

## **PART 1 – Summary and Explanation**

### **1.1 The Council's Constitution**

The City of Wolverhampton Council (“the Council”) has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution sets out the basic rules governing the Council's business. More detailed procedures, policies and codes of practice are provided in Part 4 and 5 of this Constitution.

### **1.2 How the Council Operates**

The Council is comprised of 60 Councillors with one-third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Full Council is the main forum for holding to account the executive (Cabinet). It sets the main policy framework within which the Council operates. The role of Full Council is set out in Part 2 of this constitution (article 4).

The Council has adopted the International Holocaust Remembrance Alliance's (IHRA) working definition of anti-Semitism in its entirety, including the worked examples. This can be seen in its entirety [here](#).

### **1.3 How Decisions Are Made**

The Leader has overall responsibility for Executive decision-making powers and the delivery of the Council services and is elected by the Council for a four year term at the Council's annual meeting after elections. The Leader appoints annually Councillors to the Cabinet and the Cabinet Panels. – one of whom is to be ~~their~~ ~~his or her~~ deputy leader – and decide on the scope of their respective functions/portfolios.

~~When Key Decisions are to be discussed or made, these are published in the list of Key Decisions insofar as they can be anticipated. If these Key Decisions are to be discussed at a meeting of the Cabinet, this will generally~~

~~be open for the public to attend except where personal or confidential matters are being discussed.~~

Meetings of the Cabinet will generally be open for the public to attend except where personal or confidential matters are being discussed.

The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Full Council to decide. Further details on the role of the Cabinet can be found in Part 2 Article 6 of this Constitution. Details of the areas of responsibilities held by the Cabinet Members and the powers and duties of the Committees/Sub-Committees can be found in Part 3 of this Constitution.

### 1.4 Regulatory Committees

The law gives the Council powers to grant approvals, licences, consents, permissions and registration in matters such as planning, licensing, health - and safety, rights of way. These are not allowed to be dealt with by the Cabinet and these powers are exercised by Committees of the Council. A list of these Committees and their respective responsibilities is contained in Part 2.

### 1.5 Overview and Scrutiny

The Scrutiny Board and six Scrutiny Panels support the work of the Cabinet and the Council as a whole. They allow citizens to have a greater say in Council matters by enquiring into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Board and Panels also monitor the decisions of the Cabinet/[Cabinet Members](#). They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

### 1.6 Employees

The Council has employees working for it who perform a number of different roles, ranging from delivering services to giving advice, implementing decisions and managing the work of the Council. Employees operate in a politically neutral way; which Councillors must respect. Some employees have a specific duty to ensure that the Council acts within the law and uses its resources wisely. These employees are the Monitoring Officer and the Section 151 Officer. There is a protocol that governs the relationships between Councillors and employees which is set out in Part 5 of this Constitution.

### 1.7 Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Part 2, article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

## Summary and Explanation

Where members of the public use specific Council services, for example, as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

~~Citizens have the right to:~~

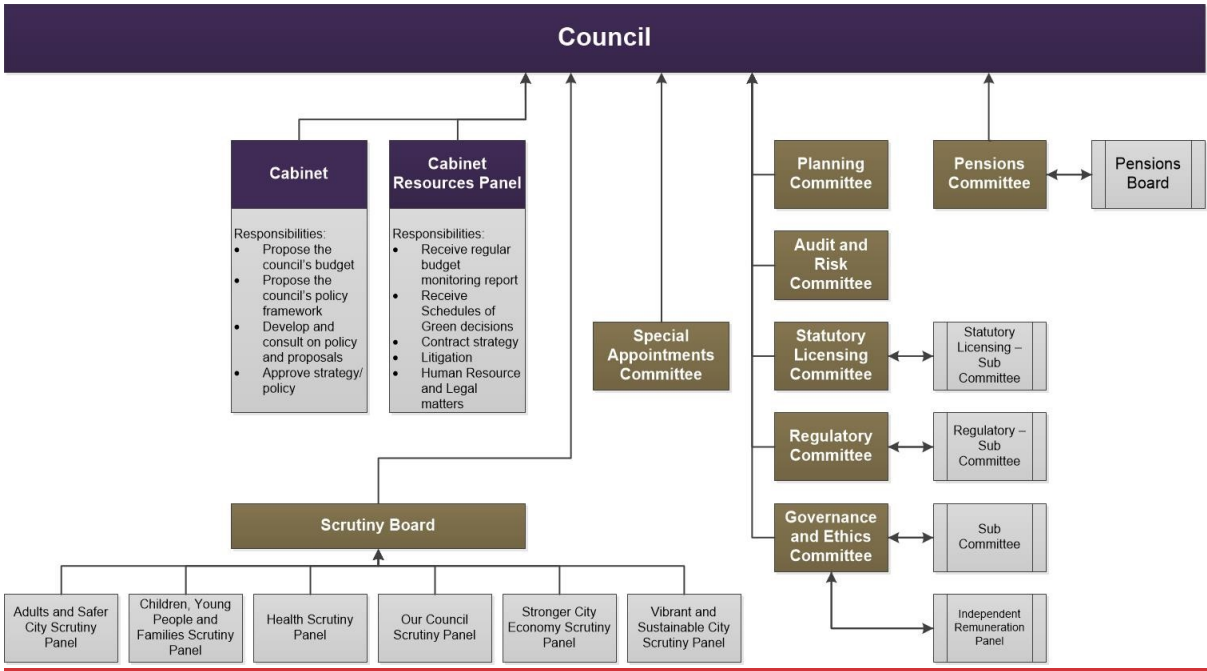
- ~~• vote at local elections if they are included in the Electoral Register;~~
- ~~• contact their local councillor about any matters of concern to them. Contact details are available on request at the Civic Centre and from the Council's website;~~
- ~~• obtain a copy of the Constitution;~~
- ~~• attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;~~
- ~~• contribute to investigations by the Scrutiny Board or Panel;~~
- ~~• find out, from the Council's Key Decision List, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or employees, and when; attend meetings of the Cabinet where key decisions are being discussed or decided;~~
- ~~• petition to request a referendum on an elected mayor;~~
- ~~• petition the Council and receive a response~~
- ~~• view reports and background papers and any record of decisions made by the Council and Cabinet;~~
- ~~• use the Complaints and Compliments Procedure if they have a complaint about Council Services;~~
- ~~• complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;~~
- ~~• complain to the Standards Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct.~~
- ~~• inspect the Council's accounts and make their views known to the Council's external Auditor.~~

Set out in Part 4, are the public's right of access to certain Council documents and information.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Director of Governance at the Civic Centre, St Peter's Square, Wolverhampton WV1 1SH.

**Structure of the Council**

The structure of the Council is set out in the diagram below.



**Article 1 – The Constitution**

**1.1 Powers of the Council**

The Council will exercise all of its powers and duties in accordance with the law and this Constitution.

**1.2 The Constitution**

This Constitution, and its appendices, is the Constitution of City of Wolverhampton Council.

**1.3 Purpose of the Constitution**

The purpose of the Constitution is to:

- a. enable the Council to provide clear leadership to the community in partnership with citizens, business and other organisations;
- b. support the active involvement and participation of citizens in the process of Council decision-making;
- c. help Councillors represent their constituents effectively;
- d. enable decisions to be taken efficiently and effectively;
- e. provide for more streamlined, efficient and effective decision-making in an open, transparent and accountable way;
- f. ensure that no one will review or scrutinise a decision in which they were directly involved;
- g. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- h. provide a means of improving the delivery of services to the community.

**1.4 Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will be guided by that option which it thinks is closest to the purposes set out above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 13. Any amendments, including those made by the Monitoring Officer, will form part of the Constitution.

## **Article 2 – Councillors**

### **2.1 Membership of the Council**

#### Composition

The Council consists of 60 Councillors representing 20 wards. Three Councillors are elected by the voters of each ward in accordance with the scheme drawn up by the Electoral Commission and approved by the Secretary of State.

The Council's area is split into three [parliamentary boundaries](#) as follows:



#### **Wolverhampton North-East**

There are currently seven wards within this locality. Bushbury South and Low Hill, Oxley, Bushbury North, Fallings Park, Wednesfield North, Wednesfield South and Heath Town.

#### **Wolverhampton South-West**

There are currently seven wards within this locality. Tettenhall Regis, St Peters, Park, Tettenhall Wightwick, Graiseley, Merry Hill and Penn

#### **Wolverhampton South-East**

There are currently six wards within this locality. East Park, Bilston North, Bilston East, Ettingshall, Blakenhall, and Spring Vale.

### Eligibility

Only registered voters of the City or those living or working there, as provided in the relevant law, will be eligible to hold the office of Councillor. ~~eligible persons, as defined by electoral law, will be permitted to hold the office of Councillor.~~

## **2.2 Elections and Term of Office**

There will be an ordinary election of one third of all councillors held on the first Thursday in May each year, except that in ~~2020~~<sup>2013</sup> and every fourth year following, there will be no local elections. The terms of office of councillors will be four years starting on the fourth day after being elected and will finish on the fourth day after the date of the regular election four years later.

## **2.3 Roles and functions of all Councillors**

All Councillors will:

- a. collectively be the ultimate policy-makers and carry out a number of strategic and corporate functions for the Council;
- b. represent their communities and bring their views into the Council's decision- making process;
- c. contribute to good governance of the area and actively encourage community participation and citizen involvement in decision-making;
- d. be available to represent the Council on other bodies;
- e. maintain the highest standards of conduct and ethics.
- f. deal with individual casework, respond to Constituents' enquiries and representations fairly, promptly and impartially and act as an advocate for constituents in resolving particular concerns or grievances;
- g. effectively represent the interests of their Ward and of individual constituents;
- h. be aware of their responsibilities regarding corporate parenting
- i. participate in the governance and management of the Council;

## **2.4 Rights and Duties**

- a. Councillors will have such rights of access to those documents, information, land and buildings of the Council as is necessary for the proper discharge of their functions and in accordance with the law.

- b. Councillors ~~should consider the situation carefully and, if appropriate, seek guidance from the Director of Governance before~~ will not making e-any information public if it is confidential or exempt, without the consent of the Council, or divulge information given in confidence to anyone other than a Councillor or employee entitled to know it.
- c. For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules contained in Part 4 of this Constitution.

## **2.5 Conduct**

Councillors will at all times observe the Councillor’s Code of Conduct ~~for Councillors~~, Councillor/Employee Relations Protocol and other general guidance set out in Part 5. ~~Councillors are required to register interests in certain matters, including their employment or businesses and certain financial interests in local companies, contracts and land. The register is open to inspection by members of the public.~~

## **2.6 Councillors’ Allowances**

Councillors will be entitled to receive allowances in accordance with the Councillors’ Allowances Scheme set out in Part 6 of this Constitution.

~~**2.7** — To ensure accountability, compliance with the Councillor Code of Conduct, arrangements relating to liability and indemnification, and to secure representation of the Council's interests, only Councillors may be appointed to outside bodies by Council or Cabinet (as appropriate), except in the case of certain charitable trust organisations that may be determined by Council/Cabinet from time to time.~~



## **Article 3 – Citizens and the Council**

### **3.1 Citizens' Rights**

Citizens have the following rights. Their rights to information and to participate in Council business are explained in more detail in the Access to Information Procedure Rules in Part 4 of this Constitution.

**Voting and Petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution, sign any other petition they wish to support and other matters under Localism Act.

**Information. Citizens have the right to:**

- a. attend meetings of the Council and its Committees (including Cabinet, when key-decisions are being considered) except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- b. ~~attend meetings of the Cabinet when key decisions are being considered;~~
- c. find out from the key decision list what key decisions will be taken by the Cabinet and when;
- d. make representations to the Executive that decisions which it intends to take in private should instead be taken in public, and to receive a response;
- e. see reports and background papers, and any records of decisions made by the Council and the Cabinet, except where confidential or exempt information is likely to be disclosed~~subject to certain exemptions and restrictions;~~
- f. inspect the Council's accounts and make their views known to the external auditor;
- g. contact their local councillor about any matters of concern to them;
- h. obtain a copy of the Constitution.

**Participation.** Citizens have the right to contribute to the work of Scrutiny.

**Complaints.**

Citizens have the right to complain to:

- a. the Council under its complaints scheme; (make a complaint to the council)

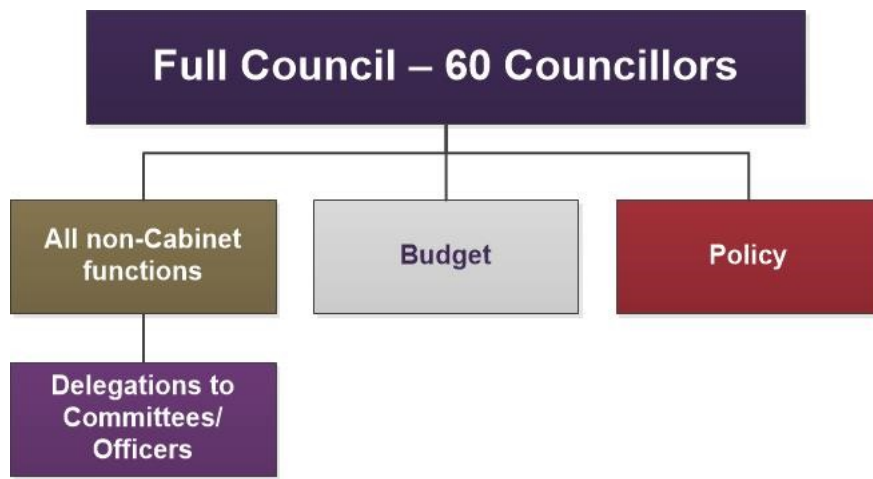
## ***Article 3 – Citizens and The Council***

- b. the Ombudsman after using the Council's own complaints scheme;  
(Local Government Ombudsman)
- c. the Governance and Ethics Standards Committee about a breach of the Councillors' Code of Conduct. (Code of Conduct Complaint)

### **3.2 Citizens' Responsibilities**

In pursuing these rights Citizens must not harass or be violent, abusive or threatening to Councillors or employees and must not wilfully harm things owned by the Council, Councillors or employees or be disruptive at meetings.

**Article 4 – The Full Council**



**4.1 Purpose of the Council**

**The Full Council will;**

- Exercise the functions reserved to it under Article 4.3 and as required under the Council's Financial Procedure Rules;
- Decide the Council's policy framework;

The Council will have the ultimate power to hold the Cabinet to account.

The Council's key functions will be to:

- make decisions required by statute;
- consider and debate budget, policy and major service proposals;
- scrutinise the performance of the Cabinet with the assistance of the Scrutiny Board and Scrutiny Panels;
- provide community leadership on issues of public interest outside the remit of the Council.

**4.2 Conduct of Business**

All Council meetings will be open to the public.

**4.3 The Policy Framework comprises the following plans and strategies:**

a. those required by the Local Government Act 2000 and Regulations:

- Sustainable Community Strategy;
- Community Safety and Harm Reduction Strategy
- Licensing Authority Policy Statement
- Statement of Gambling Policy
- Local Transport Plan;

- Plans and alterations which together comprise the Local Development Framework;
- Youth Justice Plan
- Sufficiency Strategy;
- Careleavers Strategy
- Health and Wellbeing Strategy.

b. those recommended by the Government:

- The Plan and Strategy which comprise the Housing Investment Programme including housing finance and rents;
- Adult Learning and Skills Strategy;
- Environment Strategy;

c. those which the Council may decide as a matter of local choice from time to time. These are: -

- The Children and Young People's Plan
- The Corporate Plan
- Corporate Parenting Strategy
- Children and Young Persons Participation Strategy

#### **4.4 Budget setting**

The Budget includes the allocation of financial resources to different services and projects, including contingency funds, setting the Council Tax and decisions relating to the Council's borrowing requirements, its investments and the control of its capital expenditure and the setting of virement limits. It includes the Medium Term Financial Strategy and the Capital Management Strategy. The Council sets its budget in March each year.

The activities delegated to the Pensions Committee are not part of the Council's budget, but subject to comparable arrangements controlled and managed by the Pensions Committee.

#### **4.5 Function of the Full Council**

Only the Council will exercise the following functions:

- a. Adopting and changing the Constitution.
- b. Approving and adopting the Budget and the Policy Framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer.
- c. Subject to the urgency procedure, contained in the Access to Information Procedure Rules in Part 4, making decisions about any matter in the discharge of a Cabinet function which is covered by the

## Article 4 – The Full Council

policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.

- d. ~~Appointing, Electing and removing~~ the Leader of the Council ~~at the Annual Council Meeting in accordance with Article 6.3.~~
- e. ~~Receiving the Leader's nominations to serve on the Cabinet and Cabinet Panels.~~
- f. Approving and/or amending the terms of reference for all Committees, Panels and Boards (not being Committees Panels or Boards of the Cabinet), deciding on their composition and making appointments to them.
- g. Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council.
- h. Adopting ~~and approving, annually,~~ a Councillors' Allowances Scheme.
- i. Changing the name of the Council's area,
- j. i. ~~conferring the honour of Honorary Alderman or Freedom of the City.~~
- j. Confirming the appointment of the Head of Paid Service, Strategic Directors (as defined by the Local Government and Housing Act 1989), the Monitoring Officer and the s.151 Officer and the taking of any disciplinary action against the these Officers.

~~By way of a vote confirming the dismissal of the Head of Paid Service, the Monitoring Officer and the s.151 Officer after taking into account:~~

- ~~• any advice, views or recommendations of a Special Committee constituted for this purpose under 29.9 of the Employee Employment Procedure Rules (including the two independent members from the Standards Committee);~~
- ~~• the conclusions of any investigation into the proposed dismissal;~~
- ~~• any representations from the protected officer concerned.~~

~~Confirming the dismissal of the Strategic Directors (as defined by the Local Government and Housing Act 1989).~~

the approval or adoption of applications to the Secretary of State for approval of a programme of disposal of 500 or more properties or where consent is required for disposal of land used for residential purposes;

the approval of an increase in rents for Council housing properties;

- k. Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Acts.

adopting a Code of Conduct for Members (Councillors);

- l. All local choice functions which the Council decides should be undertaken by itself rather than the Cabinet.
- m. Approval of the Annual Pay Policy.
- n. 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.
- o. A Resolution not to issue a casino premises licence under section 166 of the Gambling Act 2005.
- p. All other matters which by law must be reserved to the Council ~~and Strategic Directors.~~

to provide a means whereby councillors may ask questions of matters relevant to the Council's functions and to bring forward motions for debate;

to receive reports from the Leader, the Cabinet, the ~~Governance and Ethics Standards~~ Committee and the Audit Committee which they have referred to Council;

to consider and decide on recommendations of Committees on non-Executive functions not within their delegation or which a committee has referred to the Council for decision;

to consider reports on lawfulness and maladministration;

to consider decisions referred from the Scrutiny Board in respect of executive functions where decisions have not yet been implemented and the Committee considers the decisions may be contrary to the Budget or Policy Framework;

to receive reports from the Leader or Cabinet on urgent decisions contrary to the Policy Framework;

to take all decisions in respect of delegating non-executive functions to another local authority;

#### **4.6 Full Council Meetings**

There are three types of Full Council meeting and their purpose is set out in the Full Council Meetings Procedure Rules in Part 4:

- a. The Annual Meeting

- b. Ordinary Meetings
- c. ExtraOrdinary Meetings

They will be conducted in accordance with the Full Council Meetings Procedure Rules set out in Part 4.

#### **4.7 Responsibility for Functions**

The Council will set out within this Constitution the responsibilities for the Council's functions which are not the responsibility of the executive - see Part 3 of this Constitution.

#### **4.8 Quorum**

The quorum for a meeting of the Council shall be one quarter of the number of voting members of the Council.

## **Article 5 – The Mayor and Deputy Mayor**

### **5.1 Role and Function of the Mayor**

~~a.~~ The Mayor will be elected and the Deputy Mayor will be elected appointed at the Annual Council meeting. ~~The methodology for the rotation of the office of Mayor and Deputy Mayor is contained in Part 4 to this Constitution.~~

~~a.~~

~~b.~~ The Council's Code of Conduct for Councillors applies to the Mayor and Deputy Mayor.

~~e.b.~~ Neither the Mayor nor the Deputy Mayor may be a Cabinet Member during their respective term of office. The Mayor, during their ~~his/her~~ respective term of office, will not serve on any Regulatory Committee of the Council including the Planning and Licensing Committees.

~~d.c.~~ The Mayor and in their ~~his/her~~ absence, the Deputy Mayor, have the following roles and functions:

### **5.2 Ceremonial Role**

The Mayor and the Deputy Mayor will represent the City at local, regional, national and international civic and ceremonial events.

### **5.3 Responsibilities ~~Chairing the Full Council Meeting~~**

The Mayor has the following responsibilities:

- a. to uphold and promote Wolverhampton and the purposes of the Constitution, and to interpret and give rulings on the Constitution where necessary and following appropriate advice from the Monitoring Officer;
- b. to preside over meetings of the Full Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- c. to ensure that the Full Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Cabinet are able to hold the Cabinet to account;
- d. to promote public involvement in the Council's activities;

~~d.~~ e. —to be the conscience of the Council;

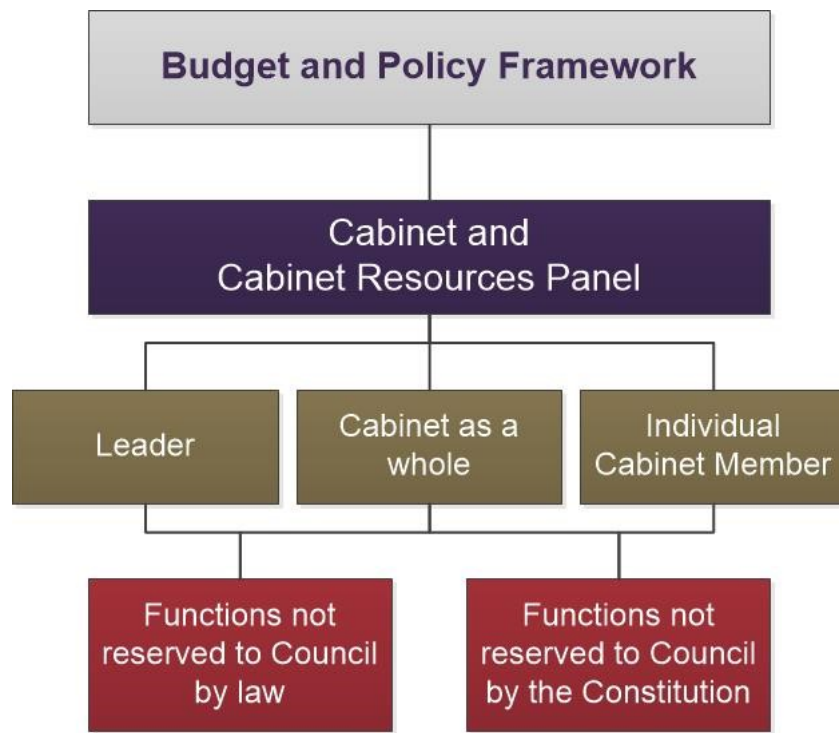
- e. to attend or be represented at such civic and ceremonial functions as the Council and they determine appropriate;



## ***Article 5 – The Mayor and Deputy Mayor***

- f. to determine any matter referred to them under the urgency provisions of the Access to Information Procedure Rules or the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution;
- g. to be consulted on any matter to which consultation with the Chair of the Council is required under this Constitution.
- ~~f. The protocol governing the use of the Mayor's casting vote at meetings of the Full Council is set out in Part 4 to this Constitution.~~

## Article 6 – The Cabinet



### 6.1 Role

The Cabinet is the political leadership of the local authority. It has a key role in delivering services, proposing the budget and policy framework to the Council and in promoting and complying with the Council's aims and strategic priorities.

The Cabinet will carry out all the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

#### Form and Composition of the Executive

The Executive (which is also known as the Cabinet) will consist of:-

1. the Leader of the Council (the "Leader"); and
2. at least two but not more than 9 Councillors appointed to the Cabinet by the Leader.

~~The Leader can appoint up to nine Members to the Cabinet, one of whom must be a Deputy Leader and the Leader decides whether decision-making powers will be undertaken collectively or by individual Members within Cabinet.~~

The Cabinet cannot include the Mayor or Deputy Mayor and there will be no substitutes or co-optees for Cabinet Members.

Members of the Cabinet cannot be members of Scrutiny Board or Scrutiny Panel, Audit and Risk Committee, Planning Committee or Licensing and Regulatory Committee.

## **6.2 Leader of the Council**

The Leader must be elected by the Council at its Annual Meeting following the Local Government Elections for a period of 4 years or up to the end of ~~his/her~~ their term of office as a Councillor whichever is shorter. The Leader will hold office until:-

- a. ~~they~~ he/she resigns from the office; or
- b. ~~they are disqualified from being a Councillor; or he/she is suspended from being a Councillor under Part 3 of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or~~
- c. ~~he/she~~ they are ~~is~~ no longer a Councillor; or
- d. ~~where the Council passes a resolution removing them from office by resolution of the Council, in which case a new Leader will be elected either at the meeting approving the resolution or at a subsequent meeting.~~

in the event of any casual vacancy in the position of Leader the Deputy Leader shall act in the Leader's place until the appointment of a new Leader by the Council.

**(Note:** Upon any change in the political control of the Council, the Leader will resign from office without the need for 6.3(d) above to be invoked.)

### **Responsibilities of the Leader of the Council**

To lead the Council and the Cabinet in the governance of the City of Wolverhampton and the strategic management of the Council in order to achieve the Council's vision. Within this overall role, the Leader of the Council will:-

- (a) Represent and promote the City and the interests of its citizens to the outside world.
- (b) Make statements, or nominate another Member to make statements, on issues or matters at Council Meetings.

- (c) Head, or nominate another Member to head, delegations of Members and appropriate Employees from the Council to meet Ministers or other representatives of central government.
- (d) Co-ordinate working arrangements/relationships with the Council's partners and other agencies within the City in the achievement of the best possible standards of living for its citizens.
- (e) Take action needed, including the authorisation of financial and other resources, in response to any incidents which result in the City Council's Emergency Planning Procedures being activated.
- (f) Take any executive decisions that have not been allocated, or exercise any functions that have been delegated to an executive member, in their absence or otherwise as the Leader considers appropriate in consultation with the Deputy Leader and/or the relevant Cabinet Member where appropriate.

#### **4. Deputy Leader**

##### **1. Appointment**

The Leader may designate one of the members of the Cabinet as Deputy Leader.

##### **2. Duties of the Deputy Leader**

The Deputy Leader may exercise all the functions of the Leader where the position is vacant or where the Leader is absent or is otherwise unable to act.

##### **3. Removal from Office**

The Leader may, if they thinks fit, remove the Deputy Leader from office at any time.

#### **Appointment of Cabinet Members and Allocation of Cabinet Portfolios**

---

The Leader may also appoint up to a further eight other Councillors as Cabinet Members. The Leader together with the Deputy Leader and the Cabinet Member(s) appointed by the Leader will form the Cabinet.

---

The appointment of the Deputy Leader and Cabinet Member(s) shall take effect upon the date that written notification of such an

appointment is received by the Chief Executive. The Leader shall report upon any such appointment at the next available Full Council meeting.

The Leader will determine those matters reserved to full Cabinet and the content of each Cabinet Member portfolio so as to ensure that the Executive Functions of the City Council are properly and effectively discharged.

The Leader may remove the Deputy Leader and any Cabinet Member from office. Such removal from office will take effect upon the date that written notification is received by the Chief Executive. The Leader shall report upon any such removal from office and the appointment of Cabinet Members at the next available Full Council meeting.

The Leader shall report upon the allocation of Executive Functions within the Cabinet or any changes to such arrangements at the next available Full Council meeting.

The Leader may as they see fit delegate Executive Powers to employees and may amend such a scheme of delegation from time to time. Any such arrangements shall take effect upon the date that written notification is received by the Chief Executive. The Leader shall report upon any such scheme of delegation or any changes to it at the next available Full Council meeting.

### **6.3 Other Cabinet Members**

Cabinet Members shall be appointed annually by the Leader and will hold office until:

- a. they resign from office; or
- b. the Leader of the Council ceases to hold office (except that the Deputy Leader of the Council shall act as Leader of the Council until Council appoints another Leader); they are suspended from being a Councillor under Part 3 of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- c. they are no longer a Councillor; or
- d. they are removed from office by the Leader who must give notice in writing of any removal to the Chief Executive. The removal will take effect immediately ~~two working days~~ after the receipt of the notice by the Chief Executive .

### **6.4 Responsibility for Functions**

The Leader notifies the Cabinet and Full Council which of the individual Cabinet Members, Committees of the Cabinet and employees or joint arrangements are responsible for the exercise of particular Cabinet functions.

## **6.5 Responsibilities of Cabinet Members**

The current responsibilities of Cabinet Members are shown in Part 3.

## **6.6 The purpose of the Cabinet:**

- a. Responsibility for proposing, consulting on, developing, monitoring, reviewing and advising the Full Council on the budget and the policy framework.
- b. To be responsible for all decisions relating to the implementation of Council policy.
- c. Making decisions on expenditure provided they are within the budget set by the Full Council and in accordance with the Financial Regulations and may vary budgets within limits as decided from time to time.

The Cabinet is responsible for:

- d. Monitoring the lawful, proper and efficient conduct of the Council's financial affairs, including the extent to which budgets and financial policies are being and will be met, requiring or approving any remedial action to be taken where it considers it to be necessary and appropriate.
- e. Approving, monitoring and reviewing the Council's human resources policies.
- f. Approving, monitoring and reviewing the provision of services to the Council delivered by external or internal suppliers.
- g. Advising the Council on strategic matters in relation to corporate governance, community governance and community strategy.
- h. Monitoring and reviewing issues relating to area working.
- i. Carrying out all functions in respect of the organisation of schools under the Education and Inspections Act 2006 or any subsequent amending legislation.
- j. Exercising the Council's emergency functions in the event of a major emergency incident in the area, or in a neighbouring area, if it affects or might affect the residents, business or economy of the area, subject to the urgent action provisions being used as necessary.

- k. Making recommendations to the Full Council on any topic when directed by the Council.
- l. Discharge all operational functions of the Council except so far as specifically allocated to Full Council or any other Committee or Sub-Committee.

**6.7** The Council delegates its powers and duties to the Cabinet so far as it is necessary to discharge these responsibilities set out in Part 3.

**6.8 The Cabinet may carry out the functions set out in Article 6.6:**

- a. Itself;
- b. Through a Committee of the Cabinet, which may co-opt other Councillors or persons who if so co-opted will not be voting members.
- c. By delegating its power to an individual Cabinet Member (subject to rules to be approved by Council from time to time - see Procedure for decision-Making by Individual Cabinet Members in Part 3).
- d. By delegating its power to an employee, who shall exercise that power in accordance with the scheme of delegation to employees set out in Part 3.
- e. For the purposes of this Constitution, decisions made by the Cabinet itself or by a Committee of the Cabinet are called Amber Decisions
- f. For the purposes of this Constitution, decisions made by an Individual Cabinet Member are called Green Decisions.

- 6.9**
- a. From time to time, Full Council may appoint time limited cross party Steering Groups whose role and remit will be to oversee a specific emerging subject matter including consideration of policy, strategy and detail including regular monitoring and scrutiny in accordance with approved Terms of Reference to ensure relevant targets and key milestones are met. The consideration of any recommendations of Steering Groups, including options appraisal, must be formally reported to and approved by the Cabinet or appropriate Cabinet Panel.
  - b. Steering Groups will discharge their responsibility for functions in accordance with the Full Council Meetings Procedure Rules set out in Part 4.

NB: Certain functions listed in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any subsequent amendments of these Regulations cannot be exercised by the Cabinet.

## **6.10 Proceedings of the Cabinet**

The proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules in Part 4 of this Constitution.

## **~~6.10 Urgent Decisions outside the Budget or Policy Framework~~**

~~An urgent decision which is contrary to the Policy Framework or budget adopted by the Council may be taken by the Cabinet if the Chair of the Scrutiny Board agrees that the decision is urgent. If no such Chair is available (or willing) then the Mayor or in his/her absence the Deputy Mayor may agree that it is urgent before a decision is taken.~~

## **~~6.11 Urgent Business~~**

~~Where an urgent decision on a matter delegated to the Cabinet is required but it is not feasible to arrange a meeting of the Cabinet, the appropriate Director, in conjunction with the Head of Paid Service is authorised to take the appropriate urgent action provided that the action shall have first been discussed with and approved in writing by the Leader (or in the Leader's absence, the Deputy Leader) and two other Cabinet Members and the Chair and Vice-Chair of the Scrutiny Board or their nominees.~~

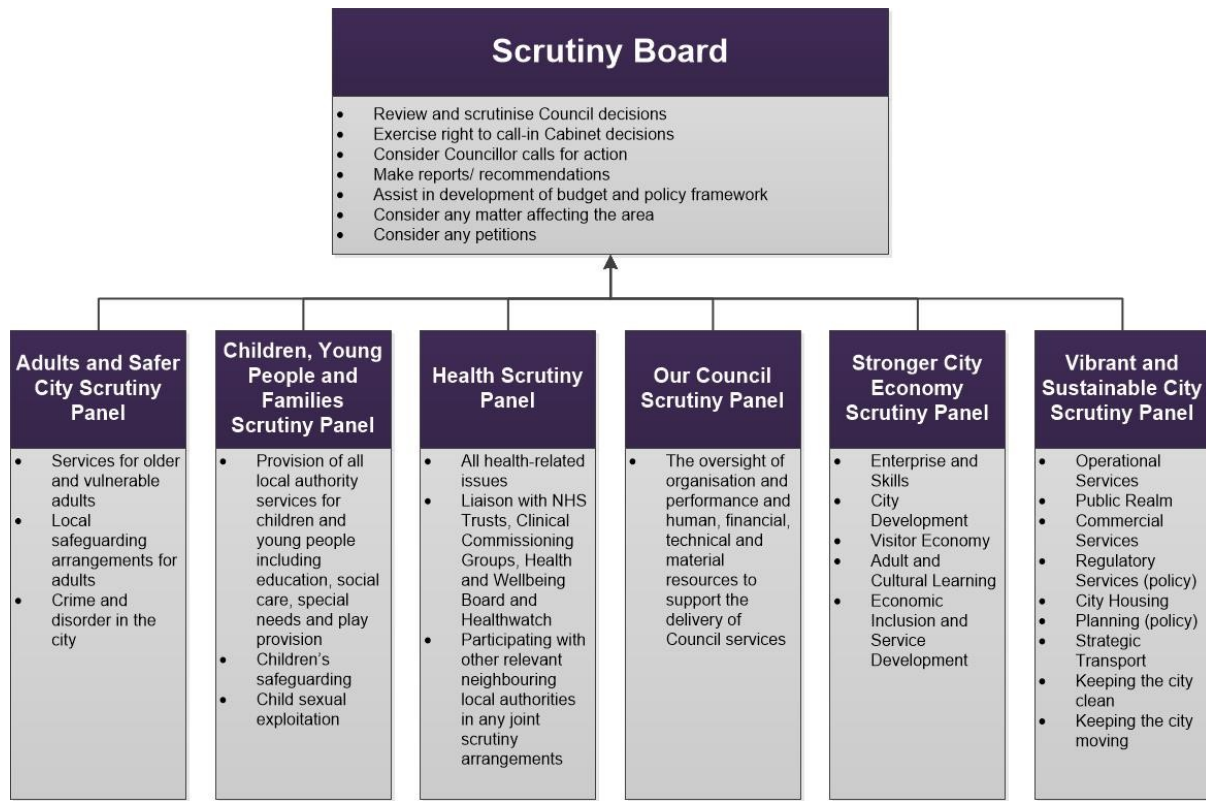
~~The written authorisation must include details of the proposal and the justification for the course of action. Expenditure must be within existing budgets. Any action taken under this rule must be reported to the next available meeting of the Cabinet for information. Such decisions will not be subject to the usual Call In procedures set out in Part 4, although they may be examined after implementation to determine whether the justification for the course of action was appropriate.~~

## **6.11 Quorum**

The quorum for a meeting of the Cabinet shall be three voting members of the Cabinet.



### Article 7 – Overview and Scrutiny Arrangements



#### 7.1 Purpose

1. The Council is required by Law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. Overview and Scrutiny Committees should be powerful committees that can contribute to the development of Council policies and also hold the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.

2. Overview and scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. Overview and Scrutiny Committees should not shy away from the need to challenge and question decisions and make constructive criticism.

~~The Council will appoint a Scrutiny Board and Scrutiny Panels as set out below to discharge the functions conferred by section 21 of the Local Government Act 2000 and subsequent legislation, or regulations under Section 32 of the Local Government Act 2000, in relation to the matters indicated.~~

~~The Scrutiny Board is required to take an independent leadership role in the Council's aim of continuous improvement in the performance of its functions and to hold decision-makers to account.~~

## **7.2 Scrutiny Board**

In order to achieve this, the Council have appointed a Scrutiny Board and a number of Scrutiny Panels which between them will:-

a. review or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions whether by the Cabinet or another part of the Council or any of its Committees;

b. make reports or recommendations to the Council or the Cabinet in connection with the discharge of any functions;

c. consider any matter which affects the Council's area or its inhabitants; and

d. exercise the right to call in for reconsideration decisions made but not yet implemented by the Cabinet and Officers.

The Council or the Leader or the Cabinet or the Scrutiny Board may from time to time establish such other committees or sub-committees as it sees fit.

The leadership and co-ordination of the Council's scrutiny function will be the responsibility of the Scrutiny Board. The Board's terms of reference will be:

### **Terms of reference**

- a. When scrutinising the work of the Cabinet the Board will have the same terms of reference as the six Panels set out ~~in paragraph 1.4~~ below.
- b. To arrange for the consideration of forthcoming Executive Decisions published in accordance with the Access to Information Procedure Rules with a view to identifying issues for early discussion with the Cabinet and/or scrutiny prior to decisions being made.
- c. The Board will oversee the operation of the call-in mechanisms with the Panels being responsible for hearing those call-ins related to their terms of reference. When the call-in relates to an overarching policy framework / budget issue or a matter that falls within the remit of more than one scrutiny panel it will default to the Scrutiny Board. Further, if the issue is considered to be of particular significance, either the Chair or Vice Chair of the Scrutiny Board can ask for it to come to the Board.
- d. The Board will oversee the work programmes of Scrutiny Panels to avoid duplication of work and to ensure coherence of approach to cross-cutting policy themes. The Board may determine that one named Panel shall take lead responsibility for a cross-cutting policy theme or may determine that the work be shared between one or more named Panels.

## **Article 7 – Overview and Scrutiny Arrangements**

- e. The Board will ensure coherence between the policy development work of the named Panels and their role in the consideration of reports received from external auditors and external regulatory Inspectors.
- f. The Board will make recommendations to the Cabinet on the allocation of budgetary and employee resources held centrally for the purpose of supporting scrutiny work.
- g. The Board will ensure that good practices and methods of working are shared between Panels and in particular will seek to optimise the inclusion of citizens, partners and stakeholders in the work of Scrutiny.
- h. The Board will review or scrutinise non-Cabinet business and may make reports or recommendations to the Council. The Board will consider policy and due process and will not scrutinise individual decisions made by Regulatory or other Committees particularly those quasi-judicial decisions relating to development control, licensing etc. which have been delegated by the Council. The Board will not act as an appeal body in respect of non-Cabinet functions.
- i. The Board will oversee the work of any Councillors appointed to act as lead members or 'champions' in respect of any specific priority tasks or areas of policy development identified by the Council.
- j. The Board or another relevant scrutiny panel will consider any petition that contains 2,500-4,999 signatures with a view to making recommendations for action by employees or review by the Executive as appropriate.
- k. The Board will undertake the tracking and monitoring of scrutiny review recommendations.
- l. The Board will oversee the coordination of the budget scrutiny process.

### **Specific responsibilities**

The Board will have responsibility for scrutiny functions as they relate to:

- Combined Authority
- Future Customer
- Future Performance
- Communications

### **Corporate priorities**

—All corporate priorities from:

Place — Stronger economy

People — Stronger communities

Confident Capable Council

## **1.0 Our Council Scrutiny Panel**

### **1.1 Scope**

## **Article 7 – Overview and Scrutiny Arrangements**

The scrutiny of organisation and performance of the human, financial, technical and material resources to support the delivery of Council services.

### **1.2 General responsibilities**

As detailed in the Overview and Scrutiny procedural Rules.

### **1.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

- Strategic Financial Services
- Revenues and Benefits
- Strategic Procurement
- The HUB
- Audit
- Human Resources
- Corporate Administration
- Democracy
- Corporate Landlord
- Transformation
- ICT

### **1.4 Corporate priorities**

~~Future Council – Stronger Council ready and able to deliver change.~~

~~Future People~~

~~Future Works~~

~~Future Practice~~

~~Future Money~~

~~Future Space~~

### **2.0 Adults and Safer City Scrutiny Panel**

#### **2.1 Scope**

The scrutiny of:

- Services for older and vulnerable adults
- Local safeguarding arrangements for adults
- Crime and disorder in the city

#### **2.2 General responsibilities**

As detailed in the Overview and Scrutiny procedural Rules.

#### **2.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

## **Article 7 – Overview and Scrutiny Arrangements**

- Older people assessment and care management
- Financial support services
- Libraries and community hubs
- Independent living centre
- Commissioning older people
- Carers support
- All age disabilities (disabilities)
- All age disability (provision)
- Safeguarding and quality
- Community safety

### **~~2.4 Corporate priorities~~**

- ~~• Adults and children are supported in times of need~~
- ~~— Safeguarding people in vulnerable situations~~
- ~~• People and communities achieve their full potential~~
- ~~— Enabling communities to support themselves~~
- ~~— Keeping the city safe~~
- ~~• People live longer, healthier lives~~
- ~~— Promoting independence for older people~~
- ~~— Promoting independence for people with disabilities~~

## **3.0 Children, Young People and Families Scrutiny Panel**

### **3.1 Scope**

The scrutiny of:

- Provision of all local authority services for children and young people including education, early intervention and prevention, social care, special needs and commissioned services.
- Children's safeguarding including child exploitation

### **3.2 General responsibilities**

As detailed in the Overview and Scrutiny procedural Rules

### **3.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

- Children in need/child protection
- Children and young people in care and care Leavers
- Early intervention and prevention.
- Youth offending
- Children's commissioning
- School planning and resources
- Standards and vulnerable pupils
- Family learning
- School improvement
- Special educational needs

## **Article 7 – Overview and Scrutiny Arrangements**

- Early years
- Youth employment, skills and apprenticeships

### **3.4 — Corporate priorities**

~~Opportunity for a great start in life~~

~~Education that fulfils potential~~

~~Strengthening families where children and young people are at risk~~

~~Challenging and supporting schools to provide the best education for children and young people~~

## **4.0 Health Scrutiny Panel**

### **4.1 Scope**

The scrutiny of health provision in accordance with the Health and Social Care Act 2001 and subsequent relevant legislation and Government guidance.

### **4.2 General responsibilities**

As detailed in the Overview and Scrutiny procedural Rules.

### **4.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

- All health related issues, including liaison with NHS Trusts, Clinical Commissioning Groups, Health and Wellbeing Board and HealthWatch.
- All functions of the Council contained in the National Health Service Act 2006, the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 (“the Regulations”) - which came into force on 1<sup>st</sup> April 2013, the Health and Social Care Act 2012 and related regulations.
- Reports and recommendations to relevant NHS bodies, relevant health service providers, the Secretary of State or Regulators.
- Initiating the response to any formal consultation undertaken by relevant NHS Trusts and Clinical Commissioning Groups or other health providers or commissioners on any substantial development or variation in services.
- Participating with other relevant neighbouring local authorities in any joint scrutiny arrangements of NHS Trusts providing cross-border services.
- Decisions made by or actions of the Health and Wellbeing Board.
- Public Health – Intelligence and Evidence
- Public Health – Health Protection and NHS Facing
- Public Health - Transformation
- Public Health – Commissioning
- Healthier City
- Mental Health

## Article 7 – Overview and Scrutiny Arrangements

- Commissioning Mental Health and Disability
- Headstart Programme

### ~~4.4 Corporate priorities~~

~~People live longer, healthier lives~~

~~Promoting physical activity and healthier lifestyles~~

~~Promoting Independence for older people~~

~~Promoting independence for people with disabilities~~

~~People and communities achieve their full potential~~

~~Enabling communities to support themselves (Disability and Mental Health)~~

### **5.0 Stronger City Economy Scrutiny Panel**

#### **5.1 Scope**

The scrutiny of policies to attract and retain new businesses and employment in the context of sustainable economic and environmental regeneration.

#### **5.2 General responsibilities**

As detailed in the Overview and Scrutiny procedural Rules.

#### **5.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

- Enterprise and skills
- City Development
- Visitor Economy
- Adult and Cultural Learning
- Economic Inclusion
- Service Development

### ~~5.4 Corporate priorities~~

~~• An environment where new and existing businesses thrive~~

~~— Developing a vibrant city~~

~~— Supporting businesses, encouraging enterprise and attracting inward investment~~

~~• People develop the skills to get and keep work~~

~~— Improving our critical skills and employability approach~~

### **6.0 Vibrant and Sustainable City Scrutiny Panel**

#### **6.1 Scope**

The scrutiny of:

- Vibrant sustainable communities where people feel proud to live
- Keeping neighbourhoods, city infrastructure and the environment clean

## **Article 7 – Overview and Scrutiny Arrangements**

- Improving city housing
- Cultural and leisure services

### **6.2 General responsibilities**

As detailed in the Overview and Scrutiny procedural Rules.

### **6.3 Specific responsibilities**

The Panel will have responsibility for scrutiny functions as they relate to:

- Operational Services
- Public Realm
- Commercial Services
- Regulatory Services (policy)
- City Housing
- Planning (policy)
- Strategic Transport
- Keeping the city clean
- Keeping the city moving
- Improving the city housing offer
- Strategic asset management

### **6.4 Corporate priorities**

~~An environment where new and exciting businesses thrive:~~

~~— Developing a vibrant city~~

~~People live longer, healthier lives:~~

~~— Promoting physical activity and healthier lifestyles~~

The Scrutiny Board will comprise 13 members are appointed at full council, plus any additional members as the Council may see fit to appoint. Neither the Mayor of the Council nor any members of the Cabinet may be members of the Scrutiny Board and its Sub-Committees.

#### **Specific Functions**

##### Policy Development and Review

The Scrutiny Board and its Panels may:-

- (a) assist the Council and the Cabinet in the development of its budget and policy framework by in depth analysis of policy issues;
- (b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (c) question members of the Cabinet and/or Committees and Chief Officers from the Council about their views on issues and proposals affecting the area;



## Article 7 – Overview and Scrutiny Arrangements

- (d) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interest of local people are enhanced by collaborative working; and
- (e) consider the impact of policies to assess if they have made a difference.

### 1.1.2 Scrutiny

The Scrutiny Board and its Panels may:-

- (a) review and scrutinise the decisions by and performance of the Cabinet and/or Committees and Council Officers in relation to individual decisions and over time;
- (b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (c) question members of the Cabinet and/or Committees and Chief Officers from the Council about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or project;
- (d) make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
- (e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Board or its Panels and local people about their activities and performance; and
- (f) question and gather evidence from any person (with their consent).

### ~~7.3 General Role of the Scrutiny Board and Scrutiny Panels~~

~~Within the terms of reference set out in the Overview and Scrutiny Procedure Rules in Part 4 the Scrutiny Board will:~~

- ~~• Co-ordinate the work of the Scrutiny Panels and Scrutiny Review Groups.~~
- ~~• Receive annual reports from the Councillor Champion and give consideration to the work undertaken and issues that the Councillor Champion wishes scrutiny to consider investigating further.~~
- ~~• Maintain regular dialogue with the Cabinet on service improvement, performance management of cross-cutting issues, policy development and budgetary provision.~~

## **Article 7 – Overview and Scrutiny Arrangements**

- ~~• Oversee and ensure access to appropriate learning and development for scrutiny Councillors.~~
- ~~• Discharge the call-in procedures relevant to its overarching role.~~

~~The Scrutiny Panels will:~~

- ~~• Maintain regular dialogue with the Cabinet, Scrutiny Board and Councillor Champions.~~
- ~~• Ensure that members of the public and stakeholders are informed of and involved in issues within the remit of each Panel.~~
- ~~• Discharge the call-in procedure relevant to their terms of reference.~~

### **7.4 Proceedings of the Scrutiny Board and Scrutiny Panels**

The Scrutiny Board and Scrutiny Panels will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4.

### **7.5 Annual Report**

- The Scrutiny Board will present an annual report to the Council.
- The Annual Report will contain information on the work done by the Board or panels over the past year and recommendations for work to be done in the year to come.

### **7.6 Designation of Scrutiny Officer**

The Scrutiny and Systems Manager is designated as the Council's Statutory Scrutiny Officer whose function is:

- to promote the role of the authority's Scrutiny Board and panels;
- to provide support to the authority's Scrutiny Board or panels and the members of that committee or those committees;
- to provide support and guidance to—
  - members of the authority,
  - members of the executive of the authority, and
  - employees of the authority,

in relation to the functions of the authority's Scrutiny Board or Panels.

### **7.7 Quorum**

## **Article 7 – Overview and Scrutiny Arrangements**

The quorum for a meeting of the Scrutiny Board shall be one quarter of the number of voting members of the Overview and Scrutiny Committee.

The quorum for a meeting of the Scrutiny Panel's shall be one quarter of the number of voting members of the [relevant Panel/](#) Select Committee.

### **7.8 Substitutes**

The leaders of the political groups may notify the Monitoring Officer 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.

## Article 8 – Regulatory and Other Committees

### 8.1 Regulatory and Other Committees

The Council will appoint committees to undertake a variety of regulatory and other functions that are the responsibility of the Council but which do not have to be carried out by the full Council.

- a. The Annual Council meeting will appoint the following Regulatory and other Committees:-

- The Planning Committee



The role of the Planning Committee is to be responsible for determining applications and enforcement decisions of the Council in relation to Town and Country Planning and other related matters as set out in Part 3 of the Constitution.

#### Planning Committee

Reference should also be made to any Codes of Best Practice and Procedure Rules for planning matters made by the Committee.

#### Composition

The Committee shall comprise of elected members (not drawn from Cabinet) to be appointed by full Council. Substitutes can be appointed for any meeting provided that they have had the requisite training for the Committee

#### Chair

The full Council will appoint the Chair and Vice Chair of the Committee. In the absence of the Chair at a meeting of the Committee, the Vice Chair will chair the meeting. In the absence of both the Chair and Vice Chair, the Committee will elect another member of the Committee to chair the meeting.

#### Quorum

The Quorum of the Committee will be four members.

#### Training

The members of the Committee will be required to undertake appropriate training for their role.

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

The functions delegated to Planning Committee are detailed in Part 3 of this Constitution.

- The Statutory Licensing Committee



The role of the Statutory Licensing Committee is to be responsible for determining applications and enforcement decisions of the Council in relation to a wide range of licenses, including, regulated entertainment, cinemas and theatres and amusement machines etc (other than those which are by law matters for the Cabinet) and other related matters as set out in Part 3 of the Constitution.

### **Statutory Licensing Committee**

Reference should also be made to any Codes of Best Practice and Procedure Rules for licensing matters made by the Committee.

### **Composition**

The Committee shall comprise of elected members (not drawn from Cabinet) to be appointed by full Council.

Substitutes can be appointed for any meeting provided that they have had the requisite training for the Committee

### **Chair**

The full Council will appoint the Chair and Vice Chair of the Committee. In the absence of the Chair at a meeting of the Committee, the Vice Chair will chair the meeting. In the absence of both the Chair and Vice Chair, the Committee will elect another member of the Committee to chair the meeting.

### **Quorum**

The Quorum of the Committee will be three members.

## **Training**

All members of the Committee shall have received appropriate training before carrying out any licensing function.

## **Functions Delegated to the Statutory Licensing Committee**

The functions delegated to Statutory Licensing Committee are detailed in Part 3 of this Constitution.

## Article 8 – Regulatory and Other Committees

- ~~The Non-Statutory Licensing Committee~~ Regulatory Committee



The role of the Regulatory Committee is to be responsible for determining applications and enforcement decisions of the Council in relation to a wide range of licenses, including hackney carriages and private hire vehicles, street and house to house collections and pet shops etc (other than those which are by law matters for the Cabinet) and other related matters as set out in Part 3 of the Constitution.

### Regulatory Committee

Reference should also be made to any Codes of Best Practice and Procedure Rules for regulatory matters made by the Committee.

### Composition

The Committee shall comprise of elected members (not drawn from Cabinet) to be appointed by full Council. Substitutes can be appointed for any meeting provided they have had the requisite training for the Committee.

### Chair

The full Council will appoint the Chair and Vice Chair of the Committee. In the absence of the Chair at a meeting of the Committee, the Vice Chair will chair the meeting. In the absence of both the Chair and Vice Chair, the Committee will elect another member of the Committee to chair the meeting.

### Quorum

The Quorum of the Committee will be three members.

### Training

All members of the Committee shall have received appropriate training before carrying out any licensing function.

### Functions Delegated to the Regulatory Committee

## Article 8 – Regulatory and Other Committees

The functions delegated to Regulatory Committee are detailed in Part 3 of this Constitution.

~~The Standards Committee~~

• The Audit and Risk Committee



The Audit and Risk Committee is a key component of the Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Audit Committee is to provide independent assurance to Councillors of the adequacy of the risk management framework and the internal control environment. It provides independent review of the governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

### Composition

The Audit and Risk Committee shall comprise elected members, who must not be Cabinet Members, to be appointed by full Council. The Committee must be politically balanced. There will be no provision for substitute Councillors to attend Committee meetings.

Two Independent Members will also be appointed to the Audit and Risk Committee.

### Chair and Vice Chair

The full Council will appoint the Chair and Vice Chair of the Committee. In the absence of the Chair at a meeting of the Committee, the Vice Chair will chair the meeting. In the absence of both the Chair and Vice Chair, the Committee will elect another member of the Committee to chair the meeting.

### Quorum

The quorum of the Committee will be 3 members.



## **Article 8 – Regulatory and Other Committees**

The members of the Committee will be required to undertake appropriate training for their role.

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

The functions delegated to Audit and Risk Committee are detailed in Part 3 of this Constitution.

\_\_\_\_\_The Pensions Committee

The functions delegated to Pensions Committee are detailed in Part 3 of this Constitution.

- •—The Pensions Board

The functions delegated to Pensions Board are detailed in Part 3 of this Constitution.

- The Health and Wellbeing Together Board

The functions delegated to Health and Wellbeing Together Board are detailed in Part 3 of this Constitution.

- Appeals Panel

- a. b. —These Committees will discharge their responsibility for functions in accordance with Part 3 and also in accordance with the Full Council Meetings Procedure Rules set out in Part 4.

### **The Special Appointments Panel**

An appointments panel will carry out functions specified in the Employees Employment Procedure Rules in Part 4.

\_\_\_\_\_ A Special Appointment Committee will be established on a politically balanced basis and comprise of elected members.

### **Other Committees and Sub-Committees**

1. The Council will appoint such other committees as it considers appropriate to exercise any of its functions.
2. Any committee appointed by the Council may at any time appoint additional sub-committees and panels throughout the year. Their terms of reference and delegation of powers to them shall be explicit and within the Appointing Committee's terms of reference.

## Article 8 – Regulatory and Other Committees

3. The Council in the case of Standing Committees or the parent committee in the case of sub-committees or panels will, in the case of sub-committees or panels, appoint the members to serve on the committee, sub-committee or panel subject to the right of a political group within the meaning of the Local Government and Housing Act 1989 and any regulations made under that Act to make nominations for those appointments at the meeting that makes the appointments before the appointments are made.

4. The composition including substitutions, quorum and training requirements are detailed in Part 3

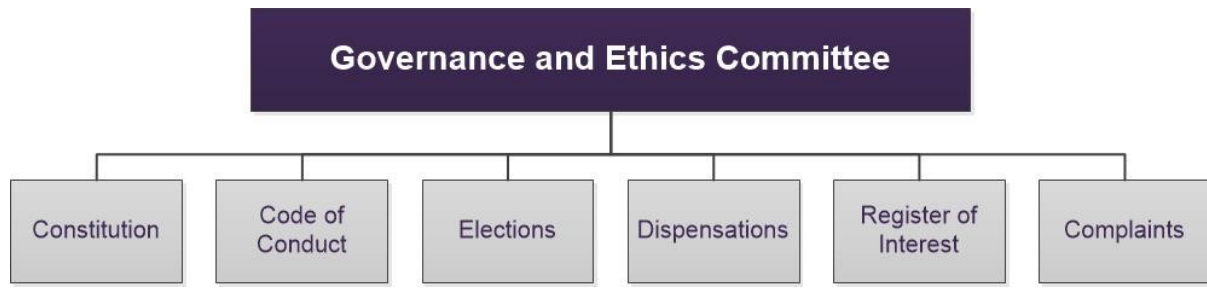
### **~~8.2 Health and Wellbeing Together Board~~**

- ~~a. Following restructure of the NHS in England, local leadership for public health transferred to the Council from 1 April 2013 together with new statutory and other public health responsibilities set out in the Health and Social Care Act 2012.~~
- ~~b. In summary, the leadership role of the Council involves:~~
- ~~• Taking action to improve health, tackling the causes of ill health, and reducing health inequalities.~~
  - ~~• Promoting and protecting health.~~
  - ~~• Promoting social justice.~~
- ~~c. The Council is responsible for the five mandated services listed below and a range of other services under the 2012 Act:~~
- ~~• Population healthcare advice to the NHS.~~
  - ~~• The National Child Measurement Programme.~~
  - ~~• NHS health check assessments.~~
  - ~~• The Local Authority role in dealing with health protection incidents, outbreaks and emergencies.~~
  - ~~• Comprehensive sexual health services (including testing and treatment for sexually transmitted infections, contraception outside of the GP contract and sexual health promotion and disease prevention.~~
- ~~d. The Council is supported in this work by Public Health England.~~
- ~~e. The Council has established, in accordance with legislation, a Health and Wellbeing Together Board in conjunction with partner organisations to have leadership responsibility for a number of key partnership areas including oversight of Public Health arrangements, local Healthwatch, assessment of local need, health promotion, health improvements, joint commissioning and local safeguarding arrangements across both adults and children.~~

## ***Article 8 – Regulatory and Other Committees***

- ~~f. The Health and Wellbeing Together Board will discharge its responsibility for functions in accordance with its Terms of Reference set out in Part 3 and in accordance with the Full Council Meetings Procedure Rules set out in Part 4.~~

### Article 9 - Governance and Ethics Committee



The Council will establish a Governance and Ethics Committee. Its role is to promote and maintain high standards of conduct by Councillors, to oversee the following: revisions to the constitution, the elections process and other related matters as set out in Part 3 of the Constitution.

#### Composition

Elected members are to be appointed by full Council. The Committee must be politically balanced.

Two Independent Members will also be appointed to the Governance and Ethics Committee.

#### Chair

The full Council will appoint the Chair of the Committee. In the absence of the Chair at a meeting of the Committee, the Committee will elect another member of the Committee to chair the meeting.

#### Quorum and Substitutes

The Quorum of the Committee will be three members. [The leaders of the political groups may notify the Monitoring Officer of substitutes, of Councillors from their party, to attend the Committee in place of members of their party where the relevant member is unable to attend.](#)

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

The functions delegated to Governance and Ethics Committee are detailed in Part 3 of this Constitution.

**Article 10 – Joint Arrangements**

**10.1 Arrangements to Promote Wellbeing**

The Cabinet, in order to promote the economic, social or environmental well-being of its area may:

- a. enter into arrangements or agreements with any person or body;
- b. co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- c. exercise on behalf of that person or body any functions of that person or body.

**10.2 Joint Arrangements**

- a. The Council may establish joint arrangements with one or more local authorities to exercise functions which are not Cabinet functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other local authorities.
- b. The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.

Except as set out below the Cabinet may only appoint Cabinet Members to a Joint Committee and those Councillors need not reflect the political composition of the Council as a whole.

The Cabinet may appoint Councillors to a Joint Committee from outside the Cabinet in the following circumstances:

- the Joint Committee has functions for only part of the area of the authority and that area is smaller than two fifth of the authority by areas or population. In such cases the Cabinet may appoint to the Joint Committee any Councillor who is a Councillor for a Ward which is wholly or partly contained within the area;
  - the Joint Committee is discharging a function in relation to five or more authorities;
  - the function which the Joint Committee is discharging is a function which is required by statute to be discharged by a Joint Committee;
  - political balance requirements do not apply to such appointments.
- c. Details of any joint arrangements including delegations to Joint Committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

**10.3 Access to Information**

The Access to Information Rules in Part 4 apply to Joint Arrangements.

**10.4 Delegation to and from Other Local Authorities**

- a. The Council may delegate functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
- b. The Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.
- c. The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting except where it relates to pensions when it shall be reserved to the Pensions Committee.

**10.5 Contracting Out**

The Council in respect of non-Cabinet functions and the Cabinet in respect of Cabinet functions may contract out to another body or organisation functions which may be exercised by an employee and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

Article 110 – Employees

110.1 Management structure

a. General.

The Council may engage such employees as it considers necessary to carry out its functions.

b. Senior Management

The Council will engage persons for the following posts, who will be designated Senior Managers [and Chief Officers \(for the purposes of Part 3 of the Constitution\)](#)

Post	Functions and areas of responsibility
Chief Executive	<p>Vision 2030 Council Plan Our Council Programme Financial Strategy Corporate Governance Assurance Framework Positioning the City Inward Investment Regional and Sub-Regional Work Stakeholder Engagement Framework Black Country Transport West Midlands Pension Fund</p>
Deputy Chief Executive	<p><u>Oversight and assurance of services</u></p> <ul style="list-style-type: none"> <li>• Voluntary and Community Sector Officer</li> <li>• Champion</li> <li>• Resettlement Programme</li> <li>• Wolverhampton for Everyone</li> </ul> <p><del>Health, Safety and Wellbeing Strategic Lead</del></p> <ul style="list-style-type: none"> <li>• Corporate Parenting</li> <li>• Safer Wolverhampton Partnership</li> </ul> <p><u>Interim responsibilities</u></p> <ul style="list-style-type: none"> <li>• <u>WV Living Ltd.</u></li> <li>• <u>Housing Growth &amp; Development</u></li> <li>• <u>W2W Housing Growth</u></li> <li>• <u>City Assets &amp; Facilities</u></li> <li>• <u>One Public Estate</u></li> <li>• <u>Our Assets Programme</u></li> </ul>
Director of Finance	<p>Section 151 Officer Audit Services Strategic Financial Advice and Support Revenues and Benefits</p>

	<p>The Hub</p> <p>Financial and Investment Strategy</p> <p>Procurement Services</p> <p>Commercial Services</p>
Director of Governance	<p>Monitoring Officer</p> <p>Democracy</p> <p>Legal Services</p> <p>Equality and Diversity</p> <p>Electoral Registration</p> <p>Elections and Referenda</p> <p>Information Governance</p> <p>Councillor Support</p> <p>Mayoral Support</p> <p><u>Organisational Development</u></p> <p><u>Business Support Programme</u></p> <p><u>Projects &amp; Programmes</u></p> <p><u>Business Improvement</u></p> <p><u>Executive Support</u></p> <p><u>Health, Safety and Wellbeing Strategic Lead</u></p> <p><u>Human Resources</u></p>
Director of Adult Services	<p>Assessment and Support Planning for <u>Adults</u></p> <p>Adult Safeguarding/<u>Multi Agency Safeguarding Hub</u></p> <p>Adult Care Provision</p> <p>Better Care/Integrated Working with Health</p> <p>Principal Social Worker</p> <p>Community Financial Support</p> <p>Adults Commissioning</p> <p><u>Emergency Duty Team</u></p> <p>Approved Mental Health Practitioners and Assessments</p> <p>Independent Living Services</p> <p>Carers Support</p> <p>Adults Improvement</p>
Director of Children's Services	<p>Children in Need and Child Protection</p> <p>Disabled Children and Young People</p> <p><u>Multi Agency Safeguarding Hub and Duty Team</u></p> <p>Children &amp; Young People in Care</p> <p>Youth Offending</p> <p>Early Intervention</p> <p>Education Psychology</p> <p>Specialist Support</p> <p><u>Headstart</u></p> <p>Safeguarding</p> <p>Children's Commissioning</p> <p><u>Child Transformation Work</u></p> <p>Children's <u>Partnership Boards Improvement</u></p>



	<del>Traded Services</del> Schools Improvement School Organisation <u>and Admissions</u> <u>Early Years</u> <u>Inclusion Support</u> <u>Post 16 Education</u> <del>SEND</del>
--	---

The Senior Management are all members of the Council's Strategic Executive Board and share responsibility for proper governance; effective performance and financial management; the improvement of services and the achievement of Value-for-Money.

The Strategic Executive Board is supported by Directors. Directors provide operational leadership across all service areas and are accountable to the Strategic Executive Board for delivery.

The Director for Pensions arranges for the Council's responsibilities to manage the West Midlands Authorities Pension Fund to be discharged. This includes the investment and general management of the fund and to provide services to the West Midlands Combined Authority.

The Black Country Service Director - City Assets works with the transport teams across each of the four local authorities to ensure a joined-up approach aimed at increasing the region's capability to bid for funding and developing the capacity for effective regeneration and economic development from future projects and schemes.

**c. Statutory Posts**

The Council will designate the following statutory posts as shown below:

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Director of Governance	Monitoring Officer
Director of Finance	Section 151 Officer
Director of Children's Services	Director of Children's Services
Director of Adult's Social Care	Director of Adult Services

These posts will have the functions described in Articles 10.2 – 10.4 below in addition to responsibility for the functions undertaken by the Service Group(s) which they manage.

- c. The Head of Paid Service will determine and publicise a description of the overall structure of the Council showing the Management structure and deployment of employees. [Link to senior management structure](#) .

#### **101.2 Functions of the Head of Paid Service**

- a. **Discharge of functions by the Council.** The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of employees required for the discharge of functions and the organisation of employees.
- b. **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

#### **110.3 Functions of the Monitoring Officer**

- a. **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by Councillors, employees and the public.
- b. **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the Full Council or to the Cabinet in relation to a Cabinet function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- c. **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- d. **Receiving Reports** The Monitoring Officer will receive, assess, refer and determine complaints that Councillors have not complied with the Code of Conduct
- e. **Conducting investigations.** The Standards Committee or the Monitoring Officer will conduct investigations into matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.
- f. **Proper Officer for access to information.** The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those

decisions and relevant reports and background papers are made publicly available as soon as possible.

- g. **Advising whether Cabinet decisions are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- h. **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.
- i. **Restrictions on posts.** The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

#### **101.4 Functions of the Section 151 Officer**

- a. **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the Full Council or to the Cabinet in relation to a Cabinet function and the Council's External Auditor if it is considered that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- b. **Administration of financial affairs.** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- c. **Contributing to corporate management.** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- d. **Providing advice.** The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and employees in their respective roles.

#### **110.5 Duty to Provide Sufficient Resources to the Monitoring Officer and Section 151 Officer**

The Council will provide the Monitoring Officer and Section 151 Officer with such employees, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

#### **110.6 Functions of the officer appointed as the Director of Children's Services**

- a. The Director of Children's Services is appointed for the purpose of the Council's functions referred to in Section 18 of the Children act 2004 as follows: -
  - i. Social services – the Council's social services functions within the meaning of the Local Authorities Social Services Act 1970, as they relate to children and young people leaving care;
  - ii. Health services – any health-related functions exercised on behalf of an NHS body under Section 31 of the Health Act 1999, so far as they relate to children;
  - iii. Inter-agency co-operation – the Council's functions in its capacity as children's service authority under Part 2 of the Children Act 2004; and
  - iv. Children Act 1989 – functions conferred under Sections 23C to 24D (and not falling under sub-article (i) above).

#### **110.7 Functions of the officer appointed as the Director of Adult Social Services**

- a. Section 6(1) of the Local Authorities Social Services Act 1970 requires the Council to appoint an officer known as the Director of Adult Social Services, for the purposes of their adult social services functions.
- b. The Council is required to secure the provision of adequate staff for assisting him in the exercise of his functions.
- c. The functions for which the officer is responsible are those contained in Schedule 1 to the Local Authorities Social Services Act 1970 other than those functions for which the Director of Children's Services is responsible under Section 18 of the Children Act 2004.

#### **110.8 Conduct**

Employees will comply with the Employees' Code of Conduct and the Protocol on Councillor/Employee Relationships set out in Part 5.

#### **110.9 Employment**

The recruitment, selection and dismissal of employees will comply with the Employee Employment Procedure Rules set out in Part 4.

**Article 124 – Decision Making**

**124.1 Responsibility for Decision Making**

The Council will issue and keep up to date a record which describes which part of the Council or individual has responsibility for particular types of decision or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

**124.2 Principles of Decision Making**

All decisions of the Council will be made in accordance with the following principles:

- a. proportionality i.e. the action must be proportionate to the desired outcome;
- b. due consultation - including the taking of professional advice from employees;
- c. respect for human rights;
- d. a presumption in favour of openness;
- e. clarity of aims and desired outcomes;
- f. due consideration to alternative options;
- g. accountability i.e., giving reasons for the decision (providing that this does not involve a breach of confidentiality);
- h. to take into consideration financial, legal, equalities and risk implications.

**124.3 Types of Decision**

- a. Key decisions.

A key decision is a Cabinet decision which is likely:

to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates or

to be significant in terms of its effects on communities living or working in an area comprising two or more Wards in the area of the local authority.

- b. A decision maker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4.

**Note:** The Council has determined that expenditure or savings in excess of £250,000 will be deemed significant. This figure will be reviewed by the Council from time to time.

Key decisions may not be taken by an individual Cabinet Member.

- c. Decisions relating to the functions listed in Article 4.2 will be made by the Full Council only and not delegated. ~~These are known as Red Decisions.~~
- d. Decisions relating to the functions listed in the delegations to the Cabinet and Cabinet Panels are referred to in Part 3. ~~These are known as Amber Decisions.~~
- e. Decisions of individual Cabinet Members relating to their individual Cabinet responsibilities and are listed in Part 3. ~~These are known as Green Decisions.~~

#### **1~~21~~.4 Decision making by the Council**

Decision making by the full Council will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### **1~~21~~.5 Decision making by the Cabinet**

The Cabinet will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### **1~~21~~.6 Decision making by the Scrutiny Board and Panels**

The Scrutiny Board and Panels will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

#### **1~~21~~.7 Decision making by Other Committees and Sub-Committee**

Other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

#### **1~~21~~.8 Council Bodies acting as Tribunals**

The Council, a Councillor or an employee acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

#### **1~~21~~.9 Urgent Decisions**

The Council, Cabinet and Regulatory and other Committees may in exceptional circumstances make urgent decisions. The procedure for making urgent decisions is set out below: ~~by the Cabinet is set out in Article 6 and by Regulatory and other Committees in Part 3.~~

Urgent Action Council

The Leader (or in their absence the Deputy Leader) in consultation with the Chair of Scrutiny Board, Opposition Leader and Chief Executive, shall be able to exercise the powers of the Council in any matter of immediate urgency making the prompt exercise of the powers of the Council desirable and which cannot await the next ordinary meeting of the Council.

Decisions made under this provision will be reported to the next meeting of the Council.

Urgent Action Cabinet

The Leader (or in their absence the Deputy Leader) in consultation with the Chair of Scrutiny Board, Vice Chair of Scrutiny Board and Chief Executive, shall be able to exercise the powers of the Cabinet in any matter of immediate urgency making the prompt exercise of the powers of the Cabinet desirable and which cannot await the next meeting of the Cabinet. Decisions made under this provision will be reported to the next meeting of the Cabinet.

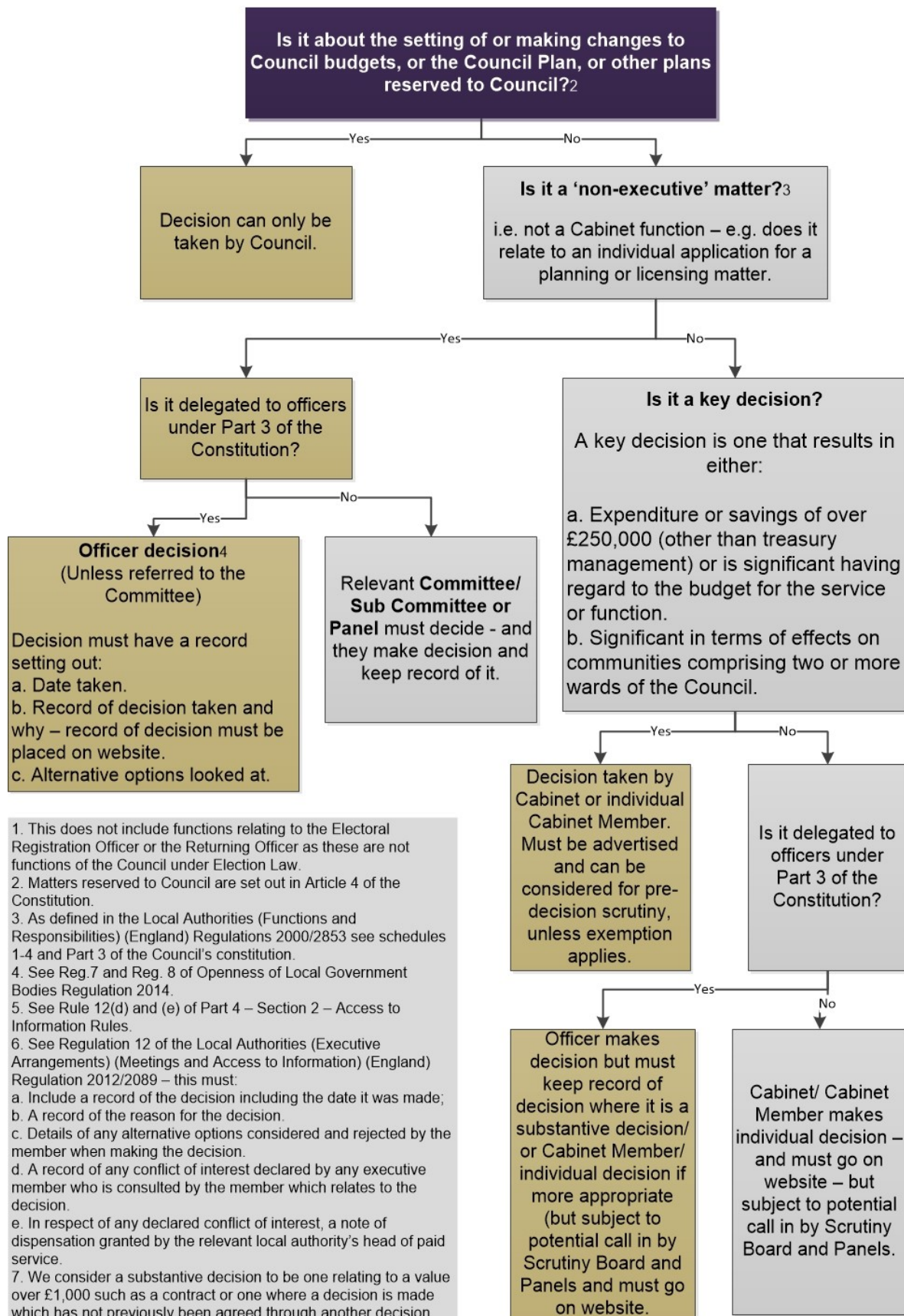
Urgent Action Regulatory or Other Committees

The Chair of the relevant Committee in consultation with the relevant director, shall be able to exercise the powers of the Regulatory or Other Committees in any matter of immediate urgency making the prompt exercise of the powers of the Regulatory or Other Committees desirable and which cannot await the next meeting of the Regulatory or Other Committees. Decisions made under this provision will be reported to the next meeting of the Regulatory or Other Committees.





## Decision tree for Council functions<sup>1</sup>



1. This does not include functions relating to the Electoral Registration Officer or the Returning Officer as these are not functions of the Council under Election Law.
2. Matters reserved to Council are set out in Article 4 of the Constitution.
3. As defined in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 see schedules 1-4 and Part 3 of the Council's constitution.
4. See Reg.7 and Reg. 8 of Openness of Local Government Bodies Regulation 2014.
5. See Rule 12(d) and (e) of Part 4 – Section 2 – Access to Information Rules.
6. See Regulation 12 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulation 2012/2089 – this must:
  - a. Include a record of the decision including the date it was made;
  - b. A record of the reason for the decision.
  - c. Details of any alternative options considered and rejected by the member when making the decision.
  - d. A record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision.
  - e. In respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.
7. We consider a substantive decision to be one relating to a value over £1,000 such as a contract or one where a decision is made which has not previously been agreed through another decision i.e. not simply exercising administrative actions/ decisions (without the exercise of discretion) and not in relation to employment matters.

\_\_\_\_\_

**Article 132 - Finance, Contracts and Legal Matters**

**12.1 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

**12.2 Contracts**

Contracts made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

**12.3 Legal Proceedings**

The Director of Governance is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he or she considers that such action is necessary to protect the Council's interests within budget.

————The Director of Governance has delegated powers to authorise officers to appear in court on the Council's behalf.

**12.4 Authentication of Documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Director of Governance or other person authorised by the Director of Governance, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

In addition to any other person who may be authorised by resolution of the Council, the proper officer for the purposes of authentication of documents under the Local Government Acts shall be:

- The Chief Executive;
- The Director of Governance;
- Any Chief Officer of the Council concerned with the matter to which the document relates; or,
- Any officer authorised in writing by such Chief Officer or by the Director of Governance.

**12.5 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Director of Governance.

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

## **Article 132 - Finance, Contracts and Legal Matters**

the opinion of the Director of Governance should be sealed. The affixing of the Common Seal will be attested by the Authorised Officer i.e. the Director of Governance or some other person authorised by him/her.

### **Record of Sealing of Documents**

Any entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by the and consecutively numbered in a book to be provided for the purpose.

### **Disposal of Land and Real Property**

Every disposal of land and real property made by the Council will comply with the Contract Procedure Rules set out in Part 4 of the Constitution.

**Article 143 - Review and Revision of the Constitution**

**14.1 Duty to Monitor and Review the Constitution**

a. The Monitoring Officer

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect.

b. Protocol for monitoring and review of constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1.

c. The Section 151 Officer

The Section 151 Officer shall be responsible for keeping under review the Financial Procedure Rules set out in Part 4 of the Constitution and shall make any necessary amendments and revisions as are required from time to time. They shall report any amendments made to Part 4 for the next available Council meeting for noting.

**14.2 Changes to the Constitution**

Changes to the constitution will only be approved by Full Council after consideration of the proposal by the Monitoring Officer, the Constitution Review Group and the Governance Committee.

**14.3 Constitution Review Group**

The Constitution Review Group comprising the Monitoring Officer and other relevant employees will assist in monitoring, reviewing and proposing changes to the Constitution above for consideration by the Governance Committee and Full Council.

**14.4 Minor Changes**

If, in the reasonable opinion of the Monitoring Officer, a change is:

a. A minor variation; or

b. Required to be made to remove any inconsistency or ambiguity; or

c. Required to be made so as to put into effect any decision of the Council or its committees or the Cabinet,

in which case the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect but shall be referred to full Council as soon as is reasonably possible and shall continue to have effect only if full Council agree.

## **Article 143 –Review and Revision of the Constitution**

Where the table of Chief Officers in Article 10 or the delegations (due to a restructure) in Part 3 of the Constitution needs to be updated, the Director of Governance may make the necessary changes upon receipt of notification from the Chief Executive that they have made changes to these structures following Council or relevant committee approval of such changes.

### —Legislative Change

Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer so decides or the legislation (where relevant) so provides. Such changes shall be reported to the next Council meeting.

**Article ~~14~~3 –Review and Revision of the Constitution**

## **Article 154 - Suspension, Interpretation and Publication of the Constitution**

### **Article 154 - Suspension, Interpretation and Publication of the Constitution**

#### **154.1 Suspension of the Constitution**

The Articles of this Constitution may not be suspended. The Council Procedure Rules in Part 4 of this Constitution may be suspended to the extent permitted within those Rules and the law.

#### **154.2 Interpretation**

- a. Except as provided below, the ruling of the Monitoring Officer as to the interpretation of this Constitution will be final.
- b. In relation to Proceedings of Full Council, the ruling of the Mayor (or other person presiding) as to the construction and application of the Constitution shall not be challenged at any meeting.

#### **154.3 Publication**

The Monitoring Officer will:

- a. provide access to the Constitution to each member of the authority upon delivery to him or her of that person's declaration of acceptance of office as the member first being elected to the Council;
- b. ensure that copies of the Constitution are available for inspection at the Council's Civic Centre offices and will be made available on the Council's website and can be purchased by members of the local press and the public on payment of a reasonable fee.
- c. will ensure that the Constitution is made available on the Council's website. ~~summary of the Constitution is made widely available within the area and is updated as necessary.~~



## **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).

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.

Local Choice Function	Responsible Body or Person	Any Restrictions	Statutory References
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
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
The obtaining of particulars of persons interested in land	Cabinet or Cabinet Member	Except to the extent that powers are delegated to officers	Section 16 of the Local Government (Miscellaneous Provisions) Act 1976
The making of agreements for the execution of highways works	Council	Delegated to the Planning Committee except to the extent that powers are delegated to officers	Section 278 of the Highways Act 1980 and Section 23 of the New Roads and Street Works Act 1991

<p>The appointment of any individual—</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than:</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(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 3B: 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.

- 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 3B: 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**

- Financial issues (but not the budget)
- Asset Management in accordance with approved Asset Management Plans
- Property and Land Transactions
- Contract Strategy
- Litigation
- Regulatory enforcement policy and fees
- Operational issues

## ***Part 3B - 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 or her 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

Cabinet Portfolio	Policy Area
<b>The Leader of the Council</b>	<ul style="list-style-type: none"> <li>• Council 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> </ul>
<b>Cabinet Member for Resources</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>• Our Technology incl. ICT</li> <li>• Customer and Business Improvement Programme</li> <li>• Audit</li> <li>• Corporate risk</li> </ul>
<b>Cabinet Member for Governance</b>	<ul style="list-style-type: none"> <li>• Legal</li> <li>• Democratic Services, Scrutiny &amp; Councillor Support</li> <li>• Electoral Registration &amp; Elections</li> <li>• Information Governance</li> <li>• Mayoralty</li> <li>• Equalities</li> <li>• Complaints and feedback</li> <li>• Our People Programme Incl. Organisation Workforce Development</li> <li>• Our Data Programme Incl. Insight and Performance</li> <li>• Health and Safety</li> <li>• Human Resources Strategy</li> </ul>

Cabinet Portfolio	Policy Area
<b>Cabinet Member for Education and Skills</b>	<ul style="list-style-type: none"> <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>• School governance</li> <li>• Home to school transport</li> <li>• Skills and employability</li> <li>• Post 16 School Education provision</li> <li>• Adult Education</li> <li>• Higher and further education (incl. universities)</li> <li>• Commercial services to schools</li> <li>• Health and wellbeing for schools</li> </ul>
<b>Cabinet Member for Children and Young People</b>	<ul style="list-style-type: none"> <li>• 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)</li> <li>• Education inclusion incl. behaviour, attendance and elected home education</li> <li>• Youth Offending</li> <li>• Children and young people partnership working</li> <li>• Link for 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>
<b>Cabinet Member for Adults</b>	<ul style="list-style-type: none"> <li>• Social care for older people, disabilities and mental health</li> <li>• Adult safeguarding</li> <li>• Carer support</li> <li>• Welfare rights</li> <li>• Wolverhampton Information Network</li> <li>• Better Care Fund and Integration</li> <li>• Quality and Care provision monitoring</li> <li>• Adult care commissioning &amp; user engagement</li> <li>• Financial Assessments</li> </ul>

Cabinet Portfolio	Policy Area
<b>Cabinet Member for Public Health and Wellbeing</b>	<ul style="list-style-type: none"> <li>• 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 sector liaison</li> <li>• Community Engagement</li> <li>• Public Health Commissioning</li> </ul>
<b>Cabinet Member for City Assets and Housing</b>	<ul style="list-style-type: none"> <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 Arms 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</li> <li>• City Housing Development Strategy</li> <li>• Our Assets Programme Incl. City Strategic Asset Plan (incl. Education Assets)</li> <li>• City Asset Management Plan (incl. Education Assets)</li> </ul>
<b>Cabinet Member for City Economy</b>	<ul style="list-style-type: none"> <li>• City development</li> <li>• City Planning, incl. policy, development control, building control</li> <li>• Supporting City businesses</li> <li>• Stimulating Inward investment</li> <li>• Cultural and Creative economy incl. arts, tourism and culture</li> <li>• Economic growth and inclusion partnerships</li> <li>• Libraries and Community Hubs</li> <li>• City Marketing</li> <li>• City Events Programme</li> </ul>

Cabinet Portfolio	Policy Area
<b>Cabinet Member for City Environment</b>	<ul style="list-style-type: none"> <li>• Strategic Transportation</li> <li>• Operational Transportation incl. highways management and maintenance</li> <li>• Waste management strategy</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</li> <li>• Registrars</li> <li>• Coroner</li> <li>• Fleet management</li> <li>• Sustainability</li> <li>• WV Active</li> <li>• Customer Services</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 3C: 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.	

**Part 3C - 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 3C - 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>	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
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>	Sections 101 and 102 Local Government Act 1972
1.19	<p>Appointing Proper Officers for the purposes of any particular functions</p>	Section 270(3) Local Government Act 1972
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>	Town and Country Planning (Development Plans) (England) Regulations 1999 (1999/3280)
1.21	<p>Power to undertake a Community Governance Review.</p>	Section 82 Local Government and Public Involvement in Health Act 2007
1.22	<p>Power to confer title of honorary alderman or to admit an honorary freeman.</p>	Section 249 of the Local Government Act 1972, ss(5), and (6); West Midlands County Council Act 1980
1.23	<p>Functions relating to local government pensions.</p>	Regulations under section 7, 12 or 24 Superannuation Act 1972

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

1.27	Power to make payments or provide other benefits in cases of maladministration.	Section 92 of the Local Government Act 2000
1.28	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.
1.29	Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972
1.30	Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972
1.31	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
1.32	Appointment of coroner	The Coroners and Justice Act 2009
1.33	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
1.34	Approval of Annual Pay Policy.	Section 38 Localism Act 2011
1.35	A Resolution not to issue a casino premises licence	Section 166 of the Gambling Act 2005
1.36	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





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

### **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.

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

### **PART 3D: 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

\*This excludes the ability to determine fees and charges as this cannot be an executive function by virtue of Regulation 2(6)(d) and (e) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853.

### **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 3M of this Constitution and subject to those provisions regarding legal proceedings.

- (a) 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 2A;
  - 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.
- 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

\*This excludes the ability to determine fees and charges as this cannot be an executive function by virtue of Regulation 2(6)(d) and (e) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853.

### **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.
- 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**

### **1.0 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.
- 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.
- 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.
- 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;
- 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.

### **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's Trust 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 Systems Development Board is responsible for setting the strategic direction for system transformation across the city and for making recommendations to the constituent organisations about actions to be taken to ensure transformation work helps achieve the overall vision in the Joint

Health and Wellbeing strategy. 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 will inform 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 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. A designated representative from Health and Wellbeing Together 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.

Agency	Role
City of Wolverhampton Council	Leader of the Council, Chair <sup>+</sup>
	Cabinet Member for Children and Young People
	Cabinet Member for Adults
	Cabinet Member for Public Health & Wellbeing <sup>+</sup>
	Shadow Cabinet Member for Public Health & Wellbeing
	Director of Public Health <sup>+</sup>
	Director of Adults' Services <sup>+</sup>
	Director of Children's Services <sup>+</sup>
	Service Director - City Health <sup>+</sup>
	Head of Commissioning <sup>+</sup>
Wolverhampton CCG	Chief Officer, Vice-chair <sup>+</sup>
	Director of Strategy & Transformation <sup>+</sup>
Wolverhampton Healthwatch	Chief Officer
NHS England	Locality Director
University of Wolverhampton	Faculty of Education, Health and Wellbeing
West Midlands Fire Service	Operations Commander
West Midlands Police	Chief Superintendent
Third Sector Partnership	Designated representative
Children's and Adult Safeguarding Boards	Independent Chair
Royal Wolverhampton NHS Trust	Chief Executive <sup>+</sup>
	Chair <sup>+</sup>
Black Country Partnership NHS Foundation Trust	Chief Executive

2. + Executive Group member

The Chair will be appointed by the City of Wolverhampton Council. The Vice-chair will be appointed by Wolverhampton CCG.

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 is 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 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 50% of the membership. There must be at least one Council and one CCG Board Member representative at each meeting.

## DELEGATIONS TO THE PENSION COMMITTEE

10.1	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 and the Code of Practice issued by the Pensions Regulator.
10.2	Under Section 4 of the Public Service Pensions Act 2013 the Scheme Manager for the Administering Authority shall be the Pensions Committee. The Administering Authority shall at Full Council every year approve the delegation of Scheme Manager under Section 101 of the Local Government Act 1972 to the Pensions Committee and appoint representatives to sit on the Committee for that year.
10.3	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, approval of expenditure and their related activities, shall not apply in relation to such acquisitions and disposals and expenditure in connection with the Pension Fund.
10.4	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.
10.5	To ensure that equality issues are addressed in the development of policies and the provision of services and are appropriately monitored.



10.6	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.
10.7	The Pensions Committee may call upon the 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.
10.8	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 Fund.
10.9 <b>TERMS OF REFERENCE</b>	
10.9.1	The Pensions Committee shall adhere to the Standing Orders of City of Wolverhampton Council and all matters of due process so far as they do not conflict with the statutory duty of Scheme Managers.
<b>MEMBERSHIP</b>	
10.9.2	The membership of the Pensions Committee shall consist of ten City of Wolverhampton Council elected members, nominated by Full Council at the Annual Council Meeting in each year.
10.9.3	The Pension Committee will invite, in each municipal year, one representative from each of the 6 District Councils to sit as a member of the Pension Committee for that year. Such persons to be nominated by their Full Council at their Annual meeting. District Council representatives will sit as full members of the committee with debate and voting rights on the matters presented.

10.9.4	In addition, the Pension Committee will invite each municipal year, 4 trade union representatives to sit as observers to its committee meetings. Such representatives will be sought from the 3 main trade unions of the Administering Authority and nominated by their respective Union. Trade Union representatives are invited observers to the committee meetings, they may participate in debate but hold no voting rights on the matters presented.
10.9.5	The quorum for a Committee meeting is 8 voting members.
10.9.6	Due to the statutory knowledge and capacity requirements, there will be no substitutions accepted to Pensions Committee.
10.9.7	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.
10.9.8	The Committee shall meet a minimum of 4 times a year
10.9.9	Councillors appointed to the Committee will be bound by their own authority's Code of Conduct when undertaking their public role. Trade Union representatives who observe committee meetings will adhere to the formal meeting process and have regard to the Nolan Principles of Public Life when in attendance.
10.9.10	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) will be asked to leave 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.
10.9.11	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.
<b>CHAIRING THE COMMITTEE</b>	

10.9.12	It will be the first business of the Committee at its annual meeting to receive nominations of a Chair and Vice Chair from Full Council who will sit for the term of one year.
10.9.13	In the event of a tie of votes, the Chair will have the casting vote.
10.9.14	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.
<b>DUTIES OF THE PENSION COMMITTEE</b>	
10.9.15	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.
10.9.16	To determine staffing structures, changes to vacant posts or the establishment of new posts and to receive reports on matters of staffing and employment of officers within the Fund where significant budget impacts occur. Always in consideration of their obligations from statutory guidance to ensure the Fund has adequate resource and skill to perform its duties.
10.9.17	To communicate with members of the fund keeping accurate records and publishing information as required about the fund and its work.
10.9.18	To ensure that equality issues are addressed in the development of policies and the provision of services and are appropriately monitored.
10.9.19	To determine the asset allocation and investment strategy of the Fund in consideration of the long-term liabilities and duties to pay pension benefits.
10.9.20	To monitor investment activity and the performance of the Fund's investments.

10.9.21	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.
10.9.22	To provide independent assurance to members of the fund of the adequacy of the risk management framework and the associated control environment, responsible for the fund's financial and non-financial performance to the extent that it affects the fund's exposure to risk.
10.9.23	<p>Reviewing and adopting the statutory policies of the Fund, including the</p> <ul style="list-style-type: none"> <li>• Investment Strategy Statement</li> <li>• Funding Strategy Statement</li> <li>• Administration Policy (Discretions)</li> <li>• Pension Administration Strategy</li> <li>• Governance Assurance Statement</li> <li>• Communication and Customer Engagement Strategy</li> </ul>
10.9.24	On an annual basis to receive and approve the Annual Report and Accounts
<b>INVESTMENT POOLING</b>	
10.9.25	To select, appoint and dismiss an investment pool operator to manage the collective investment of assets in line with Statutory Requirements.
10.9.26	To nominate on an annual basis the representative on the Joint Committee of the investment pool operator.
10.9.27	Ensuring that appropriate measures are in place to monitor and report on the ongoing costs of investment pooling as they apply to West Midlands.
10.9.28	Ensuring the responsible investment, corporate governance and voting policies of the Fund are delivered effectively both in the Fund's direct/indirect investments and those collectively invested in the pool.

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

- 1.1 All persons appointed to the Board will adhere to the Fund's Code of Conduct, 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.
- 1.2 While not a formal committee of Council, meetings of the pension 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 Pension 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 pension board members.
- 1.3 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 and with pensions committee, such additional meetings to meet the minimum quorum requirement.
- 1.4 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 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 pension board.
- 1.5 The Pension Board shall adhere to the operational policies of the Fund.

## **2.0 Membership**

- 2.1 The Pensions Board consists of 12 persons made up of 6 employer and 6 member representatives in equal proportion 2 of which will be Elected Members of the Administering Authority.
- 2.2 Recruitment to the board will follow the Fund's 'Pension Board nomination policy'.
- 2.3 The quorum is four which must include a minimum of two member and two employer representatives and include either the Chair or the Vice Chair.

- 2.4 The term of office for a person appointed to the Pension Board shall be for a period no shorter than one year and no longer than two rotations of nominations or their term of office (where the person is an elected Councillor, whichever is the shortest). Nomination to the Pension Board shall take annual rotation with one third nominations received in year 2 and one third nominations received in year 3, and so on. This is to ensure a consistency of knowledge within the Pension Board and to assist with the development of knowledge and experience.
- 2.5 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 or Vice Chair (where they are not on rotation) one employer and one-member representative, together with the Director of Pensions (or their nominated officer).
- 2.6 Person's appointed to the Pensions Board are expected to make themselves available to attend meetings and to complete relevant training. Person's appointed who fail to meet the 22 hour training target and/or attend less than two meetings and one structured training event each year will 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.
- 2.7 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.
- 2.8 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.

### **3.0 Chairing the Board**

- 3.1 It shall be the first business of the Board at its annual meeting (July) to nominate a Chair and a Vice-Chair for that year.
- 3.2 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.

### **4.0 Information**

- 4.1 Information relating to the work of the pension board (including any relevant minutes) will be published on the fund's website, save where such information is confidential or exempt under Schedule 12A.
- 4.2 Information detailing the pensions boards terms of reference shall be published on the fund's website together with the any vacancies as they a



## **Full Council Meetings Procedure Rules**

### **1. Definitions and Application of Rules**

#### **1.1 In these Rules, unless the context otherwise demands, the following terms shall have the meaning assigned to them:**

~~“Cabinet” – Leader and two but not more than nine other Councillors appointed by the Leader acting together~~

~~“Cabinet Panel” – a number of Cabinet Members acting together.~~

~~“Constitution” – the Constitution of the Council required by the 2000 Act.~~

~~“Council” – the City of Wolverhampton Council acting by the Council.~~

~~“Head of Paid Service” – the Chief Executive or other person designated as such under Article 12 of the Constitution.~~

~~“Leader” – the person elected by the Council to be the Leader of the Council.~~

~~“Meeting” – a meeting of the Council.~~

~~“Councillor” – an elected member of the Council.~~

~~“Monitoring Officer” – the Director of Governance or other person designated as such under Article 12 of the Constitution.~~

~~“Director of Finance” – the Council’s appointed Officer under section 151 of the Local Government Act 1972 and who is responsible for the proper administration of the Council’s financial affairs. Also, referred to as the Section 151 Officer, the Director of Finance’s role is independent and reports to Council. This role can also be fulfilled by another employee where authorised by the Director of Finance to act on their behalf.~~

~~“number of Councillors” – in relation to the Council, the number of persons who may act at the time in question as Councillors, and in relation to the Scrutiny Board or a Scrutiny Panel or Regulatory or other Committee the number of persons who may act at the time in question as voting members of that body.~~



## **Full Council Meetings Procedure Rules**

~~“person presiding” – the person entitled, or appointed, to preside at any meeting.~~

~~“Co-opted Member” – A person who is not an elected Councillor of the Council but who has been appointed to membership of a Council Scrutiny Panel. Statutory Co-opted Members are Church and Parent Governor representatives who have voting rights and serve on the Children, Young People and Families Scrutiny Panel. Non-statutory Co-opted Members are Youth Council representatives serving on the Children, Young People and Families Scrutiny Panel and Wolverhampton Healthwatch members serving on the Health Scrutiny Panel.~~

~~“political group” – a political group as defined in Regulations made under the Local Government and Housing Act 1989.~~

~~“political balance rules” – the rules made under the Local Government and Housing Act 1989.~~

~~“Scrutiny Board” – Board comprising Councillors who are not Cabinet Members.~~

~~“Scrutiny Panel” – Panels comprising Councillors who are not Cabinet Members.~~

~~Regulatory or other Committee” – Committees or Panels comprising Councillors or other persons established to deal with functions which are neither reserved to the Full Council nor are Cabinet functions.~~

~~“the 1972 Act” – the Local Government Act 1972.~~

~~“the 1989 Act” – the Local Government and Housing Act 1989.~~

~~“the 2000 Act” – the Local Government Act 2000.~~

~~1.2 – Rules 1 to 21 apply to meetings of the Full Council.~~

~~1.3 – The following Rules will apply to meetings of the Cabinet, Cabinet Panels, the Scrutiny Board or Scrutiny Panels and Regulatory or other Committees:~~

~~Rule 5 – Time and Place of Meetings~~

## **Full Council Meetings Procedure Rules**

- ~~Rule 6 Notice of and Summons to meetings except that notice of and summons of meetings shall be sent only to Councillors of the body in question.~~
- ~~Rule 7 Quorum except that:
  - ~~(i) a Quorum shall be not less than 2;~~
  - ~~(ii) the Quorum of the Cabinet and the Cabinet Panels shall be in accordance with the Cabinet Procedure Rules.~~~~
- ~~Rule 11 (a) (b) (d) Motions without notice.~~
- ~~(e) (f) (g) (n) (p)~~
- ~~Rule 12 Rules of Debate.~~
- ~~Rule 14 Voting.~~
- ~~Rule 15 Minutes.~~
- ~~Rule 16 Record of Attendance.~~
- ~~Rule 17 Exclusion of public.~~
- ~~Rule 18.2 – 18.5 Councillors' conduct.~~
- ~~Rule 19 Disturbance by the public.~~
- ~~Rule 21.1 Suspension of Council Procedure Rules.~~

~~1.4 Rule 21 will apply to Regulatory or other Committees only.~~

~~1.5 (i) Subject to (ii) below, filming, including the taking of photographs, video recording, the use of tweeting, blogging or other forms of social media by the public and press will generally be allowed in respect of Part 1 (public) of the proceedings of Full Council, Cabinet, Scrutiny and Regulatory or other Committee meetings of the Council in accordance with the Protocol set out in this section.~~

~~(ii) Individual Chairs of meetings may, in the interests of the good conduct of a meeting, refuse permission for such activity. Any decision to refuse permission will be explained at the meeting and will not be open to challenge.~~

## **12. Annual Meetings of the Council**

### **12.1 Timing and business**

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in May.

## Full Council Meetings Procedure Rules

The annual meeting will:

- a. elect a person to preside if the Mayor and the Deputy Mayor are not present;
- b. elect the Mayor of Council;
- c. ~~elect~~appoint the Deputy Mayor of Council;
- d. approve the minutes of the last meeting;
- ~~d.e.~~ give a vote of thanks to the retiring Mayor
- f. receive any announcements from the Mayor;
- ~~e.g.~~ receive a return of persons elected as Councillors
- ~~f.h.~~ elect the Leader of the Council; for a term of four years (unless removed or disqualified from office in accordance with the Constitution) if not already in post;
- ~~g.~~ receive the Leader's appointments to the Cabinet;  
~~—~~ following their election the duly elected Leader of the Council shall assume  
~~—~~ the full powers of the Leader and will appoint a Deputy Leader of the Council
- ~~i.~~ who, in their absence or following a vote of no confidence will act as Leader, and advise the Council of the members they intend to appoint to the Cabinet;
- ~~h.j.~~ appoint the Scrutiny Board and at least one Scrutiny Panel; a Governance and Ethics Standards Committee and such other Regulatory or other Committees and sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive~~Cabinet~~ functions (as set out in Part 3 of this Constitution~~section~~);
- ~~i.k.~~ appoint Councillor Champions;
- ~~j.~~ appoint representatives to Outside Bodies unless the appointment is a Cabinet function or has been delegated by the Full Council;

## ***Full Council Meetings Procedure Rules***

~~k.l.~~ approve the scheme of delegation or such part of it as the Constitution determines it is for the Council to approve (as set out in Part 3);

~~l.m.~~ approve a programme of Ordinary Meetings of the Full Council, the Cabinet, the Scrutiny Board and Scrutiny Panels and Regulatory or other Committees for the year; and

~~m.n.~~ consider any business set out in the notice convening the meeting.

### 12.2 ~~Appointments to the Scrutiny Board Scrutiny Panels, Regulatory or other Committees and Outside Bodies~~ Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council will:

- a. decide which ~~Scrutiny Panels and Regulatory or other C~~committees and sub-committees to establish for the municipal year;
- b. decide the size and terms of reference for th~~ose e~~ ~~Scrutiny Board, Scrutiny Panels and Regulatory or other~~ Committees;
- c. decide the allocation of seats to political groups in accordance with the political balance rules ~~set out in paragraph 2.4 below~~;
- d. appoint a Councillor Champions ;
- e. appoint to the Scrutiny Board, Scrutiny Panels, Regulatory or other Committees and outside bodies except where appointment to those outside bodies has been delegated by the Full Council or is exercisable only by the Cabinet;
- f. appoint voting and non-voting co-opted members to the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees.
- g. Appoint the Chairs and Vice-Chairs of Committees.
- h. appoint representatives to Outside Bodies unless the appointment is a Cabinet function or has been delegated by the Full Council;
- f.

## **Full Council Meetings Procedure Rules**

**Note:** Appointments will be based on the political composition of the Council if applicable to that committee or sub-committee.

Every Councillor who is not a Cabinet Member shall serve on at least two Scrutiny Panels or two Regulatory or other Committees or on at least one of each such bodies.

Appointment to the Scrutiny Board will count towards the requirement to sit on at least two bodies.

### ~~2.3 Appointment of Chairs to the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees~~

- ~~a. Full Council will appoint from among the voting Councillors, Chairs and Vice Chairs of the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees.~~
- ~~b. If any appointment possible under the previous paragraph is not made, the body at its first meeting after the annual meeting of the Council shall, from among its voting Councillors, appoint a Chair and Vice Chair.~~
- ~~c. If it is necessary for the body to appoint a person to preside, the Head of Paid Service shall call on a Councillor of the body to move that a voting Councillor of the body shall take the Chair.~~

~~**Note:** The appointment of the Chair of the Standards Committee shall be in accordance with Article 9.2 of the Constitution.~~

### ~~2.4 Political Balance Rules~~

- ~~a. The Local Government and Housing Act 1989 requires that the Council periodically reviews the political composition of the Council and how this is applied to appointments to Committees and Sub Committees of the Council.~~
- ~~b. The rules for securing political balance on Committees and Sub Committees appointed by local authorities are contained in sections 15 and 16 of the Act and the Local Government (Committees and Political Groups) Regulations 1990.~~

~~The Council is under a duty to:~~

## **Full Council Meetings Procedure Rules**

- ~~Ensure the membership of those Committees and Sub-Committees covered by the rules reflect the political composition of the Council as far as practicable;~~
- ~~To review the allocation of seats to political groups at or as soon as practical after the Annual Council meeting and at certain other specified times e.g. as a result of changes in political balance or an increase in the number of Committees established~~
- ~~To allocate seats on the Committees to the political groups in proportion to their numerical strength on the Council, as far as is practicable;~~
- ~~To accept nominations made by the groups for the filling of seat allocated to them~~

~~In determining the allocation of seats, the Council must also apply the following four principles, as far as reasonably practicable:~~

- ~~a. Not all seats to be allocated to the same political group~~
- ~~b. If a political group has a majority on the Council, it must have a majority of seats on the Committees~~
- ~~c. Subject to (a) – (b) above, the total of all seats on ordinary Committees be allocated to the groups in proportion to their respective strengths on the Council and~~
- ~~d. Subject to (a) – (c) the number of seats on ordinary Committees or Sub-Committees to be allocated to each political group in proportion to the number of all the seats on the Committee or Sub-Committee in proportion to their relative strengths on the Council.~~

~~Independent Councillors who have not formed a political group in accordance with Regulation 8 of the Local Government (Committees and Political Groups) Regulations are to be allocated seats in accordance with section 16 (3) of the Regulations.~~

~~i.e. any seats not allocated according to the requirements in section 15 and section 16 of the Act, to be allocated to Councillors who are not Members of any political group~~

~~Under Section 17 of the Local Government and Housing Act 1989 and Regulation 21 of the Local Government (Committee and Political Groups) Regulations 1990 certain bodies of the Council are exempt from the requirements relating to political balance as they are established under separate legislation. For this reason, the following meetings are not covered by these arrangements:—~~

- ~~• The Cabinet~~
- ~~• All Cabinet Panels~~
- ~~• Standards Committee~~
- ~~• Standards (Hearings) Sub Committee~~
- ~~• Standards (Assessment) Sub Committee~~
- ~~• Licensing Sub Committee~~

~~Additionally, where meetings are (a) advisory in nature or (b) where the Council has determined otherwise and no Councillor has voted against, the political balance requirements need not apply.~~

### **23. Ordinary Meetings of the Council**

Ordinary Meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary Meetings will:

- a. elect a person to preside if the Mayor and Deputy Mayor are not present;
- b. receive apologies for absence;
- c. approve the minutes of the last meeting;
- d. receive any declarations of interest from Councillors;
- e. receive any announcements from the Mayor;
- ~~f. deal with any business from the last Council meeting;~~
- f. receive a report from the Leader and receive questions and answers on the report, if there is any business to report;
- g. receive reports from the Cabinet, the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees and receive questions and answers on any of those reports;

## ***Full Council Meetings Procedure Rules***

h. receive reports about and receive questions and answers on the business of joint arrangements and external organisations;

i. receive questions and provide answers to Councillors (except at the Council Tax, Budget setting or Annual General meeting):

~~h.~~j. receive any petitions in accordance with the Petitions Procedure Rules:

~~i.~~ consider motions; and

j. consider any other business specified in the summons to the meeting including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Scrutiny Board and Scrutiny Panels for debate.

k.

### **34. Extraordinary Meetings of the Council**

#### **34.1 Calling ExtraOrdinary Meetings**

Those listed below may request the Head of Paid Service to call Council meetings in addition to Ordinary Meetings:

- a. the Full Council by resolution;
- b. the Mayor, or if the office of Mayor is vacant, or if the Mayor is unable to act for any reason, the Deputy Mayor;
- c. the Leader;
- d. the Monitoring Officer; and
- e. any five Councillors if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition. A requisition may be presented to the Mayor by being left for him/her with the Head of Paid Service;
- f. the Head of Paid Service shall arrange for the additional meeting to be held within 21 days of the receipt of the request. If, after such a request has been made, and no meeting has been called within five days, the Councillors concerned shall inform the Head of Paid



Service of their intention to call an extraordinary meeting of the Council, the business to be transacted and the date and time of the meeting.

#### **34.2 Business**

The business to be transacted at an Extraordinary Meeting of the Council shall be only the business which is specified in the summons.

#### **54. Time and Place of Meetings**

The time and place of meetings will be determined by the Head of Paid Service in consultation with the person presiding and notified in the summons.

#### **65. Notice of and Summons to Meetings**

The Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting he/she will send a summons ~~signed by him/her by post~~ to every Councillor ~~or leave it at their usual place of residence~~. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### **76. Quorum**

The quorum of a meeting will be one quarter of the whole number of Councillors. During any meeting if the person presiding counts the number of Councillors present and declares there is not a quorum present, then the meeting will adjourn for fifteen minutes. If after that period, there is still not a quorum present the meeting will end. Remaining business will be considered at a time and date fixed by the person presiding. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

#### **87. Duration of Meetings**

Unless the majority of Councillors present vote for the meeting to continue, any meeting that has lasted for 3½ hours will adjourn immediately. A motion to continue the meeting shall be moved immediately before or immediately after the expiration of 3½ hours

and before the person presiding declares the meeting closed. Remaining business will be considered at a time and date fixed by the person presiding. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting. Provided that this shall not prevent:

- a. statutory or other business which by law must be transacted at any such meeting;
- b. the transaction of unopposed business, that is to say, business which can be transacted without the making of any speeches by any Councillor other than proposing and seconding of the necessary motions. If any Councillor indicates that he/she wishes to speak thereon, the business shall not be regarded as unopposed, but the person presiding shall rule it as standing adjourned.

## **8. Vote of No Confidence In The Leader of The Council**

8.1 Any motion of no confidence in the Leader of the Council must be received by the Chief Executive by no later than 10 clear working days before the meeting of the Council to which it is to be submitted. The motion must be signed by at least 15 councillors of the Council and must set out the reasons why the signatories have concluded that a vote of no confidence in the Leader is required. Any motion under this rule is subject to the provisions in Rule 14.

8.2 The motion will be listed first on the agenda.

8.3 No amendments to a motion calling for a vote of no-confidence motion in the Leader of the Council will be allowed.

8.4 Each councillor present at the time will have one vote.

8.5 Voting will be by way of a roll call recorded in the minutes.

8.6 In order to carry the motion, at least two thirds overall majority of those councillors present will be required.

8.7 In the event of the motion being carried, the Deputy Leader of the Council will assume the full powers of the Leader of the Council until a new Leader of the Council is appointed by the Council.

It should be noted that the ways in which the role of Leader is vacated are set out in article 6 of Part 2 of the constitution – including where there is a change in political control of the authority.

## **9. Report of The Leader of The Council**

9.1 The Leader of the Council shall at each ordinary meeting of the Council submit a report on the work of the Cabinet and shall be open to question thereon, the Leader may invite any other member of the Cabinet to speak on the report during the report.

9.2 The Leader of the Council may invite (a) representative(s) of a partner organisation(s) to address the Council in respect of any matters referred to in the Leader's report relating to partnership working between the Council and the organisation(s).

9.3 A member of the Council may, at the discretion of the MayorChairman, ask the Leader of the Council a question relating to a matter referred to in the Leader's report to Council and may, after having the response from the Leader (or at the Leader's discretion the relevant Cabinet Member, or representative of a partner organisation) ask one supplementary question on the point of the original question.

9.4 A member of the Council may question the Leader once (with the provision for a supplementary question) on each item in the Leader's report.

9.5 An answer by the Leader of the Council may take the form of:

- a. a direct oral answer by the Leader of the Council;
- b. a direct oral answer by a Cabinet Member with responsibility for the matter subject to question;
- c. a direct oral answer from a representative of a partner organisation invited by the Leader of the Council to respond;
- d. where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- e. where the reply cannot conveniently be given orally, a written answer circulated to the questioner.

**109. Questions by Councillors**

910.1 At ordinary meetings of the Council, except the Council Tax, Budget setting meeting and Annual General Meeting, there will be Questions by Councillors.

10.2 All questions at the Council meeting must relate to the Council's powers or matters that affect the City. Questions will be put and answered without debate. The question must specify the relevant councillor who is being asked to respond. In the case of any doubt the Monitoring Officer will decide the appropriate councillor to respond.

10.3 The Monitoring Officer has the power to reject questions for the following reasons if it:

- (i) Does not relate to a matter about which the Council has a responsibility or which affects the Council;
- (j) is defamatory, frivolous or offensive;
- (ii) Is substantially the same as a question which has been put at a meeting of the Council in the past 6 months;
- (iii) Requires disclosure of confidential or exempt information;
- (iv) Relates to a specific planning or licensing application; and/or
- (v) Is a matter subject to litigation or could place the Council at risk of litigation.

10.4 Councillors may ask questions at each Council meeting, which may be directed to:

- The Leader;
- A Cabinet Member;

## Full Council Meetings Procedure Rules

- The Chair of Scrutiny Board/Scrutiny Panel;
- A Statutory Committee Chair;
- A councillor appointed to an outside bodies.

On reports of the Cabinet, Scrutiny Board, Scrutiny Panels or Regulatory or other Committees

A Councillor may ask a Cabinet Member or the Chair of the Scrutiny Board or a Scrutiny Panel or a Regulatory or other Committee any question upon an item of a report of the Cabinet or Board or Panel or Regulatory or other Committee when that item is being received or under consideration by the Full Council.

### 9.2 Questions on notice at Council meetings

Subject to Rule 9.4 below, a Councillor may ask:

- a. the person presiding;
- b. a Cabinet Member;
- c. the Chair of the Scrutiny Board or any Scrutiny Panel or Regulatory or other Committee;
- d. a Councillor appointed as the Council's representative on any joint authority or Committee where the Council is a constituent member

a question on any matter in relation to which the Council has powers or duties or which affects the City. The Monitoring Officer is authorised to reject if it is substantially the same as or similar to a question which has been put to a Council meeting in the last six months.

### 9.53 Number of questions

Subject to Rule 9.6 aAny Councillor may ask no more than one question (except questions under Rule 9.1) at a meeting of the Full Council. The Leader of the Council and the leader of the main opposition group on the Council, if any, may ask more than one question at a meeting of the Full Council.

### 109.64 Notice of questions

## ***Full Council Meetings Procedure Rules***

A Councillor may only ask a question under Rule 9.2 if either:

- a. they have given at least seven clear day's notice in writing of the question to the Head of Paid Service or
- b. the question relates to urgent matters, they have the consent of the person to whom the question is to be put and the content of the question is given to the Head of Paid Service three hours before the start of the meeting.

### 10.7 Order of Questions

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.

### 10.89.5 Response

An answer may take the form of:

- a. a direct oral answer by the person to whom the question was put or some other Councillor nominated by him/her;
- b. where the desired information is in a publication of the Council or other published work, a reference to that publication, or
- c. where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

### 10.99.6 Supplementary question

A Councillor asking a question ~~under Rule 9.2~~ may ask one supplementary question without notice of the Councillor to whom the first question was asked. The supplementary question must relate to the subject matter of the written question. The answer to a supplementary question should preferably be given orally at the meeting. Written responses will be permitted if research is required, or the information is not immediately available, and should be circulated to all councillors by email within 12 working days of the Council meeting. ~~arise directly out of the original question or the reply.~~

### 10.109.7——Councillor not present

## ***Full Council Meetings Procedure Rules***

If the councillor to whom the question has been addressed is not present at the Council meeting, another councillor may answer the question and any supplementary question in ~~their~~ his/her place. If the councillor asking the question is absent, ~~they~~ he/she may nominate another councillor to ask the question and a supplementary question.

### **10.11 Length of Speeches**

A Councillor asking a question under Rule 10.4 and a Councillor answering such a question may speak for no longer than 5 minutes unless the Mayor consents to a longer period.

### **110. Motions on Notice**

110.1 Notice Every motion shall relate to the Council's powers or duties, or an issue that affects the City. with the Exception of those for motions which ~~may can~~ be moved without notice ~~under Rule 11,~~ written notice of every motion, signed by at least one Councillor, must be delivered to the Head of Paid Service not later than seven clear days before the date of the meeting.

~~b. The Head of Paid Service shall not accept any notice of motion which, by reason of any enactment or provision in these Rules, could not be considered at the meeting for which it is given.~~

### **110.2 Motions set out on Agenda**

- a. Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Councillor giving notice states, in writing, that he/she withdraws it.
- b. A motion shall only be moved by the Councillor by whom notice has been given or by a Councillor authorised in writing by that Councillor.

### **11.3 The Monitoring Officer has the power to reject motions for the following reasons if it:**

- (i) Does not relate to a matter about which the local authority has powers or duties, or which significantly affects the city;

- (ii) Is substantially the same as a question which has been put at a meeting of the Council in the past 6 months;
- (iii) Requires disclosure of confidential or exempt information;
- (iv) Relates to a specific planning or licensing application; and/or
- (v) Is a matter subject to litigation or could place the Council at risk of litigation.

### **110.34 Number of motions**

No—councillor may give notice of more than one motion for any Council meeting, except with the consent of the Mayor.

~~Any Councillor may give notice of not more than one motion for consideration at any meeting of the Full Council. The Leader of the Council and the Leader of the Main Opposition Group on the Council, if any, may give notice of more than one motion for consideration at any meeting of the Full Council.~~

### ~~10.4 Scope of motions~~

~~—Motions must be about matters for which the Council has a responsibility or which affect the City.~~

### **121. Motions without Notice**

The following motions may be moved without notice:

- a. to appoint a person to preside at the meeting at which the motion is moved;
- b. in relation to the accuracy of the minutes;
- c. to change the order of business in the agenda;
- d. to refer something to an appropriate body or individual;
- e. to receive reports or adoption of recommendations of the Scrutiny Board or Scrutiny Panels or Regulatory and other Committees or employees and any resolutions following from them;
- f. to withdraw a motion;



## ***Full Council Meetings Procedure Rules***

- g. to amend a motion;
- h. to proceed to the next business;
- i. that the question be now put;
- j. to adjourn a debate;
- k. to adjourn a meeting;
- l. that the meeting continue beyond 3½ hours in duration;
- m. to suspend a particular Council Procedure Rule;
- n. to exclude the public and press in accordance with the Access to Information Procedure Rules;
- o. to not hear further a Councillor named under Rule 18.3 or to exclude him/her from the meeting under Rule 18.4; and
- p. to give the consent of the Council where its consent is required by the Constitution.

### **123. Rules of Debate**

The diagram set out overleaf outlines the process for consideration of a motion, whether that motion be moved with or without notice.

The Mayor, subject to the rules of the Constitution, shall call any councillor to speak who has indicated their wish to do so, providing this is compatible with the agenda timing.

#### **132.1 No speeches until motion seconded**

No speeches may be made until a Councillor has moved a motion, explained its purpose and the motion has been seconded.

#### **123.2 Right to require motion in writing**

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to them and the relevant Councillor before it is discussed. When any motion of which notice has not been given, or any amendment has been moved and seconded, the person presiding may require the motion or any

~~amendment to be written down and handed to him/her before it is further discussed.~~

**123.3** ~~3~~ **Seconders's speech**

When seconding a motion or amendment, a Councillor may reserve their speech until later in the debate.

**123.4** ~~4~~ **Content and length of speeches**

Speeches must be directed to the question under discussion or to a point of information or personal information ~~point of order~~.  
~~Except as detailed in paragraph 12.5, no speech moving a motion may exceed ten minutes and no other speech may exceed five minutes without the consent of the person presiding.~~

The mover of a motion may speak for ten minutes. No subsequent speech may exceed five minutes without the consent of the person presiding.

**123.5** ~~5~~ **Content and length of speeches: setting the budget or revised budget**

At a meeting at which the annual budget is set (or a revised budget proposed), the principal speeches and responses of the leader of each Political Group, or his/her nominated representative, shall not be time limited. All other speeches will be limited as detailed in paragraph 12.4. The group leader, or his/her nominated representative, will normally be the first person to speak from each group, and each group leader shall be entitled to be called before any other Councillor speaks. The Leader of the Council will normally propose the budget and, once it has been seconded, the other group leaders will be called in order of precedence according to the number of Councillors in each group. As with other Council meetings, the exact length of speeches and management of the debate is at the discretion of the person presiding.

**123.6** ~~6~~ **When a Councillor may speak again**

A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:

a. to speak once on an amendment moved by another Councillor;

## ***Full Council Meetings Procedure Rules***

- b. to move a further amendment if the motion has been amended since they/he/she last spoke;
- c. if their/his/her first speech was on an amendment moved by another -Councillor, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- d. in exercise of a right of reply under Rule 12.10;
- e. on a point of order or under Rule 12.13; and

— or on a personal point/explanation -of information under Rule 12.14.

f. where a Councillor wishes to put forward a factual correction.

### **12.7 Amendments to motions**

- a. An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words;as long as the effect of (ii) to (iv) is not to negate the motion or recommendation being considered.
- b. Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- c. If an amendment is not carried, other amendments to the original motion may be moved.

\_\_\_\_\_ In the absence of any such subsequent amendments, debate on the original motion will proceed.

## ***Full Council Meetings Procedure Rules***

- d. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- e. After an amendment has been carried, the person presiding will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### **123.8 Alteration of motion**

- a. A Councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- b. A Councillor may alter a motion which he/she has moved without notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- c. Only alterations which could be made as an amendment may be made.

### **123.9 Withdrawal of motion**

A Councillor may withdraw a motion which ~~they~~ he/she have ~~s~~ moved with the consent of the meeting. The meeting's consent will be signified without discussion. No Councillor may speak on the motion after the mover has asked permission to withdraw it, unless permission is refused. ~~consent is withheld and the debate continues.~~

### **123.10 Right of reply**

- a. The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- b. If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c. The mover of the amendment has no right of reply to the debate on his or her amendment.
- d. A right of reply having been exercised, the question shall immediately be put to the meeting by the MayorChairman.

**123.11 Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions to:

- a. ~~to~~ withdraw a motion;
- b. ~~to~~ amend a motion;
- c. to proceed to the next business;
- d. request that the question be now put;
- e. ~~to~~ adjourn a debate;
- f. ~~to~~ adjourn a meeting;
- g. that the meeting continue beyond 3½ hours in duration;
- h. ~~to~~ exclude the public and press in accordance with the Access to Information Procedure Rules; and
- i. ~~to~~ not hear further a Councillor named under Rule 18.3 or to exclude him/her from the meeting under Rule 18.4.

**123.12 Closure motions**

a. A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:

- (i) to proceed to the next business;
- (ii) that the question be now put;
- (iii) to adjourn a debate; or
- (iv) to adjourn a meeting.

b. If a motion to proceed to next business is seconded and the person presiding agrees ~~thinks~~ the item has been sufficiently discussed, they ~~he or she~~ will then put the procedural motion to the vote. ~~give the mover of the original motion a right of reply and~~

~~then put the procedural motion to the vote. If the procedural motion is carried the original motion shall lapse.~~

- c. If a motion that the question be now put is seconded and the person presiding agrees ~~thinks~~ the item has been sufficiently discussed, they ~~he/she~~ will put the procedural motion to the vote. If it is passed, they ~~he/she~~ will put the motion to vote. ~~give the mover of the original motion a right of reply before putting his/her motion to the vote.~~
- d. If a motion to adjourn the debate or to adjourn the meeting is seconded and the person presiding agrees ~~thinks~~ the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they ~~he/she~~ will put the procedural motion to the vote. ~~without giving the mover of the original motion the right of reply. The original motion or remaining business shall then stand over as uncompleted business until the next meeting of the Council.~~

### 13.13 Council Tax/Budget Debate Process

- a. The proposer of the recommendation will move the budget. This speech will not be time limited.  
~~— This will be seconded and the seconder will speak or reserve the right to~~  
~~b. speak.~~  
~~— The Leader of the Main Opposition Group (or nominated speaker) will~~  
~~— move any amendment to the recommendation. This speech will not be~~  
~~c. time limited.~~  
d. The Deputy Leader of the Main Opposition Group (or nominated speaker) will second the amendment and speak or reserve the right to speak.  
e. The debate on the amendment will take place; the vote on the amendment will take place and the amendment will be carried or lost. If carried,  
this would become the substantive motion.  
f. The Leader of the largest of the minority Groups (or nominated speaker)

## ***Full Council Meetings Procedure Rules***

will move any amendment to the motion. This speech will not be time limited.

g. A representative of that Group will second the amendment and speak or reserve the right to speak.

h. As (e) above.

i. The Leader (or nominated speaker) of any of the remaining minority Groups will move any amendment (in the order in which they catch the eye

of the Mayor). These speeches will not be time limited. Representatives of those Groups will second the amendment and speak or reserve the right to speak. This will apply to any remaining minority Groups.

j. As (e) above.

k. Any further amendments will be moved in the order in which the proposer catches the eye of the Mayor.

l. When there are no more amendments, the debate on the substantive motion takes place and the vote is taken.

Notes: 1. In accordance with the Council Procedure Rules, the mover of the original motion (or substantive motions if the original motion is amended) is entitled to speak on any amendment immediately before the reply by the mover of the amendment.

2. Should adjournments be necessary during the course of the meeting, relevant arrangements will be made available.

3. If the proposer of the recommendation is not the Leader of the Council, then the Leader of the Council will be given one opportunity for a speech that is not time-limited.

4. Procedure Rule 18.5 shall apply to any vote taken on any motion, amendment or substantive motion relating to the approval of the budget or setting of council tax.

**123.143 Point of order**

A Councillor may only raise a point of order at the end of the speech~~any time~~. ~~The person presiding will hear him/her immediately.~~ A point of order ~~must~~may only relate to an alleged breach of these Council Rules of Procedure or the law. The Councillor must indicate the ~~r~~Rule or law and the way in which ~~they~~he/she considers it has been broken. The councillor's speech will be limited to 1 minute, with any additional time to be agreed at the discretion of the person presiding. The ruling of the person presiding on the matter will be final.

**132.154 Point of information Personal explanation**

A councillor may only make a point of personal explanation at the end of the speech to which it relates. A personal explanation may only relate to some material part of the earlier speech by the councillor, which may appear to have been misunderstood in the present debate.~~A point of information may only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The point of information may be given whilst another Councillor is speaking but only if that Councillor is willing to give way. The councillor's speech will be limited to 1 minute, with any additional time to be agreed at the discretion of the person presiding.~~ The ruling of the person presiding on the admissibility of a point of information will be final. If the personal explanation takes place after another Councillor's right of reply at the end of a debate the Councillor with the right of reply will be given the opportunity to confirm whether they have anything to add to their right of reply.

**123.156 Attendance at another body**

A Councillor who is not otherwise entitled to speak at a body may so attend and speak (but not vote) during consideration of any item which he/she has moved or seconded at Council and which has been referred to that body.

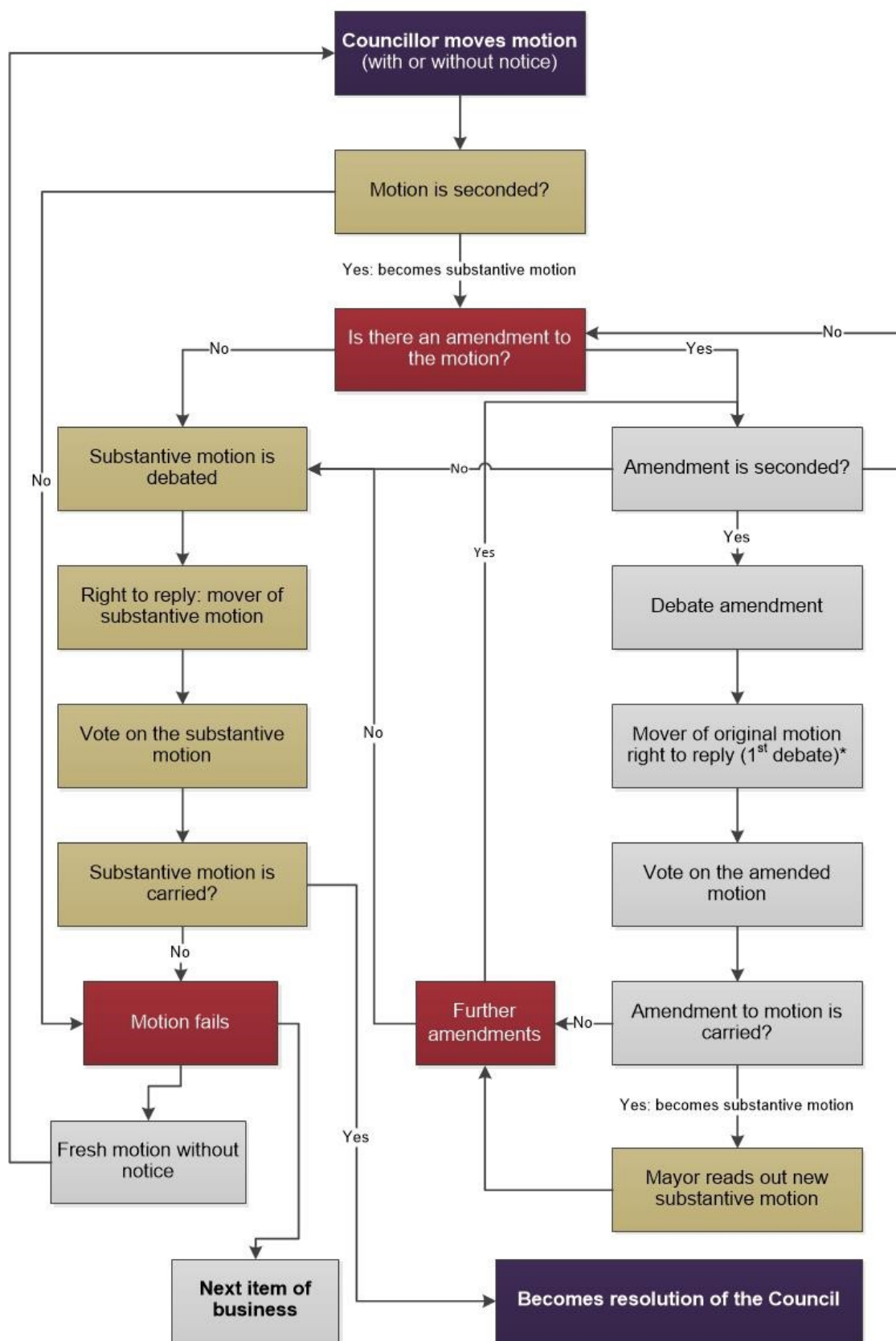
**134. Previous Decisions and Motions**



## ***Full Council Meetings Procedure Rules***

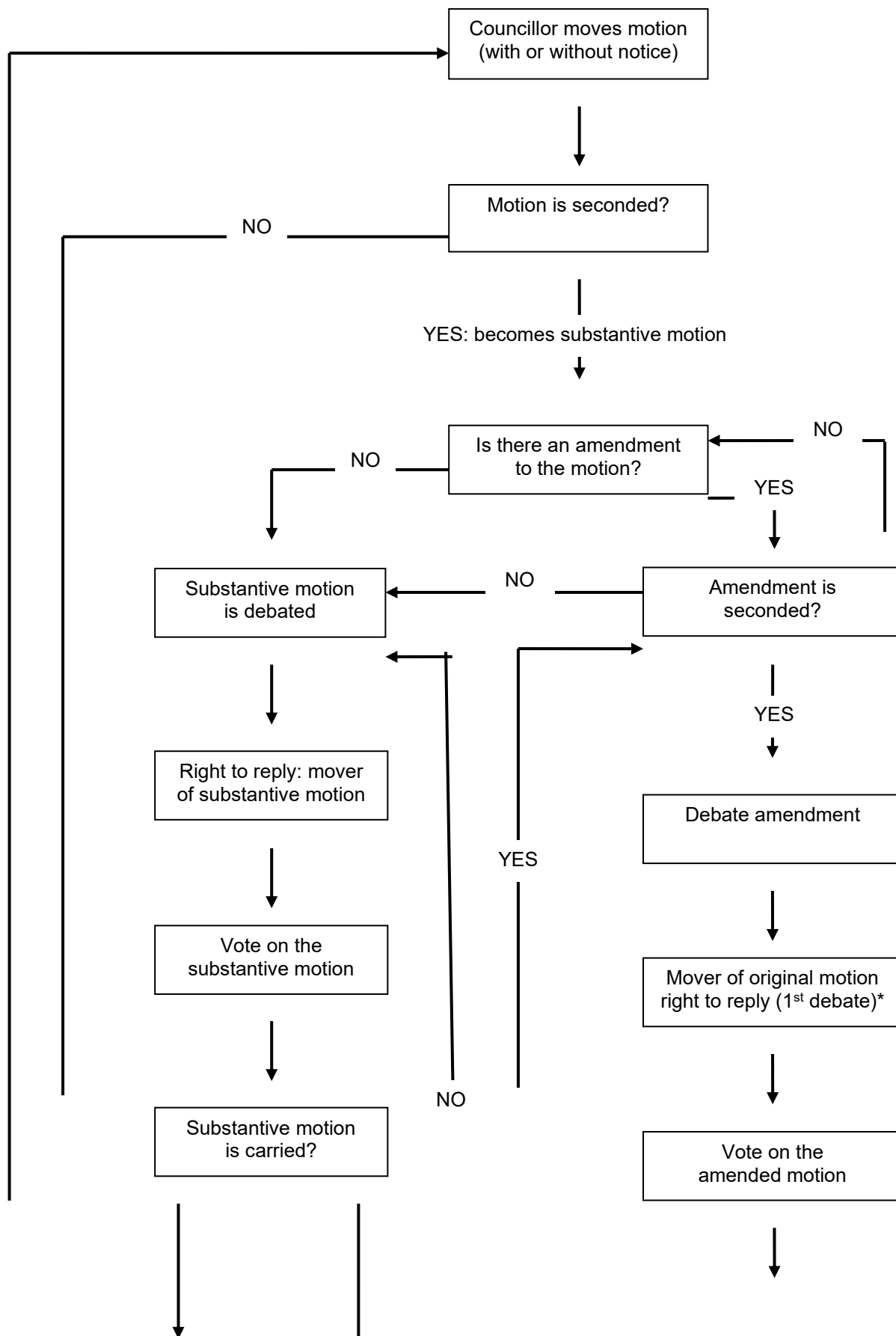
Except on the recommendation of the Cabinet, the Scrutiny Board or a Scrutiny Panel or a Regulatory or other Committee, no matter which has been decided by the Full Council on a motion or otherwise shall again be submitted to the Full Council for further consideration until after the next annual meeting; and when any matter shall be so prohibited from being considered, the effect of this Rule shall not be evaded by substituting any motion differently worded but substantially the same in effect or in principle, and if any such attempt be made, the person presiding shall rule it out of order.

## Process for consideration of Motions at Council

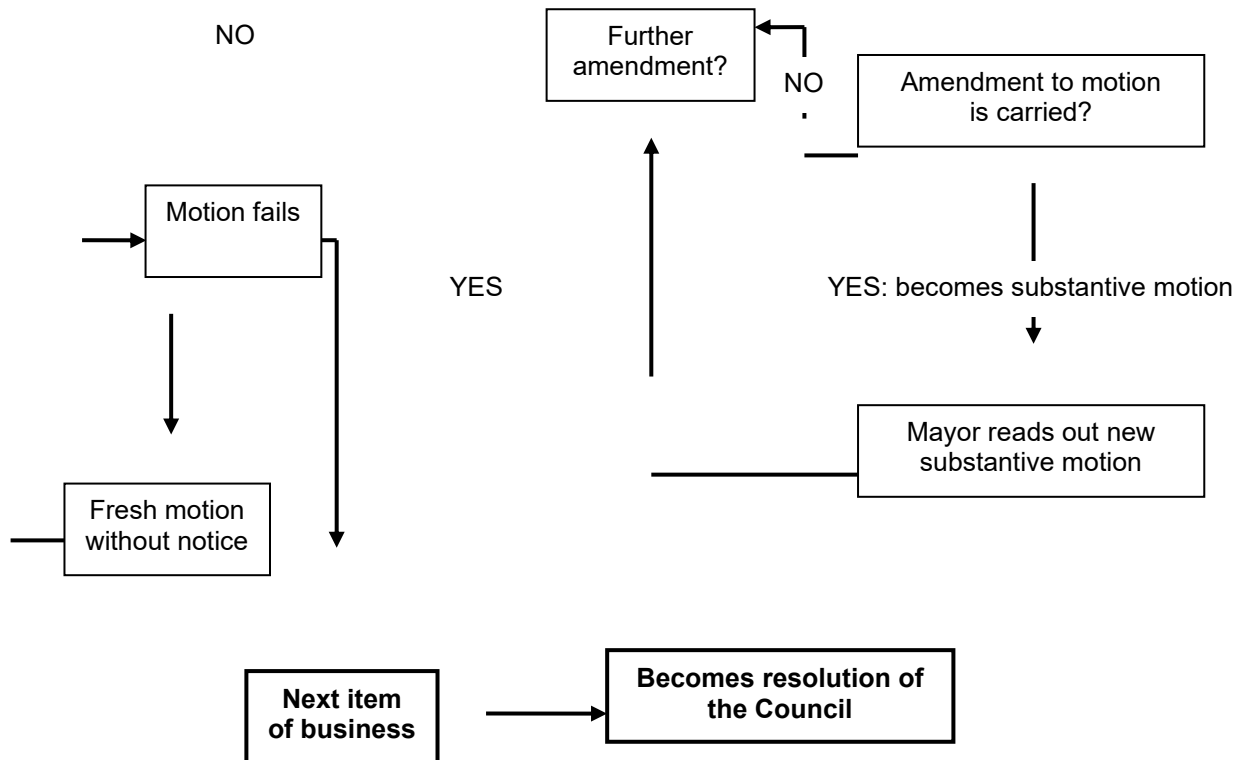


\*Mover of the amendment has no right to reply

**Process for consideration of Motions at Council**



## Full Council Meetings Procedure Rules



\*Mover of the amendment has no right to reply

### 145. Voting

#### 145.1 Majority

Unless the Constitution provides otherwise, any matter will be decided by a simple majority of those Councillors voting and present ~~in the room~~ at the time the question was put. Only those Councillors who have been present for the entirety of the debate on the item in question are entitled to vote. ~~The method of voting shall be at the discretion of the person presiding.~~

#### 154.2 Casting vote of person presiding

If there are equal numbers of votes for and against, the ~~Mayor person presiding~~ will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise this vote. ~~exercised in accordance with the Protocol approved by the Council. The protocol governing the use of the Mayor's casting vote at meetings of the Full Council is set out in section 22.~~

#### 154.3 Recorded vote

## **Full Council Meetings Procedure Rules**

- a. If ten Councillors present at a meeting of the Council or one third of the Councillors present at a meeting of the Scrutiny Board or a Scrutiny Panel or a Regulatory or other Committee demand it, the names for and against the motion or amendment or abstaining from voting will be recorded ~~taken down in writing and entered in~~ to the minutes.

~~b. In relation to meetings of the Full Council only, a division bell shall be rung allowing a period of three minutes to enable Councillors to resume their places in the Chamber. Any Councillor not then present shall not be permitted to vote on the issue in question.~~

b.

### **154.4** Right to require individual vote to be recorded

Where any Councillor requests it immediately after the vote is taken, their ~~his/her~~ vote will be so recorded in the minutes to show whether they ~~he/she~~ voted for or against the motion or abstained from voting.

### **154.5** Voting on appointments

If there are two or more Councillors nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

### ~~14.6~~ **15.6** Voting on the Council's budget

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a record will be made in the minutes of the meeting of the names of the persons who cast a vote for or against the decision or who abstained from voting, where that vote is in relation to the setting of the Council's budget or revised budget.

## **156. Minutes**

15.1 Minutes must be kept to record all the decisions taken by meetings of the Council, its Committees and Sub-Committees. Minutes must also include a record of the names of all the Councillors present.

### **156.1** Signing the minutes

The person presiding will sign the minutes of the [Council Meeting proceedings](#) at the next suitable meeting. The person presiding will move that the minutes of the previous meeting be signed as a correct record. [Only points of accuracy can be discussed.](#)~~The only part of the minutes that can be discussed is their accuracy.~~

**165.2** No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the 1972 Act (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of ~~signing the minutes~~ [Paragraph 41\(1\) and \(2\) of Schedule 12 relating to signing of minutes of the Local Authority \(Standing Orders\) Regulations 1993.](#)

**165.3** Form of minutes

Minutes will contain all motions and amendments in the exact form and order the person presiding put them.

**167. Record of Attendance**

A record will be made of all Councillors present during the whole or part of a meeting.

**178. Exclusion of Public**

Every effort will be made to have the decisions made in the open part of the meeting with reports being split into open and confidential or exempt parts.

Members of the public and press may only be excluded from the meeting either in accordance with the Access to Information Rules in Part 4 of the Constitution.

The specific reason for excluding the press and public will be set out on the agenda (if in accordance with the Access to Information Procedure Rules) and recorded in the minutes

~~Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 3 or Rule 19 below (Disturbance by Public).~~

## **189. Councillors' Conduct**

19.1 No councillor shall impute unworthy motives to or use offensive or unbecoming words about another councillor or be guilty of tedious repetition. If this occurs the person presiding shall immediately stop the councillor and if repeated the councillor will not be heard any further. The Monitoring Officer as the person responsible for ensuring that the authority acts lawfully shall ensure that this rule is complied with.

### **189.24 Disclosable Pecuniary Interests**

Any councillor who has a Disclosable Pecuniary Interest in any business being considered at a Council meeting must declare that item

and leave the room where the meeting is being held whenever it becomes apparent that the business is being or is about to be considered at that meeting, unless the councillor has obtained a dispensation under the Council's dispensation procedure.

### **198.32 Standing to speak**

When a Councillor speaks at a Council meeting ~~they~~~~he~~~~she~~ must stand unless unable to do so and address the meeting through the person presiding. If more than one Councillor stands, the person presiding will ask one to speak and the others must sit. Other Councillors must remain seated whilst a Councillor is speaking unless they wish to make a point of order or a point of information.

### **18.43 Person presiding standing**

When the person presiding stands during a debate, any Councillor speaking at the time must stop and sit down. The meeting must then be silent.

### **198.54 Councillor not to be heard further**

If a Councillor persistently disregards the ruling of the person presiding by behaving improperly or offensively or deliberately

obstructs business, the person presiding may direct that the Councillor be not heard further.

**198.65** Councillor to leave the meeting

If the Councillor continues to behave improperly after such a direction, the person presiding may direct that either the Councillor leaves the meeting or that the Councillor be removed from the meeting or that the meeting is adjourned for a specified period.

**198.76** General disturbance

If there is a general disturbance making orderly business impossible, the person presiding may adjourn the meeting for as long as he/she thinks necessary.

**2019. Disturbance by Members of the Public**

**1920.1** Removal of members of the public

If a group or an individual member(s) of the public interrupts the proceedings at any meeting, the person presiding will warn the person(s) concerned. If the interruption continues, he/she continues to interrupt, the person presiding will order their his/her removal from the meeting room.

**2019.2** Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public or of the premises where the meeting is being held, the person presiding shall order may call for that part to be cleared. If in the Mayor's view, this is not practicable and it is not possible to continue the meeting in light of the disturbance, the Mayor may rule that the meeting adjourn and/or that the meeting should be reconvened in a different venue.

**201. Suspension and Amendment of Council Procedure Rules**

**210.1** Suspension

All of these Council Procedure Rules except Rule 14 and 15.2 above may be suspended by motion on notice or without notice if at



## ***Full Council Meetings Procedure Rules***

least one half of the whole number of Councillors are present. Suspension can only be for the duration of the meeting. This Rule will apply to meetings of the Cabinet, the Scrutiny Board, Scrutiny Panels and Regulatory or other Committees provided that one half of the whole number of voting Councillors are present.

### **210.2 Amendment**

These Council Procedure Rules may only be amended by the Full Council after consideration by the Monitoring Officer, the Constitution Review Group and the Governance Committee.

## **22. Application to Committees and Sub-Committees**

**22.1 All of the Council Rules of Procedure apply to meetings of full Council but not to Cabinet meetings. Rules 4-8, 11, 13, 16-21 and will also apply to meetings of committees and sub-committees.**

## **234. Cancellation of meeting**

**234.1** The Chair may cancel a meeting before the agenda has been issued if there is a lack of business for the meeting in question. Any decision to cancel a meeting should be taken at the earliest opportunity and every effort should be made to publicise the cancellation. In exceptional circumstances, where the agenda for a meeting has already been issued, the meeting may be cancelled or postponed by the Chair following consultation with other Members of the committee. If the meeting is postponed, where possible no less than five clear working days' notice shall be given of the new date for the meeting.

## **24. Party Leaders**

**24.1 Each party represented on the Council shall notify the Monitoring Officer of the name of the person selected as that party's leader and the names of all other members of that party group.**

## **25. Council Seating Plan**

**25.1 Councillors will be allocated designated places within the Council Chamber during Council Meetings. This seating plan must be**

adhered to at all times unless prior agreement is reached with the respective party whip and this is notified to the Mayor and the Monitoring Officer prior to the meeting.

## 26. Interpretation of Rules

26.1 The ruling of the Mayor as to the construction or application of any of these rules shall not further be challenged at any meeting of the Council.

## **27.2. Approach to dealing with petitions at Council Meetings**

- a. Where a Petition contains more than 5,000+ signatures, the Council's Constitution provides for the matter to be debated by Full Council.
- b. Full Council will endeavour to consider the Petition at its next scheduled meeting, although on some occasions this may not be possible and consideration will then take place at the following scheduled meeting.
- c. The relevant Cabinet Member, or nominated substitute, will be in attendance at the Full Council meeting.
- d. The lead Petitioners will be given up to five minutes to present the Petition. The Petition will then be considered by Councillors for a maximum of a further 40 minutes, of which up to five minutes will be specifically allocated to the Cabinet Member for his or her response. Broad timings are detailed in the diagram at the end of this section but they are provided as guidelines – management of the debate is ultimately at the Mayor's discretion.

Detailed procedure:

- (i) Democratic Services will have already invited representatives of the Petitioners (lead Petitioner and a further Petitioner to be referred to as the Second Petitioner) to attend the meeting and to give oral evidence to Full Council. Petitioners may also provide written evidence in support of their Petition. Full

## ***Full Council Meetings Procedure Rules***

Council's role is to ensure that appropriate action is taken in respect of each admissible Petition.

- (ii) A report on the details of the Petition, including background details and comments from the appropriate service, will have been circulated to Councillors, as part of their Council papers, together with a copy of the Petition; a copy of the report will also have been provided to the lead and second Petitioners.
- (iii) Petitioners may nominate someone else, including a Councillor, to speak and present the Petition on their behalf. In the absence of the Petitioners, or a representative to speak on their behalf, Council will consider the matter anyway in accordance with this process.
- (iv) Where Petitioners are present, the lead and second Petitioners will be seated near to the public gallery. At the appropriate juncture, the lead and second Petitioners will be shown to a seat at the front of the Council Chamber.
- (v) The Petition will be considered as the first item of substantive business following consideration of formal Council business i.e. following consideration of Apologies for Absence, Declarations of Interest, Minutes and Mayor's Communications.
- (vi) The Mayor will announce that the Petition will be considered as the next item of business, upon which a time limit of 45 minutes shall apply. This time limit includes five minutes for the lead or second Petitioner, but not both, to present the Petition.
- (vii) The Mayor will invite the relevant Cabinet Member to respond to the Petition and propose a motion in light of the Petition for Council to consider. The Cabinet Member has up to five minutes for his or her response, including proposal of a motion. The motion should be based upon one of the four options open to the Council for its response to a Petition:
  - a. decide to take the action the Petition requests
  - b. decide not to take the action requested

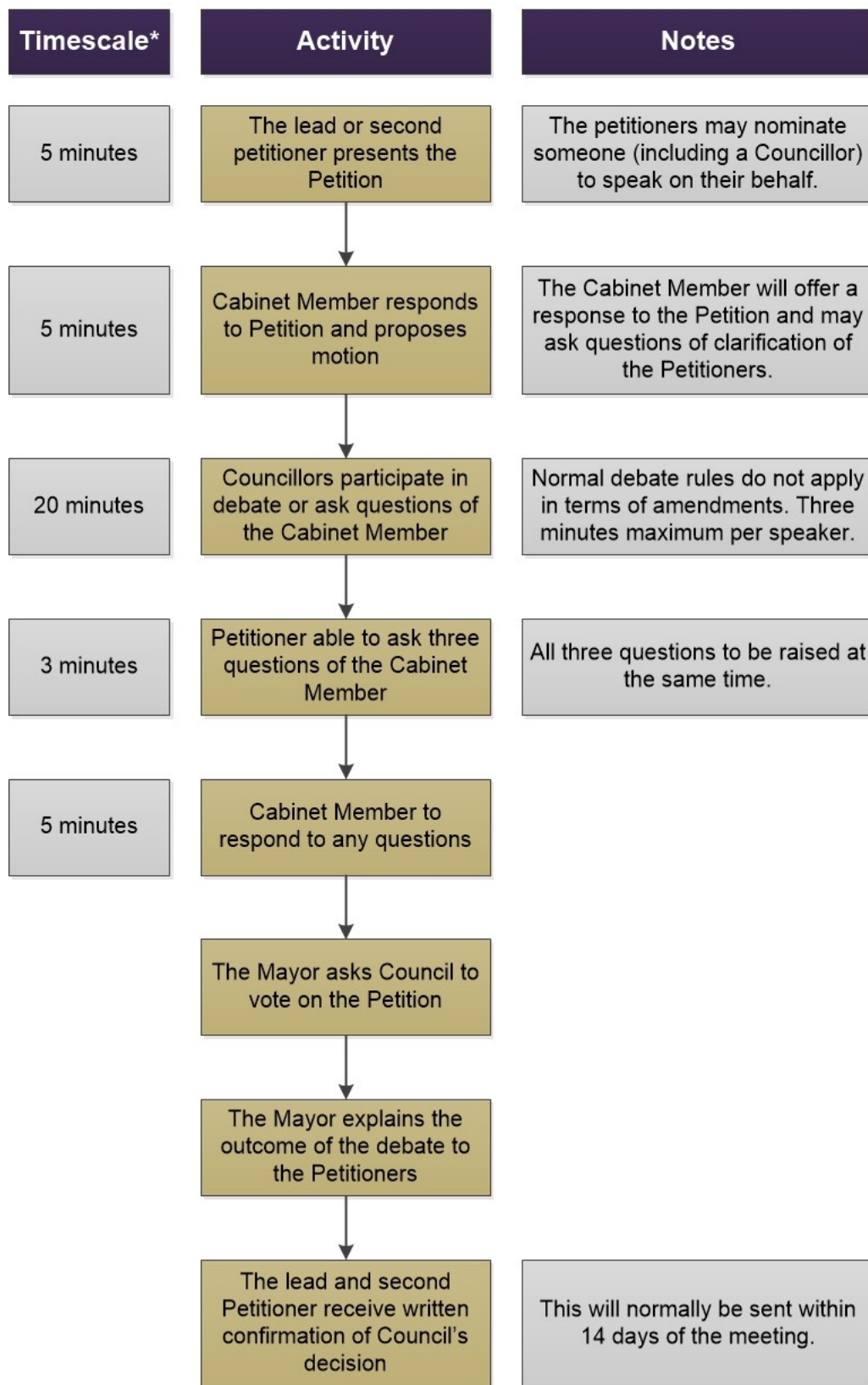
## ***Full Council Meetings Procedure Rules***

- c. decide to commission further investigation into the matter, for example by a relevant Cabinet meeting, or
  - d. where the issue is one on which the Cabinet is required to make the final decision, Council must decide whether to make recommendations to Cabinet to inform that decision.
- (viii) The Mayor will ask if there is a seconder for the motion.
  - (ix) The Mayor will invite Councillors to debate the motion, which may include asking questions of the Cabinet Member. Normal rules of debate with regard to amendments are suspended during consideration of a Petition. Any speaker is limited to a maximum of three minutes.
  - (x) At the conclusion of the general debate, the Mayor will ask the lead or second Petitioners to ask up to three questions of the Cabinet Member. The questions must all be raised at the same time.
  - (xi) The Cabinet Member will have up to five minutes to respond to any questions raised. The Cabinet Member may recommend an amendment to their original motion based on the debate and consideration of the issues.
  - (xii) At the conclusion of consideration of the item, the Mayor will ask Council to vote on the motion proposed by the Cabinet Member. In the event that the motion is not passed, an alternative motion will be proposed and seconded, based on the options detailed in (vii) above. Votes on a second or any subsequent motion will be taken immediately without any further debate.
  - (xiii) Following approval of a motion, the Mayor will explain the outcome of the debate to the Petitioners and thank them for their attendance. At this point the lead and second Petitioners will be asked if they wish to either leave the meeting or, if not, return to their seats in the public gallery.

## ***Full Council Meetings Procedure Rules***







- (xiv) The lead and second Petitioners will receive written confirmation of Full Council's decision. This confirmation will also be published on the Council's website.

## Petitions protocol flow diagram



\*Timings are provided as a guide. Exact timings are at the Mayor's discretion.

**~~Petitions protocol flow diagram~~**

<del>Timescale*</del>	<del>Activity</del>	<del>Notes</del>
<del>5 minutes</del>	<del>The lead or second petitioner presents the Petition</del> 	<del>The petitioners may nominate someone (including a Councillor) to speak on their behalf.</del>
<del>5 minutes</del>	<del>Cabinet Member responds to Petition and proposes motion</del> 	<del>The Cabinet Member will offer a response to the Petition and may ask questions of clarification of the Petitioners.</del>
<del>20 minutes</del>	<del>Councillors participate in debate or ask questions of the Cabinet Member</del> 	<del>Normal debate rules do not apply in terms of amendments. Three minutes maximum per speaker.</del>
<del>3 minutes</del>	<del>Petitioner able to ask three questions of the Cabinet Member</del> 	<del>All three questions to be raised at the same time.</del>
<del>5 minutes</del>	<del>Cabinet Member to respond to any questions</del> 	
	<del>The Mayor asks Council to vote on the Petition</del> 	
	<del>The Mayor explains the outcome of the debate to the Petitioners</del>	



~~The lead and second  
Petitioner receive  
written confirmation of  
Council's decision~~

~~This will normally be sent  
within 14 days of the  
meeting~~

\*Timings are provided as a guide. Exact timings are at the Mayor's discretion.

## **282. Protocol Governing the use of the Mayor's Casting Vote**

### **22.1 Introduction**

The Local Government Act 1972 provides that the Mayor has a second or casting vote at Council Meetings in two specific circumstances.

- a. The out-going Mayor **must** exercise a second or casting vote if there is a tie for the election of a new Mayor (Section 23 Local Government Act 1972).
- b. On all other occasions the Mayor **may** (but is not obliged) to exercise a second or casting vote (Local Government Act 1972 Schedule 12 Para 39(2)).

Under revised arrangements for the rotation of the Mayoralty adopted at the Annual Council Meeting in May 2001 there should be no call to exercise a second or casting vote on the election of a new Mayor. The vote should be unopposed.

A tied vote at a Council Meeting in any other circumstances requires a clear and binding protocol governing the discretionary use of the second or casting vote which is –

- a. Based upon the principles set out in the Leader's speech to the Annual Council Meeting in May 2001 which established the arrangements for the rotation of the offices of Mayor and Deputy Mayor.



## ***Full Council Meetings Procedure Rules***

- b. Strongly endorsed by the Leaders of all three political parties on City of Wolverhampton Council on behalf of their groups and their nominees for the office of Mayor or Deputy Mayor.
- c. Accepted as an essential pre-requisite of office by all Councillors who are nominated for and appointed to the office of Mayor or Deputy Mayor.

### **2.2 Protocol**

It is the duty of the Cabinet to make decisions. It is also in the interests of the City that there is certainty of decision making.

In the event of a tied vote at a Council Meeting the Mayor [or in his or her absence the Deputy Mayor] shall not exercise the second or casting vote unless advised by the Chief Executive; Section 151 Officer [as S151 Officer] or Director of Governance that it is necessary to do so.

In order to preserve the impartiality and dignity of the Office of Mayor whenever a vote is tied the Mayor shall obtain appropriate advice (if necessary by seeking a short adjournment) from the Chief Executive; Section 151 Officer [as S.151 Officer] or Director of Governance

- a. Whether it is necessary to use a second or casting vote.
- b. If it is so necessary, how it should be done.

On receipt of that advice the Mayor will reconvene the meeting, if adjourned, and inform the Council of the advice that has been received. The Mayor will then vote in accordance with that advice exercising one of the four options identified in the schedule attached to this protocol.

Councillor N G Davies OBE

Carpenter

Leader of Labour Group

Group

Councillor R Whitehouse

Leader of Liberal

Councillor B K

Leader of Conservative

Democrat Group

***Full Council Meetings Procedure Rules***

24.04.2002

25.04.2002

30.04.2002

<b>ADVICE</b>	<b>ACTION</b>	<b>CONSEQUENCE</b>
Only one decision is permissible for the Council to act lawfully	<u>Option 1</u> <ul style="list-style-type: none"> <li>♦ Reconvene meeting and report advice received</li> <li>♦ Vote in accordance with that advice</li> </ul>	<ul style="list-style-type: none"> <li>♦ Decision taken and actioned</li> </ul>
<p>A decision must be taken at the meeting to protect/preserve the Council's position in relation to -</p> <p>(a) Any application for or entitlement to any grant or subsidy</p> <p>(b) The securing of any income or other revenue</p> <p>(c) The avoidance of any penalty or other liability</p> <p>(d) Any other matter of a like nature relating to the proper and lawful discharge of the Council's functions</p>	<u>Option 2</u> <ul style="list-style-type: none"> <li>♦ Reconvene meeting and report advice received</li> <li>♦ Vote in a manner that protects/preserves the Council's interest</li> <li>♦ Where this can be limited to an interim step recall the Council to a special meeting to consider the matter afresh in accordance with Option 3</li> </ul>	<ul style="list-style-type: none"> <li>♦ Decision taken and actioned</li> <li>♦ If possible this be limited to interim decision and special meeting be called in accordance with Option 3</li> </ul>
A decision must be made but may be deferred to enable discussions between party groups	<u>Option 3</u> <ul style="list-style-type: none"> <li>♦ Reconvene meeting and report advice received</li> <li>♦ Adjourn item to a special meeting when it will be considered afresh</li> </ul>	<ul style="list-style-type: none"> <li>♦ Special meeting to be convened within 5 working days unless special reasons accepted by Monitoring Officer for shorter or longer period. Such reasons</li> </ul>

		<p>to be specified in Summons for special meeting</p> <ul style="list-style-type: none"> <li>♦ Advice of Monitoring Officer will be sought and followed in relation to any interim arrangements that may be necessary as a result of the adjournment. Such arrangements will, so far as possible, seek to maintain status quo pending a resolution of the issue</li> </ul>
No decision is required	<p><u>Option 4</u></p> <ul style="list-style-type: none"> <li>♦ Reconvene meeting and report advice received</li> <li>♦ Do not exercise casting vote</li> </ul>	<ul style="list-style-type: none"> <li>♦ Item not carried – eligible for re-submission to a subsequent Council Meeting</li> </ul>

## 1 Introduction

- 1.1 The Contract Procedure Rules (CPRs) are made under the provisions of section 135 of the Local Government Act 1972 and govern the making of contracts for and on behalf of the Council.
- 1.2 The CPRs form part of the Council's Constitution and will be reviewed annually.
- 1.3 These CPRs apply to all contracts entered into by the Council and to all Officers involved in the procurement of supplies, services or the execution of works and provide a basis for true, open and fair competition.
- 1.4 All contracts must be in writing. Officers should not agree to offers from Providers verbally as this can create a binding verbal contract.
- 1.5 These CPRs also apply to all third parties who undertake procurement on behalf of the Council.
- 1.6 These CPRs refer to the [Public Contract Regulations 2015 and 2019\(PCRs\)](#) OJEU thresholds for Services and Supplies as published [in Procurement Policy Notes](#). ~~by the European Commission.~~
- 1.7 Any procurement where the Council is the lead or contracting body will be subject to these CPRs. They may not be waived except in the specific instances referred to in these CPRs. Procuring Officers must ensure that any advisors, agents, consultants and contractual partners acting on their behalf comply with these CPRs. Where other public bodies are acting as the lead or contracting body then their own Contract Procedure Rules, Contract Standing Orders or similar rules will apply.
- 1.8 These CPRs should be read in conjunction with the Councils Financial Procedure ~~Rules (FPRs)s~~ and other advice, guidance and policies issued by the Head of Procurement.
- 1.9 The CPRs do not supersede the provisions of ~~EU Directives and~~ UK legislation governing procurement especially the ~~Public Contract Regulations~~ [PCRs](#) and subsequent updates and the duty to obtain best value under the Local Government Act and associated Regulations.
- 1.10 Where there is any conflict between legislation and these CPRs, the legislation will always override these CPRs.
- 1.11 A breach of these CPRs will be viewed as a disciplinary matter and will be reported immediately to the Head of Audit, who will investigate and recommend appropriate action.

## 2 General

- 2.1 Every Officer, including temporary, agency and interim staff, or Councillor involved in any decision in respect of any Provider or contract in which they, any immediate member of their family, or close associate has a Pecuniary Interest shall immediately notify the Director of Governance who shall make a record in the register kept for the purpose under s.117 Local Government Act 1972.

2.2 In the event of any doubt or uncertainty as to whether a Pecuniary Interest will occur advice should be sought from the [Head of Procurement](#)

~~Director of Finance~~ who will consult with the Head of Audit, Director of Finance and Director of Governance.

~~2.2~~

~~2.3~~ Adequate records, including electronic copies of contracts, shall be kept of each procurement process. These records will be kept for the time periods listed below:

- Ordinary contracts - contract expiry + 6 years
- Sealed contracts – contract expiry + 12 years
- Property maintenance contracts - contract expiry + 15 years.
- For building construction, it's the life of property plus 15 years or transfer to new owner.
- The standard retention rule for unsuccessful tenders is process complete (date of last paper) + 1 year.

~~2.3~~ ~~-for a minimum period in accordance with the Council's Records Management Policy and Public Contracts Regulations.~~

~~2.4~~ ~~The procurement of certain items, e.g. legal representation, services in connection with the sale of securities and financial instruments, are not subject to the requirements of Public Contracts Regulations. These procurement processes will follow the ethos of these rules and an Exemption will be required to document the reasons for any deviances from the CPRs.~~

### **3 Procurement Processes**

3.1 The table that follows sets out how a procurement process must be undertaken based on the total value of the contract;

**Contract Procedure Rules**

Anticipated Value of a contract (Excluding VAT)	Procurement Route	Advertising	Evaluation	Approval	Authority to Sign Contract
Below £250 (higher by exception with agreement from Head of Procurement)	Procurement Cards should be used.	Not required.	Lowest price.	Budget Manager in advance of purchase.	Not required
<del>Up to</del> Up to £9,999	Request for Quotation (RFQ) Obtain at least one written Quotation. Managed by Service team. Advice available from Procurement.	If openly advertised, then contact Procurement to advertise on Council's e-tendering site. and Twitter @BuyWolves	Lowest price.	If a new Provider, then complete a Supplier Creation Form (on intranet) and submit to the Hub. then Attach quote to requisition in Agresso. then Approval in accordance with Agresso workflow i.e.; 1) Budget Manager as the Scheme of Delegation 2) Procurement 3) Technical (if necessary)	Not required. Purchase Order via Agresso.

**Contract Procedure Rules**

Anticipated Value of a contract (Excluding VAT)	Procurement Route	Advertising	Evaluation	Approval	Authority to Sign Contract
£10,000 to £ <del>50</del> 75,000	<p>Request for Quotation (RFQ)</p> <p>Obtain at least <del>three</del> four written quotations, <u>at least 2 from local providers where possible (exemption will need to be provided if 2 local providers not utilised)</u>.</p> <p>Managed by Service team.</p> <p>Advice available from Procurement.</p>	<p>If openly advertised, then contact Procurement to advertise on Council's e-tendering site.</p> <p>and</p> <p>Twitter @BuyWolves</p> <p>If contract value is above £25,000 <u>and openly advertised (Reg 110(4)(a))</u> then contact Procurement to advertise on Contracts Finder website</p>	<p>Lowest price or</p> <p>by exception most economically advantageous based on criteria published with the request for quotation.</p>	<p>If lowest price used, then attach all quotes to the requisition in Agresso.</p> <p>or</p> <p>If the most economically advantageous criteria are used then an "Authorisation to Award" form is completed.</p> <p>then</p> <p>If a new Provider complete a Supplier Creation Form (on intranet) and submit to the Hub.</p> <p>then</p> <p>Attach "Authorisation to Award" and quotes to requisition in Agresso.</p> <p>Approval in accordance with Agresso workflow i.e.;</p> <ol style="list-style-type: none"> <li>1) Budget Manager as the Scheme of Delegation</li> <li>2) Procurement</li> <li>3) Technical (if applicable)</li> </ol>	<p>Purchase Order via Agresso</p> <p>and</p> <p>If the Council's Standard Contract is used, then an Officer in accordance with the Scheme of Delegation</p> <p>or</p> <p>If a bespoke contract, then Legal Services Authorised Signatory</p>



**Contract Procedure Rules**

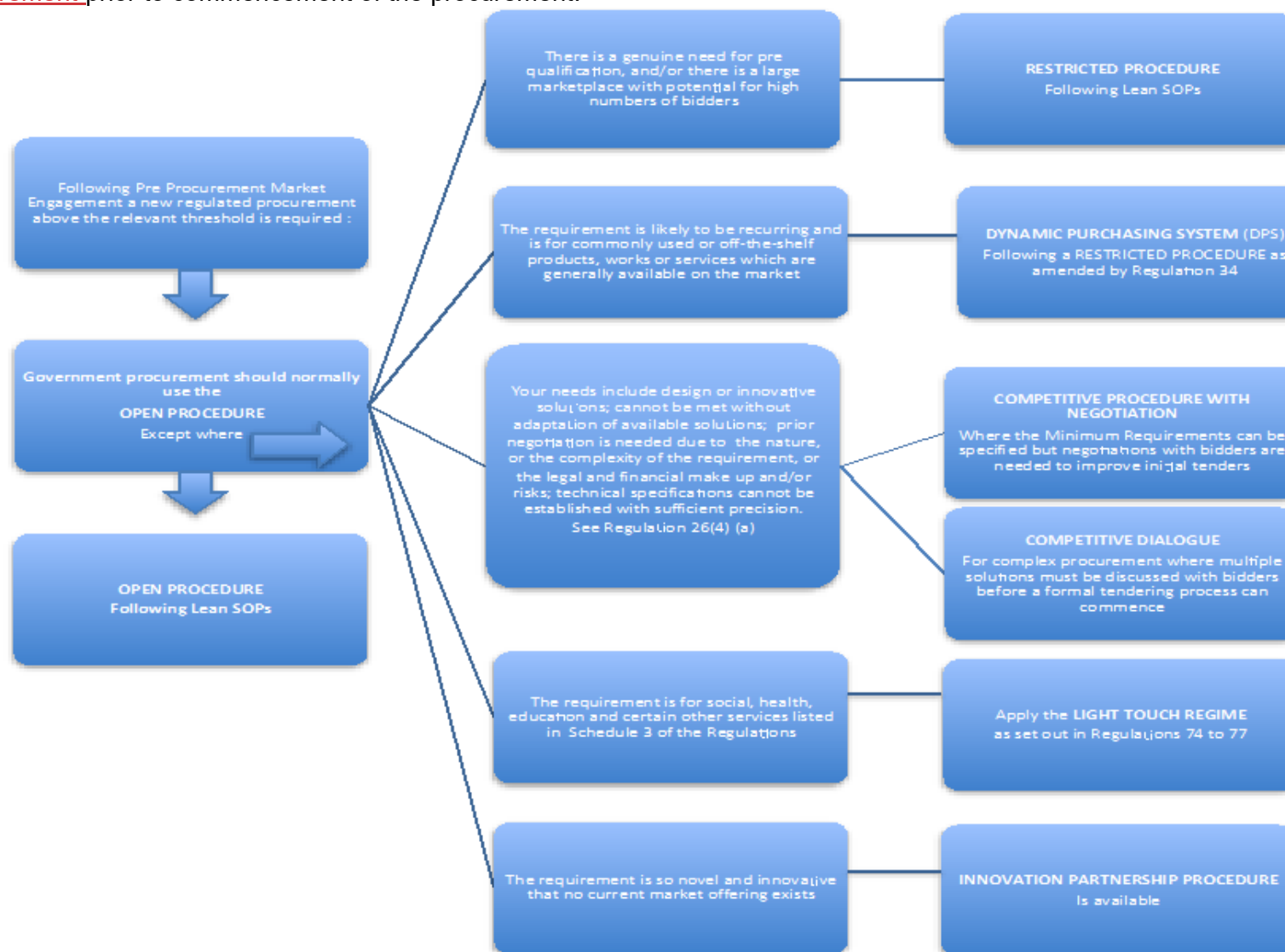
Anticipated Value of a contract (Excluding VAT)	Procurement Route	Advertising	Evaluation	Approval	Authority to Sign Contract
<p>£5075,001 to <del>QJEUPCRS</del> threshold for Services and Supplies</p> <p>Threshold applies to all contracts including Works and Social or Other services (as defined in <del>Public Contracts Regulations</del> <u>PCRs</u>)</p>	<p>Invitation to Tender (ITT)</p> <p>Advice must be sought from Procurement before commencing and a "Starting a Procurement" form completed.</p> <p>Tender process using the Council's e-tendering system.</p> <p>A single stage ITT must be used for all contracts upto the Goods and Services threshold.</p> <p>Managed by Procurement</p>	<p>Council's e-tendering system</p> <p>Twitter @BuyWolves</p> <p>Contracts Finder Website</p>	<p>Most economically advantageous based on criteria published within the Invitation to Tender.</p>	<p>An "Authorisation to Award" form is completed.</p> <p>then</p> <p>If a new Provider complete a Supplier Creation Form (on intranet) and submit to the Hub.</p> <p>then</p> <p>Request a Contracted Product Code from Procurement.</p> <p>then</p> <p>Approval in accordance with Agresso workflow i.e.;</p> <ol style="list-style-type: none"> <li>1) Budget Manager (as the Scheme of Delegation)</li> <li>2) Technical Approver (if applicable)</li> </ol>	<p>Purchase Order via Agresso</p> <p>and</p> <p><del>If the contract value is less than £100,000 and the Council's Standard Contract is used, then an Officer in accordance with Scheme of Delegation.</del></p> <p>or</p> <p><del>If the contract value is more than £100,000</del></p> <p>or</p> <p><del>If a bespoke contract then</del></p> <p>Legal Services Authorised Signatory</p>

Anticipated Value of a contract (Excluding VAT)	Procurement Route	Advertising	Evaluation	Approval	Authority to Sign Contract
Over <del>OJEU</del> <u>PCRS</u> threshold for services and supplies.	<p>Advice must be sought from Procurement before commencing and a "Starting a Procurement" form completed.</p> <p>Delegated authority should be sought from Cabinet (Resources) Panel to award the contract when the evaluation is completed.</p> <p>Tender process using the Council's e-tendering system.</p> <p>An Open procedure single stage ITT to be used</p> <p>or</p> <p>by exception an alternative procedure as stated in the <del>Public Contracts Regulations</del><u>PCRs</u> with a justification approved by the Head of Procurement.</p> <p>Managed by Procurement.</p>	<p>Council's e-tendering system</p> <p>Twitter @BuyWolves</p> <p>Contracts Finder Website</p> <p>and</p> <p>If over the relevant <del>OJEU</del><u>PCRS</u> threshold then</p> <p><del>Official Journal of European Union (OJEU)</del><u>UK e-notification service</u></p>	Most economically advantageous based on criteria published within the Invitation to Tender.	<p>An Individual Executive Decision report is completed if Delegated Authority from Cabinet (Resources) Panel has been granted in advance <u>for contracts exceeding £1,000,000 for contracts under £1,000,000 then -an Authorisation to Award" form is completed and signed by the Director of the relevant service.</u></p> <p>or</p> <p>A Contract Award form is completed for inclusion in the Procurement Report for Cabinet (Resources) Panel <u>for contracts exceeding £1,000,000-</u></p> <p>then</p> <p>If a new Provider complete a Supplier Creation Form (on intranet) and submit to the Hub.</p> <p>then</p> <p>Request a Contracted Product Code from Procurement.</p> <p>then</p> <p>Approval in accordance with Agresso workflow i.e.;</p> <ol style="list-style-type: none"> <li>1) Budget Manager (as the Scheme of Delegation)</li> <li>2) Technical Approver (if applicable)</li> </ol>	<p>Purchase Order via Agresso</p> <p>and</p> <p>Legal Services Authorised Signatory</p>

- 3.2 A single stage Open procedure should be used for all procurements unless there are exceptional circumstances as set out in the decision tree below (from Crown Commercial Service Procurement Policy Note 12/15). Further information can be found at:

<https://www.gov.uk/government/publications/procurement-policy-note-1215-availability-of-procurement-procedures-decision-tree>

- 3.3 For any procedure other than Open then approval must be obtained from the relevant Procurement Business Partner in consultation with the Head of Procurement prior to commencement of the procurement.



### 3.4 Starting a Procurement

- 3.4.1 Where the Council has an existing contract that is suitable to source the services, supplies or works required this should be used. An exemption will be required for off contract spend in all cases identifying the Approval for not using an existing contract must be sought in advance from the relevant Procurement Business Partner and the technical or economic reasoning for not using the contract should be recorded.
- 3.4.2 Where an existing contract that has been collaboratively procured or Framework Agreement established by another Public Body exists this should be considered prior to undertaking a new procurement. The technical or economic reasoning for not using the contract should be recorded.
- 3.4.3 In such cases it is the duty of the Procuring Officer to ensure that the agreement has been procured in a legally compliant manner and that the Council is legally able to access the agreement. The Procuring Officer should also ensure instructions in any access agreement, guidance notes or instructions are followed to ensure the procurement is compliant. Failure to do this will make any contract awarded from the framework and possibly the whole framework invalid.
- 3.4.4 If the value of a contract is forecast to be £~~5075~~,000 or greater than the relevant Procurement Business Partner must be contacted at the earliest stage possible. A 'Starting a Procurement' form must be completed prior to the commencement of a procurement process.
- 3.4.5 In the event where a contract has no specific end date, such as ongoing support or maintenance contracts, then for the purposes of these rules the value should be considered over four years.
- 3.4.6 If the value of any contract (including for works or social services etc.) is forecast to be greater than ~~the OJEU threshold for Services and Supplies~~ £1,000,000, then delegated authority to award the contract should be sought from the Cabinet (Resources) Panel. Any contract with Council staff transferring under Transfer of Undertakings (Protection of Employment) Regulations 2006 regardless of value should obtain delegated authority via Cabinet (Resources) Panel. A standard template is available from Procurement.
- 3.4.7 Where the contract is complex or high value the Cabinet (Resources) Panel may, by exception, request that a further report is provided setting out the results of the evaluation prior to the contract being awarded.
- 3.4.8 Where delegated authority has not been requested then authority to award the contract greater than £1,000,000 must be requested from the Cabinet (Resources) Panel. A standard template is available from Procurement.
- 3.4.9 A Conflict of Interest declaration must be signed by all parties, including Officers (including temporary, agency and interim staff), involved in the procurement process and submitted to the relevant Procurement Business Partner prior to a procurement commencing.
- 3.4.10 In the event of a conflict of interest the Head of Procurement shall determine the action to be taken, subject to 2.2 in the CPRs-

~~3.4.10~~3.4.11 Where a forecasted estimated contract value varies above 10% of the maximum delegation of a Director prior to award, following a tender process i.e. £1,100,000, then a new contract award subject to 3.4.8 of CPRs will need to be completed. Below 10% but above £1,000,000 the relevant Director in consultation with the Director of Finance will approve the award of contract.

### 3.5 Publishing Contract Notices

3.5.1 All procurement documentation must be completed and published with the Contract Notice. This as a minimum should include the invitation to tender, specification, contract terms, evaluation criteria and background documentation. If applicable anonymised staffing and pensions liabilities information must also be issued.

### 3.6 Standard Selection Questionnaires (SSQ)

3.6.1 The Standard Selection Questionnaire (SSQ) is the questionnaire issued by Crown Commercial Service to be used as ~~part of a two-stage selection criteria within a procurement process, to select providers to be invited to tender. This replaces the previous pre-qualification process (PQQ)~~

3.6.2 SSQs must not be used for any procurement with a value less than the ~~OJEU~~PCRS Services and Supplies threshold.

3.6.3 For procurements above the ~~OJEU~~PCRS threshold for Services and Supplies then SSQs ~~can must~~ be used ~~with the approval of the relevant Procurement Business Partner as part of the selection process even if utilising the Light Touch Regime (LTR).~~

3.6.4 SSQs must follow the mandated questionnaire issued by the Crown Commercial Service and the Councils e-tendering system must be used.

### 3.7 Contents of a Request for a Quotation (RFQ) or an Invitation to Tender (ITT)

3.7.1 A Request for a Quotation (RFQ) is used for procurements with a value less than ~~£5075,000001~~. The evaluation criteria is the lowest price or by exception most economically advantageous tender based on criteria published with the RFQ.

3.7.2 An Invitation to Tender is used for procurements with a value greater than ~~£5075,000~~ or by exception for complex and high-risk procurements of any value. The evaluation criteria is the most economically advantageous tender based on criteria published with the ITT.

3.7.3 The following information must be included within an RFQ or an ITT:

3.7.4 Specification.

A specification must;

- clearly set out the requirements taking into account quality and standards required to be met and timescales for delivery. Any minimum requirements must be clearly stated.
- consider the various matters prescribed by the Public Services (Social Value) Act 2012 and in particular how the contract might improve social, economic and environmental well-being.

- consider the accessibility to Small and Medium size Enterprises (SME) and if necessary the contract should be divided into lots to make it more accessible.
- consider the Shared Values and Principles included in Wolverhampton VCSE Compact Funding, Commissioning & Procurement Code of Practice where the contract may be suitable for VCSE organisations to deliver.
- consider the Council's policies including information governance, business continuity, equality and diversity, and safeguarding.

#### 3.7.5 Price

- How price will be evaluated should be clearly set out.
- ~~Where appropriate the whole~~ life cycle costing, including cost of operation, maintenance and end of life, should be ~~considered~~ used for evaluation purposes.

#### 3.7.6 Evaluation Criteria

- All evaluation criteria and sub criteria, any financial models and a clear scoring matrix must be included, and full details disclosed to potential bidders.
- These criteria cannot be deviated from once it has been published.

#### 3.7.7 Conditions of Contract

- The Council's standard forms of contract must be used for all supplies and services and the RFQ or ITT must refer to the relevant standard conditions identified on the Council's website.
- For works contracts standard industry forms must be used, for example, JCT, NEC or ICE etc.
- A risk analysis of the scope and specification of the contract should be undertaken and additional requirements such as Disclosure and Barring checks, business continuity and information governance requirements should be identified and included as additional contract conditions if required.
- Where there is a need to deviate from the Council's standard forms of contract or amendments are required to works standard industry forms, due to the risk imposed by the nature of the procurement or where the standard contract is deemed to be unsuitable, contract terms must be drafted by Legal Services prior to the RFQ or ITT being advertised.
- Contracts on supplier's conditions will only be entered into on by exception and must be approved in advance by the Head of Procurement and Legal Services.
- An RFQ or an ITT must include a clause empowering the Council to immediately reject a tender or terminate a contract if the tenderer offers any form of inducement to influence the decision to award the Contract. This right to terminate will apply regardless of whether the inducement was accepted by the Officer or Councillor concerned.

- All contracts are subject to Regulation 73 of the PCRs.

### 3.7.8 Durations

- An RFQ should be advertised for a period of time appropriate to the complexity of the procurement and to ensure there are sufficient quotes received to demonstrate that a proper competition has taken place.
- An ITT should be advertised for a period of time appropriate to the complexity of the procurement, as minimum this should be 2 weeks.
- Where the contract value is above the ~~OJEU~~PCRs Thresholds then the appropriate minimum time periods in accordance with the ~~Public Contracts Regulations~~PCRs must be followed.
- Tenderers should be given enough time to fully understand a requirement and bid accordingly, minimum timescales do not always allow for suitable bids.

3.7.9 If a reduced timescale is required due to genuine urgent need then this must be recorded and approved by the relevant Procurement Business Partner in consultation with the Head of Procurement, prior to the procurement commencing.

## 3.8 Contract value and duration

3.8.1 Prior to a procurement being undertaken an estimate of the total contract value over its full duration, including any extension options must be established. A record of how this forecast was calculated should be retained.

3.8.2 The value of the contract must not be split to avoid the application of the CPRs and ~~Public Contracts Regulations~~PCRs, although lotting is acceptable to provide opportunities to SMEs.

3.8.3 ~~Contracts and~~ Framework Agreements must not exceed a four-year duration unless a demonstrable economic benefit case can be established, recorded and approved by the relevant Procurement Business Partner prior to the procurement commencing.

~~3.8.3~~ 3.8.4 Contract lengths must be considered in line with risk, investment and cost of change. These should be recorded and approved by the relevant Procurement Business Partner prior to the procurement commencing.

## 3.9 Transfer of Undertakings Protection of Employment (TUPE) and Pensions

3.9.1 Where a service is already being provided and is being retendered or tendered for the first time, the TUPE regulations need to be considered and if ~~necessary~~necessary, staffing details incorporated within the ITT. Where appropriate information will need to be requested from current contractors.

3.9.2 Advice from Legal Services and the relevant HR Business Partner must be sought at the earliest point that the Procuring Officer becomes aware that a staff transfer may form part of the procurement.

3.9.3 Where a transfer of staff will occur Pensions liabilities and arrangements need to be considered and specialist advice sought from ~~Procurement and~~ Strategic Finance.



### 3.10 Appointment of Temporary, Agency and Interim Staff

- 3.10.1 Advice must be sought from the relevant HR Business Partner prior to commencing the appointment of any temporary, agency and interim staff.
- 3.10.2 The appointment of temporary, agency and interim staff must be in accordance with these CPRs with the addition of an HR business case being approved.
- 3.10.3 The appointment of temporary, agency and interim staff with an equivalent day rate of £500 or more must be approved by the Head of HR and the Cabinet Member for Governance prior to commencing the appointment.
- 3.10.4 The appointment of temporary, agency and interim staff with an equivalent day rate of £499 or less must be approved by the relevant HR Business Partner prior to commencing the appointment.
- 3.10.5 A copy of the completed Structure Management Request and relevant approval must be uploaded as an attachment to the Agresso requisition.
- 3.10.6 A report will be provided quarterly to the Cabinet (Resources) Panel setting out the appointments of temporary, agency or interim staff within the period since the previous report.
- 3.10.7 In the event that temporary, agency or interim staff are proposed to transfer employment to become permanent employees then it is likely that transfer, finders or similar fees will be charged by the agency. Approval must be obtained in advance from the relevant HR Business Partner prior to any transfer of employment and payment of relevant fees.

## 4 During a Tender

### 4.1 Pre-procurement engagement

- 4.1.1 Where discussions are held with stakeholders and/or potential bidders prior to the issue of an advert or Contract Notice then these ~~should~~must be recorded.
- 4.1.2 Advice should be sought from the relevant Procurement Business Partner prior to any discussions to ensure that any conflicts of interest are recorded, and mitigation measures put in place.

### 4.2 Communications with tenderers during procurement

- 4.2.1 All communications with tenderers after the RFQ, SSQ or ITT has been issued must be conducted via the secure messaging service which forms part of the e-tendering system and only by a Procurement Officer if an ITT is being completed.

- 4.2.2 Verbal communication should only be carried out by a Procurement Officer if an ITT is being completed.

~~4.2.2 — not be carried out except to provide instruction on using the e-tendering system or in exceptional circumstances in the presence of a Procurement Officer who will make a record of the conversation.~~

### 4.3 Quotation and Tender opening and late submissions



- 4.3.1 All tenders in response to SSQs or ITTs will be submitted electronically through the Council's e-tendering system and cannot be opened until after the SSQ or ITT closing date.
- 4.3.2 For RFQs which have not used the Council's e-tendering system responses should be returned by email to the Procuring Officer.
- 4.3.3 All late quotations and tenders must be referred to the relevant Procurement Business Partner. They will only be accepted in exceptional circumstances if:
- the other tenders have not been opened and;
  - there has been a failure of the e-tendering system or if the failure to comply is the fault of the Council.
- 4.3.4 The final decision on whether a tender will be accepted is at the discretion of the Head of Procurement.
- 4.3.5 The date for receipt of tenders may only be extended in exceptional circumstances. This must be approved by the relevant Procurement Business Partner and the reasons documented.

## 5 Evaluation

- 5.1 Evaluation of SSQ responses, quotations and tenders must be in accordance with the criteria and scoring published with the RFQ, SSQ or ITT. In the event no criteria have been published then the evaluation will be on lowest price for below PCR threshold requirements, above PCRs threshold opportunities will be re-tendered.
- 5.2 No information about SSQ responses, quotations and tenders should be shared with competing organisations other than statutory information required in the standstill period debrief letter.
- 5.3 Questions from bidders must be submitted electronically, for RFQs by e-mail or through the e-tendering system where this has been used. Responses to questions must be shared with all bidders unless there is an overriding commercial or confidential reason. Advice should be sought from the relevant Procurement Business Partner if there is any uncertainty.
- 5.4 Clarifications of SSQ responses, quotations and tenders may be requested from bidders and must be made in writing using the e-tendering system. Advice should be sought from the relevant Procurement Business Partner in advance.
- 5.5 Negotiations with tenderers are only permitted in limited instances with approval of the relevant Procurement Business Partner and in consultation with the Head of Procurement.
- 5.6 Once an SSQ, RFQ or ITT has been evaluated and the successful organisation selected only minor refinements that do not substantially change the tenderer's proposal, or the commercial position can be made. Advice should be sought from the relevant Procurement Business Partner and Legal Services in advance.

- 5.7 Evaluators must come to a consensus on scores awarded, scores must not be averaged.
- 5.8 Justification and reasons for the scores awarded must be recorded in writing and retained in accordance with Council's Records Management Policy and ~~Public Contracts Regulations~~ PCRs. This information is to be used for providing feedback to bidders.

## 6 Awarding a Contract

### 6.1 Approval to enter into a contract

- 6.1.1 Approval to award the contract must be granted prior to the award being carried out in accordance with the table in section 3.

### 6.2 Mandatory standstill period

- 6.2.1 For all contracts with a value above the ~~OJEU~~ PCRS threshold a mandatory 'standstill period' must be observed between notification of the contract award and conclusion of the contract in accordance with the ~~Public Contracts Regulations~~ PCRs.

~~6.2.16.2.2~~ No public announcements should be made prior to contract signature except for relevant requirements in PCRs.

### 6.3 Letters of Intent to enter a contract

- 6.3.1 Officers must not issue letters of intent, memorandums of understanding or similar communications without the prior approval of Legal Services.

### 6.4 Contract Conditions

- 6.4.1 Every contract shall be in writing and properly executed.

- - Deeds and Land Registry can only be accepted with a common seal and should follow the requirements in 6.4.3 and should utilise non electronic means

- 6.4.1• All contracts signed under hand identified in 6.4.3 can utilise an electronic signature

- 6.4.2 Contracts will be signed in accordance with the table in section 3. Contracts should only be signed after the correct approval to award has been granted.

- 6.4.3 Contracts must be signed or executed under seal by the Legal Services Authorised Officer where required by statute or required by an external funding body or an assessment of the risk necessitates it.

- Contracts relating to works contract should be signed under seal.
- Contracts for goods and services where the risk exceeds the 6-year limitation period should be signed under seal.

- 6.4.3• Contracts for goods and services which are not impacted by the 6-year limitation for risk should be signed under hand.

- 6.4.4 A scanned copy of the signed contract must be sent to the relevant Procurement Business Partner for inclusion in the Contracts Register.

- 6.4.5 A signed paper hardcopy should be sent to Legal Services.
- 6.5 Contract Award Notice
- 6.5.1 Contract Award Notices must be placed in OJEU PCRS and Contracts Finder in accordance with the Public Contracts Regulations PCRs. The publication of notices will be undertaken by the relevant Procurement Business Partner.
- 6.6 Feedback to Bidders
- 6.6.1 Unsuccessful bidders should be informed of the outcome of a procurement process as soon as possible.
- 6.6.2 Where there are two or more stages in a procurement process, unsuccessful bidders should be provided with feedback on their submission at the point they are excluded from the process.
- 6.6.3 For RFQs where the only evaluation criteria is the lowest price the unsuccessful bidders should be advised of the total price of the winning bidder, unless this could disadvantage the winning bidder commercially. For example, if bidding for a fixed amount of one -product.
- 6.6.4 For SSQs the unsuccessful bidders should be advised of their ~~ir score against each criteria and weighted marks and~~ reasons they did not meet the standard to be shortlisted.
- 6.6.5 For ITTs where the evaluation criteria comprises quality, price and if applicable social value then unsuccessful bidders should be advised of their score against each criteria and weighted marks, the relative strengths and weaknesses of its proposal and total score and price of the winning bidder.
- 6.6.6 Information on the successful bidder's proposal including the method of undertaking the work or a breakdown of the price should not be provided to unsuccessful bidders. If there is any doubt advice should be sought from the relevant Procurement Business Partner.

## 7 Exclusion of Providers from contracts

- 7.1 If any of the following apply to a Provider, any person who has powers of representation, decision or control of the Provider, or an associated Provider, (e.g. within the same group, with same directors or owners etc.), then the Provider will be excluded from being awarded any Council contract or order:

~~i) Is bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation's assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended, or it is in any similar situation~~

~~ii) Have failed to pay taxes, social security contributions, business rates or similar~~

- Have failed to comply with any other agreements with the Council, e.g. failure to meet grant conditions, defaulted on a contract or other legal agreements.
- Are subject to any of the Mandatory and Discretionary exclusions in Regulation 57 of the PCRs.

- Are subject to any of the Selection Criteria exclusions in Regulation 58 of the PCR.
- iii)

7.2 In the event that any of the above apply then the Provider should be requested to submit an explanation which details actions taken to rectify the situation. It is the Head of Procurement's decision, in consultation with the Director of Governance, to assess the Provider's explanation and whether to exclude the Provider.

## 8 Exemptions

8.1 The CPRs ensure that the Council complies with its legal requirements and is fair and transparent with respect to how public money is spent. Only in exceptional circumstances will approval be granted to do something different. Where this is needed an Exemption will be approved by the Head of Procurement and Director of Finance.

8.2 If the value of the Exemption is greater than the ~~OJEU~~ PCRS threshold for Services and Supplies, then approval must be sought from the Cabinet (Resources) Panel and relevant PCR procurement procedure identified.

8.3 An Exemption is an approval that the CPRs cannot be followed for a reason that is out of the Council's control.

8.4 All Exemptions from these rules must be recorded using the Exemption Form and approved before entering into a contract with a supplier.

8.5 Circumstances where time is lost through inadequate forward planning or any unnecessary delays will not constitute a reason to issue an Exemption and Officers should make adequate preparation in advance of commencing the procurement exercise. Exemptions cannot be retrospective in nature.

~~8.5~~

8.6 An Exemption will only be approved if it is for one of the identified reasons on the exemption form. ~~following reasons;~~

~~8.6.1 Where an existing contract that is suitable for the services, supplies or works required is not used. A business case to justify not using the existing contract for either technical or economic reasons must be demonstrated. This should be attached to the Exemption.~~

~~8.6.2 Where there is only one supplier within the market. Evidence that this is the case and what investigation has been done to try and find other suppliers must be demonstrated. This should be attached to the Exemption.~~

~~8.6.3 Where the procurement activity is grant funded and the supplier is named as a condition of that funding. A copy of the grant agreement or other evidence should be attached to the Exemption.~~

~~8.6.4 Where the Council is buying goods on behalf of another organisation. The procurement will need to be undertaken in accordance with that organisations CPRs or equivalent. A copy of the agreement to undertake this activity should be attached to the Exemption.~~

~~8.6.5 — Where the Council is matching grant funding and the original grant has been given conditionally on the use of a named supplier, group of suppliers or particular framework. A copy of the grant agreement or other evidence should be attached to the Exemption.~~

~~8.6.6 — Where the Council has required an applicant for a grant to provide a detailed breakdown of their costs and in order to do so they have identified a supplier. A copy of the grant agreement or other evidence should be attached to the Exemption.~~

~~8.6.7 — Where services need to be procured as a matter of extreme urgency — e.g. in response to an emergency situation — and there is insufficient time to advertise etc.~~

~~8.6.8 — Where software is being procured that must be compatible with an existing ICT system and the cost of change is uneconomic. A business case justifying this should be attached to the Exemption.~~

~~8.6.9 — Contracts offered by the Chief Legal Officer (or designee) for the appointment of counsel.~~

8.6.10 — An exemption, in the form of an extension of up to 12 months, can be granted where there has been delay in the preparations for the procurement process as a result of the Covid-19 pandemic subject to the compliance with the Public Contract Regulations 2015.

8.7 If an Exemption is not approved, then a change to what is being proposed will need to be undertaken to comply with the CPRs. If it is impossible to do this then a non-compliance will be recorded by Procurement, notified to the Audit team and an action plan to correct what is wrong will need to be put in place.

8.8 Where there are repeated requests for Exemptions or where non-compliances are occurring in a service team then the relevant Budget Manager and Procurement Business Partner will produce a plan to assess the situation and propose remedial action to be taken. This plan will be provided to the relevant Head of Service and Head of Procurement and will be discussed with the relevant Director of the service.

8.9 These occurrences ~~will also will~~ will also be reported to the Audit team for investigation.

8.10 A list of Exemptions that have been approved will be reported to Cabinet (Resources) Panel ~~every month~~ at the next available meeting.

8.11 Automatic exemptions will be applied to the following areas subject to compliance with the PCRs as determined by the Head of Procurement and Director of Governance and in consideration of finance procedure rules and value for money:

- Public contracts between entities within the public sector subject to meeting the tests within Regulation 12 of the PCRs
- The acquisition or rental, by whatever financial means, of land, existing buildings or other immovable property

- Broadcasting time or programme provision via media service providers
- Arbitration or conciliation services
- Judicial proceedings before the courts
- Legal advice in preparation of any judicial proceedings
- Document certification and authentication services which must be provided by notaries
- Legal services provided by trustees or appointed guardians
- Financial services in connection with the issue, sale, purchase or transfer of securities or other financial instruments
- Loans, whether or not in connection with the issue, sale, purchase or transfer of securities or another financial instrument
- Employment contracts

8.10•

## **9 Contract Management, Variations and Extensions**

- 9.1 Prior to the award of a contract an Officer who will be responsible for managing the contract must be identified, known as the Contract Manager.
- 9.2 Reporting and monitoring processes appropriate to the size and nature of the contract must be put in place to ensure that all obligations are fulfilled by the contracted parties.
- 9.3 Contracts may only be varied to implement minor changes either increasing or decreasing the service and for services of a similar nature. these will be subject to Regulation 72 of the PCRs-
- 9.4 Contracts should only be extended if options for extensions were included in the original contract.
- 9.5 Contract variations and extensions must follow the same authorisation process as though they were new procurements i.e. less than ~~£1,000,000 the OJEU threshold for Services and Supplies~~ requires ~~approval in accordance with the Scheme of Delegation~~ Director approval, over ~~£1,000,000 the OJEU threshold for Services and Supplies~~ requires approval from Cabinet (Resources) Panel. The ~~services and supplies threshold~~ same threshold applies to all contracts including works and where the “light touch” regime ~~applies~~.
- 9.6 If the value of the original contract plus the sum of any extension or variation exceeds the thresholds within these CPRs with the result that a different procurement process should have been used, then an Exemption will need to be requested or potentially a new tender process will need to be conducted dependent on PCRs-
- 9.7 For all contracts with a value of over £75,000, contract managers must consider maintaining a risk register during the contract period and undertake

appropriate risk assessments for identified risks to ensure contingency measures are in place.

9.8 During the life of the contract, the contract manager must monitor in respect of:

- performance
- compliance with specification and contract
- cost
- 9.6 • user satisfaction and risk management.

## 10 Social Care Contracts

10.1 It is recognised that either because of service user choice or the nature of the market for specialist placements that for some types of social care contracts that competitive procurement processes cannot be undertaken.

10.2 Only contracts for the following have specific exclusions from these CPRs all other elements are covered by the LTR in ;

10.3 Residential Care

10.3.1 Residential Care placements are exempt from the full requirements of the CPRs. Sections 1,2,7,8 and 9 apply.

10.3.2 The Council will contract with Residential Care Providers using a standard contract. The contract will set out a breakdown of the price. Any deviations from this standard contract must be approved in advance by the relevant Director who will consult with the relevant Head of Service.

10.3.3 If a weekly fee for a placement is higher than in the table below then approval must be gained from the relevant Director who will consult with the relevant Head of Service prior to agreeing the placement with the Provider;

Primary Care Need	Fee per week
Looked after Children	£3,000
Physical disability, learning disability or mental health (children and adults)	£2,000
Older people	Current Council standard rate for the relevant category

10.3.4 For out of area placements for older people the fee per week must be either the current Council standard rate or the standard rate for the relevant local authority area. Out of area placements with a fee per week above this then approval must be gained from the relevant Director who will consult with the relevant Head of Service prior to agreeing the placement with the Provider.

10.3.5 Where there is an emergency need and approval cannot practically be requested in advance then this should be notified to the relevant Director and



relevant Head of Service as soon as possible and in all cases within 72 hours of the placement commencing.

- 10.3.6 In the event of the above in 10.3.2 to 10.3.5 occurring then the relevant Procurement Business Partner should be advised as soon as practical.

#### 10.4 Social Care Frameworks

- 10.4.1 In addition to the requirements of 3.5.3 where a framework relating to Social Care is used, e.g. foster care placements, Form F Assessments and children's residential care, then the following will apply;

- Where placements are made outside of the Framework Agreements approval must be gained from the relevant Director who will consult with the relevant Head of Service prior to agreeing the placement with the Provider.
- Prior to making a placement a breakdown of the price must be obtained from the Provider and value for money demonstrated. Advice should be sought from the relevant Procurement Business Partner where the costs are more than the typical expected costs.

#### 10.5 Educational Placements

- 10.5.1 Where the Council is required to pay for Education Placements these are generally required to be paid in advance and are not subject to competitive tendering.
- 10.5.2 Prior to making a placement a breakdown of the price must be obtained from the Provider and value for money demonstrated. Advice should be sought from the relevant Procurement Business Partner where the costs are significantly more than the typical expected costs.

#### 11 Finance Leases excluding Land and Property

- 11.1 Where a contract requires the Council to enter into a finance or lease agreement then advice should be sought from the relevant Finance Business Partner in advance.
- 11.2 In addition to the approvals required as set out in the table in 3.2, finance and lease agreements must be approved by the Director of Finance prior to signing.

#### 12 Loans, advance payments and similar arrangements

- 12.1 As stated in the Financial Procedure Rules no Officer, including Interim and temporary staff, or Councillor shall, or commit to, enter into any loan, advance payment or similar arrangements without approval of the Director of Finance acting as the Section 151 Officer.

#### 13 Disposal of Assets excluding Land and Property

- 13.1 The disposal of assets excluding land and property must comply with the following;

Value of Assets	Process	Approval
Less than £10,000	Minimum of three written quotes	Relevant Director



More than £10,000	Open competition using the Council's e-tendering system  or  Third party auction	Director of Finance
-------------------	--	---------------------

- 13.2 The value of the assets should be calculated on the value per disposal requirement, irrespective of how the items are disposed e.g. a group of similar items with a total value of £20,000 will require approval by the Director of Finance although the disposal maybe of individual items with values each of less than £10,000.
- 13.3 Advice should be taken from the relevant Procurement Business Partner if it is determined that a third-party auction is a suitable route for disposal.
- 13.4 The highest value unconditional bid received should be accepted unless, in the view of the relevant Budget Manager and the relevant Procurement Business Partner, a conditional bid offers better value to the Council.
- 13.5 The chosen process must be approved in advance by the relevant Director, or Director of Finance.

#### **14 Concessions and Revenue Earning Contracts**

- 14.1 Prior to the Council awarding a concession or entering into a revenue earning contract, whether in its own right or with a commercial partner, approval of the commercial arrangements and contract terms and conditions must be obtained from the Director of Finance and from Director of Governance.~~Legal Services.~~
- 14.2 Where the concession or revenue has a value greater than the OJEUPCRS threshold for Services and Supplies or has a significant risk profile (as assessed by the Director of Finance and Director of GovernanceLegal Services) then approval is required from Cabinet (Resources) Panel prior to entering into the agreement.
- 14.3 Where the Council is a bidder and submitting a proposal or tender in response to a contract opportunity then approval must be obtained from the relevant Director and the Director of Finance.
- 14.4 Where the contract has a value greater than the OJEUPCRS threshold for Services and Supplies or has a significant risk profile (as assessed by the Director of Finance and Director of GovernanceLegal Services) then approval is required from Cabinet (Resources) Panel prior to submitting the proposal or tender.
- 14.5 Advice from Legal Services must be sought prior to commencing any work on compiling a proposal or tender to determine if the Council has the power to enter into the contract.

**15 Land and Property Transactions****15.1 General Procedure for Land and Property Transactions**

- 15.1.1 Before land or property or an interest in land or property is offered for sale or lease the advice of Corporate Landlord will be sought and the Director of Regeneration/ Director of City Housing and Assets or a nominee ("the Director") shall ensure that due regard is had to the Council's guidance for the disposal of Council land and property. The Director shall ensure a suitably RICS qualified valuer's estimate of the likely price or rent has been obtained. The Council will normally expect that best consideration is obtained in accordance with the relevant legislation.
- 15.1.2 The advice of Corporate Landlord must be sought for all land and property transactions and/or proposals. The Director shall ensure due regard is given to this advice. The expectation is the advice should normally be followed unless there are specific circumstances that justify any variation in which case this will require the approval of Cabinet or Cabinet (Resources) Panel.

**Property Related Matters**

- 15.1.3 Where a contract or proposal is likely to have any property implications for the Council, such as the leasing, acquisition or use of premises (whether Council owned or otherwise), the advice of Corporate Landlord must be sought and followed.

**15.2 Scheme of Delegations for Property Transactions**

- 15.2.1 The following scheme of delegation for all land and property transactions must be followed:

**Delegation to the Director: -**

- Disposal of land by leases/lettings up to 7 years and annual rent up to £50,000.
- Agreement of rent reviews up to a rent of £100,000 pa.
- The grant or taking of annual Wayleaves.
- The grant or taking of Licences to Occupy, Tenancies at Will, Licences to Assign, Alter and Underlet.
- Tenancy Agreements and associated Deeds related to the letting of residential properties managed by Wolverhampton Homes

- 15.2.2 Delegated decisions through an Individual Executive Decision Notice to the nominated Cabinet Member for City Assets in consultation with the Director. Details of all transactions must be reported to the Corporate Landlord Board at the next available opportunity.

- The granting or taking of an Exclusivity Agreement

- Disposal of property by licence/lease of more than 7 years and up to 25 years and at an annual rent up to £100,000.
- Acquisition of property by licence/lease up to 25 years and annual rent up to £100,000, subject to agreed service requirement and provision in the budget.
- Minor disposals by freehold sale or long lease at a premium, easement, dedication, release of covenants or other legal interest up to a value of £250,000.
- Disposal by freehold sale, long lease, easement, dedication, release of covenants or other legal interest for a capital sum at a value not exceeding £2,000,000 where principle of disposal has been previously agreed by Cabinet (Resources) Panel.
- Sales of freehold reversion under Leasehold Reform Act 1967.
- Acquisition or appropriation of property in accordance with agreed policy and subject to provision in budget.
- Surrender of leases for Estate Management needs or where financial difficulty is demonstrated.
- Variations to lease covenants/clauses, settling of rent above £100,000 pa under rent reviews, licence/lease renewals in excess of 7 years and variations to existing agreements where financial difficulty is demonstrated.
- Service of notices required to be served on lessees of the City Council terminating or altering the terms of a residential tenancy.
- Agreement of compensation and other collateral agreements following the Compulsory Purchase of land.
- Shared ownership leases

#### 15.2.3 Cabinet (Resources) Panel Decisions

- All other property acquisitions and disposals.

#### 15.2.4 Details of all transactions must be recorded and filed appropriately.

## 16 Light Touch Regime

16.1 The light-touch regime (LTR) is a specific set of rules for certain service contracts that tend to be of lower interest to cross-border competition. Those service contracts include certain social, health and education services, defined by Common Procurement Vocabulary (CPV) codes. The list of services to which the Light-Touch Regime applies is set out in Schedule 3 of the PCRs and a consolidated list can be seen below:

- Domestic help
- Supply services of nursing personnel

- Agency staff, Manpower, Home help services for households
- Education and training services
- Event services
- Festival organisation services
- Catering services for private households
- Canteen management services
- School-meal services
- Postal services

16.2 Services highlighted above still require the specific CPV codes in Schedule 3 to be listed otherwise they will be classified as a standard goods or services contract and will comply with regulations, accordingly, including the lower threshold. For a mixed contract including LTR and non-LTR services, the classification of the overall contract is determined by whichever constituent part is greater by value.

16.3 Below the LTR threshold, contracts do not normally need to be advertised in the UK e-notification service. The PCRs recognise that only services above the threshold identified in the biannual Procurement Policy Note covered by the LTR would normally be likely to be of cross border interest. Following from this, services below this threshold do not need to be advertised via the UK e-notification service, unless there are concrete indications of cross-border interest.

#### **16.4 Mandatory Requirements**

16.5 A small number of procedural rules for above these thresholds. The Council has to follow the light-touch set of procurement rules for LTR contracts above the relevant threshold. The main mandatory requirements are:

- UK e-notification service advertising: The publication of a contract notice (CN) or prior information notice (PIN). Except where the grounds for using the negotiated procedure without a call for competition could have been used, for example where there is only one provider capable of supplying the services required.
- The publication of a contract award notice (CAN) following each individual procurement, or if preferred, group such notices on a quarterly basis.
- Compliance with PCRs principles of transparency and equal treatment.
- Conduct the procurement in conformance with the information provided in the contract notice or pin regarding: any conditions for participation; time limits for contacting/responding to the authority; and the award procedure to be applied.

- Time limits imposed by authorities on suppliers, such as for responding to adverts and tenders, must be reasonable and proportionate. There are no stipulated minimum time periods in the LTR rules, so the Council needs to use its discretion and judgement on a case by case basis.

## **16.6 Significant Flexibilities**

16.7 The Council has the flexibility to use any process or procedure they choose to run the procurement, as long as it respects the other obligations above. There is no requirement to use the standard EU procurement procedures (open, restricted and so on) that are available for other (non-LTR) contracts. Authorities can use those procedures if helpful, or tailor those procedures according to their own needs, or design their own procedures altogether.

16.8 The LTR rules are flexible on the types of award criteria that may be used, but make clear that certain considerations can be taken into account, including (this is not an exhaustive list):

- the need to ensure quality, continuity, accessibility, affordability availability and comprehensiveness of the services;
- the specific needs of different categories of users<sup>1</sup>, including disadvantaged and vulnerable groups;
- the involvement and empowerment of users; and
- innovation

16.9 Reserved contracts for certain services in the light-touch regime. The rules permit for certain LTR contracts to be “reserved” for organisations meeting certain criteria e.g. public service mutuals and social enterprises.

## **17.0 Grants**

17.1 An exemption form will need to be completed for grants where one of the following conditions are met:

- Where the procurement activity is grant funded and the supplier is named by the grantor as a condition of that funding.
- Where the Council is providing a grant to another organisation.

17.2 If conditions in 17.1 are not met when applying for grant funding then a compliant procurement process will need to be adhered to as identified in section 3 of these CPRs.

**18.0 Glossary of Terms**

Concession	Contracts where the consideration consists either solely in the right to exploit the work or service, or in this right to exploit together with payment.
Contract	An agreement between two or more parties relating to supplies, services, utilities or the execution of works for payment or otherwise by an agreement intended to bind those parties.
<u>Contract Manager</u>	<u>A Contract Manager is a budget holder responsible for ownership of specific contracts within the Council. They are responsible for managing risk and managing relationships within those contracts.</u>
Contract Notice	An advert giving details of the contract being procured. The issue of the Contract Notice starts the SSQ, RFQ or ITT process.
Contracts Register	A database of all Council Contracts maintained by Procurement.
e-tendering system	The computer system used by the Council to undertake procurement activities
Framework Agreement	An agreement or other arrangement which establishes the terms under which the Provider will enter into one or more Contracts with the city council or other Public body during the period in which the Framework Agreement applies.
<del>OJEU</del>	<del>Official Journal of the European Union.</del>
<del>OJEU</del> <u>PCRS</u> threshold	The <del>European Union</del> <u>UK</u> Threshold pertaining to the values of Supplies, Services or Works which is published by <del>the EU</del> <u>Commission</u> <u>a Procurement Policy Note</u> and updated bi-annually <del>in</del>
Procuring Officer	The service team Officer who is responsible for the procurement process. This also includes third parties who are procuring on behalf of the Council.
Procurement Officer	The member of the Procurement Team who has been assigned to the procurement exercise.
Provider	An organisation that supplies goods to, provides services to or undertakes works for the Council.
Revenue earning contract	A Contract where either part of the consideration is a share for the Council of any income generated by the Provider or where the Council is acting as a Provider to another party.



## **Code of Conduct for Councillors of City of Wolverhampton Council**

### **Definitions**

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

### **Purpose of the Code of Conduct**

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct.

### **General principles of councillor conduct**

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest



- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

### **Application of the Code of Conduct**

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

The Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the Monitoring Officer on any matters that may relate to the Code of Conduct.

### **Standards of councillor conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

## **General Conduct**

### **1. Respect**

#### **As a councillor:**

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

**1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

### **2. Bullying, harassment and discrimination**

#### **As a councillor:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of officers of the council**

**As a councillor:**

#### **3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4. Confidentiality and access to information**

**As a councillor:**

#### **4.1 I do not disclose information:**

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
  - i. I have received the consent of a person authorised to give it;**
  - ii. I am required by law to do so;**
  - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
  - iv. the disclosure is:**
    - 1. reasonable and in the public interest; and**
    - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
    - 3. I have consulted the Monitoring Officer prior to its release.**

#### **4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my**

**family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

**5. Disrepute**

**As a councillor:**

**5.1 I do not bring my role or local authority into disrepute.**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

**6. Use of position**

**As a councillor:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

**7. Use of local authority resources and facilities**

**As a councillor:**

**7.1 I do not misuse council resources.**

**7.2 I will, when using the resources of the local or authorising their use by others:**

- a. **act in accordance with the local authority's requirements; and**
- b. **ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## **8. Complying with the Code of Conduct**

**As a Councillor:**

**8.1 I undertake Code of Conduct training provided by my local authority.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with the Monitoring Officer.

## **Protecting your reputation and the reputation of the local authority**

## **9. Interests**

**As a councillor:**

**9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from the Monitoring Officer.

The following standard exemptions in relation to the granting of dispensations, in relation to members' allowances, business rates, plus housing matters and rents have been agreed by the Council:

- a. An allowance, payment or indemnity given to members or any ceremonial honour given to members.
- b. Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012 as amended from time to time and any superseding legislation.
- c. Housing matters and rents (provided that those functions do not relate particularly to the member's tenancy or lease).

### **10. Gifts and hospitality**

**As a councillor:**

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However,

there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact the Monitoring Officer for guidance.

## **11.0 Disclosure and Barring Service (DBS) Checks**

- 11.1 The Council takes its safeguarding responsibilities seriously. To this end, on 15 October 2013, Cabinet (Resources) Panel decided that criminal records checks would be carried out for all Councillors following election. Enhanced checks will be carried out for those Councillors who may, by virtue of their particular responsibilities, have unsupervised contact with children. (As of June 2015, this applied to the Cabinet Member for Children and Young People, the Cabinet Member for Education, and members of the Corporate Parenting Panel.) (As of December 2019, this applied to the Leader of the Council, Deputy Leader of the Council, Cabinet Member for Adult Services, Cabinet Member for Public Health, Chair of the Children, Young People and Families Scrutiny Panel, Mayor and Mayoress). This list will be amended, as necessary, by the Head of Paid Service and the Monitoring Officer. Standard checks will be carried out for all other Councillors.
- 11.2 Checks will be carried out every four years (normally to coincide with election or re-election). In the case of a by-election, a check will be carried out at the time of election and then again if the Councillor is re-elected, unless that date is within 12 months of the original check. Additional checks may be carried out for any Councillor at the discretion of the Head of Paid Service and the Monitoring Officer.
- 11.3 The Council recognises that information released in DBS certificates can be extremely sensitive and personal. Receipt, handling and consideration of the certificates will therefore be carried out in accordance with the Disclosure and Barring Service's code of practice.
- 11.4 Appointments made at Annual Council will be subject to the completion of a satisfactory enhanced DBS check where that is required by the role. In the event the checks reveal that a candidate is 'barred' the council reserves the right to withdraw the appointment.
- 11.5 Additionally, Councillors should report any change in personal circumstances that may impact on their suitability or appropriateness to undertake roles. All declarations should be made without delay.

## **Appendices**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



## **Code of Conduct Councillors**

### **Appendix B Registering interests**

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### **Non participation in case of disclosable pecuniary interest**

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.  
Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

## **Code of Conduct Councillors**

### **Disclosure of Other Registerable Interests**

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

### **Disclosure of Non-Registerable Interests**

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative, close associate; or
  - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

## ***Code of Conduct Councillors***

<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of

a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

**Table 2: Other Registrable Interests**

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
  - (i) exercising functions of a public nature
  - (ii) any body directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union).