

COUNCIL CONSTITUTION COMMITTEE

Minutes of a meeting of the Council Constitution Committee held on Tuesday, 21st February, 2012 at 6.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors K.S. Sahota (Chairman), I.T.W. Fletcher, G.M. Green, F.R. Picken and R.J. Sloan

CCC-10 MINUTES

RESOLVED – that the minutes of the meeting of the Council Constitution Committee held on the 15th June, 2011 be confirmed and signed by the Chairman.

CCC-11 APOLOGIES FOR ABSENCE

Councillors A.J. Eade and R.C. Evans.

CCC-12 DECLARATIONS OF INTEREST

None.

CCC-13 REVISION OF CONSTITUTION

The Democratic Services Manager presented the report of the Assistant Director: Law, Democracy & Public Protection which outlined changes required to the constitution following the recent senior management restructure. Proposed changes were shown in the attached documents, Annexes A-C, which showed deletions and amendments to the original text.

Changes to Article 12 of the Constitution were required to reflect designations of statutory officers, changes to Part 4 (Rules of Procedure – Officer Employment Procedure Rules) were required to reflect the revised senior management structure and job titles. Amendments to section 11c, the scheme of delegations reflected revised job titles. The report also requested delegated authority for the Assistant Director: Law, Democracy and Public Protection and Monitoring Officer to amend the Constitution by deleting references to Heads of Services and replacing with the title Assistant Director. It was agreed that references to Corporate Directors should also be deleted and replaced with the title Director. An amendment to the recommendation at paragraph 2.4 of the report was duly moved, seconded and approved by Members. The recommendations, as amended were unanimously approved.

RESOLVED:

That the following amendments be recommended to Full Council -

- a) **The changes to Article 12 of the Constitution, designations of statutory officers, as shown in annex A of the report;**

- b) **The changes to Part 4 – Rules of Procedure – Section 1 Officer Employment Procedure Rules, as shown within Annex B of the report;**

- c) **The minor change to Part 11c – Responsibility for Functions List of Powers Exercisable by Officers, as shown in Annex C of the report.**

- d) **The Assistant Director, Law, Democracy and Public Protection as Monitoring Officer be delegated authority to update the constitution, deleting references to Heads of Service and replacing with Assistant Directors, deleting references to Corporate Directors and replacing with Directors and to make any other minor administrative changes as required.**

The meeting ended at 6.11 p.m.

Chairman:

Date:

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE – 5 September 2012

FULL COUNCIL – 13 September 2012

TRANSPARENCY AND PUBLIC ACCOUNTABILITY

REPORT OF THE ASSISTANT DIRECTOR: LAW, DEMOCRACY AND PUBLIC PROTECTION (MONITORING OFFICER)

1. PURPOSE

- 1.1 To request that the Committee agree the proposed options for increasing transparency and public accountability, as set out in the report, and recommend their approval to full Council.

2. RECOMMENDATIONS:

2.1 That Members consider the proposed options, shown at 3.3 – 3.5 of the report, for increasing transparency and improving public accountability and recommend their approval to Full Council.

- a) Publication on the Council's website of information on Councillors who trade with the Council
- b) Publication on the Council's Website of Councillor attendance figures for appointed meetings of the Council
- c) Introduction of a 15 minute Public Question session at Full Council Meetings
- d) Filming and/or Recording of Cabinet and Council meetings by members of the public on a trial basis
- e) Use of Social Media by members of the public during meetings
- f) Voluntary publication of Council expenditure over £100 reduced from the current level of £500

3. SUMMARY

The options shown at 3.3-3.5 of the report were approved by Cabinet on 26 July with a recommendation that, prior to implementation, options and protocols be considered and approved by Council Constitution Committee and Full Council.

3.1 Co-operative Council Values

The recommendations of the Co-operative Councils Commissions' report, approved by Cabinet on 29 March, set out the Council's values. The section on openness and honesty stated that the Council would *"be open and honest in the way we work and make decisions and communicate in a clear, simple and timely way"*. The section on involvement stated that *"we will work together with the community, involve people in decisions that affect their lives and be prepared to listen and take on new ideas"*.

The full set of Co-operative values set out in the report are as follows:

Ownership

We will be accountable for our own actions and empower people with the skills to help themselves.

We would like everyone to – take action and responsibility for themselves and their community to the best of their abilities.

Openness & Honesty

We will be open and honest in the way we work and make decisions and communicate in a clear, simple and timely way.

We would like everyone to be open and honest about what they want to improve in their community.

Involvement

We will work together with the community, involve people in decisions that affect their lives and be prepared to listen and take on new ideas.

We would like everyone to – work with and support others, get involved and share their views to help us develop the way we do things.

Fairness & Respect

We will respond to people's needs in a fair and consistent way.

We will and would like everyone to – respect and care for themselves and others, value the different ideas and skills that people bring and treat each other as equals.

3.2 DCLG Guidance

The Department for Communities & Local Government (DCLG) have played a leading role in the current government's transparency drive. A letter from Bob Neill, Parliamentary under Secretary of State, urging Councils to provide access for the public to record and/or film meetings is attached at Appendix 1. The Localism Act 2011 places importance on making it easier for local communities to have a greater influence in some of the decision making processes as well as requiring transparency on officer pay and financial information. These principles of openness, transparency and public accountability fit well with the values and ethos of a Co-operative Council.

In the light of Co-operative Council values and DCLG policy, there are a number of options that can be adopted by the Council that would serve to improve public accountability and provide greater transparency. These measures would provide a demonstration that the Council is putting in to action the principles outlined in the Co-operative Councils Commissions' report.

The options outlined are varied but focus on the issues involving transparency for elected Members and public accessibility to the Council's meetings and decision making processes.

3.3 Councillors

a) Publication of information on Councillors who Trade with the Council

Currently, details of councillors who have an interest in companies that receive payment from the Council are shown annually in the Final Accounts which go to Audit Committee. This information is theoretically available to anyone who may wish to access the information but this information is not easy to find.

In order to provide better transparency additional details of any councillors who have an interest in businesses that benefit from trading with the Council will be taken to Full Council via the Audit Committee as a separate report each year and published on the Council's website.

This information will be more readily accessible by the public and demonstrate a willingness by both Members and the Council to provide openness and transparency. In addition, this information could be shown on the Council's website.

The additional information requested would be:

- The previous year's value and description of any payments received from the Council to any businesses/companies where that Member has an interest.
- The preceding years' values
- Cumulative values of payments

Publication of more detailed information in a more accessible way would increase transparency and public accountability of councillors. Information will be collected by amending the form which is currently circulated to Members annually.

b) Publication of Member attendance figures at meetings of the Council (commencing from start of 2012 Civic Year).

Attendance records showing councillors' attendance at meetings should be published on the Council's website on a quarterly basis. This would serve to provide a clear public record of some of the duties carried out by individual councillors. Research of a selection of Council websites indicates that Member attendance data is currently published by most Councils. Collection and publication of this information was suggested by a member of the public at a recent 'Meet the Community Panel' event.

Publication of attendance data would be for attendance at meetings of the Council to which members are appointed at Annual Council and would provide further transparency and strengthen councillor accountability. Collection of data would have some time and resource implications.

It is suggested that it would be sensible to produce the information quarterly and then for a full Civic year at the end of that year. Therefore, it would be sensible to collect and publish information from the beginning of the current 2012/13 Civic year.

- Information will be collected only for those meetings appointed by Annual Council and published quarterly
- Information will be displayed in the form of a table, indicating where a councillor is a member of a particular Committee and indicating numbers and percentage of attendance with a total of all attendance shown at the bottom of the table for each councillor.
- Where a councillor has been granted a leave of absence due to ill health this will be indicated on the attendance table.

3.4 Meetings

a) 15 Minute Public Question session at Full Council Meetings

Most Councils now have some form of public question session where members of the public can raise questions with the Leader and Cabinet members. This often takes the form of a short session at the beginning of Full Council meeting but may be extended to other boards and committees. A public question session at the start of Full Council meetings would allow members of the public to ask questions directly of the Leader and/or Cabinet members. A protocol for the receipt of questions is attached at Appendix 2.

The democratic process is based on the rights of individuals to have their say and where appropriate to ask questions of those people elected on their behalf. Therefore there are no clear reasons why the public should not be allowed to ask questions before some or all of the meetings of the Council. The protocol is relatively robust in order to avoid issues such as vexatious questions, personal attacks or the delivery of political statements.

This process would lengthen Council meetings and there is a risk that this session could be dominated by the same people's questions for all meetings. However, the process is working satisfactorily at a number of other Councils, the protocol also contains strict time limits and prevents people submitting more than one question per meeting. The adoption of a public question session is in line with the stated values of the Council, the government's transparency agenda and the growing momentum for accountability. Potentially, the administration of a speaking system would have an impact on time and resources within the Democratic services team.

b) Filming/Recording of meetings of the Council by members of the public

Requests to film or record meetings have increased in recent years. The DCLG letter from Bob Neill urges Councils to do everything they can to allow filming and contains advice that appears to support this from the Information Commissioner. The advice is that 'in the context of photographing or filming meetings, whilst genuine concerns about being filmed should not be dismissed, the nature of the activity being filmed – elected representatives acting in the public sphere – should weigh heavily against personal objections'.

A number of Councils web cast some of their meetings in order to increase accessibility to the decisions of the Council. This is an option that could be considered either by using a specialist company to web cast specific meetings or perhaps by installing a CCTV system in the meeting rooms.

A number of Councils webcast some of their high profile meetings, estimates indicate that this would be between £500 and £1000 per meeting. However, web casting of meetings would not stop requests from the public to film/record or take photographs at meetings. DCLG advice on this issue is fairly clear that Councils should do everything possible to allow transparency provided such activity is not interfering with the decision making process. A protocol has been attached at Appendix 3.

There are some issues to consider here regarding members of the public possibly objecting to filming. Another issue would be the suitability and size of meeting rooms, public galleries etc. However, the protocol contains some allowance for these factors and the Chairman will have absolute discretion to terminate or suspend filming if, in their opinion, continuing filming would prejudice proceedings. Advice that filming/recording was permissible would be included with meeting agenda papers.

There may be a potential impact on time and resources as it would be expected that higher numbers of requests would be received for contentious meetings. In view of these considerations filming and/or recording by members of the public will be trialled at Full Council and Cabinet meetings only.

c) Use of Social Media (Twitter, Blogs) by members of the public during meetings of the Council

DCLG advice on this issue is similar to that of filming/recording meetings. Bob Neill MP's letter states that 'In short transparency and openness should be the underlying principle behind everything councils do and in this digital age it is right that we modernise our approach to public access, recognising the contribution to transparency and democratic debate that social media and similar tools can make'.

A number of Councils allow the use of Social Media by the public; some take a different view and specifically forbid it. However, there would be some major difficulties in identifying that it was happening and in subsequently enforcing a ban on the use of Social Media. Many people use Social Media as part of their everyday lives as part of the way they communicate and regulations preventing the use of Social Media are likely to exclude younger people who may be interested in Council matters.

The use of Social Media by the public carries some risks but these can be balanced against the benefits of encouraging inclusiveness for citizens and the creation of an open culture.

The use of social media is in many ways linked to the filming and recording of meetings. Should the principle of filming/recording be permitted then it would be difficult to justify not allowing the use of Twitter by members of the public. In many cases this is almost certainly happening already at some of our public meetings.

No protocol is required for this option but the Chairman will have absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice proceedings.

There would be no obvious time or resource implications.

3.5 Reducing the level for Publication of expenditure by the Council to £100

The Council currently publishes any expenditure over £500.. In order to provide greater transparency the Council will voluntarily publish expenditure for everything over £100. This would bring in a significant number of additional transactions but would provide greater public access to the Council's expenditure and would be in line with the ethos of openness and accountability. Publication of over £100 expenditure would commence from October 2013.

3.6 Adoption of Proposals

Proposals contained within this report will go forward as recommendations to Full Council on 13 September and be adopted as soon as practicable after that date.

4. PREVIOUS MINUTES

Cabinet 26 July 2012 Minute No: CB-33

5. EQUALITY AND DIVERSITY

No implications.

6. ENVIRONMENTAL IMPACT

No implications.

7. LEGAL COMMENT

7.1 Adoption of the transparency agenda will require changes to the constitution (example, process for public questions at full Council) and procedures to be put in place to ensure consistency and fairness.

Regarding recording/filming of meetings, there will need to be clear guidelines to address issues such as data protection to ensure that all members of the public attending the meeting are aware that they could be filmed and also to ensure that no personal and/or confidential information is recorded.

The changes to provide greater transparency link in with the new Members' Code of Conduct, particularly the aspects relating to integrity and honesty. The new provisions brought in by Chapter 7 of the Localism Act 2011 require elected members to complete a register of disclosable pecuniary interests (DPI) including details of 'employment, office, trade or profession', and 'contracts'. These specific categories are set out in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. The DPI forms are made available to the public to view both on

the Council's website and at the Council offices. If the Council agree to the disclosure of additional financial details as set out in the report at paragraph 3.3(a) above, this will be supplemental to those details required in the DPI form. Accordingly the financial disclosures referred to in this report and recommended at paragraph 2.1(a) will be provided on a voluntary basis and there may be no formal sanction for members who do not supply the requested details.

The current practice of publishing details of council expenditure over the £500 level is in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency which was issued by the Department for Communities and Local Government in September 2011. The Secretary of State for Communities and Local Government used his powers under section 2 of the Local Government, Planning and Land Act 1980 to issue this Code to assist local authorities to achieve the routine publication of more data to enhance accountability to the public. Paragraph 12 of this Code clearly sets out that publication of expenditure over £500 is a minimum provision. It is within the powers of the Council to reduce this figure to the £100 level proposed at recommendation 2.1(f) of this report.

8. FINANCIAL IMPLICATIONS

The options to strengthen transparency considered in the report will have resource implications, both in terms of officer time and direct costs. Based on the information available:

- Information on Councillors who trade with the Council – information relating to related party transactions is currently collated annually for publication in the Statement of Accounts and it is proposed that the additional information identified is gathered as part of the same exercise. This will be undertaken as part of the 2012/13 accounts process and so will not be available until early 2013/14.
- Publication of attendance at meetings figures – resource implications on Democratic Services staff;
- Allowing Filming at Full Council/Cabinet Meetings – the Council itself will not undertake the filming therefore there are no direct costs associated with this proposal;
- Twitter/social media – potential reputation “costs” and additional costs associated with monitoring social media and responding to comments.

Officer time will have to be funded from within existing revenue budgets.

9. WARD IMPLICATIONS

Borough wide

10. BACKGROUND PAPERS

10.4 The Localism Act 2011

10.5 Co-operative Council Commissions' Report 2012

10.6 The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

End of Report

Report prepared by Phil Griffiths Democratic Services Manager Tel: 01952 383210



To All Council Leaders
cc Monitoring Officers

Bob Neill MP
Parliamentary Under Secretary of State

**Department for Communities and Local
Government**

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London SW1E 5DU

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www.communities.gov.uk

23 February 2011

Dear Colleague,

Access to Meetings

As part of the Government's transparency drive I want to highlight the importance of your council giving citizens the opportunity to access and experience their local democracy using modern communication methods. It is essential to a healthy democracy that citizens everywhere are able to feel that their council welcomes them to observe local decision-making and through modern media tools keep others informed as to what their council is doing. The mainstream media also needs to be free to provide stronger local accountability by being able to film and record in meetings without obstruction.

Councils are now faced with important budget decisions affecting the day to day lives of people living and working in their communities. Council meetings have long been open to interested members of the public and recognised journalists, and with the growth of online film, social media and hyper-local online news they should equally be open to 'Citizen Journalists' and filming by mainstream media. Bloggers, tweeters, residents with their own websites and users of Facebook and YouTube are increasingly a part of the modern world, blurring the lines between professional journalists and the public.

There are recent stories about people being ejected from council meetings for blogging, tweeting or filming. This potentially is at odds with the fundamentals of democracy and I want to encourage all councils to take a welcoming approach to those who want to bring local news stories to a wider audience. The public should rightly expect that elected representatives who have put themselves up for public office be prepared for their decisions to be as transparent as possible and welcome a direct line of communication to their electorate. I do hope that you and your colleagues will do your utmost to maximise the transparency and openness of your council.

I do recognise that there are obligations on whoever is filming or publishing information – be it the council itself or a citizen or mainstream journalist – under the Data Protection Act 1998. But I do not see these obligations as preventing access for journalism. Nor are there grounds for any council

seeking to obstruct a citizen or other journalist from processing information. The Information Commissioner's Office has told us that:

' In the absence of any other legal barrier to comment, publication, expression and so on, the Act in and of itself would not prevent such processing of information.

In the majority of cases the citizen blogging about how they see the democratic process working is unlikely to breach the data protection principles.

In the context of photographing or filming meetings, whilst genuine concerns about being filmed should not be dismissed, the nature of the activity being filmed – elected representatives acting in the public sphere – should weigh heavily against personal objections'.

Moreover there are within the Act itself exemptions from the data protection principles which might apply in the circumstances of the citizen journalist. The first exemption relates to processing of information for journalistic purposes (section 32), the second for the processing of information for domestic purposes (section 36).

In short transparency and openness should be the underlying principle behind everything councils do and in this digital age it is right that we modernise our approach to public access, recognising the contribution to transparency and democratic debate that social media and similar tools can make.

I copy this letter to your monitoring officer given their responsibility for advising on your council's procedures and decision-making arrangements.

A handwritten signature in black ink, appearing to read 'Bob Neill', with a large, stylized initial 'B' and a long, sweeping tail.

BOB NEILL MP

PUBLIC QUESTIONS AT COUNCIL & CABINET MEETINGS

At each Ordinary meeting of the Council a period of **15 minutes** will be allocated for public questions. Questions can be asked of The Leader and Cabinet Members. There is a deadline set for the receipt of questions for each meeting, the table below sets out the date of meetings for 2012/13 and the latest time for receipt of questions for that meeting.

Council Meeting Date 6.30 pm Thursday	Latest time for receipt of Questions 12 noon Wednesday
22 November 2012	14 November 2012
24 January 2013	16 January 2013
7 March 2013	27 February 2013

Cabinet Meeting Date 5.00 pm Thursday	Latest time for receipt of Questions 12 noon Wednesday
18 October 2012	10 October 2012
8 November 2012	31 October 2012
6 December 2012	28 November 2012
20 December 2012	12 December 2012
31 January 2013	23 January 2013
28 February 2013	20 February 2013
28 March 2013	20 March 2013
25 April 2013	17 April 2013

Who can ask Questions

Anyone who lives, works, owns/leases land or is being educated in the Borough

You may only ask one question per meeting

No more than one question can be asked on behalf of a group or organisation

Questions will be asked in the order they were received

A maximum of 2 minutes is allowed for each question and answer

Questions should be clear and concise (no more than 50 words)

Answers will be given verbally. In cases where more information is required a written answer will be provided.

As there is a limited time for questions it is possible that not all valid questions will be able to be read out and answered at the meeting. At the end of the 15 minute period, or after the reply to the final question, whichever occurs first, the Council will proceed to the next business. Any submitted questions not read out during the 15 minute period will receive a written reply.

Submitting your Question

Questions must be delivered in writing, or sent by e mail to Democratic Services and must be received by 12 noon 2 working days before the meeting, please see the table above for appropriate deadlines.

You will be expected to attend the meeting in order to put your question. If you are unable to attend the Mayor may, at his discretion, put the question on your behalf.

When submitting your question (no more than 50 words) please include the following information

- The date of the meeting at which you want to ask your question
- Your name, address and a contact telephone number
- Your e mail address

Scope of Questions

Your question must refer to an issue which affects the Borough or falls within the Council's responsibilities.

Your question must be directed to the Leader of the Council or a Member of the Cabinet

Your question must not be in furtherance of your own particular circumstances

Your question must not be substantially the same as a question which has been put at a Council meeting in the past 6 months

Your question must not be derogatory, defamatory, frivolous, vexatious or offensive – there is no legal protection for comments made at meetings.

Your question must not require the disclosure of confidential or exempt information

Your question must not refer to individual planning or licensing matters or any matter where there is a right of appeal to the courts, tribunal or to a Government Minister

You may not ask a question about the service conditions of any person employed by the Council

What Happens at the Meeting

Copies of all valid questions received will be made available to those present at the meeting

The Mayor will refer to the list of valid questions and will ask in turn each member of the public to stand and ask their question. If you do not wish to read your question out yourself you may ask that it be read out on your behalf

When reading the question you must not deviate from the text of the question that you have submitted

Your question may be directed to the Leader of the Council or to the relevant Cabinet Member.

Unless the Mayor decides otherwise, there will be no discussion or debate on any question or answer.

Send your Question to:-

By Letter Telford & Wrekin Council, Democratic Services, Civic Offices, Coach Central, Telford TF3 4HD

By E Mail Democserv@telford.gov.uk

If you require further information please telephone 01952 383210

FILMING/RECORDING/PHOTOGRAPHY PROTOCOL

The Council supports the principle of transparency and encourages filming, recording and taking photographs at its meetings that are open to the public. It also welcomes the use of social networking websites (such as Twitter and Facebook) and micro-blogging to communicate with people about what is happening, as it happens. There is no requirement to notify the Council in advance, but it should be noted that the Chairman of the meeting will have absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice proceedings at the meeting. The circumstances in which termination or suspension might occur could include:

- public disturbance or suspension of the meeting
- the meeting agreeing to formally exclude the press and public from the meeting due to the confidential nature of the business being discussed
- where it is considered that continued recording/photography/filming/webcasting might infringe the rights of any individual, and
- when the Chairman, considers that a defamatory statement has been made.

In allowing this, the Council asks those recording proceedings not to edit the film/record/photographs in a way that could lead to misinterpretation of the proceedings, or infringe the core values of the Council. This includes refraining from editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being photographed/filmed/ recorded.

Those intending to bring large equipment, or wishing to discuss any special requirements are advised to contact the Council's Communications Team in advance of the meeting to seek advice and guidance. Please note that such requests will be subject to practical considerations and the constraints of specific meeting rooms. The use of flash photography or additional lighting will not be allowed unless this has been discussed in advance of the meeting and agreement reached on how it can be done without disrupting proceedings.

At the beginning of each meeting, the Chairman will make an announcement that the meeting may be filmed, recorded or photographed. Meeting agendas will also carry this message.'

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE – 5 September 2012

NEW CONSTITUTION

REPORT OF THE ASSISTANT DIRECTOR: LAW, DEMOCRACY AND PUBLIC PROTECTION (MONITORING OFFICER)

1. PURPOSE

- 1.1 To update members on progress on the new constitution and to seek members' views and suggestions on the new electronic constitution.

2. RECOMMENDATIONS

- 2.1 That the attached outline electronic constitution be noted by members and that members comment on the suggested approach.
- 2.2 That a further report be brought to the Committee when all elements of the proposed constitution are completed.

3. SUMMARY

Work on a new constitution has been ongoing, members requested that further updates be reported to the Committee. The attached document gives an overview of how the new constitution will look. Work has been done to streamline and simplify the document in order to make it more accessible. Views and comments on the format and accessibility of the new constitution are requested.

4. PREVIOUS MINUTES

Council Constitution Committee 11 January 2011 Minute No: CCC-19
Council Constitution Committee 8 November 2011 Minute No: CCC-8

5. EQUALITY AND DIVERSITY

No implications.

6. ENVIRONMENTAL IMPACT

No implications.

7. LEGAL COMMENT

The Council is required to have a constitution that explains how it conducts its business and how it takes its decisions.

8. FINANCIAL IMPLICATIONS

None

9. WARD IMPLICATIONS

Borough wide

10. BACKGROUND PAPERS

None

End of Report

Report prepared by Phil Griffiths Democratic Services Manager Tel: 01952 383210

How Does the Council work?

Introduction: A summary and explanation of how the Council works

INTRODUCTION

“The constitution and other documents referred to in it should set out everything anyone who has dealings with the local authority would need to know about how the local authority conducts its business who takes which decisions and how to work with the local authority”.

New Council Constitutions: Guidance to Local Authorities
Communities & Local Government – 2002

Telford & Wrekin Council has 54 **Councillors** who are elected every 4 years. Councillors either represent an area (a ward) on their own or with one or two other Councillors. There are 33 **wards** within the Borough. The Councillors together form the Council and meet together as a Council about 6 times per year. They are democratically accountable to the people in their ward, including those that did not vote for them, but have an overriding duty to act in the best interests of all the people within the Borough.

Telford & Wrekin Council is a **co-operative Council** which means that is a Council that works closely with residents, staff, partners and other organisations to deliver the best we can for the borough by giving local people greater power over the services they use and the issues that affect their lives.

Council meetings decide upon the Council priorities and how it should spend its money. Council also appoints a Leader who remains in post for four years and decides, with his Cabinet, how to best deliver the services that the Council is responsible for providing.

The Council appoints a **Mayor** who is the first citizen and Queen’s representative within the Borough. The Mayor chairs Council meetings. Councillors are also appointed to sit on other committees to take the decisions that the Leader cannot make and to hold the Leader and Cabinet to account by scrutinising their decisions. Council employees, often referred to as officers, give advice to Councillors, implement decisions and manage the day to day delivery of services. Some officers have specific duties to ensure that the Council acts within the law and uses its resources wisely.

Councillors have to follow a Code of Conduct to ensure high standards in the way in which they conduct their duties.

All council meetings are held in public. If items to be discussed are of a confidential nature or can be classified as exempt then the public can be excluded for this part of the meeting.

How Does the Council work?

Introduction: A summary and explanation of how the Council works

The way that the Council works is governed by its Constitution.

HOW THE CONSTITUTION WORKS

The Constitution has 3 parts to it:-

<i>How Does the Council work?</i>	Introduction: A summary and explanation of how the Council works - YOU ARE HERE	
<i>Decision-making</i>	Who makes Decisions?	Details the different powers of Council, the Leader, Boundary Review, Licensing and Planning Committees and Officers
	What decisions can they make?	
	How do they make decisions?	Includes the Procedure Rules that detail how meetings will be conducted.
<i>Governance – scrutiny, oversight and transparency</i>	Scrutiny	Details the scrutiny committees, what they can do (terms of reference) and procedure rules for those committees
	Oversight	Details the different powers of the Audit ,Appeals, Council Constitution, Personnel and Standards Committees, their terms of reference and procedure rules for those committees Details financial regulations, legal rules, procurement rules and rules on changing the constitution Codes of conduct for members and officers and protocol for member/ officer relations
	Transparency	Your rights and responsibilities as a citizen How we manage our information, Key decisions and forward planning

The New Constitution 1

*How does the council
work?*

Introduction: A summary and
explanation of how the Council
works

1st draft

The New Constitution 2

Decision-making

2. Who makes decisions?



Details the Council committees including Leader's powers and officers roles in decision-making

The New Constitution 3

Decision-making

3. What decision can they make and how do they make them?



Explanation of functions and split between Leader and Council and terms of reference of :-

Council
Leader/ Cabinet
Boundary Review Cmte
Licensing Committee
Planning Committee

and delegation to officers

1st draft

The New Constitution 4

*Governance – scrutiny,
oversight and
transparency*

4. Scrutiny



Scrutiny Rules (including
committees, terms of reference
and procedure rules)

In progress

The New Constitution 5

*Governance – scrutiny,
oversight and
transparency*

5. Oversight

Codes of Conduct for Members
and Officers

Protocol for member/ officer
relations

Financial Regulations (inc
Contract Rules)
Officer Employment Rules

Rules on changing the
Constitution

Up to date

In progress

Terms of reference and
procedure rules for:-

Appeals Committee
Audit Committee
Constitution Committee
Personnel Committee
Standards Committee

1st draft

The New Constitution 6

*Governance – scrutiny,
oversight and
transparency*

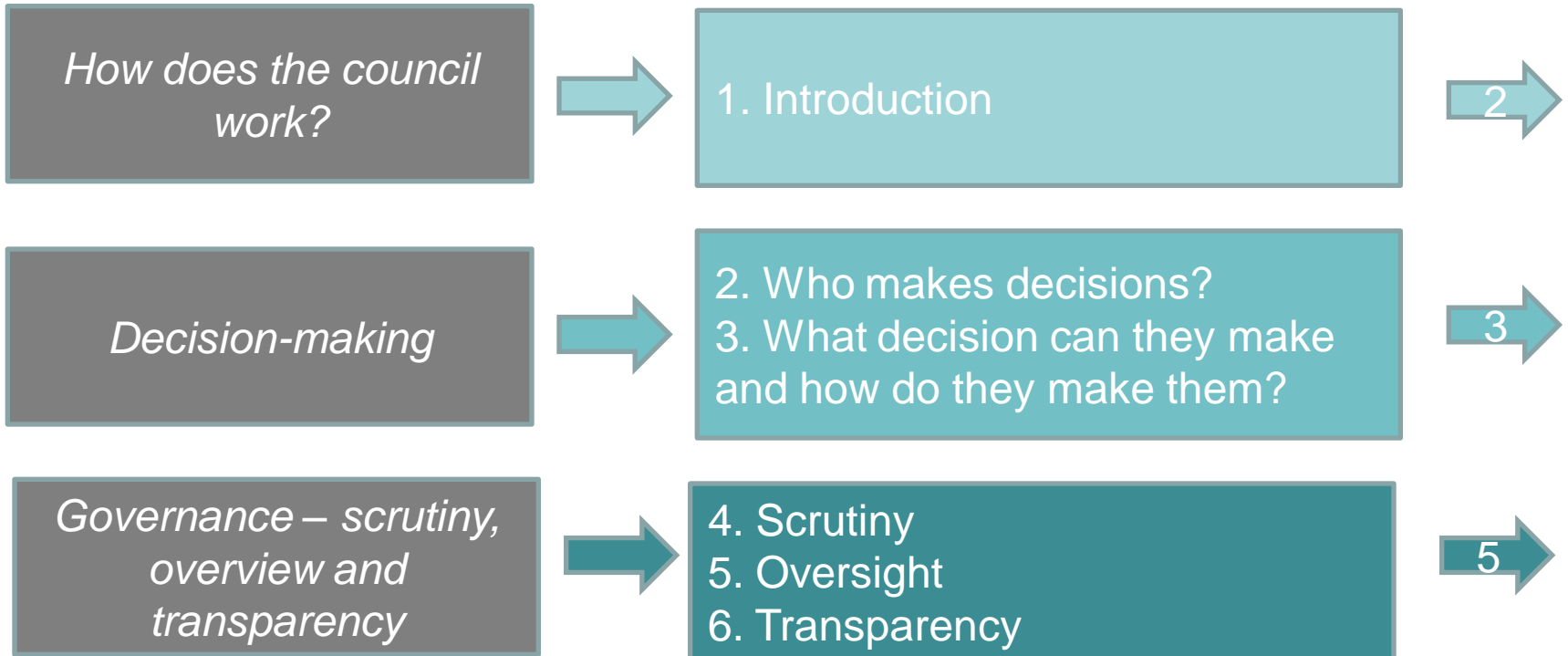
6. Transparency



Citizens and the Council
Access to information Rules
Key decisions/ Forward Plan

In progress

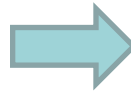
Constitution detail 1



Constitution detail 2

How does the Council work?

1. Introduction



A summary and explanation of how the Council works

Constitution detail 3

Decision-making

2. Who makes decisions?



Members
Council
Leader/ Cabinet
Committees
Officers



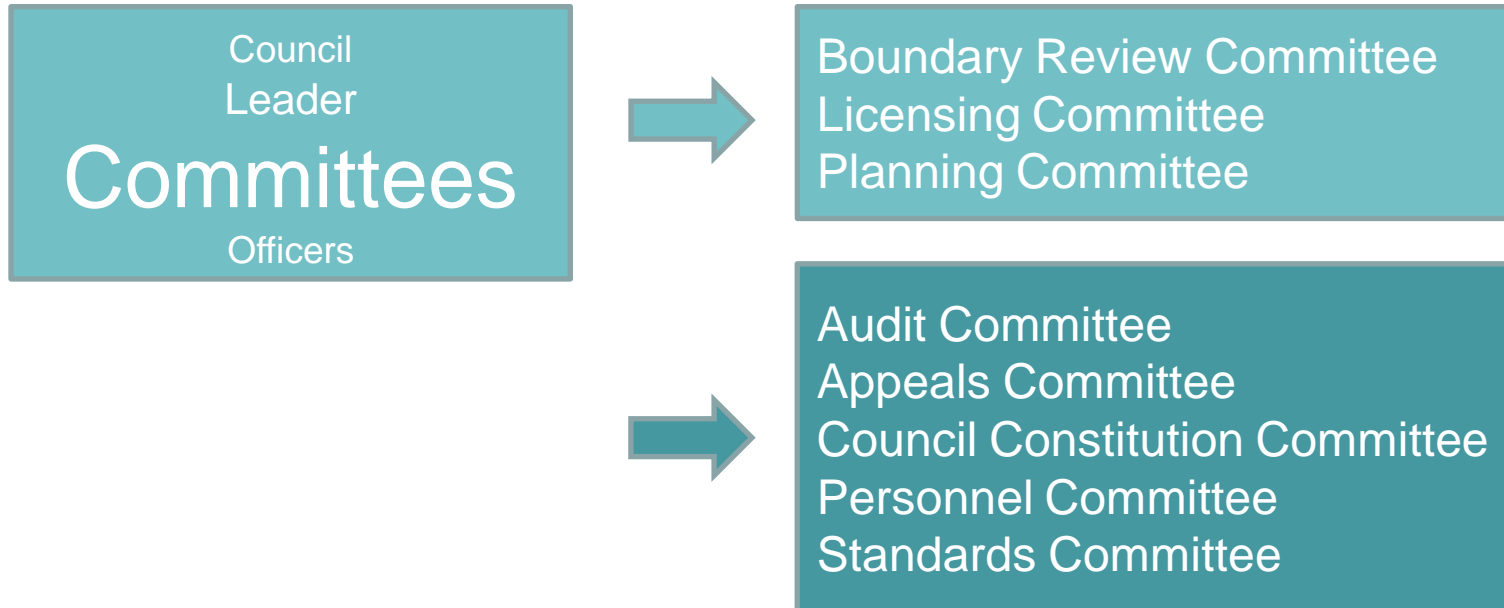
3. What decisions can they make and how do they make them?



Terms of Reference
Delegation scheme

Constitution detail 4

Decision-making



Constitution detail 5

Governance – oversight and transparency

4. Scrutiny



Scrutiny

5. Oversight



Appeals Committee
Audit Committee
Council Constitution Committee
Personnel Committee
Standards Committee

6. Transparency



Key decisions
The Forward Plan
Access to information
Citizens rights and responsibilities

2. Who makes decisions?

Decision-maker	Key functions	What Decisions can they make and how do they make them?
Council	To approve the Council's budget and policy framework	[link]
Leader	To lead the implementation of the approved policy framework within the approved budget	[link]
Boundary Review Committee	Develop and agree proposals for consideration by Council about ward and parish boundaries	[link]
Licensing Committee	Licensing and registration functions	[link]
Planning Committee	Development control, town and country planning and highways	[link]
Appeals Committee	To hear and determine appeals	[link]
Audit Committee	Matters relating to audit, risk, financial management and governance	[link]
Constitution Committee	To review and recommend changes to the Constitution	[link]
Personnel Committee	To deal with appointments, strategic personnel policies and the pension scheme	[link]
Standards Committee	Matters relating to ethics and standards and governance	[link]
Officers	Day to day service decisions and, within budget, implementing Council policy	[link]

BOUNDARY REVIEW COMMITTEE TERMS OF REFERENCE

The Committee has the responsibility on behalf of the Council in respect of the electoral arrangements for the Borough.

TERMS OF REFERENCE

Boundary Reviews

1. Duty to prepare information on and to recommend consultation responses to Council on Parliamentary Boundary Reviews
2. Duty to prepare information on and to recommend consultation responses to Council on Periodic and further Electoral Reviews
3. Duty to prepare information on and to recommend consultation responses to Council on Reviews of European Parliamentary electoral regions.
4. Duty to prepare information on and recommend consultation responses to Council on all other electoral arrangement reviews

Community Governance Reviews

5. Dealing with all matters relating to Community Governance Reviews

Parishes

6. Grouping parishes, dissolving groups and separating parishes from groups

Polling Districts

7. Duty to divide the constituency in to polling districts
8. The power to divide electoral divisions into polling districts at local government elections.

General

9. Annually at the first meeting after the [Annual Council Meeting](#) consider its terms of reference

PROCEDURE

As a general rule the [Council Procedure Rules](#) govern the way that committees operate but these may be varied or suspended¹ at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.

¹ With the exception of paragraph 12

The Leader & Cabinet Rules

1. The Leader
2. The Deputy Leader
3. The Cabinet and cabinet members
4. Notice of meetings/ Attendance at meetings
5. Business to be transacted at Cabinet meetings
6. Decision-making
7. Voting
8. Other procedural rules
9. Developing the Budget Framework
10. Developing the Policy Framework

1. The Leader

- 1.1. The **Leader** is appointed by Council for a four year term and, subject to 1.7, below holds office until the day after the Annual Meeting after the first full Council Elections after his/ her election and is responsible for the implementation of the Budget & Policy Framework and developing the Budget and Policy Framework.
- 1.2. All functions of the **Authority** are vested in the **Leader** except in so far as they are reserved to the **Council** by legislation or they are functions identified as those which may be made either by Council or the Leader, (as amended from time to time), and a decision has been made by Council that they are **Council functions**¹. These are detailed in the **Responsibility for Functions**.
- 1.3. The Leader may invite the Council to review and re-allocate the responsibility for these **Council functions** at any time.
- 1.4. The Leader may only take decisions, including **Key Decisions**, that are within the Council's **Budget and Policy Framework**.
- 1.5. The Leader may delegate any or all of his/ her functions, including the taking of **Key Decisions**, to the **Cabinet**, a sub-committee of cabinet, an individual cabinet member (including the Deputy Leader), an officer, a joint committee or another local authority. Delegations made by the Leader are detailed in the **Responsibility for Functions**.
- 1.6. Any changes to the delegations made by the Leader will be notified to the person or committee concerned² and to the **Proper Officer** who will report the changes to the next meeting of Council .
- 1.7. The Leader will continue in office unless he/she:-
 - 1.7.1. resigns from office
 - 1.7.2. is suspended from being a Councillor
 - 1.7.3. is no longer a Councillor
 - 1.7.4. is removed from office by resolution of the **Council** by way of motion of no confidence submitted with at least 10 working days notice which is signed by at least 25% of all Councillors

¹ These Council functions may be delegated to a committee, a sub-committee, a joint-committee or an officer

² Notice to any committee, including a Joint Committee will be effective if it is given to the Chairman of that committee

The Leader & Cabinet Rules

- 1.7.5. is removed from office by resolution of the Council in the event of a change in political control of the Council

2. The Deputy Leader

- 2.1. The Leader will appoint one of the members of the Cabinet to act as his/her Deputy. The Deputy Leader must act in the place of the Leader if the Leader is for any reason unable to act or the office of Leader is vacant.
- 2.2. Subject to 3.8 below the Deputy Leader will hold office until the end of the term of office of the Leader
- 2.3. If a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in his/her place. The appointment will take effect when the Leader provides written confirmation of the appointment to the Head of Governance.

3. The Cabinet

- 3.1. The **Cabinet** is chaired by the **Leader** of the Council³ and between 2 and 9 other members (including the Deputy Leader) appointed by the **Leader**.
- 3.2. The Leader will provide notification of Cabinet appointments and replacements to the Proper Officer in writing as soon as is reasonably practicable after they have been made.
- 3.3. The **Cabinet**, or individual **cabinet members** (including the Deputy Leader) are responsible for day to day decision-making of (mainly) **Key Decisions**³ that have been delegated to them by the Leader either collectively or individually and implementing the policies and priorities in accordance with the **Budget and Policy Framework** which is determined by **Council**. Cabinet also has a key role in supporting the Leader in **Developing the Budget and Policy Framework**.
- 3.4. In the absence of the Leader Cabinet meetings are chaired by the Deputy Leader and in the absence of both the meeting shall elect a Chair from those Cabinet Members present.
- 3.5. If for any reason the Leader is unable to act or the office of Leader is vacant and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Cabinet must act in the Leader's place or must arrange for a member of the Cabinet to act in his/her place.
- 3.6. The **quorum** of the meeting is 4 and substitutes are not allowed.
- 3.7. Co-optees can be appointed to cabinet sub-committees⁴ but they cannot be given voting rights.
- 3.8. A **Cabinet member** (including the Deputy Leader) holds office until he/she:-
 - 3.8.1. resigns from office
 - 3.8.2. is suspended from being a Councillor
 - 3.8.3. is no longer a Councillor
 - 3.8.4. is removed by the Leader, this removal will take effect when the Leader gives written notice of it to the **Proper Officer**

³ In the absence of the Leader the Deputy Leader will chair the meeting. In the absence of the Deputy Chair the chair will be appointed by the members present at the meeting.

⁴ Co-optees can be appointed for a fixed term or as a standing member – there is a 1 month notice period on either side.

The Leader & Cabinet Rules

- 3.8.5. is removed from office by resolution of the Council by way of motion of no confidence submitted with at least 10 working days notice which is signed by at least 25% of all Councillors
- 3.8.6. is removed from office by resolution of the Council in the event of a change in political control of the Council

4. Notice of meetings/ Attendance at meetings

- 4.1. The time and date of Cabinet meetings are agreed in advance by Annual Council. Subject to 4.2 below additional meetings may be called, or the time and date of meetings may be changed by the Proper Officer at the request of the Leader or any Statutory Officer where a decision is an Urgent Decision or it is otherwise reasonable to do so.
- 4.2. The Proper Officer will give 5 clear working days of Cabinet meetings.
- 4.3. Cabinet meetings are held in public. When the meeting considers confidential information or exempt information (subject to the relevant public interest tests) then the meeting will consider that agenda item in private and, by resolution, members of the public, the press and, subject to 4.6 below, non-cabinet members of the Council may be excluded
- 4.4. The agenda and reports for all meetings will be made available to all Members
- 4.5. A copy of the Agenda and reports (except confidential or exempt reports) for all meetings, and the Notice of Decisions from previous meetings are placed on the Council’s web-site as soon as they are published. A copy of the Agenda and all non confidential or non exempt reports will be available for inspection from Civic Offices as soon as the Agenda is published.
- 4.6. The Group Leader (and in their absence the Deputy Group Leader) of all minority groups on the Council can attend and speak on any item on the Agenda
- 4.7. The person chairing the Cabinet meeting may, in their absolute discretion, by prior agreement, allow a member to speak on an item when a decision about it will have a significant effect on their ward.
- 4.8. The Proper Officer will make arrangements to provide briefings for non cabinet members on agenda items during the week prior to the cabinet at such times and in such places as may be agreed from time to time by the Chief Executive and Group Leaders.

5. Business to be transacted at Cabinet meetings

Business to be transacted	
Agree terms of reference ⁵	✓
Elect a person to preside if the Leader and Deputy Leader are not present	✓ *
Receive any apologies for absence	✓ *
Receive any declarations of interest from Members	✓ *
Consideration of the Record of Decisions of the last meeting ⁶	✓ *
Appoint such sub-committees, etc. as the Cabinet consider are required to enable it to efficiently conduct its business and, in respect of those sub-committees agree the size and terms of reference and appoint the Chairman, Vice-Chairman and Members.	✓ **

⁵ At the first meeting after the Annual Council meeting.

⁶ The only part of the Record of Decisions that can be discussed is their accuracy. Once approved the Chairman will sign them as a correct record.

The Leader & Cabinet Rules

Matters referred to the Leader from either Council ⁷ or any Scrutiny Committee ⁸ ;	✓
Consideration of reports from individual members ⁹ of the Cabinet or any Statutory Officer;	✓
Consideration of the Forward Plan; and	✓
matters set out in the agenda for the meeting (Key Decisions shall be identified).	✓

* Compulsory business, the order of which cannot be varied.

** Where there is a vacancy

6. Decision-making

- 6.1. All decisions, notwithstanding who takes them, will be made using the Principles of Decision-making
- 6.2. A Record of Decisions shall be made for all cabinet meetings and all Key Decisions taken, whether taken collectively or individually.
- 6.3. Where an individual or any decision-making body other than the Cabinet is inquorate because of a conflict of interest the decision will be taken by the Cabinet. If the Cabinet is inquorate because of a conflict of interest then the Proper Officer will be instructed to seek an appropriate dispensation from the Standards Committee.

7. Developing the Budget Framework

- 7.1. The Council is responsible for adopting the Budget & Policy Framework but the Leader is responsible for developing proposals and implementing it. The process for developing the Budget Framework is:-

Action	Timing
The Leader publishes his/ her draft budget and policy framework proposals in accordance with this timetable	By 31 st December
Consultation including referring proposals to the Efficient Effective Council Scrutiny Committee ¹⁰ and community and stakeholder groups	At least 4 weeks from publication of draft proposals
The Leader considers the responses from the budget consultation, including reports from the Efficient Effective Council Scrutiny Committee and Opposition Groups and may amend his/ her proposals	Pre 11 th March
The Leader will submit his/her final proposals (including responses to consultation) to Council for adoption	Pre 11 th March

⁷ Any resolution of Council referred to Cabinet for consideration will be considered, at latest, at the next scheduled meeting of the Cabinet

⁸ These may be limited by the Proper Officer depending upon the business to be transacted at the meeting

⁹ These may only be submitted with the agreement of the Leader

¹⁰ This committee must consider budget proposals proposed by any Opposition Group before Cabinet present their final proposals to Council

8. Developing the Policy Framework

- 8.1. Development of any element of the [Policy Framework](#) will be managed by the [Leader](#) in a similar way to the development of the [Budget Framework](#), see 7 above, in that proposals will be agreed by the [Leader](#) and consulted upon (for a minimum of 4 weeks) (including referring proposals to the relevant scrutiny committee before being re-considered by the [Leader](#) in the light of consultation responses and submitted to Council for adoption)

Council Rules

1. What is Council
2. Council meetings
3. Business to be transacted at Council meetings
4. Notice of Meetings/Attendance at meetings
5. The role of the Mayor
6. Questions
7. Motions
8. Rules of Debate
9. Speeches
10. Voting
11. Conduct
12. Suspending Council Rules

1. What is Council

- 1.1. The Council (a meeting of all 54 Members of the Council) is responsible for setting the [Budget & Policy Framework](#) for the Council. All Council functions are delivered within this framework.

2. Council Meetings

What type of meeting	When
The Annual General Meeting	Either After Council elections , within 21 days of the retirement of the outgoing councillors Or March to May in non election years
Ordinary Meetings	See the schedule of meetings
Extraordinary Meetings	Can be called by: <ul style="list-style-type: none"> • the Council by resolution • the Mayor • the Monitoring Officer any 5 Members of the Council who have signed a requisition requesting a meeting when the Mayor has refused or failed to call a meeting within 5 working days of him/her receiving such a requisition can request the Proper Officer to call a meeting

3. Business to be transacted at Council meetings:-

Business to be transacted	Type of Meeting		
	Annual Meeting	Ordinary Meeting	Extraordinary Meeting
Elect a person to preside if the Mayor is not present		✓ *	✓ *
Elect a person to preside if the Mayor and Deputy Mayor are not present	✓ *	✓ *	✓ *
Have prayers led by the Mayor or his/ her nominee	✓ *	✓ *	✓ *
Receive any apologies for absence	✓ *	✓ *	✓ *
Business required by statue to be done before other business		✓ *	
Receive any declarations of interest from	✓ *	✓ *	✓ *

Council Rules

Members			
Elect the Mayor, Deputy Mayor, Leader and Deputy Leader	✓		
Approve the minutes of the previous meeting(s) ¹	✓ *	✓ *	
Receive any announcements from the Mayor, the Leader or the Head of Paid Service	✓	✓	
Agree the size of the Cabinet and appoint Members to the Cabinet	✓		
Agree the Council's delegation scheme	✓		
Appoint such committees, etc. as the Council consider are required to enable it to efficiently conduct its business and, in respect of those committees agree the size and terms of reference and appoint the Chairman, Vice-Chairman, Members and substitutes (where applicable)	✓	✓ **	
Business to be transacted	Type of Meeting		
	Annual Meeting	Ordinary Meeting	Extraordinary Meeting
Receive the schedule of meetings	✓		
Receive the Leader's annual statement of policy priorities and the responses from the Leaders of the 2 largest opposition groups	✓		
Consider the business set out in the agenda	✓	✓	✓
Receive reports from the Cabinet and receive questions and answers on cabinet reports		✓	
Receive reports from Committees, etc. and receive questions and answers on those reports and to determine recommendations made in those reports ²		✓	
To answer questions received from Members in the order in which they were received		✓	
To consider motions in the order in which they were received		✓	

* Compulsory business , the order of which cannot be varied.

** Where there is a vacancy

4. Notice of Meetings/ Attendance at meetings

4.1. The **Proper Officer** will give 5 clear working days notice of all Council meetings by way of summons which will include details of the date, time and place of the meeting as well as

¹ The only part of the minutes that can be discussed is their accuracy. Once approved the Mayor will sign them as a correct record.

² Minutes are moved by the Leader (or Cabinet Member) and the Chairman (for committees).

Resolved decisions cannot be discussed or changed by Council.

Recommendations from Cabinet or any committee will be considered individually in the order that they appear on the Council agenda and debated in accordance with these rules.

Once all the recommendations emanating from cabinet or a committee have been considered then the minutes are received

detailing the business to be transacted and copies of available reports. Summonses may be sent either electronically or delivered by post or by hand.

- 4.2. The Mayor may, if he/ she considers it appropriate and after consulting with the Leader alter the date or time of any Council meeting.
- 4.3. The names of all Members attending meetings will be recorded.
- 4.4. Substitutes can be appointed as detailed below and have the same powers and duties as an ordinary member of the committee but cannot chair a meeting at which they are attending as a substitute. They must substitute for a whole meeting and notify the Proper Officer at least one hour before the start of the meeting .

Type of meeting	Members	Substitutes
Cabinet	9 (maximum)	n/a
Standards Committee	7	n/a
Audit Committee	7	n/a
Council Constitution Committee	7	n/a
Scrutiny Committees	7	n/a ³
Plans Board	7	8
Licensing Committee	14	14
Appeals Committee	7	8
Personnel Board	7	n/a
Employee JICF	7	8

5. The role of the Mayor

- 5.1. The person elected to chair meetings of the Council is referred to as the **Mayor**⁴.
- 5.2. The **Mayor** will:-
 - 5.2.1. Uphold and promote the Constitution and interpret it when necessary
 - 5.2.2. Preside over meetings of the Council to ensure that the business of the Council is carried out efficiently and with regard to the rights of all Members and the community as a whole including the variation of the order of business (except those items marked with an asterisk in 4 above)
 - 5.2.3. Ensure that the Council meeting is a forum for debate of matters of concern to the local community and the place for members who are not on the Cabinet to hold the Cabinet to account
 - 5.2.4. Promote public involvement in the Council’s activities
 - 5.2.5. Any Member elected to preside if the **Mayor** is not present may exercise any of these powers of duties.
 - 5.2.6. not sit on any Committee, etc. during his/her year of office but will have the right to attend any meeting and, after prior consultation with the Chairman, to speak at any meeting

³ except for call-in meetings

⁴ The Mayor chairs Council meetings and is responsible for attending such civic and ceremonial functions that the Council and he/ she determines appropriate

6. Questions

Questions on reports of the Cabinet or Committee

A Member may ask the Leader of the Council or the Chairman of a Committee any question without notice about any matter arising out of a report when it is being received or under consideration by Council.

Other questions at Ordinary meetings of the Council

- 6.1. All other questions must be submitted to the Proper Officer by 5:00pm at least 2 working days before the meeting unless the Mayor and the person to whom the question is to be put agree that the matter is urgent in which case the question must be provided to the Proper Officer 24 hours before the time of the meeting.
- 6.2. Questions can be asked of any member of the Cabinet and the Chairman of any Committee, etc. about any matter in relation to which the Council has powers or duties or which affects the Borough.
- 6.3. The Mayor may, in consultation with the Chief Executive or the Proper Officer may rule a question out of order if questions do not meet these requirements or in his/her opinion it would risk the defamation of any individual.

Process for asking questions at Council

- 6.4. A maximum of 30 minutes is allocated for this process and questions are tabled at the meeting, printed in the order in which they are received. The question is not read out but referred to by its number on the printed sheet
- 6.5. An answer will be provided by the Member to whom the question was put or his/ her nominee and can be either a direct oral answer, a reference to an already existing publication or, if the reply cannot be conveniently be given orally, or the 30 minute time period has expired, a written answer will be circulated to all Members via the Council's intranet or e-mail within five clear working days.
- 6.6. The Member asking the question may respond **once** without notice to any reply as long as the response arises directly out of the original question or the reply.
- 6.7. A Member may speak for no more than 3 minutes when asking a question/ supplementary question or providing an answer.

7. Motions

- 7.1. There are 2 types of Motion, those that can be moved during debate and those for which notice is required.

Motions without notice

- 7.2. The following motions can be moved without notice during the Council meeting:-
 - 7.2.1. to appoint a Chairman
 - 7.2.2. in relation to the accuracy of the Minutes
 - 7.2.3. to change the order of business in the agenda
 - 7.2.4. to refer something to an appropriate body or individual
 - 7.2.5. to appoint a committee or member arising from an item on the agenda for the meeting

- 7.2.6. to receive reports or adoption of recommendations of Committees or officers and any recommendations following from them
 - 7.2.7. to extend the time limit for speeches
 - 7.2.8. to suspend a particular Council Rule
 - 7.2.9. to adjourn the meeting
 - 7.2.10. to exclude the public and press
 - 7.2.11. to not hear further from a Member or to exclude them from the meeting
 - 7.2.12. to give the consent of the meeting where its consent is required by this Constitution
 - 7.2.13. to ask for a [Recorded Vote](#)
 - 7.2.14. to withdraw the motion
 - 7.2.15. to amend the motion
 - 7.2.16. to proceed to the next business⁵
 - 7.2.17. that the question be now put⁶
 - 7.2.18. to adjourn the debate⁷
- 7.3. The [Mayor](#) may ask for a written version of a Motion or a proposed amendment to be provided to him before it is discussed.
- 7.4. A Member may alter a Motion without notice which he/ she has moved with the consent of the Secunder and the meeting. This shall be given without discussion.

Motions with notice

- 7.5. Other Motions must be [submitted to the Proper Officer](#) by 5:00pm at least 7⁸ clear [working days](#) before the meeting.
- 7.6. Motions received will be published the day after the closing date for receipt and will be included in the Council agenda in the order in which they are received.
- 7.7. Motions must relate to matters for which the Council has responsibility or which affect the Borough of Telford & Wrekin.
- 7.8. A Member may alter a Motion with notice which he/she has moved with the consent of the meeting. This shall be given without discussion.

Special Motions with notice - Rescinding a previous decision

- 7.9. A Motion or amendment to rescind a decision made at Council in the last 6 months can only be considered once in the 6 months immediately following the date of the original decision if the notice of motion is signed by at least 10 members.
- 7.10. A motion or amendment that is substantially similar to one that has been rejected by Council in the last 6 months can only be considered once in the 6 months immediately following the

⁵ If the Mayor considers that the item has been sufficiently discussed he/ she will put the motion to the vote and if passed give the mover of the Substantive Motion a right of reply

⁶ If the Mayor considers that the item has been sufficiently discussed he/ she will put the motion to the vote and if passed give the mover of the Substantive Motion a right of reply

⁷ If the Mayor considers that the item has not been sufficiently discussed and cannot reasonably be so he/ she will put the motion to the vote without giving the mover of the Substantive Motion a right of reply

⁸ A notice of motion of no confidence in the cabinet as a whole or individual members (including the Leader) requires 10 clear working days notice

Council Rules

date of the original decision if the notice of motion is signed by at least 10 members.

8. Rules of Debate

8.1. Other than when asking questions or when these rules have been suspended Members can speak on the motion, any proposed amendment to the motion and on any further amended motion as detailed below:-

	Substantive motion	Propose amendments	Proposed amendment	Right of reply	Length of speech
Proposer	✓ ⁹	✗ ¹⁰	Right of Reply only	✓	5 minutes
Seconder	✓ ¹¹	✗	✓	✗	3 minutes
All other members except the Mayor	✓	✓	✓	✗	3 minutes

Amendments to Motions or Recommendations

- 8.2. Amendments can be proposed that:-
- 8.3. Refer the matter to an appropriate body or individual for consideration or reconsideration
- 8.4. Any combination of leaving out words and/or adding others as long as this does not negate or substantially alter the Motion.
- 8.5. Only one Motion can be moved and debated at any one time.
- 8.6. No more than one amendment can be proposed to either the substantive Motion or the amended Motion at any one time.

Withdrawal of Motions

8.7. A Member may withdraw a Motion which he/she has moved with the consent of the seconder and the meeting. This shall be given without discussion.

9. Speeches

Purpose of speech	Who can make the speech	Duration of Speech
Presenting a report	Member presenting a report	5 minutes
The adoption of minutes	Member moving the adoption of minutes	5 minutes
Speeches at: AGM	Leader	20 minutes
Budget debate	Leaders of 2 main opposition groups	10 minutes
State of the Borough debate	Leader (right of reply)	10 minutes
Point of Order	Any member	3 minutes
Personal Explanation	Any member	3 minutes

⁹ The Proposer must move the motion and explain the purpose of it

¹⁰ See rules on altering and withdrawing motions – rules 8.4, 8.8 and 9.7 above

¹¹ No motion can be debated until it has been seconded however the person seconding the motion may reserve his/ her right to speak until later in the debate

Point of Order

- 9.1. A point of order can be raised at any time and will be heard by the Mayor as soon as it is raised. It must allege a breach of the Council Rules or the law and the Member must indicate the rule or the law and the way in which he/she considers it has been broken. The decision of the Mayor in respect of the matter is final.

Personal Explanation

- 9.2. A Member can make a personal explanation at any time. It can only relate to a material part of an earlier speech which relates to them and appears to have been misunderstood during the debate. The ruling of the Mayor in respect of the personal explanation is final.

Speaking

- 9.3. Except with the leave of the Mayor all Members must stand and address the meeting through the Mayor. When more than one member is standing up the Mayor will invite one of them to speak and the remaining Members must sit down and remain seated.
- 9.4. When a Member is speaking all Members must remain seated unless they wish to make a Point of Order or a Point of Personal Explanation.
- 9.5. The Mayor may allow officers to give advice to Council as and when appropriate in which case the rules on speaking for Members apply.

10. Voting

- 10.1. Subject to rules 11.2 to 11.4 below any matter is decided by a simple majority of those present and voting in the room. This can be done either by a show of hands or, if there is no dissent, by the affirmation of the meeting
- 10.2. The Mayor has a casting vote if there equal numbers of votes for and against a matter. There is no restriction on how the Mayor may exercise this casting vote.
- 10.3. Seven Members may, before the vote is taken, ask for a Recorded Vote which would record in the minutes the way in which individual Members voted.
- 10.4. After a vote is taken any Member can ask for the way that they voted to be recorded in the minutes.
- 10.5. If 3 or more people are nominated for a position and there is no clear majority of votes in favour of 1 of them then the person with the fewest votes is rejected and a new vote is taken. This process continues until there is a majority of votes for 1 person.

11. Conduct

Members

- 11.1. When the Mayor stands up or indicates in some other manner the Member speaking must stop speaking and sit down and the meeting must be silent.
- 11.2. Any Member can move that another member be not heard further if that Member is persistently disregarding the ruling of the Mayor or behaving improperly or offensively or deliberately obstructing business. Any such Motion will, if seconded, be voted on without debate.
- 11.3. If, after such a Motion is carried, the Member continues to behave improperly then the Mayor may move that the Member leaves the meeting and/or that the meeting is adjourned for as

long and to such a place as he/she considers appropriate. Any such Motion will, if seconded, be voted on without debate.

Public

11.4. If a member of the public interrupts proceedings or continually interrupts proceedings then the Mayor may either warn them about their behaviour or order their removal from the meeting room as he/she considers appropriate.

General Provisions

11.5. If there is general disturbance which, in the opinion of the Mayor, makes orderly business impossible then the Mayor may adjourn the meeting for as long and to such a place as he/she thinks appropriate or call for all or any part of the meeting room to be cleared.

12. Suspending Council Rules

12.1. These Council Rules, except 10.4 and 11 can be suspended by Motion on notice or without notice if there are at least 50% of the members present. Any suspension under this rule will last only for the duration of that Council Meeting.

COUNCIL TERMS OF REFERENCE

Council will:-

- 1.1. Agree proposed changes to the Constitution
- 1.2. Approve the Budget & Policy Framework¹
- 1.3. Elect the Mayor and Deputy Mayor
- 1.4. Elect and remove the Leader and Deputy Leader (for a 4 year term)
- 1.5. Agree the size, terms of reference of committees, etc . and appoint the membership including Chairmen and Deputy Chairmen
- 1.6. Appoint representatives to outside bodies (unless it is a Leader appointment or the appointment has been delegated)
- 1.7. subject to Urgency Provisions, agreeing decisions proposed to be taken by a Decision Taker that are outside the Budget & Policy Framework Procedure Rules
- 1.8. Adopt a [Members' Remuneration Scheme](#)
- 1.9. Change the name of the area
- 1.10. Grant the Freedom of the Borough
- 1.11. Confirm the appointment and dismissal of the [Head of Paid Service](#)
- 1.12. Confirm the appointment of the [Independent Person](#)
- 1.13. All functions relating to bye-laws and promoting or opposing the making of local legislation or personal bills
- 1.14. Those [local choice functions](#) that the Council decides should be undertaken by the Council rather than the [Leader](#) and all other matters which by law must be reserved to the Council and the delegation, as far as the law allows, of these functions.

¹ Including virement limits and the degree of in year changes to the Policy Framework that may be made by the Leader.

THE DELEGATION SCHEME

- 1 Introduction
- 2 Decisions
- 3 The Decision makers
- 4 Principles of Decision making
- 5 Principles of Delegation
- 6 General Provisions
- 7 Budget and Accounts
- 8 Policy Formulation and Implementation
- 9 Constitutional Affairs
- 10 Planning and Development Control
- 11 Licensing and Registration
- 12 Employment Matters

1 Introduction

- 1.1 This part of the Constitution sets out who are the responsible members or officers for the different decisions that the Council makes.
- 1.2 It also provides a short summary of the decision-makers and the general principles that underlie this scheme.

2 Decisions

- 2.1 The decisions that Council makes can be split into 7 categories. The separation of these functions between Council, the Cabinet, committees and officers are listed under these headings:-
 1. General Provisions
 2. Budget and Accounts
 3. Policy Formulation and Implementation
 4. Constitutional Affairs
 5. Planning and Development Control
 6. Licensing and Registration
 7. Employment Matters

3 The Decision-Makers

- 3.1 All powers that the Council/ the Leader have may be delegated to:-

Council	The Leader
<ul style="list-style-type: none">• Appeals Committee• Audit Committee• Boundary Review Committee• Constitution Committee• Licensing Committee• Personnel Committee• Planning Committee• Standards Committee and	<ul style="list-style-type: none">• Cabinet• Cabinet Members

THE DELEGATION SCHEME

<p>Hearings Sub Committee</p> <ul style="list-style-type: none">• Other committees as may be agreed from time to time	
<ul style="list-style-type: none">• Officers	<ul style="list-style-type: none">• Officers

4 Principles of Decision-Making

4.1 All decisions, however they are taken must take into account the following principles of governance and good practice:-

1. **Key Decisions** are taken by members
2. Consideration of all options available
3. Having regard to due consultation
4. Consideration of professional advice from officers
5. Clarity of aims and desired outcomes
6. The action proposed must be proportionate to the desired outcome
7. Having respect and regard for human rights
8. Presumption for openness, transparency and accountability
9. Presumption for economy, efficiency and effectiveness
10. Only relevant matters taken into account
11. Due weight to all material considerations (including opportunities and risks)
12. Proper procedures will be followed

5 Principles of Delegation

5.1 To ensure efficient and effective local government:-

1. decisions are delegated to the lowest level that is consistent with the principles of openness and accountability – a delegation granted to a specific post may be delegated onwards to an appropriately qualified officer as required for the operational efficiency of the service
2. where decisions are delegated the person making the delegation may call it back for their own decision. The Leader must provide written notice and details of any changes to delegations that he has made to the Proper Officer. Withdrawal of a delegation to a Joint Committee will be deemed to take place upon service of written notice on the Chairman of the Joint Committee and the Proper Officer
3. where decisions are significant or sensitive the person with a delegation may refer the decision upwards for determination

6 General Provisions Council

6.1 All matters which, by law must be reserved to Council are reserved to Council

The Leader

6.2 Decisions in respect of all functions that are not either by law reserved to Council or that, by local choice have been reserved to Council.

Officers

Urgent Decisions

- 6.3 The Managing Director, having as far as reasonably possible conferred with the Leader shall, in the event of civil emergency or other issues of extreme urgency, have the power to make decisions for the protection of the Borough and its inhabitants which cannot be dealt with in accordance with the normal decision making powers of the Council
- 6.4 The Managing Director has delegated authority to deal with those urgent items of business falling within the remit of the Leader where a Leader is not in office, including acting as consultee for the purposes of this delegation scheme.

General Provisions

- 6.5 Save as expressly reserved to Council, the Leader or other decision maker, Chief Officers and Assistant Directors may take any action in accordance with the Council's Budget and Policy Framework which are not Key Decisions to implement decisions of the Council, the Leader or other decision-maker in so far as these are in compliance with the Budget and Policy Framework or the statutory or general requirements of service delivery in their respective areas of responsibility.
- 6.6 Without limitation this shall include the power to:-
1. commission or provide services in the most efficient economic and effective manner either with or without public or private sector partners
 2. administer (including to apply for) and manage grants to and from other bodies and individuals
 3. sign contracts/ enter into agreements, licences etc
 4. take emergency action
 5. manage operational properties and other Council owned land not included in the Property Investment Portfolio
 6. undertake routine maintenance and repair of operational properties and repair replace dispose of plant or equipment
 7. apply for planning permission
 8. undertake procurement and issue completion certificates
 9. enter into framework agreements
 10. undertake consultation with appropriate persons or bodies
 11. prepare, determine, approve, issue, assess, impose conditions, vary, grant, make, confirm, serve, suspend, refuse, transfer, review, monitor and or revoke plans, applications, licences, orders, discounts, rebates, certificates, consents, reliefs, notices, permits, exemptions and appeals
 12. use relevant statutory powers to request information and documents, enter onto land, to stop vehicles, to search, inspect, test, take samples and/or seize/ remove documents and other evidence as appropriate and undertake works in default

THE DELEGATION SCHEME

13. take enforcement and oversight action in accordance with relevant statutory powers, policies and procedures, including, prosecutions, cautions, fixed penalty notices, abatement notices, improvement notices, prohibition notices and other statutory notices
14. maintain relevant registers and lists, documents and other records
15. manage statutory registers, plans and maps
16. undertake case reviews
17. apply and review fines, fees, charges and concessions as appropriate
18. act as or to appoint and/ or designate Proper Officers, analysts, inspectors, sampling officers or authorised officers
19. provide appropriate training for members, officers and service users
20. undertake works on behalf of others
21. develop policies and procedures
22. approve virements within or between service budgets
23. manage the payment of grants including the application, recalculation and repayment of them as appropriate
24. recover expenses and costs
25. draft press releases and respond to press inquiries
26. the use of relevant statutory powers to enable the delivery of delegated functions
27. to appoint/ dismiss and otherwise manage staff
28. to seek external funding
29. respond to consultation papers
30. whatever action is otherwise necessary to ensure the economic, efficient and effective delivery of their service

7 Budget and Accounts

7.1 Council

To approve or adopt the Budget including setting limits on virements and approving the plans for the Authority's revenue and capital budget expenditure and budgets
Subject to the urgency provisions set out at ** above to make decisions that are decisions of the Leader but are outside the Budget & Policy Framework
The writing off of bad debts in accordance with the provisions of the Financial Regulations

7.2 The functions of the Council as a Council Tax levying authority

7.3 Leader

7.4 Audit

7.5 Officers

8 Policy Formulation and Implementation

8.1 Council

To approve or adopt the Policy Framework

8.2 Leader

8.3 Officers

9 Constitutional Affairs

9.1 Council

To appoint/ remove the Leader

To approve changes to the Constitution

To approve changes to or replace the existing Members Remuneration Scheme

To agree the composition of Council committees and appoint Councillors to these committees

To appoint representatives to outside bodies unless the appointment unless already delegated is delegated to the Leader

To make, amend, revoke re-enact or adopt by-laws and promote or oppose the making of local legislation or personal bills

To change the name of the Borough

To grant Freedom of the Borough and confirm the appointment of Alderman

To finalise consultation responses on:-

1. Parliamentary Boundary Reviews
2. Periodic and further Electoral Reviews
3. Reviews of European Parliamentary electoral regions.
4. all other electoral arrangement reviews

All local choice functions which Council has reserved to itself and all other matters which must by law be reserved to Council

9.2 Leader

9.3 Constitution Committee

1. To make recommendations to Council about proposed changes to the Constitution to Council

9.4 Boundary Review Committee

1. Dealing with all matters relating to Community Governance Reviews
2. Grouping parishes, dissolving groups and separating parishes from groups
3. Duty to divide the constituency in to polling districts
4. The power to divide electoral divisions into polling districts at local government elections.

9.5 Officers – Monitoring Officer

1. To monitor and review the Constitution and make recommendations about proposed changes to the Constitution to the Constitution Committee
2. To make minor amendments to the Constitution, for example minor legislative changes and changes to designations

10 Planning and Development Control

10.1 Council

10.2 Leader

10.3 Planning Committee

All matters relating to applications for planning permission where the following applies:

- 1 The application is submitted by or on behalf of Telford & Wrekin Council or otherwise in respect of Council owned land;
- 2 The application is submitted by or on behalf of a Senior Officer of Telford & Wrekin Council (third tier and above);
- 3 The relevant Planning Officer considers that the application should be determined by the Board;
- 4 An elected Member has formally requested that an application is determined by the Board. Such a request may also be made by a Parish or Town Council in relation to an application within its boundaries;
- 5 The application is contrary to the Wrekin Local Plan or Local Development Framework.

10.4 Officers

11 Licensing and Registration

11.1 Council

11.2 Licensing Committee

11.3 Appeals Committee

11.4 Officers

12 Employment Matters

12.1 Council

To confirm the appointment/ dismissal of the Head of Paid Service and to confirm the designation of Monitoring Officer and Chief Finance Officer.

12.2 Personnel Committee

Agree, at a strategic level, issues relating to employees including terms and conditions and employee relations.

Advise upon corporate policies and procedures affecting some or all employees employed by the Council including nationally and locally negotiated terms and conditions of employment.

All functions relating to the local government pension scheme.

Oversee the recruitment of, and make recommendations to Council to confirm the appointment of the [Head of Paid Service](#).

Consider whether or not to suspend the [Head of Paid Service](#) and appoint a [Designated Independent Person](#) to investigate allegations made against the [Head of Paid Service](#) or to suspend the [Head of Paid Service](#) acting upon the recommendation of the [Designated Independent Person](#).

Consider whether or not to recommend to Council the dismissal of the [Head of Paid Service](#).

THE DELEGATION SCHEME

Consider applications for early retirement for Assistant Directors, Directors and the Managing Director.

12.3 Appeals Committee

12.4 Officers

The Licensing Committee will undertake the licensing functions of the Council in respect of:-

LICENSING AND REGISTRATION FUNCTIONS

1. As set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended).

HEALTH & SAFETY AT WORK

2. Functions under any of the relevant statutory provisions within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.

HEALTH ACT 2006

3. All powers and duties under the Health Act 2006 Part 1 Chapter 1 and legislation given effect there under including authority to prosecute as it relates to smoking matters.

ELECTIONS

4. As set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended).

MISCELLANEOUS

5. Power to make payments or provide other benefits in cases of maladministration etc
6. Annually at the first meeting after the [Annual Council Meeting](#) consider its terms of reference

PROCEDURE

1. As a general rule the [Council Procedure Rules](#) govern the way that committees operate but these may be varied or suspended¹ at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.
2. Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions.

¹ With the exception of paragraph 12

PLANNING COMMITTEE TERMS OF REFERENCE

TERMS OF REFERENCE

The Planning Committee will determine the following:

1. All matters relating to applications for planning permission where the following applies:
 - 1.1. The application is submitted by or on behalf of Telford & Wrekin Council or otherwise in respect of Council owned land;
 - 1.2. The application is submitted by or on behalf of a Senior Officer of Telford & Wrekin Council (third tier and above);
 - 1.3. The relevant Planning Officer considers that the application should be determined by the Board;
 - 1.4. An elected Member has formally requested that an application is determined by the Board. Such a request may also be made by a Parish or Town Council in relation to an application within its boundaries;
 - 1.5. The application is contrary to the Wrekin Local Plan or Local Development Framework.
2. Listed building and Conservation Area consent
3. Confirmation of Tree Preservation Orders and the protection of hedgerows
4. Enforcement powers in respect of unauthorised developments
5. Powers in respect of footpaths and bridleways

PROCEDURE

1. As a general rule the [Council Procedure Rules](#) govern the way that committees operate but these may be varied or suspended¹ at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.
2. Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions and there is a scheme for public speaking at Plans Board.

¹ With the exception of paragraph 12

Scrutiny Rules

1. **What is Scrutiny?**
2. **How does it work?**
3. **The Scrutiny Assembly**
4. **Scrutiny Committees**
5. **The Chairman's Forum and the role of individual Chairman**
6. **Working Practices**
7. **Call-in**
8. **Procedural Rules**

1. **What is scrutiny?**

- 1.1. There is a [Scrutiny Assembly](#), [7 Scrutiny Committees](#) and a [Chairmans' Forum](#) that oversees and scrutinises the work of the [Leader](#) and his/ her [Cabinet](#) and the [Council](#) as a whole. This allows members outside the Cabinet and citizens to have a greater say in Council matters by investigating issues of local concern. This can include questioning [Cabinet Members](#), senior officers of the Council and inviting people from outside the Council to give opinions and expert advice. These lead to reports and recommendations to Leader, the Council and some partner organisations. The [Decision Takers](#) are not required to implement the recommendations but do have to respond to recommendations. Scrutiny also monitors the decisions of Decision Takers. They can 'call-in' a decision which has been made by the Decision Taker but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Decision Taker reconsider the decision. They may also be consulted by the Leader or the Council on forthcoming decisions and the development of the Budget & Policy Framework.
- 1.2. There is also a [Scrutiny Handbook](#) which does not form part of the Constitution but contains the more detailed operational notes about how the scrutiny function is performed.

2. **How does it work?**

- 2.1. [Link to Scrutiny structure](#).
- 2.2. Scrutiny is not is not designed for use for political purposes and accordingly the existence and nature of any [party whip](#) must be disclosed at the start of any Scrutiny Assembly or Scrutiny Committee meeting.

3. The Scrutiny Assembly

Who is on it

- 3.1. All members of the Council who are not Cabinet Members.
- 3.2. The scrutiny committee that covers education matters has [statutory co-optees](#) and other committees may also co-opt members.
- 3.3. The [Mayor](#) does not sit on any committees but may attend and participate (but not vote) if he or she wishes.

What does it do?

- 3.4. The Scrutiny Assembly will meet to:
 - 3.4.1. Develop an annual [Work Programme](#) (in consultation with the Cabinet).
 - 3.4.2. Hold a 'Question and Answer' session with the Leader of the Council and Chief Executive
 - 3.4.3. Contribute to the development of the Council's Budget & Policy Framework.
 - 3.4.4. Review the Scrutiny Handbook

4. Scrutiny Committees

Who is on it?

- 4.1. Membership of the Scrutiny Committees is determined at [Annual Council](#) but can be changed from time to time at the request of the relevant [Group Leader](#) to the [Proper Officer](#).

What does it do?

- 4.2. Each committee will, in respect of their relevant priority area:-
 - 4.2.1. Meet formally twice a year
 - 4.2.2. Agree the Committee's work programme and undertake this through formal committee meetings and [Member Working Groups](#)
 - 4.2.3. Act as consultee for draft budget & policy framework policy proposals published by the Leader
 - 4.2.4. Review the strategies and policies of the Leader and the Council and to scrutinise any matter affecting local people and make proposals to the Leader.
 - 4.2.5. Review the discharge by the Leader of any of his/ her functions, including comparison of performance against any appropriate targets, plans or standards.
 - 4.2.6. Review any decisions or proposed decisions of the Council and of Decision Takers, including call-in.
 - 4.2.7. Consider any matters which affect the Council or its administrative area or the inhabitants of that area and to make recommendations to the Council or the Leader arising from that consideration.
 - 4.2.8. Consider any matter referred to it by the [Chairmans' Forum](#) from the Leader or the Council and recommend to the Leader or the Council accordingly.
 - 4.2.9. Consider applications for additional items to go on the [Work Programme](#)

4.2.10. Consider any [Councillor Calls for Action](#) and/ or [Petitions](#)

5. Chairman's Forum and the role of individual Chairman

Who is on it?

5.1. The Chairman, appointed by Council, for each Scrutiny Committee

What does it do?

5.2. The Chairman of each Scrutiny Committee will meet to:-

- 5.2.1. To co-ordinate the Work Programme to ensure it is an efficient use of the Committees' time and that duplication/ overlap is minimised.
 - 5.2.2. Where matters fall within the remit of more than one Scrutiny Committee to determine which of them will assume responsibility for any particular issue and to resolve any issues of dispute between the Scrutiny Committees.
 - 5.2.3. To receive requests from the Leader or individual Members and or the Council for reports from scrutiny and to allocate them if appropriate to one or more Scrutiny Committees.
 - 5.2.4. To put in place and maintain a system to ensure that referrals and recommendations from Scrutiny to the Leader, either by way of report or for reconsideration are managed efficiently.
 - 5.2.5. To recommend constitutional improvements to the [Council Constitution Committee](#).
 - 5.2.6. To manage the annual consultant's budget in consultation with the Proper Officer
- 5.3. Individually,
- 5.3.1. to receive notification of [Key Decisions](#) falling within the terms of reference for their scrutiny committee that need to be taken but which are not included on the [Forward Plan](#) in accordance with the rules on [General Exceptions](#) or agree to a Key Decision being considered as an [Urgent Decision](#) and therefore being exempt from call-in

6. Working Practices

The Scrutiny Handbook

- 6.1. Details about how to undertake scrutiny reviews and general provisions governing the management of the scrutiny process are contained in the Scrutiny Handbook.
- 6.2. Changes to the Scrutiny Handbook can be agreed if, explicitly by e-mail or otherwise in writing, more than 10 members agree to the proposed changes and not more than 5 members object to the proposed changes. Failure to satisfy either of these requirements will result in the proposed changes being considered by the Scrutiny Assembly when it next meets.

Witnesses and other investigatory techniques

- 6.3. Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to

assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors, [Co-optees](#) and witnesses a reasonable fee and expenses for doing so.

- 6.4. Members of the [Cabinet](#) and [Officers](#) (at Service Delivery Manager and above) can be called to attend Scrutiny Committees to answer questions within their remit about any particular decision or series of decisions, the extent to which the actions taken implement Council policy and/or the performance of the service. Members and Officers called must attend as soon as is practicable but must be given at least 14 days notice of the date of the meeting which notice shall include full details of the issues that they are to be questioned about. (for more details see the Scrutiny Handbook)

7. Call-in

What is it?

- 7.1. The call-in procedure allows, subject to certain limitations, Key Decisions which have been made but not yet implemented, to be referred back to a Decision-Taker for reconsideration. Call-in is split between call-in of decisions that are within the Budget & Policy Framework and those that are outside the Budget & Policy Framework.

Call in and urgent decisions

- 7.2. Urgent decisions are exempt from call-in but will be monitored annually by the scrutiny committee with responsibility for the Efficient, effective, community focussed priority.

How can you make a request for call-in?

- 7.3. A request for call-in must be made, in writing, to the Proper Officer within 3 working days of the Record of Decisions being published. After this the decision becomes effective and can be implemented. If, however a request for a call-in is received within the time limit the decision to which the call-in request relates is suspended and cannot be implemented until the call-in process has been completed.
- 7.4. The request for a call-in must be signed or supported by a minimum of 5 members (or Voting Co-optees) and detail the decision that is being called in, the relevant scrutiny committee that they consider should receive the request and the reasons why it is being called in, having consideration to the [Principles of Decision-Making](#).

Limits on call-in

- 7.5. No more than 8 requests for call-in of decisions within the [Budget and Policy Framework](#) can be made in any one civic year (and no more than 4 can be made in any 3 month period).
- 7.6. There is no limit on the call-in of decisions that are outside the Budget & Policy Framework

Scrutiny Rules

- 7.7. Call-in does not apply to Urgent Decisions, decisions of Council, decisions that are not Key Decisions, recommendations, quasi judicial or administrative decisions of Council committees
- 7.8. The Chairman of the relevant scrutiny committee can, in consultation with the [Monitoring Officer](#), determine that a request for call-in is not valid if he/she reasonably considers that the reason for the call-in does not *prima facie* show a failure to comply with the Principles of Decision-making.

Before the call-in meeting.

- 7.9. The Proper Officer will record the time and date of receipt of the request and will inform the Decision Taker and the Chairman of the Scrutiny Committee whose terms of reference most closely relate to the issue which is subject to the request for call-in.
- 7.10. If there is any doubt or dispute over the Scrutiny Committee to which the matter should be referred then the Chairman (and in his or her absence, the Deputy Chairman) of the Scrutiny Assembly will be consulted and his/her decision shall be final.
- 7.11. The Proper Officer will arrange a meeting of the relevant Scrutiny Committee and will notify the members who signed/ supported the request for call-in of the time and date and location of the meeting at which the request for call-in will be considered.
- 7.12. In exceptional circumstances where it is not possible to achieve a quorate meeting of the relevant Scrutiny Committee within the prescribed timescales, substitute members from the Scrutiny Assembly may be appointed by Group Leaders.
- 7.13. A call-in meeting of the Scrutiny Committee must be held within 10 working days of the call-in request being received. If it not held within that time the decision being called-in will take effect from that date.
- 7.14. In the meantime the Decision-Taker may meet with some or all of the members supporting the call-in informally to clarify the points at issue and ensure that there is no confusion regarding the decision and to identify whether the concerns expressed in the request for call-in can be addressed by the Decision Taker in the original decision. This can include formal advice from the Monitoring Officer and Chief Finance Officer about whether or not the decision falls within, or is outside the Budget & Policy Framework

- 7.15. Any member may, in writing to the Proper Officer, withdraw their support for a request for call-in until no later than 24 hours before the start of the meeting of the relevant Scrutiny Committee that is due to consider the request for call-in. If, after one or more members have withdrawn their support, there are less than 5 members still in support of the request for call-in it will no longer be valid and the meeting will be cancelled.
- 7.16. The call-in papers which must be circulated to members of the Scrutiny Committee and other parties involved in/ attending the meeting at least 48 hours prior to the meeting are:-
- 7.16.1. the original report on which the decision was based
 - 7.16.2. a copy of the call-in request
 - 7.16.3. one side of an A4 sheet of paper setting out the main points of their argument
 - 7.16.4. background information that supports these arguments, which could include budgetary information, statistical information, maps, consultation results or as summary of changes in legislation.

The call-in meeting

- 7.17. The Chairman of the relevant Scrutiny Committee is responsible for the effective management of the call-in meeting and has discretion over the procedure for the meeting. Generally however he or she will ask the members making the request for call-in to identify a lead call-in member who will be invited to present their argument, ask any questions of the Decision-Taker and put forward alternative proposals (30 minutes) and, at the end of the meeting sum up their position if they want to (5 minutes). The Decision Taker (with officer support if appropriate) will have the opportunity to explain their decision and express their views on any alternative proposals (30 minutes) and, at the end of the meeting sum up their position if they want to (5 minutes). Members of the Scrutiny Committee will consider the papers and may ask questions of anyone in attendance at the meeting at any time or when invited to by the Chairman (no time limit) before considering their response to the request for call-in.
- 7.18. Any Scrutiny Committee member arriving at the meeting after the lead call-in member has started his or her presentation will be allowed to remain in the meeting as an observer but will not be allowed to take part in the debate or the voting process. This will be made clear on the agenda for the meeting.

Decisions of the Scrutiny Committee on a call-in

- 7.19. If having considered the proposal contained in the request for call-in, the appropriate Scrutiny Committee supports the original decision it may be implemented with immediate effect.

7.20. If, having considered the request for call-in the Scrutiny Committee is concerned about the original decision, then the decision remains suspended and it will be referred back to the Decision-Taker for reconsideration, or, if the decision is deemed to be outside the Policy and Budget Framework refer the matter to full Council. (see Call in of Decisions outside the Budget & Policy Framework below). These meetings will take place as follows:-

- 7.20.1. full Council - within 10 working days of the call-in meeting
- 7.20.2. Cabinet - at the next scheduled meeting of the cabinet
- 7.20.3. individual Decision-Taker - within 3 working days of the call-in meeting.

7.21. A decision can only be called in once. However, if the Decision Taker significantly alters the decision after considering recommendations from the relevant Scrutiny Committee the new decision will also be capable of being called-in.

Call in of decisions outside the Budget & Policy Framework

7.22. When a request for call-in has been received and the relevant scrutiny committee consider that the decision is, or if made, would be contrary to the Budget & Policy Framework then the Chair will seek the advice of the Chief Finance Officer and Monitoring Officer if that advice has not already been sought by those making the request for call-in..

7.23. If either officer advises that the decision is outside the [Budget & Policy Framework](#) then,

7.23.1. if the decision has already been implemented then the relevant scrutiny committee will refer the advice of the Chief Finance Officer/ Monitoring Officer to [Council](#) for consideration along with a report from the Leader about the decision.

7.23.2. If the decision has not been made or has been made but not yet implemented the relevant scrutiny committee will refer the (proposed) decision to Council who must consider the advice within 10 working days during which time no further action will be taken in respect of the decision or proposed decision.

7.23.3. Having considered the advice Council may:-

7.23.3.1. endorse the decision of the Decision-Taker as falling within the existing Budget & Policy Framework;

7.23.3.2. amend the relevant financial regulations or policy to encompass the decision of the Decision-Taker and agree the original decision with immediate effect; or

7.23.3.3. Accept the decision of the Chief Finance Officer/ Monitoring Officer, agree no changes to the existing Budget and Policy Framework and require the Leader to re-consider the decision or proposed decision in accordance with the advice of the Chief Finance Officer and Monitoring Officer

7.24. If the advice is that the decision is within the Budget & Policy Framework then the report of the Chief Financial Officer/ Monitoring Officer and Leader will be reported back to the relevant scrutiny committee.

Scrutiny Rules

8. Procedural Rules

- 8.1. See Council Rules on [Motions without notice](#), [Points of Order](#), [Personal Explanation](#) and [Conduct](#) (except rule 12.1) (substituting the Chairman of the relevant scrutiny committee for the Mayor) which apply to all scrutiny meetings

Scrutiny Assembly
Scrutiny Committees
Chairman's Forum

Appointment of Chairman/ Vice-Chairman		
Council (in year vacancies filled by majority decision of the Scrutiny Assembly)	Council (in year vacancies filled by majority decision of the relevant Scrutiny Committee)	Chairman of the Scrutiny Assembly
Politically balanced		
No	Yes	No
Membership		
all non cabinet members and all co-opted members	6 and all co-opted members	7
Quorum		
5	3	n/a
Substitutes		
n/a	no (except for call-in)	no
Co-optees		
yes – but with no voting rights	Yes – but with no voting rights except:- Special Rules children & young people – 4 co-optees with voting rights (in respect of educational matters only) (1 Church of England and 1 Roman Catholic diocesan representative and 2 parent governors)	no

Scrutiny Rules

<p>Co-optees can be appointed for a fixed term or as a standing member – there is a 1 month notice period on either side.</p> <p>Members of one Scrutiny Committee can be co-opted to work with another Scrutiny Committee.</p>		
<p>Meetings</p>		
<p>Will meet twice a year</p>	<p>Will meet formally 2 times a year. In addition to these meetings the Committees may undertake such In-depth Reviews, Special Interest Meetings, Spot Light Reviews and other meetings as are necessary to ensure that they deliver as much of the Work Programme as is reasonably practical.</p>	<p>As and when required</p>
<p>Meetings held in public</p>		
<p>Yes (subject to rules on exempt information and confidential information)</p>	<p>Yes (subject to rules on exempt information and confidential information)</p>	<p>No (all members of the Scrutiny Assembly may attend)</p>
<p>Joint working/ working groups</p>		
	<p>Scrutiny Committee(s) can hold joint meetings/ scrutiny reviews with one or more other Scrutiny Committees and establish sub groups, joint committees and joint sub committees where the Chairman/ Chairmen of the relevant Scrutiny Committee(s) agree that it is conducive to the efficient delivery of the scrutiny function.</p> <p>These are not formal Council meetings and do not have to meet in public or meet the political balance requirements as any findings/ recommendations are reported to the relevant Scrutiny Committee(s) for</p>	

Scrutiny Rules

	consideration.	
Calling meetings		
The Chairman may ask the Proper Officer to call a meeting. The Chairman will ask the Proper Officer to call a meeting if he or she is asked to do so in writing by 20 or more members of the relevant Scrutiny Committee	The Chairman may ask the Proper Officer to call a meeting. The Chairman will ask the Proper Officer to call a meeting if he or she is asked to do so in writing by 3 or more members of the relevant Scrutiny Committee	The Chairman may ask the Proper Officer to call a meeting. The Chairman will ask the Proper Officer to call a meeting if he or she is asked to do so in writing by 2 or more members of the Group.
Agenda items		
	A member of the scrutiny committee may ask the Proper Officer to include an item on the agenda of the next available meeting	
Scrutiny Reports		
	Scrutiny reports are sent to the Proper Officer for inclusion on the Cabinet agenda (if within the Budget and Policy Framework) and Council (if outside the Budget and Policy Framework).	

The Committee has the responsibility on behalf of the Council for dealing with appeals that arise out of the operation of some of the Council's personnel and other functions.

TERMS OF REFERENCE.

The Appeals Committee will:-

1. Consider and deal with any appeals arising out of the Council's function as a Housing Authority.
2. Consider appeals against dismissal by [Chief Officers](#) except the [Head of Paid Service](#).
3. Consider stage 2 grievances raised by the Head of Paid Service
4. Consider stage 3 grievances raised by Corporate Directors and appeals raised by them in respect of disciplinary action, redundancy and capability and sickness dismissals.
5. Annually at the first meeting after the [Annual Council Meeting](#) consider its terms of reference

PROCEDURE

1. As a general rule the [Council Procedure Rules](#) govern the way that committees operate but these may be varied or suspended¹ at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.
2. Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions.

¹ With the exception of paragraph 12

AUDIT COMMITTEE

The Committee has the responsibility on behalf of the Council for the overseeing of the Council's audit, governance (including risk management) and financial processes.

TERMS OF REFERENCE

Internal Audit

1. The approval (but not direction) of, and monitoring of, progress against, the internal audit strategy and plan.
2. Review summary internal audit reports and the main issues arising and seek assurance that action has been taken where necessary.
3. To be able to call senior officers and appropriate members to account for relevant issues within the remit of the Committee – governance (including information governance), internal audit, risk management, statement of accounts and external audit.
4. The Committee will not receive detailed information on investigations relating to individuals. The general governance principles and control issues may be discussed, in confidential session if applicable, at an appropriate time, to protect the identity of individuals and so as not to prejudice any action being taken by the Council.

External Audit

5. Review and agree the External Auditors annual plan, including the annual audit fee and receive regular update reports on progress.
6. To consider the reports of external auditor.
7. Meet privately with the external auditor once a year, if required.
8. Ensure that there are effective relationships between external and internal audit that the value of the combined internal and external audit process is maximised.

Governance

9. Consider the effectiveness of the Council's governance processes and their compliance with legislation and best practice including:
 - a) the Council's Code of Corporate Governance;
 - b) the Council's information security framework;
 - c) the management of opportunities and risks; and
 - d) other corporate governance arrangements.

AUDIT COMMITTEE

10. Be responsible for the review and approval of the authority's Annual Governance Statement ensuring that it properly reflects the governance, control and risk environment and any actions required to improve it. Following approval, it should accompany the Accounts.

Treasury Management

11. To review and monitor the Council's Treasury Management arrangements including Treasury policies, procedures and the management of the associated risks and make recommendations to the Cabinet as appropriate.

Statement of Accounts

12. Review and approve the Statement of Accounts, external auditor's opinion and reports on them to members and monitor management action in response to the issues raised by external audit.

Fraud & Corruption

13. To approve the Anti-Fraud and Corruption Policy and to recommend its adoption by the Council, and to monitor its operation. The policy will be reviewed at least once every two years.
14. To approve the Speak Up Policy ('*whistle blowing*') and to recommend its adoption by the Council, and to monitor its operation. This policy will be reviewed at least once every two years.

Complaints

Recognising that Complaints/Compliments are a Cabinet function, the Committee should:-

15. Review the Annual Complaints Report and seek assurances that the Council is improving in response to complaints raised.

General

16. The meetings will follow the principles of scrutiny, i.e. no party whip will be applied and a constructive, evidence based approach will be used.
17. To ensure that adequate training is received by the members of the committee on the areas covered by these terms of reference.
18. To ensure that any sensitive or confidential information obtained as a result of membership of the Committee is treated as confidential.
19. Annually review their effectiveness and their terms of reference.

PROCEDURE

As a general rule the [Council Procedure Rules](#) govern the way that committees operate but these may be varied or suspended¹ at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.

¹ With the exception of paragraph 12

CONSTITUTION COMMITTEE TERMS OF REFERENCE

The Committee has the responsibility on behalf of the Council for the overseeing of the Council's Constitution.

TERMS OF REFERENCE

The Constitution Committee will:-

1. Receive reports from the [Monitoring Officer](#) about the operation of the Constitution.

Note - The Monitoring Officer has delegated power to monitor and review the operation of the Constitution and report regularly to the Constitution Committee on whether or not it is achieving its [purpose](#) or could be amended better to achieve its purpose.

2. Consider proposed changes to any part of the Constitution and, if appropriate, make recommendations to Council to change the Constitution.
3. Annually at the first meeting after the Annual Council Meeting consider its terms of reference.

PROCEDURE

As a general rule the [Council Procedure Rules](#) govern the way that committees operate but these may be varied or suspended¹ at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.

¹ With the exception of paragraph 12

PERSONNEL COMMITTEE

The Committee has the responsibility on behalf of the Council for dealing with The Council's personnel functions.

TERMS OF REFERENCE

The Personnel Committee will:-

1. Agree, at a strategic level, issues relating to employees including terms and conditions and employee relations.
2. Advise upon corporate policies and procedures affecting some or all employees employed by the Council including nationally and locally negotiated terms and conditions of employment.
3. All functions relating to the local government pension scheme.
4. Oversee the recruitment of, and make recommendations to Council to confirm the appointment of the [Head of Paid Service](#).
5. Consider whether or not to suspend the [Head of Paid Service](#) and appoint a [Designated Independent Person](#) to investigate allegations made against the [Head of Paid Service](#) or to suspend the [Head of Paid Service](#) acting upon the recommendation of the [Designated Independent Person](#).
6. Consider whether or not to recommend to Council the dismissal of the [Head of Paid Service](#).
7. Annually at the first meeting after the [Annual Council Meeting](#) consider its terms of reference

PROCEDURE

1. As a general rule the [Council Procedure Rules](#) govern the way that committees operate but these may be varied or suspended¹ at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.
2. Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions.

¹ With the exception of paragraph 12

STANDARDS COMMITTEE

(including the Hearings Sub Committee)

The Committee has the responsibility on behalf of the Council for dealing with, and oversight of the Council's ethical governance.

TERMS OF REFERENCE

STANDARDS COMMITTEE

1. To promote and maintain high standards of conduct by members and co-opted members of the Council.
2. To support Town and Parish Councils within the Borough to promote and maintain high standards of conduct by members and co-opted members of the Council.
3. To recommend to Council the adoption of a code dealing with the conduct that is expected of members and co-opted members of the Authority.
4. To keep the code of conduct under review and recommend changes/ replacement to Council as appropriate.
5. To publicise the adoption, revision or replacement of the Council's Code of Conduct.
6. To oversee the process for the recruitment of an Independent Person (and 2 reserves) and make recommendations to Council for their appointment.
7. To receive quarterly reports from the Monitoring Officer about:-
 - 7.1 complaints;
 - 7.2 the progress and outcome of investigations; and
 - 7.3 the establishment and maintenance of the register of interests of members and co-opted members of the Borough and Town and Parish Councils within the Borough boundaries;
 - 7.4 dispensations granted to members and co-opted members of the Council

HEARINGS SUB COMMITTEE

1. To consider investigation reports in respect of Code of Conduct complaints that are referred to them by the Monitoring Officer.
2. To report its findings to the Borough Council, Town or Parish Council, as appropriate for information.
3. Where a breach is found, to make decisions about sanctions including:-
 - 3.1. To make recommendations to the relevant Group Leader regarding future membership of committees and sub committees;

STANDARDS COMMITTEE

(including the Hearings Sub Committee)

- 3.2. To make recommendation to Council regarding the removal of a non aligned member from membership of committee and sub-committees;
 - 3.3. To make recommendations to the Leader of the Council regarding the removal of a member from Cabinet, or the removal of portfolio responsibilities;
 - 3.4. To instruct the Monitoring Officer to arrange training for a Borough Council member;
 - 3.5. To remove a member from all outside appointments to which he/ she has been appointed or nominated by the Council; and
 - 3.6. To withdraw facilities provided to the member or exclude the member from defined premises (except as necessary for the member to attend formally constituted council meetings).
4. To consider applications for dispensations where:-
- 4.1. The dispensation is in the interests of persons living in the Borough of Telford & Wrekin area; or
 - 4.2. It is otherwise appropriate to grant a dispensation.

PROCEDURE

1. As a general rule the [Council Procedure Rules](#) govern the way that committees operate but these may be varied or suspended¹ at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.
2. Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions, as below:-

COMPLAINING ABOUT A COUNCILLOR

All Councillors, whether a Borough, Town or Parish Councillor have to comply with a code of conduct that details what is expected of them when they carry out their role as a Councillor.

This document explains how to make a complaint about a Councillor if you think that they might have breached a code of conduct that applies to them and also how the complaint is dealt with.

The Code of Conduct

Telford & Wrekin Council has adopted a code of conduct that applies to all members and co-opted members of the Council. You can get a copy by following this link [*insert link*] or by contacting the Monitoring Officer whose contact details are provided below.

¹ With the exception of paragraph 12

STANDARDS COMMITTEE

(including the Hearings Sub Committee)

All Town and Parish Councils have their own code of conduct which you can obtain from their individual web-sites or, if there isn't one, by contacting the Clerk directly. If you are not sure which Council a Councillor belongs to then you can obtain help and support from the Monitoring Officer.

Can I be confident that my complaint will be properly dealt with

The law requires the Council to appoint an Independent Person: a person who has nothing to do with the Council other than in this role who is consulted at various stages during the complaints process and whose role is to ensure that all complaints are dealt with fairly, a role that can also include giving views to the Councillor who is the subject of the complaint.

Making a Complaint

Write to the Monitoring Officer, Civic Offices, PO Box 215, Telford, TF3 4LF or alternatively by e-mail at monitoring.officer@telford.gov.uk

The Monitoring Officer is the person responsible for administering this complaints system. There is a form for you to use [*insert link*] but you do not need to use it as long as you include all the information that is included on the form.

What happens next?

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it.

The Monitoring Officer will review your complaint, discuss it with the Independent Person and write to you to inform you whether or not he/she has decided to refer it for investigation. Normally this will be within 14 working days of receiving your complaint.

The Monitoring Officer might ask for more information, he/ she might also ask for information from the Councillor who you are complaining about or the Council that the Councillor is a member of.

The Monitoring Officer might seek to resolve the complaint informally, ie before deciding to refer your complaint for investigation. Obviously your views are important here but if the Monitoring Officer believes that the proposed solution is reasonable, for example acceptance that behaviour was unacceptable and an offered apology, this might affect the decision of the Monitoring Officer about whether or not the complaint merits formal investigation.

Investigations

If referring for formal investigation the Monitoring Officer will appoint an Investigating Officer who will contact you and the Councillor that you have complained about and undertake any other such investigations as he/she considers appropriate for the purposes of the investigation. In exceptional cases your identity will be protected for some or all of the investigation. If you consider that it would be appropriate to do this in your case you must let the Monitoring Officer know when you make your complaint. (This would generally only be done where providing your details might prejudice the investigation).

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The Investigation Officer will publish a draft report for consideration by you and the Councillor that you have complained. Once any comments have been considered by the Investigating Officer a Final Report will be produced and sent to the Monitoring Officer. The Final Report will then be considered by the Monitoring Officer who may either accept the report or ask the investigating Officer to re-consider his/ her report.

Investigation finding of No Breach

The Monitoring Officer will write to you and the Councillor who you have complained about enclosing a copy of the Final Report and confirming that no further action is required. If it is a complaint about a Town or Parish Councillor then a copy will also be sent to the Clerk of the relevant Town or Parish Council.

Investigation finding of Breach

The Monitoring Officer will write to you and the Councillor who you have complained about enclosing a copy of the Final Report and will either seek local resolution or will convene a hearing of the Council's Hearings Committee.

Local Resolution

If the Monitoring Officer, the Independent Person and you all agree a fair resolution of the complaint in a way that promotes high standards of conduct and the Councillor complies with the suggested resolution then the Monitoring Officer will report the matter to the Standards Committee for information but will take no further action.

Hearing

If local resolution is not possible then the Monitoring Officer will convene a meeting of the Council's Hearings Sub Committee for it to consider the Investigating Officer's Report and the views of the Independent Person on the allegation and determine whether or not there has been a breach of the Council's Code of Conduct and if so what action, if any, to take in respect of the Councillor.

Hearing Procedure

A copy of the Hearings Procedure is set out below:-

Pre Hearing

1. Notification of hearing date (Investigation Report already provided to the Councillor)
2. Invitation to Councillor to submit list of further documents/ witnesses that he/she wishes to call
3. Circulation of papers

Hearing

4. Introductions
5. Chair explains the process to be followed
6. Investigating Officer present his/ her report (and may ask witnesses to attend if necessary)
7. Panel may ask questions
8. Councillor or his/ her representative may ask questions

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9. Councillor or his/ her representative presents his/ her case (and may ask witnesses to attend if necessary)

Decision – no breach

10. The complaint is dismissed.

Decision - breach

11. After offering the Councillor complained about an opportunity to speak

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(including the Hearings Sub Committee)