend committee meetings. Persons who fail to attend three or more events (to include committees and training) may be removed from the committee and a replacement sought from their nominating body, unless there are exceptional reasons for their failure to attend. Such reasons to be considered by the committee, notably the Chair and Vice-Chair.
  - Persons sitting on the Committee are required to undertake training in line with the Scheme Manager's adopted training policy.
  - Trade Union observers are invited to attend training session to assist in informing debate in committee meetings.

**CHAIRING THE COMMITTEE**

- The Chair and the Vice Chair of the Committee will be appointed by Full Council at the Annual General Meeting.
- In the event of a tie of votes, the Chair will have the casting vote.
- In the event the Chair is not present for the meeting, the Vice Chair will assume the role of the Chair for that meeting. Should neither the Chair or the Vice Chair be present, a Chair will be nominated from the Elected Members present at the meeting, providing always that the quorum for the meeting is met.

**URGENT DECISIONS**

- The Chair, Vice Chair or nominated person in consultation with the Director of Pensions shall be able to exercise the powers of the Committee in any matter of immediate urgency which cannot wait until the next meeting. Decision made under this provision will be reported to the next available meeting of the Committee.

**DUTIES OF THE PENSION COMMITTEE**

- To adhere to the principles set out in the Statutory Guidance and Codes of Practice issued by the Scheme Advisory Board and the Pensions Regulator and undertake its duties in compliance with the obligations imposed on it as Scheme Manager.
- To approve the Fund's operational budget and receive reports on matters of staffing and employment where significant budget implications occur.
- To represent the views of members of the Fund in the management and administration of the Fund.
- To ensure that equality issues are addressed in the development of policies and the provision of services and are appropriately monitored.
- To determine the investment strategy and supporting responsible investment policy and framework of the Fund in consideration of the long-term liabilities and duties to pay pension benefits.
- To monitor investment activity and the performance of the Fund's investments.
- To take independent and specialist advice on matters to be determined, including advice from Senior Officers of the Fund, adhering to the advice given when taking decisions.
- To ensure effective operational and financial risk management and to receive reports on actions identified in the Fund's internal control framework.
- Reviewing and adopting the statutory policies of the Fund, in accordance with the Fund's policy framework.

## ***Responsibility for Functions***

- On an annual basis to receive and approve the Annual Report and Accounts.

### **INVESTMENT POOLING**

- To select, appoint and dismiss an investment pool operator in line with Statutory Requirements.
- To include provisions for investment pooling in the Fund's Investment Strategy Statement.

### **1.0 Pension Board Terms of Reference**

1. This document sets out the terms of reference of the Local Pension Board of the City of Wolverhampton Council (the 'Administering Authority'), a scheme manager as defined under Section 4 of the Public Service Pensions Act 2013. The Local Pension Board (hereafter referred to as 'the Board') is established in accordance with Section 5 of that Act and under regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).
2. The Board is established by the Administering Authority and operates independently of the Committee. Relevant information about its creation and operation are contained in these Terms of Reference.
3. The purpose of the Board is to assist the Administering Authority with the good governance of the scheme, as follows:
  - secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme; and
  - to ensure the effective and efficient governance and administration of the Scheme.
4. All persons appointed to the Board will adhere to the Local Pensions Board Code of Conduct and the seven principles of public life (known as the Nolan Principles), including the duty to report conflicts and undertake training as required to ensure they meet the legislative requirement to have the knowledge and understanding required of them to undertake their role.
5. While not a formal committee of the Council, meetings of the Pensions Board will be formal occasions to be minuted adhering to the due process and rules of procedure so far as such do not make the business of the Board unviable. Business to be conducted by the Pensions Board shall be noted on a formal Agenda at least five working days in advance of the meeting. Additional business may be added to the Agenda at a later date with the consent of the Chair. Business not noted on the Agenda may only be considered at the meeting if agreed by majority vote. This is to ensure all information is available and has been read and understood by Pensions Board members.
6. The Pensions Board shall meet a minimum of four times a year on a quarterly basis. The ability to call additional meetings rests with the Board, such additional meetings are to meet the minimum quorum requirement.
7. Persons appointed to the Pensions Board have the same right of access to information and documents to be considered as elected members as outlined in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and The Openness of Local Government Bodies Regulations 2014. Save as all other provisions of these regulations do not apply to the Pensions Board.

## ***Responsibility for Functions***

8. The Pensions Board shall adhere to the operational policies of the Fund. Membership
9. The Pensions Board consists of 12 persons made up of six employer and six member representatives in equal proportion, two of which will be Elected Members of the Administering Authority. Substitutes shall not be appointed. Further, details with regards to membership can be found in the Fund's Representation Policy which is available on its website.
10. Representatives (both employer and member) should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.
11. Recruitment to the board will follow the Fund's 'Pensions Board Appointments Policy'.
12. The quorum requires, at least one member from each category of member and employer representatives. If the Chair and the Vice Chair are not present a Chair will be nominated by majority from those in attendance.
13. The term of office for a person appointed to the Pensions Board shall be for a period no shorter than one year and no longer than two rotations of nominations for their term of office (where the person is an elected Councillor, whichever is the shortest). Nominations for employer and member representatives to the Pensions Board shall take biennial rotation. This is to ensure a consistency of knowledge within the Pensions Board and to assist with the development of knowledge and experience. Where vacancies occur in year the nomination process will follow and there will not be a nomination for that seat in the same year.
14. Nominations to the Pensions Board will be sought from the nominating body group on each occasion as the rotation for appointment arises. Trade Union member representatives will be nominated by the relevant Trade Union. Where more than one nomination is received for employer representatives from the Fund employer base, interviews for the vacant position will be held by the Chair and Vice Chair (where they are not on rotation), together with the Director of Pensions (or their nominated officer) and the Head of Governance and Corporate Services.
15. Persons appointed to the Pensions Board are expected to make themselves available to attend meetings and to complete relevant training. Persons appointed who fail to meet their training target and/or attend less than two meetings and one structured training event each year may be asked to leave the Board and a replacement sought from their nominating body unless there are exceptional reasons for their failure to attend. Such reasons to be considered by the Pensions Board.
16. Other than by ceasing to be eligible to sit on the Pensions Board (to include failure to attend meetings), a person appointed to the pensions board may only be removed from the position during their term of office by majority vote of the Pensions Board.



## ***Responsibility for Functions***

17. A person appointed to the Pensions Board may retire their position at any time. In such cases a nomination will be sought from their nominating body.

### **Chairing the Board**

18. It shall be the first business of the Board's annual meeting to nominate the position of Chair and Vice-Chair with both the employer and member representatives considered with one position being allocated to each represented group.
19. In the event of a tie of votes of any business to be conducted, the Chair will have the casting vote. In circumstances where the vote is to appoint a new Chair, the outgoing Chair will have the casting vote in the event of a tie.

### **Conflicts of interest**

20. All members of the Board must declare to the Administering Authority on appointment and at any such time as their circumstances change, any real, potential or perceived conflict of interest which may impact their position on the Board.
21. A conflict of interest and the policy for their identification and management is defined in the Fund's Local Pensions Board Conflicts of Interest Policy.
22. On appointment to the Board and following any subsequent declaration of a potential conflict by a Board member, the Fund shall ensure that any potential conflict is effectively managed in line with both the internal procedures of the Board's conflicts policy and the requirements of the Code of Conduct.

### **Voting Rights**

23. Each member representative and employer representative will have one vote. Where there is the same number of votes the Chair shall have the casting vote.

### **Knowledge and understanding (including Training)**

24. Individual Pension Board members must ensure that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions as a member of the Pension Board.
25. To ensure that knowledge and understanding requirements are met, the Fund has established a Governing Body Member Training Policy that will be reviewed and approved on an annual basis. Board members should attend and participate in training arranged in order to meet and maintain the requirements set out in the policy.

### **Information**

26. Information relating to the work of the Pensions Board (including any relevant minutes) is available to the public (with the exception of exempt matters) and will be published on the Administering Authority's website with the exception of when such information is confidential or exempt under Schedule 12A.

## ***Responsibility for Functions***

27. Information detailing the Pensions Boards Terms of Reference shall be published on the Fund's website together with any vacancies as they arise.
28. An agenda will be agreed prior to each meeting. The agenda and supporting papers will be issued at least five working days in advance of the meeting (except in matters of urgency).
29. Draft minutes of each meeting (including actions and agreements) will be published following the meeting and be subject to formal agreement by the Board at their next meeting.
30. In accordance with regulations the Fund will publish information about the Board, this information will include:
  - The names of Board members and their contact details.
  - The representation of employers and members on the Board.
  - The role of the Board.
  - These Terms of Reference.

All or some of this information is available on the Fund's website, within the Fund's Representation Policy and where appropriate as part of the Fund's Annual report and Governance Compliance Statement.

### **Review of Terms of Reference**

31. These Terms of Reference shall be reviewed on each material change to those part of the Regulations covering local pension boards and at least annually.