

COUNCIL CONSTITUTION COMMITTEE

Minutes of a meeting of the Council Constitution Committee held on Tuesday, 4th September, 2012 at 6.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors M.J. Smith (Chairman), K.S. Sahota (Vice-Chairman), G.M. Green, F.R. Picken and R.J. Sloan

CCC-1 MINUTES

RESOLVED – that the minutes of the meeting of the Council Constitution Committee held on the 21st February, 2012 be confirmed and signed by the Chairman.

CCC-2 APOLOGIES FOR ABSENCE

Councillors A.J. Eade and I.T.W. Fletcher

CCC-3 DECLARATIONS OF INTEREST

None.

CCC-4 TRANSPARENCY & PUBLIC ACCOUNTABILITY

The Democratic Services Manager presented the report of the Assistant Director: Law, Democracy & Public Protection which outlined a number of proposals for the Council to operate more transparently and in line with the Co-operative Council's values. The proposals were:

- 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
- a) Publication on the Council's website of information on Councillors who trade with the Council

Members heard that 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 was theoretically available to anyone who may wish to access the information but was not easy to find.

The proposal provided for the collection of the following additional information would be published within each administration (4 year period).

- 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

The additional information collected would provide better transparency by publication of additional details of any councillors who had an interest in businesses that benefited from trading with the Council. A report would be taken to Full Council via the Audit Committee and published on the Council's website.

Members were in agreement that this information should be published on the Council's website and that the information should be collected as part of the annual related party transactions data collection exercise. The first information would be available early in 2013.

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 would be published on the Councils website on a quarterly basis. This would serve to provide a clear public record of some of the duties carried out by individual councillors.

Collection and publication of this information had also been 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 were appointed at Annual Council and would provide further transparency and strengthen councillor accountability. Attendance data could be published for the first quarter of 2012/13 Civic year as soon as practicable and then quarterly.

Members approved the recommendation and further agreed that a list of councillors and their appointments to Outside Bodies should also be published in the interests of transparency.

c) Introduction of a 15 Minute Public Question session at Full Council Meetings

A suggested protocol for the introduction of a public question session at Council meeting was attached to the report. Most Councils now allowed public questions to be heard at some meetings. The protocol was relatively robust in order to avoid issues such as vexatious questions, personal attacks or the delivery of political

statements. Questions would need to be submitted 7 clear days in advance of Council meetings and a suggested timetable had been attached. Members supported the introduction of a public question session.

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

A suggested protocol for filming/recording of meetings by members of the public was attached. One issue would be the suitability and size of meeting rooms, public galleries etc. However, the protocol contained some allowance for these factors and the Chairman would 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.

It was suggested that some form of media training and perhaps advice on presentational skills for councillors would be desirable in view of the fact that meetings could be filmed. The Assistant Director: Law, Democracy & Public Protection agreed to discuss this matter with the Corporate Communications team.

Members supported this recommendation.

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

The use of social media was 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 was almost certainly happening already at some meetings.

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

Members supported this recommendation.

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

The Council currently published expenditure over £500. In order to provide greater transparency the Council would 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 and that the information be collected as part of the annual related party transactions data collection exercise.

Members supported this recommendation.

RESOLVED: That the following proposals, shown at 3.3 – 3.5 of the report, for increasing transparency and improving public accountability be recommended to Full Council.

- a) Publication on the Council's website of information on Councillors who trade with the Council, information to be collected as part of the annual related party transactions data collection exercise
- b) Publication on the Council's Website of Councillor attendance figures for appointed meetings of the Council and a list of councillors appointed to serve on Outside Bodies.
- c) Introduction of a 15 minute Public Question session at Full Council Meetings
- d) Permitting Filming and/or Recording of Cabinet and Full Council meetings
- e) Permitting 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)

CCC-5 NEW CONSTITUTION

The Assistant Director: Law, Democracy & Public Protection had provided a set of printed slides updating the Committee on progress made on the new electronic constitution.

Work had been ongoing to streamline and simplify the document in order to make it more accessible. Views and comments were welcomed on the style and content of the document.

The introduction to the constitution was divided in to the following clear sections:

- How the Council Works
- Decision Making
- Governance – Scrutiny, Oversight and Transparency

Reference was made to the current, very detailed scheme of delegation. The Assistant Director: Law, Democracy & Public Protection told the meeting that he would like to receive views from members on a proposal for a scheme of delegation 'by exception' replace the current scheme. Such a scheme would highlight what was not delegated to officers and at what financial level this applied. This would be a simpler and more manageable document. Members agreed to further consider this option and bring back responses to a future meeting. Members were referred to the very early draft scheme of delegation included in their papers.

RESOLVED- That work on the new Constitution be noted and that work continue and that a draft scheme of delegation by exception be considered at a future meeting of the Committee

The meeting ended at 7.09 p.m.

Chairman:

Date:

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE – 19 FEBRUARY, 2013

REVISION OF COUNCIL CONSTITUTION

REPORT OF THE ASSISTANT DIRECTOR LAW, DEMOCRACY & PUBLIC PROTECTION

1.0 PURPOSE

- 1.1 To request the Committee to agree the proposed changes to the Constitution, as set out in the report, and recommend their approval to full Council.

2.0 RECOMMENDATIONS

That the Committee recommend to Council:

- 2.1 **The changes to Part 4 – Rules of Procedure, Section 6 of the Constitution, Financial Regulations, as shown in Appendix B1 of the report;**
- 2.2 **The changes to Audit Committee Terms of Reference as set out in Appendix B2 of the report;**
- 2.3 **The changes to the constitution reflecting the changes to the ethical framework for councillors, as shown in Appendix B3 of the report;**
- 2.4 **The changes to the constitution reflecting new regulations regarding Notices of Key Decisions shown in Appendix B4 of the report**
- 2.6 **The re-establishment of the Speaker's role and associated amendments to the Constitution as set out in paragraph 3.5 and Appendix B5 of the report**

3.0 SUMMARY

- 3.1 The changes to Article Part 4 – Rules of Procedure Section 6 – Financial Regulations (shown at B1), are required to reflect the revised organisational structures/responsibilities and job titles and to ensure continued good governance. Changes also reflect updated Public sector internal audit standards, risk management and information governance.

- 3.2 The changes to the Terms of Reference of the Audit Committee (shown at B2) reflect the changes to Governance and Risk Management and the inclusion of Information Governance.
- 3.3 The changes (shown at B3) to the constitution reflecting the revised ethical framework as originally approved by Full council in July 2013 and further details as approved by Standards Committee in September 2013.
- 3.4 The changes (shown at B4) to the constitution resulting from the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 which came in to force in September.
- 3.5 The changes (shown at B5) are for the re-establishment of the role of Speaker which was discontinued in 2011. This would enable better use of the varying skills of councillors and enable the roles of Speaker and Mayor to utilise these skills most effectively and to ensure the efficient transaction of council business. The Speaker's role would be re-established from the next Civic year and would attract a Special Responsibility Allowance of £2,616 per annum. This would be at the same level as when the role was discontinued in 2011. In order to ensure that there would be no additional cost to the council the existing Mayoral allowance would be reduced by £2,616 per annum from the next Civic year.

4.0 **PREVIOUS MINUTES**

5.0 **OTHER INFORMATION**

Equality & Diversity	The business of the Committee considers equality and diversity in an appropriate manner.
Environmental Impact	None arising directly from this report.
Legal Comment	The Local Government Act 2000 requires the Council to have a Constitution. This Committee has been established to review the Constitution and to provide advice and guidance to the Council on any proposed changes.
Links with Corporate Priorities	The Council seeks to deliver its objectives of providing leadership, accountability and high standards in local democracy.
Opportunities & Risks	The opportunities and risks associated with these proposals have been identified and assessed. Arrangements will be put in place to manage the risks

	and maximise the opportunities that have been identified.
Financial Implications	There are no financial impact implications arising from this report and any changes can be met from within existing budgets.
Ward Implications	Borough wide

6.0 **BACKGROUND PAPERS**

Council Constitution

Report prepared by Phil Griffiths (Democratic Services Manager) –
01952 383210

Part 4 – Rules of Procedure

Section 6 – Financial Regulations

Index

Point	Description
1	Status of Financial Regulations
2	Responsibilities
3	Financial Planning
4	Accounting Systems, Financial Records and Returns
5	Financial Management and Control – Revenue
6	Financial Management – Capital
7	Taxation and Leasing
8	Controlled Stationery and Authorised Signatories
9	Internal Audit
10	Public Accountability – Responsibilities
11	Purchasing Arrangements
12	Works/Goods/Services - Requisitions, Authorisation, Goods Received and Payments
13	Corporate Credit Cards and the Government Procurement Card (GPC)
14	Cash Income and Debtors
15	Banking Arrangements
16	Payments to Employees
17	Travel and Subsistence
18	Imprests
19	Risk Management
20	Insurance
21	Security and Control of Assets
22	Treasury Management
23	Unofficial and Voluntary Funds

1. Status of Financial Regulations

- 1.1 Financial Regulations are part of the Council's control environment providing a framework for managing the authority's financial affairs and contributing to good corporate governance, internal control and the management of risks.
- 1.2 The Financial Regulations apply to all officers and members of the Council and anyone acting on behalf of the Council. They also apply to any partnerships or bodies that the Council is a member of and for which the Council is the accountable body¹.
- 1.3 It is the responsibility of Assistant Directors to ensure that all staff in their service areas/delivery units are aware of their responsibilities according to the Financial Regulations and comply with them.
- 1.4 Specific positions and/or officers are named in the regulations and it is their responsibility to ensure compliance. However, named officers can delegate their authority to another appropriate officer as long as this delegation has been recorded.
- 1.5 Where the Leader and Cabinet Executive has/have been named in Regulations it will be their responsibility to ensure compliance. The Leader and Cabinet Executive can delegate such responsibility to one of its Cabinet members as set out in the Constitution.

¹ Where the Council is not the accountable body then the lead Council officer is responsible for ensuring propriety and proper processes are followed so that the Council's reputation is not at risk.

B1

- 1.6 All members and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised and provides value for money.
- 1.7 Financial Regulations are set out in self-contained sections, each covering a specific area of control. Each section provides a contact point for further information or clarification. Where appropriate the Regulations are supported by detailed procedure notes which can be accessed on the intranet and links to these are provided in the document.
- 1.8 Any financial values are summarised in **Appendix A** to allow ease of update.
- 1.9 These Financial Regulations cover all areas of Council activity with the exception of schools which have their own set of regulations as part of the Local Management of schools (LMS) Scheme.
- 1.10 Failure to comply with Financial Regulations, or procedures issued under them, may lead to disciplinary action for employees and an investigation by the section 151. For Members any issues will be investigated by the Monitoring Officer. ~~for Members.~~

2. Responsibilities

- 2.1 Section 151 of the Local Government Act (LGA) 1972 places a duty on the Council to make arrangements for the proper administration of its financial affairs, including the appointment of a Chief Finance Officer.
- 2.2 Section 114 of the Local Government Finance Act (LGFA) 1988 requires the Chief Finance Officer to report to the Council if the authority, one of its committees, the Leader and Cabinet Executive or one of its officers:
 - Has made – or is about to make – a decision which has or would result in unlawful expenditure;
 - Has taken, or is about to take, an unlawful action which has or would result in a loss or deficiency to the authority; or
 - Is about to make an unlawful entry in the Council's accounts.

Section 114 of the LGFA 1988 also requires the Chief Finance Officer to nominate a properly qualified member of staff to deputise, should the Chief Finance Officer be unable to perform the duties under Section 114 personally.

* **The Council** – means the full Council who provide the political and strategic direction of the authority. They approve the policies of the authority, including relevant ~~those for~~ strategies and the budget.

* **The Leader and Cabinet Executive** – means the Leader of the Council and the Cabinet members, who propose to Council policy and budget strategies.

* **Chief Finance Officer (CFO) Responsibilities (s151/s114)** – these have been allocated to the Assistant Director: Finance, Audit & Information Governance and include:

- provision of financial advice for service delivery, strategic planning and policy making across the authority;
- provision of advice on the optimum use of available resources on the management of capital and revenue budgets;
- provision of financial management information;
- preparation of statutory and other accounts, associated grant claims and supporting records;
- provision of an effective internal audit function and assistance to management in providing safe and efficient financial arrangements;
- provision of effective financial management systems and procedures
- provision of effective income collection and payments systems;
- advising on treasury, investment and cash-flow management; and

- advising on the safe custody of assets and insurance.

* **The Assistant Director Finance, Audit and IG** has delegated responsibility under the Accounts and Audit (England) Regulations 2011 to maintain an adequate and effective Internal Audit service ~~and has direct responsibility for the operation and support of the Council's Scrutiny function. The Assistant~~ **The Assistant** Director Finance, Audit and IG has the ability to report directly, without fear or favour, to any level within the organisation or to the External Auditor.

* **Senior Management Team (SMT) (Managing Director, Directors and Assistant Managing directors)** are responsible for ensuring that Assistant Directors provide services that meet the Council's overall policy objectives. This includes ensuring compliance by Assistant Directors with the Council's governance arrangements including Financial Regulations and Contract Procedure Rules.

* **The Managing Director** is responsible for leading on corporate governance issues throughout the Council.

* **The Finance Managers** will act as deputy Section 151 Officer

* **Assistant Directors** are responsible for ensuring the delivery of services by their respective Delivery Units. This includes ensuring compliance by Delivery Managers with Financial Regulations and Contract Procedure Rules within their service areas.

* **Delivery Managers²** are responsible for the day to day provision of services and the management of the associated budget. This includes ensuring that all staff comply with Financial Regulations and Contract Procedure Rules in performance of their duties.

2.3 Financial Training

The Chief Financial Officer ~~will provide detailed financial training to the Cabinet Lead member for Resources and should ensure that general financial training is available to the members of the~~ Leader and Cabinet Executive and ~~Senior Corporate~~ Management Team ~~to aid have the financial capabilities or facilitate~~ the development of specific skills to enable their roles to be carried out effectively.

The CFO should through senior finance staff ~~seek to identify core~~ financial competencies for managers and members and ~~make provide adequate~~ financial training ~~available~~ to enable them to undertake their roles effectively and understand the financial requirements of the Constitution and associated financial policies and procedures ~~recognising resource constraints on both finance staff and service staff and members.~~

3. Financial Planning

3.1 Introduction

The Council is responsible for approving the budget, various plans and policies, which will be proposed by the Leader and Cabinet Executive. This will include the policy framework, the budget (including the capital programme) and the Council Plan. See Budget and Policy Framework Procedure Rules within the Constitution.

3.2 Financial Forecasting

The Chief Finance Officer shall, within the general direction of the Leader and Cabinet, Executive produce forecasts of financial resources and ~~advise~~ **advise** upon the financial and economic implications of medium and long term service development plans and programmes and budget strategies. In exercising this duty he/she shall be mindful of the Accounts and Audit (England) Regulations 2011, the Code of Practice on a Prudential Approach to Local Government Commitments

² Delivery Managers' also includes ~~Group M~~ **Group M**anagers and/or team leaders with budget and staff responsibilities.

B1

and current accepted local government accounting codes and will review levels of reserves and balances and ensure that a robust budget process has been undertaken. The Chief Finance Officer is responsible for the Council's arrangements for under and overspendings to be carried forward to the following year.

- 3.3 The forecasts will indicate the likely changes to the Council's budget for the specified period both in terms of commitments arising out of statutory variations and Council policy and also the likely variations to funding from central or local sources.
- 3.4 The Leader and Cabinet Executive, having considered the forecasts and options for the specified period shall, propose the overall budget strategy to the Council for approval after the consultation process as outlined in the Budget and Policy Framework Procedures Rules within the Constitution.
- 3.5 All matters relating to the financial administration of the authority shall be kept under review by the members of the Leader and Cabinet Executive responsible for resources.
- 3.6 The full Council is also responsible for approving procedures and for agreeing variations to approved budgets, plans and strategies forming the policy framework.

CONTACT: CFO – Assistant Director – Finance, Audit & Information Governance

4. Accounting Systems, Financial Records and Returns

- 4.1 Proper accounting records are one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to internal and external audit. This provides assurance that the accounts are properly prepared and proper accounting practices have been followed and that arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resources.
- 4.2 The Chief Finance Officer should ensure that there is a proper retention policy for financial documents. The periods for which documents are to be retained is specified in the retention of records procedure note (including the Destruction and Retention Schedule).
- 4.3 The CFO is responsible for determining the accounting systems and procedures adopted by the Council. No variations shall be made to accounting records and procedures without the written agreement of the CFO. In ~~particular – Assistant~~ particular Assistant Directors should confer with the CFO before introducing or amending any books, forms, records, administrative procedures or computerised systems used in conjunction with accounting for cash, income, expenditure, stores and financial transactions generally.
- 4.4 Assistant Directors must maintain through their officers full and accurate records as agreed with the CFO to ensure the availability of all financial, costing and statistical and other information as may be required to fully and accurately maintain the accounts of the Council, and report on its finances. This includes the correct coding of expenditure in line with the CIPFA standard classifications. All accounting records will be maintained in accordance with current CIPFA Codes of Practice,
- 4.5 Assistant Directors are responsible for ensuring the completion and submission of Grant applications and financial returns. The Chief Finance Officer/~~Director~~ Audit & IG Assurance Manager are entitled to such explanations or information as may be required prior to signing and forwarding to the relevant government department or agency. No bid for external funding shall be submitted without approval from the relevant Senior Management Team (SMT) Priority lead and relevant Finance Manager.
- 4.6 Assistant Directors are responsible for ensuring adequate records, financial and otherwise, have been maintained for all externally funded schemes subject to audit by the European Commission or grant awarding bodies

CONTACT: Corporate & Customer Finance Manager

5. Financial Management and Control – Revenue

5.1 The Council is responsible for setting and monitoring compliance with the authority's overall framework of accountability and control via the scrutiny and audit committee processes set out in the constitution. This section of the regulations deals with the preparation and approval of budgets, budgetary control and variations from budget provision. It applies to all areas of the Council's activities except schools. No expenditure is to be incurred or reduction in income authorised unless covered by these regulations.

5.2 Preparation and Approval of Budget

5.2.1 The Council will approve the overall spending plans of the Council.

5.2.2 The ~~form of~~ revenue estimates shall be determined by the CFO in consultation with Assistant Directors within the general guidelines of the Leader and Cabinet Executive and relevant professional requirements. Estimates shall be prepared annually before the start of the financial year and revised, if the CFO considers appropriate, during the course of the year.

5.2.3 Prior to the commencement of each financial year each Service Delivery Unit should prepare a Service Delivery Plan setting out the Service Delivery Unit's aims and objectives, ~~and expenditure and income projections within corporately agreed allocations of resources. These should be agreed with Senior Management Team (SMT).~~

5.2.4 Once the council's budget for the year has been approved the Assistant Directors and Delivery Managers can authorise expenditure within the limits agreed subject to the separate rules on virement.

5.2.5 The Delivery Managers must exercise appropriate financial control including monitoring income and expenditure on a regular basis.

5.3 Budgetary Control (see also para 4.4 above)

5.3.1 The corporate finance information system determined by the CFO is the Council's prime accounting record. It provides the mechanism for Assistant Directors and Delivery Managers to monitor and control budgets.

5.3.2 Assistant Directors and Delivery Managers are required to monitor their budgets regularly during the year and take immediate action as necessary. If it is considered that a particular budget head requires increasing, virement must be sought before any overspending occurs (see Virement section). Under no circumstances should expenditure be incurred without appropriate provision being put in place first.

5.3.3 Regular financial updates will be taken to the Leader and Cabinet Executive.

5.3.4 Generally all Council budgets are prepared on a cash limited (outturn) price base. This means that no supplementary estimates will be provided for inflation increases once budgets have been approved, except in exceptional circumstances.

5.3.5 Unavoidable cost increase, e.g. public utilities, increments etc, for which insufficient allowance has been made at budget time will need to be met by equivalent reductions elsewhere.

5.3.6 All reports to Senior Management Team (SMT) or Members must be cleared by finance staff for ~~financial implications~~financial implications and should be made available to those staff in reasonable time before due for submission It must be recognised that Finance staff may have several reports to prepare comments for as well as other time critical commitments so report authors should agree with the relevant finance officer when the report will be made available in advance.

5.3.7 No Assistant Director or Delivery Manager should plan to overspend his/her budget. All expenditure plans should be consistent with Service Delivery Plans. Potential overspends on particular budget heads will have been addressed during the year and, in some cases, virement will have been exercised.

5.4 Supplementary Estimates

5.4.1 The Council sets budgets for gross expenditure and income in the context of a cash limit. Therefore it is important that any additional commitments not covered in Service Delivery Unit budgets, (including where the net budget requirement of the Council is not increased), are funded by savings elsewhere or additional grant funding identified in advance of incurring the expenditure and do not increase the net budget requirement of the Council (see Virement section). In exceptional circumstances this may not be possible and if this is the case, approval should be sought from the Council for additional funding.

5.5 Grants

5.5.1 All grant bids must be approved by the relevant SMT **Priority** lead and a Finance Manager prior to submission.

5.5.2 Acceptance of grant terms must also be approved by the relevant Assistant Director and a Finance Manager.

5.5.3 All grant claims must be certified by a Finance Manager subject to the conditions of the grant awarding body.

5.6 Virement

5.6.1 Virement between budget heads is an integral and important feature of budgetary control. It provides Senior Managers with the flexibility to adapt expenditure patterns which they consider appropriate in meeting changing locally determined service needs and objectives consistent with Council policy. The ability to exercise virement applies to all controllable budgets.

5.6.2 Virement may be necessary for several reasons. For example:

- unforeseen cost increases,
- demand for a particular service, in line with existing policies, exceeding estimates,
- a local requirement to provide a different service from that anticipated at budget time for a particular client or to meet a particular situation, or
- utilising efficiency or other savings.

5.6.3 Except where allowed under the scheme of virement only the Council can approve changes to the budget it has previously agreed.

5.6.4 Assistant Directors, in consultation with the relevant Finance Manager, shall have the authority to make virements **within** each approved service delivery unit budget provided:

- It is within the overall policy framework;
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.

5.6.5 The CFO, in consultation with the relevant Finance Manager and relevant Assistant Directors, shall have the authority to make virements **between** service delivery units provided:

- The amount does not exceed £50,000 (**LIMIT G**)
- It is within the overall policy framework
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.

For amounts over £50,000 Assistant Directors and the Chief Finance Officer, shall have the authority to make virements **between** service delivery units with Leader and Cabinet Executive approval provided that

- It is within the policy framework
- It does not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations.
- The amount does not exceed £250,000

For amounts above £250,000s approval by full Council is required.

- 5.6.6 All virement decisions must be notified to the relevant Finance Manager (and the financial information system updated) before expenditure is incurred.

CONTACT: Corporate & Customer Finance Manager

5.7 Reserves & Balances and the Robustness of Estimates

- 5.7.1 The budget report will contain a comment by the CFO (Chief Finance Officer) on the robustness of the estimates and the adequacy of reserves, in accordance with the requirements of the Local Government Act 2003 and CIPFA guidance. The CFO must also be satisfied that the decisions taken on balances and reserves represent proper stewardship of public funds.
- 5.7.2 Specifically, the budget report will include a statement on the adequacy of general reserves and provisions for the forthcoming year, linked to the medium term financial strategy.
- 5.7.3 An annual review of earmarked reserves will be undertaken as part of the budget preparation process and a statement will be presented to Council alongside the budget report.
- 5.7.4 The level and purpose of reserves and balances held must be clearly defined and justified by Assistant Directors. Further regular reviews should be undertaken to ensure continuing relevance and adequacy.
- 5.7.5 There is no statutory minimum level of reserves required. This will be a matter of local judgement determined by the CFO but following relevant national guidance.

CONTACT: Corporate & Customer Finance Manager

6. Financial Management – Capital

- 6.1 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings and major items of plant and equipment or vehicles. Capital assets shape the way services are delivered for the long-term and create financial commitments for the future in the form of financing costs and revenue running costs.
- 6.2 The Council will comply with the requirements of CIPFA's Prudential Code for Capital Finance in Local Authorities and will set and monitor a range of Prudential Indicators accordingly to ensure that borrowing is affordable, prudent and sustainable.
- 6.3 The Council will determine the capital programme for the Authority in line with overall Corporate Priorities, the Council's Asset Management Plan, Capital Strategy and availability of funding.
- 6.4 The capital programme shall focus on the medium term service & financial planning period but reflect the total cost and phasing of each approved scheme along with the proposed source(s) of funding.

- 6.5 The capital programme will demonstrate:
- the original and revised total estimated cost of each scheme
 - actual expenditure to the end of the previous financial year
 - forecast phased expenditure for the current and subsequent years
 - the revenue budget implications of the proposed programme
- 6.6 The CFO shall determine the method of funding for each capital scheme, having consulted with the relevant Assistant Director and working within the context of the various capital resources available. All proposed investments should be subject to an appropriate level of analysis/appraisal by the relevant service area before commitment.
- 6.7 The CFO shall ensure that an effective monitoring system is in place during the year to control capital expenditure. Assistant Directors will be responsible for notifying the CFO if it seems likely that there will be a significant variation in spending on a scheme. Variations may be permitted only if they can be accommodated by virement within the total capital resources available.
- 6.8 Variations, subject to the following limits, can be approved by those designated below if there is no significant impact on the delivery of individual elements of the capital programme and/or on the overall capital strategy.
- (a) Up to £50,000 (**LIMIT G**) – CFO in consultation with the relevant Assistant Director
 - (b) Over £50,000 up to £250,000 (**LIMIT K**) – Leader and Cabinet Executive approval required
 - (c) Over £250,000 (**LIMIT R**) – the Council.
- 6.9 Any capital expenditure over £50,000 even if entirely covered by additional external funding but outside the approved capital programme, must be approved by Council.

CONTACT: Corporate Finance Manager

7. Taxation and Leasing

Taxation

- 7.1 Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers and members to be aware of their roles and responsibilities.
- 7.2 It is the responsibility of Assistant Directors to ensure compliance with all tax regulations relating to their Delivery Units. This will include Income Tax, National Insurance, V.A.T. and tax accounted for under C.I.S. If in doubt, Assistant Directors should consult with the CFO. Delivery Units will be liable for any costs, including any penalties and interest charged for incorrect tax treatment.
- 7.3 Detailed guidance on taxation issues is incorporated within specific procedure notes.

Leasing

- 7.4 Leasing is a method of financing the acquisition of certain types of capital assets and allows the cost to be spread over several financial years through annual rentals. It is a specialised area of finance with complex legal and financial agreements. Leasing arrangements may only therefore, be entered into by the CFO or his designated officer. Normal contract procedures should be followed in relation to leasing arrangements. [See Part 4, Section 7, Contracts Procedure Rules]
- 7.5 Detailed guidance on leasing issues are incorporated within specific procedure notes on the Intranet.

CONTACT: Corporate Finance Manager

8. Controlled Stationery and Authorised Signatories

- 8.1 All cheques and other controlled stationery, including receipt books, invoices, and Electronic Fund Transfer (E.F.T.) forms may only be ordered by the CFO or an authorised representative who shall make proper arrangements for their safekeeping.
- 8.2 Senior Management Team (SMT) ~~are~~ is responsible for maintaining a listing of authorised signatories in the form prescribed by the CFO.
- 8.3 Only authorised signatories may commit the Council to expenditure, including electronically, in line with relevant procedure notes by:
- Authorising Orders
 - Certifying expenses claims
 - Authorising petty cash purchase
 - Certifying timesheets and overtime claims
 - Signing and awarding contracts (see also Section 7, Contract Procedure Rules)
 - Over certain limits mMore than one officer should be involved in the authorising process.
- 8.4 A financial limit shall be prescribed for all officers. The CFO in consultation with the Monitoring ~~Officer~~ Officer shall be responsible for establishing a consistent framework for financial limits across the Council based on the roles and the responsibilities of officers.
- 8.5 Assistant Directors are responsible for informing the CFO of any changes to authorised signatories and the responsibilities of officers.

CONTACT:

For authorised signatories: Finance Officers

For controlled stationery: ~~Property & ICT Asset & Documentation Team~~ administration

9. Internal Audit

- 9.1 The Chief Financial Officer (CFO) under section 114 of the LGFA 1988 and the Accounts and Audit (England) Regulations 2011 has a statutory responsibility for the overall financial administration of the Council's affairs. Section 6 of the Accounts and Audit (England) Regulations 2011, says that the authority "must undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control."..The Chief Financial Officer shall, therefore, in accordance with relevant legislation arrange for a continuous and current internal audit of all areas of Council activities.
- 9.2 The relevant Internal Audit Standard setters for Local Government are CIPFA and they have endorsed the UK Public Sector Internal Audit Standards³. Internal Audit will operate to these Standards and any other relevant guidance. The definition of Internal Auditing within the Standards is:
- Internal Auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes. ~~Proper internal control practices are defined in the guidance on the Accounts and Audit (England) Regulations 2011 as the CIPFA publication – "Code of Practice for Internal Audit in Local Government in the United Kingdom".~~

³ The Public Sector Internal Audit Standards (the Standards) are based on the mandatory elements of the Institute of Internal Auditors (IIA) International Professional Practices Framework.

B1

~~Internal Audit will operate to this Code and any other relevant guidance. The definition of Internal Audit within the Code is:~~

~~Internal Audit is an assurance function that provides an independent and objective opinion to the organisation on the control environment⁴ by evaluating its effectiveness in achieving the organisation's objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.~~

9.3 As the definition outlines Internal Audit has a key role to play in independently reviewing the effectiveness of the Council's⁵ arrangements/processes for ~~corporate~~ governance, risk management and ~~internal~~ control. It contributes an objective opinion to the Council's Annual Governance Statement ~~(including the Statement on Internal Control).~~

9.4 The existence of a continuous internal audit service does not in any way diminish the responsibility of SMT for the delivery of priorities and Assistant Directors for the management of the Delivery Units under their control and their responsibilities in respect to risk management and the systems of internal control.

9.5 The Audit & Information Governance (IG) Assurance Manager⁶ should ensure that Internal Audit remains independent in its planning and operation. The Audit & ~~Assurance-IG~~ Manager should be responsible for maintaining periodic audit plans which have due regard to the key priorities and associated for the key strategic risks of the authority, the objectives and risks ~~involved~~ for each service area in delivering their services and the requirements of the external auditor. The plan will deliver work to provide reasonable assurance to the Council based on the resources available. The Audit & IG Assurance Manager must report to the s151 officer or the Audit Committee if there are insufficient resources or limitations in the scope of their work to provide reasonable assurance or a service consistent with the definition of Internal Audit in paragraph 9.2.

9.6 It is the responsibility of Audit & IG Assurance to review, evaluate and report

- upon the soundness and adequacy of financial and other accounting records and the processes for governance, risk management system of internal control within the Council s to provide their assurance for the Annual Governance Statement;
- the extent to which the Council's assets and interests are accounted for and safeguarded from losses of all kinds arising from:
 - fraud and other offences
 - waste ~~extravagance~~ and inefficient administration, poor value for money or other cause
 - the suitability and reliability of financial and other management data developed within the organisation.

- The soundness and adequacy of the data quality systems operating to collect and report on performance information

~~• The corporate governance arrangements of the Council~~

~~• The risk management processes of the Council both at Strategic and Service Delivery level~~

9.7 The Chief Finance Officer's authorised Audit & IG Assurance representatives shall be empowered to:

- enter at all reasonable times any Council premises or land

~~⁴ The control environment comprises the systems of governance, risk management and internal control.~~

⁵ Internal Audit's remit extends to the entire control environment of the Council

⁶ The Audit & IG Manager is the Council's Chief Audit Executive as defined under the Standards and is the Chief Internal Auditor as defined in CIPFA's Statement on the Role of the Chief Internal Auditor who reports to the CFO

B1

- have access to all Council and partner records⁷, documentation and correspondence relating to any financial and/or other transactions or other business of the Council, its employees or members, as considered necessary by the CFO, Monitoring Officer or Audit & IG Assurance Manager.
- have access to records belonging to third parties such as contractors or partners when required⁸
- require and receive such explanations as are regarded necessary concerning any matter under examination from any employee, member, partner or third party.
- require any employee or member of the Council or any partner/third party to account for cash, stores or any other Council property which is under his/her control or possession on behalf of the Council.

9.8 All work carried out shall have due regard for the requirements of the access to information legislation (e.g. Data Protection Act 1998, Freedom of Information Act 2000, etc.) and the Human Rights Act 1998, together with any other relevant legislation current at the time of the audit.

9.9 ~~Directors, Delivery Managers should agree the draft report and indicate the actions they propose within one month of receipt of the draft report.~~ Assistant Directors and Delivery Managers are responsible for implementing the agreed recommendations within responding to Audit & IG Assurance reports ~~and the implementation of agreed recommendations~~ within an appropriate timescale. ~~Delivery Managers should indicate the actions they propose within one month of agreeing the draft report.~~

9.10 Failure to implement statutory, policy or financial regulation recommendations within the agreed timetables may be referred to the Chief Finance Officer and the appropriate members, following consultation with the appropriate Assistant Director.

9.11 Internal Audit has specific fraud related responsibilities which are set out in the corporate Anti-Fraud & Corruption Policy. ~~Within the scope of their work Internal Audit also provide advice and consultancy in respect to issues around controls and governance, based on their professional knowledge and expertise.~~

~~9.12~~—It is the duty of any Officer or Member to follow the corporate Anti-Fraud and Corruption Policy. Any officer or member who suspects that an irregularity involving cash, materials or any other property of the Council may have occurred must inform the Assistant Director or report the matter directly to the Audit & IG Assurance Manager or Section 151 Officer. Confidentiality, wherever possible, will be respected in any dealings on such ~~matters.~~

~~9.13~~—~~The matters.~~ The Section 151 Officer shall report to the Managing Deirector, the relevant Assistant Director, Director and Cabinet⁹, if appropriate, any matter of a significant nature.

9.1~~2~~⁴ Any decision to refer a matter as outlined in paragraph 9.1~~2~~ to the Police is to be taken by the Audit & IG Assurance Manager after informing the Council's Section 151 Officer or their representative. Where a Member is involved the Managing Deirector, Monitoring Officer and where appropriate, the External Auditor, will be consulted. Where Police advice is sought but it is not intended that any criminal prosecution shall take place, the Audit & IG Assurance Manager shall ensure that the anonymity of the individual(s) concerned shall be maintained at all times.

9.1~~3~~⁵ The Audit & IG Manager reports to the Audit Committee as defined in their terms of reference. This includes~~Internal Audit should report to a body of members~~ the following information:

⁷ Records include business e-mail and internet records

⁸ ~~As defined in the articles of association/memorandum, SLA, grant conditions or contract~~

⁹ This should be the Cabinet or a specific Cabinet member and the Leader.

- a) the Internal Audit plan and Charterstrategy;
- b) quarterly reports summarising the internal audit work undertaken and any key findings; and
- c) an Annual Report which provides Internal Audit assurance for the Annual Governance Statement.

9.146 The Audit & IGAssurance Manager and CFO have the authority to report, as appropriate, on any matter, without fear or favour, to all levels of the Council. This can include reporting directly to the Managing Director, Leader or anyone - Cabinet Executive (including the -Memberlead Member for Governance), Chairman of the Audit Committee, -SMT, the Monitoring Officer or the Council's External Auditors.

CONTACT: Audit & IGAssurance Manager

~~**CONTACT:** Audit & IGAssurance Manager~~

10. Public Accountability – Responsibilities

10.1 General

10.1.1 Members should ensure that they follow the Members Local Code of Conduct and have read the Members Handbook, taking any guidance into account including the declaration of any interest.

10.1.2 Employees should ensure that they follow the Employee Code of Conduct.

10.1.3 The corporate Anti-Fraud and Corruption Policy applies to all Members and Officers of the Council and they should be aware of its contents whilst representing and working for the Council.

10.1.4 An officer of the Council must not, under cover of his/her position or office of employment, accept any fee or reward, other than his/her proper remuneration without the express permission of the SDM People Services~~Human Resources Manager~~/Assistant Director Customer and People Services.-

10.1.5 A member or officer must not accept any bribe or personal inducement in connection with the Council's business.

10.1.6 A member or officer must not use Council property, assets, materials or information for other than the purposes of the Council.

10.1.7 A member or officer must not subordinate his/her duty to the Council to his/her private interest or put himself/herself in a position where his/her duty and private interests conflict.

10.1.8 Employees must ensure that they declare any private interest they may have in any of the Council's activities. Such a declaration should be made where the employee could benefit in the form of a financial or other pecuniary gain. The interest should be recorded in the Register of Interests held in Democratic Services.

10.2 The Cashing of Cheques

10.2.1 The cashing of cheques (whether Council or otherwise) by a member or officer is prohibited except in line with the Imprest Procedures.

10.3 Gifts

10.3.1 Officers and Members should follow the advice given in the guidance note on gifts and hospitality (see the Guidance Note on the Intranet). The receipt of personal gifts should be discouraged. If an officer,

B1

during the course of, or as a result of, official duties, receives or is offered any personal gift, other than one of only token value, the matter must be reported to the Assistant Director. The Assistant Director will decide if the item is to be returned, or forwarded to some charitable cause. The Assistant Director should inform the donor of what has happened to the gift, and explain the reason why gifts should not be sent in the future. A record should be made of all gifts accepted, refused and / or returned.

10.3.2 The SMT PA's team ~~and Directors and Directors PA team~~ must maintain a record for employees of all gifts offered, received, refused and any actions taken as outlined in the guidance.

10.3.3 Members should take equal care in receiving gifts whilst in office. Members Services will hold the records provided by members for all gifts offered, received, refused and any actions taken.

10.4 Hospitality and Services

10.4.1 Members and officers should follow the advice given in the guidance note on Gifts and Hospitality available on the Intranet. Hospitality must only be given or accepted when it is on a scale appropriate to the circumstances, reasonably incidental to the occasion, not extravagant and justifiable as in the public interest. It must be apparent that no cause could reasonably arise for adverse criticism or suggestions of improper influence by the acceptance of the hospitality. The circumstances and the type of hospitality should be agreed by the appropriate Assistant Director and a record should be kept of all hospitality offered, accepted or refused as in 10.3.2.

10.4.2 Members and Officers should not accept services. Any approach should be politely but firmly refused and if required an explanation made. The offer and rejection should also be recorded.

10.5 Private Work / Relations with Clients and Contractors

10.5.1 Officers who are, in accordance with the conditions of service and the procedure note on Business Activities and Private Work, permitted to carry out private or other paid work must not do so during Council time. Officers must declare to their Assistant Director in writing the nature and duration of such private work.

10.5.2 Members or Officers must not use any Council premises, resources or facilities for the execution of private work. No stationery or publicity material is to indicate that the person is a Member or Council employee nor should the address or any telephone number of the Council be stated. Members and Officers should pay due notice to the relevant section of the Local Government Act 1972.

10.5.3 Officers must not work for any current or prospective supplier or contractor to the Council where they have influence over the selection process or could provide information about the contract to the supplier.

10.5.4 Officers and Members must respect the confidentiality of information and must not use information received for personal gain.

10.5.5 Officers and Members should avoid any arrangements which might prevent fair competition.

CONTACT: Audit & ~~Assurance-IG~~ Manager

11. Purchasing Arrangements

General:

11.1 These Financial Regulations should be considered in conjunction with the relevant parts of Contract Procedure Rules relating to contracts. Assistant Directors must ensure that any purchasing contracts comply with Contract Procedure Rules, related guidance, statutory requirements and European directives.

Financial Thresholds & Limits

- 11.2 All contracts must adhere to the contract thresholds set out in the Contract Procedure Rules in Conducting a Purchase.

Works/Goods/Services

12. Requisitions, Authorisation, Goods Received, Payments

- 12.1 Every officer and member of the authority has a responsibility to declare any links or personal interests which they may have with purchasers or suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council. Officers should declare any such interest to their Assistant Director or relevant Director as soon as they become aware of such an interest. Members are responsible for amending their own entries in the Register of Interests held by Member Services as soon as they become aware of such an interest.
- 12.2 Official Orders are to be issued only by officers authorised by Assistant Directors. Authorised officers are responsible for authorising orders within their control and in particular for ensuring that the expenditure is necessary, legal and within the approved estimates or covered by a special financial provision.
- 12.3 The CFO should be notified of all officers authorised by Assistant Directors to authorise official orders.
- 12.4 Official orders shall be issued for all work, goods or services to be supplied to the Council; this must be in the form of an electronic order generated by the approved Corporate Procurement System, unless the Government Procurement card is used (see section 13 below). Authorising officers must be able to demonstrate that the work, goods or services are required in order to provide Council Services. Orders should not be raised for supplies of utilities, periodic payments such as rent or rates, or for purchases made through imprest accounts.
- 12.5 Telephone orders may be used in exceptional circumstances but when this happens they must be confirmed using an electronic emergency order.
- 12.6 All orders must be governed by the Authority's standard terms and conditions; these must not be varied without the prior approval of the Assistant Director: Development, Business and Housing and Legal Services,aw, Democracy & Public Protection.
- 12.7 Official orders must not be raised for any personal or private purchases, nor should personal or private use be made of Council contracts.
- 12.8 Assistant Directors and Service Delivery Managers shall separate the responsibilities for raising requisitions, authorisation of requisitions and receipt of goods, so thatbut at least 2 different officers are should be involved.
- 12.9 Goods and services should be checked on receipt to ensure they are in accordance with the order and a Goods Receipt Note raised on the FMS system. Discrepancies should be dealt with as agreed procedures.
- 12.10 All payments, apart from the authorised use of imprest accounts (see Financial Regulation 18) ; due from Service Delivery Units and chargeable against their budgets shall be made in such manner as outlined by the CFO. Apart from payments from cheque imprest accounts the normal method of payment of money due from the Council shall be by BACS or other instrument drawn on the Council's bank account by the CFO. The use of direct debit and credit shall require the prior agreement of the CFO.
- 12.11 All invoices will be received by the Purchase Ledger team unless otherwise agreed. Once received the invoices will be scanned into the system and matched to the order and goods received note, where they exist. Mismatches will be resolved as per the agreed procedures.

B1

- 12.12 Payments to construction contractors on account of contracts shall be made only on a certificate issued by a relevant member of SMT or other officer or external consultant nominated in writing for this purpose. This certificate shall show the total amount of the contract, the value of the work executed to date, retention money, amount paid to date and the amount now certified.
- 12.13 Any interest charged to the Council in respect of late payment under the Late Payment of Commercial Debts (Interest) Act 1998 will be passed on to the Delivery Unit that ordered the goods/services.
- 12.14 The Audit & IG Assurance Manager and Employment Services Manager shall examine accounts to the extent considered necessary and shall be entitled to make such enquiries and to receive such explanations as may be required.
- 12.15 Detailed guidance on Requisitions, authorisation, orders, good received notes and payments can be found within specific procedure notes on the Intranet.

CONTACT: Strategic Procurement Manager or Employment Services Manager

13. Corporate Credit Cards and the Government Procurement Card (GPC)

- 13.1 Usage is restricted to the following
- Corporate Credit Cards: The Leader and Directors have corporate credit cards. The CFO also has a card which can be used by other Council officers following strict guidance and authorisation procedures.
 - Government Procurement-Cards – as part of the process operated by Purchase Ledger and the Corporate Procurement Unit
- 13.2 Corporate Credit Cards: there are strict guidelines and procedures associated with the use of corporate credit cards which clearly state card holder responsibilities and allowed expenditure. The cardholder is responsible to account for all expenditure that is incurred on their card. Expenditure must be for business purposes only and VAT receipts must be provided for each transaction. There are set limits for expenditure against the Corporate Credit Card Account which must not be exceeded. The CFO will approve any additional cardholders.
- 13.3 GPC – the GPC process is in place to enable purchases by telephone, face-to-face or via the internet to streamline the procurement of low value, high volume transactions. Users will be authorised by their Delivery Manager and the process controlled by the GPC coordinator in the Corporate Procurement Team. Each card will have set limits for expenditure which must not be exceeded. Each user receives specific guidance on usage and their responsibilities. The GPC process negates the need for a traditional order; instead the user maintains a monthly log of expenditure, which is validated against the statement issued by the supplying bank. The cardholder is responsible for all expenditure on their card, which is set out in an acceptable use policy. The account will be settled by Direct Debit on a monthly basis.

CONTACT:

Corporate Finance for further advice and guidance on the Corporate Credit Cards
Corporate Procurement for further advice on the Government Procurement Cards

14. Cash Income and Debtors

- 14.1 Income can be a vulnerable asset and the CFO shall ensure that effective income collection systems are in place to ensure that all of the income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services.
- 14.2 Assistant Directors and Delivery Managers in conjunction with the Finance team are responsible for ensuring that all income due to the Council is received at the right time using the correct and most cost effective procedures and the appropriate stationery. Effective action shall be taken to pursue non-payment within defined timescales.

B1

- 14.3 Effective monitoring of outstanding debts and regular reporting of outstanding debt provision will be provided to the CFO.
- 14.4 Assistant Directors and Delivery Managers shall, wherever possible, separate the responsibility for identifying amount due and responsibility for collection as far as is practicable. They should also ensure that any un-banked income is retained securely to safeguard against loss or theft and that receipts, tickets and other records of income are held securely for an appropriate period.
- 14.5 No debit in respect of an amount due to the Council once established shall be discharged otherwise than by payment in full except where write-off has been properly authorised as below:
- 14.6 Where the amount involved is £25,000 or less (**LIMIT C**) or the debtor has been declared insolvent or bankrupt and all monies due in dividends have been received, or the debtor being a company that has ceased to trade or is insolvent the writing off of the debt can be undertaken with the agreement of the Assistant Director concerned and the CFO. The CFO has ~~the~~ the right to inspect any documentation or evidence deemed necessary. Write-offs above £25,000 must be approved by the Leader and Cabinet Member for Resources and Service Delivery Executive.
- 14.7 The cost of all write-offs will be borne by the Delivery Unit, which originally benefited from the credit.
- 14.8 Assistant Directors and Delivery Unit Managers shall promptly notify the CFO of any monies of £100,000 or more (LIMIT J) due to the council and of contracts, leases and other arrangements entered into which involve the receipt of money of this value by the Council. The CFO shall have the right to inspect any documentation or evidence deemed necessary.
- 14.9 All receipts, tickets and other acknowledgements for payments received shall be vetted by the CFO, and Internal Audit shall be satisfied as to the arrangements.
- 14.10 Each officer who receives money on behalf of the Council, or for which they are accountable to the Council, shall keep such records as from time to time be required by the CFO.
- 14.11 All money received by an officer on behalf of the Council shall be paid promptly and completely to the CFO, or as he/she may direct, to the Council's bankers. This should be preferably on the same day or if this is not possible at the earliest opportunity. In the interim the money should be kept securely. No deductions may be made from such money other than as may be approved by the CFO. When money is banked information as to the reason for its receipt, or its origin, shall be supplied.
- 14.12 Money held on behalf of the Council shall not be used to cash cheques for members, staff or third parties.
- 14.13 Assistant Directors shall review charges made for services under their control at least annually, in line with the Council's Income and Charging Policy.

CONTACT: CFO

15. Banking Arrangements

- 15.1 All arrangements with the Council's bankers must be made or approved by the Chief Finance Officer who shall be authorised to operate such bank accounts, including giro bank accounts as required.
- 15.2 Cheques drawn on the Council's banking account shall bear the facsimile signature of the Chief Finance Officer or be signed by him/her or such other identified senior officers as he/she may from time to time designate in writing.
- 15.3 The CFO shall maintain a list of identified senior officers who may on his/her behalf give instructions to the Council's banker and countersign cheques. These dDesignated CFO senior officers must

B1

countersign cheques for amounts of £50,000 or more (LIMIT GF), ~~as CFO may from time to time designate in writing.~~

15.4 Standing order and direct debit payments may only be established by the ~~CFO~~ CFO or such other identified senior officers as he/she may from time to time designate in writing.

~~15.5 The CFO shall maintain a list of identified senior officers who may on his/her behalf give instructions to the Council's banker and countersign cheques.~~

CONTACT: Corporate Finance Manager

16. Payments to Employees

16.1 The payment of all amounts to employees shall be the responsibility of the ~~CFO~~ CFO. Such payments will include wages, salaries, travel and subsistence and other allowances due under a contract of employment.

16.2 Assistant Directors shall, promptly notify the CFO in a form agreed of all matters affecting the payment to employees and in particular of:

- appointments, resignations, dismissals, suspensions, secondments and transfers;
- absences from duty, apart from normal annual leave;
- changes in remuneration, other than normal increments and pay awards and agreements of general application.
- information necessary to maintain records of service for superannuation, income tax, national insurance etc.

16.3 Appointments shall be made only in accordance with approved structures, grades and evaluated rates of pay, unless agreed otherwise with the ~~Assistant~~ Managing Dedirector or an officer nominated by him and a Finance Manager.

16.4 Any pay records, shall be in a form agreed by the CFO and shall be certified by or on behalf of the Assistant Director. A list of officers authorised to sign such records shall be sent to the CFO together with specimen signatures and any amendments to the list shall be notified in advance to the CFO in writing.

16.5 No payment shall be made to a person deemed to be an employee other than through the normal payroll procedure. Assistant Directors and Delivery Managers should give careful consideration to the employment status of individuals employed on a self employed consultant or sub-~~contract~~ contract basis as these may well be employees and should be paid through the payroll.

16.6 There shall be frequent reconciliation of payroll expenditure against approved budgets by the Finance team. Arrangements shall be made to ensure that appropriate payroll documents are retained and stored for the defined period.

CONTACT: Employment Services Manager or ~~People Services~~ Human Resources Manager

17. Travel and Subsistence

17.1 Assistant Directors (or their nominated officers) are responsible for the verification of their ~~officers'~~ travel and subsistence claims. Assistant Directors must ensure compliance with the Council's Car Allowance Regulations, Car Leasing Scheme, Car Loan Scheme and other decisions of the Council that may be deemed appropriate. Standard mileages must be used where given and subsistence only reimbursed when supported by a receipt (within the limits stated in the guidance).

- Claims from Assistant Directors must be authorised by a Director/ Managing Director,
- Claims from Directors must be authorised by the Managing Director,

B1

- Claims from the Managing Director must be authorised by the Monitoring Officer or CFO.
- Claims from Head teachers should be signed by the Assistant Director Education & Skills

- 17.2 The CFO will reimburse ~~members' claims~~members' claims on receipt of the completed claim form certified by the Member concerned. The Monitoring Officer will ensure that claims comply with the relevant section of the ~~Members' Allowance~~Members' Allowance Scheme.
- 17.3 All claims should be completed in full, appropriately authorised and must be submitted within three months of undertaking the journey or incurring the expenses, to qualify for reimbursement.
- 17.4 All foreign travel must be approved in advance in line with the Council's Overseas Visits procedure note.
- 17.5 Detailed guidance on Business Mileage and Expenses Reimbursement is available from Employment Services.

CONTACT: Employment Services Manager

18. Imprests

- 18.1 The CFO in consultation with appropriate Assistant Directors may make imprest advances to officers for the purposes of paying minor items of expenditure and any other items as may be approved by him/her.
- 18.2 The CFO reserves the right to withdraw imprest facilities from officers if it is deemed that they are being used inappropriately, the expenditure limit is exceeded, or the facility is rarely used.
- 18.3 The accounts should be maintained on an imprest basis using standard Council imprest stationery and recording procedures for this purpose. All officers should maintain a record of their receipts and payments in a form and manner prescribed by the CFO.
- 18.4 No income received on behalf of the Council may be paid into an imprest account but must be banked or paid into the Council as in section 15 of these regulations.
- 18.5 The imprest account should be continually kept in balance and records submitted as required by the CFO at regular intervals for examination and the reimbursement of expenditure.
- 18.6 The officer responsible for an imprest account shall, if requested, give the CFO a certificate confirming the amount held. Upon leaving the Council or at the request of the CFO the responsible officer shall repay to the Council the balance of the imprest held.
- 18.7 In no circumstances shall cheque imprest accounts be allowed to go overdrawn. The Delivery Unit concerned will be responsible for all bank charges, interest payments and administration charges if this occurs as a result of failure to submit reimbursement claims or if they are submitted too late in order that timely processing can take place.
- 18.8 Detailed guidance on Imprest and Petty Cash Accounts is incorporated within specific procedure notes which are included on the Intranet.

CONTACT: Corporate Finance Manager

19. Risk Management

- 19.1 The ~~Deputy Leader~~er-Cabinet Member for Governance is the lead member for Governance for the Council, including on risk management, ~~for the Council.~~
- 19.2 The Managing ~~D~~irector is the lead officer in respect to Governance which incorporates risk management, ~~and is responsible for the corporate risk management processes of the Council.~~ The

B1

Managing Director is responsible for the development, co-ordination and maintenance of the Council's Corporate Risk management ~~strategy processes which form part of the Service Planning process.~~ However it is the responsibility of all employees and members to ensure that the Council's risks are properly managed.

19.3 SMT will:

- (a) regularly review the Council's strategic risks
- (b) report ~~to at least annually to the~~ Cabinet ~~on an and by~~ exception basis when significant risk management issues arise changes occur
- (c) keep the ~~Deputy Leader lead Cabinet member for Governance~~ updated on their reviews of the strategic risks
- (d) regularly annually review the risk management processes as part of service planning strategy
- (e) include a summary of the risk management activities in the Annual Governance Statement
~~approve an annual report on the Council's risk management activities~~

19.4 The Leader and Cabinet Executive will:

- (a) receive the exception reports on significant risk management issues arising during the year at least annually a report on the Council's key strategic risks and by exception when there are significant changes
- ~~(b) annually review and approve the risk management strategy~~
- (c) agree the Annual Governance Statement including the summary of risk management activities, pprove an annual report on the Council's risk management activities

19.5 The Audit & ~~IG Assurance~~ Manager will keep the Audit Committee informed of any issues arising from the risk management activities of the Council and exception reports presented to Cabinet, the reviews of the Council's strategic risks, the annual review of the risk management strategy and the annual report on the Council's risk management activities. This will enable the Audit Committee to independently review the ~~Leader and Cabinet Executive's and~~ Council's risk management processes as set out in their terms of reference.

19.6 ~~SMT Directors~~ are responsible for the implementation of the Corporate Risk Management ~~processes strategy~~ within the services, projects and priorities that they lead.

19.7 ~~Assistant Directors are responsible for implementation of the Corporate Risk Management strategy within their service delivery units.~~ Assistant Directors are also responsible for ensuring that a proper risk assessment is undertaken for all new activities, projects, changes to services or partnership arrangements and that where required controls are implemented or revised to manage these new/revised risks.

19.8 Each Assistant Director submitting a report to the Leader and Cabinet Executive, the Council or one of the Council's committees must ensure that any opportunities or risks arising from the proposed action or decision are clearly included in the impact assessment contained in the report.

CONTACT: Audit & ~~IG Assurance~~ Manager

20. Insurance

20.1 The CFO will be responsible for the Council's insurance. Only the officer identified by the CFO may obtain insurance cover on behalf of the Council.

20.2 Assistant Directors are responsible for ensuring that all new activities or assets that may introduce an insurable risk to the Council are notified to the Insurance Manager.

20.3 Each year Assistant Directors must check that the risk-financing strategies in place are sufficient for their risk exposures and notify any changes required to the Insurance Manager.

B1

- 20.4 As soon as officers are aware of any loss, liability or damage-causing event that may give rise to a claim of any kind against the Council they must notify the Insurance Manager who will take the appropriate action to safeguard the Council's position.
- 20.5 Appropriate officers will co-operate at all times with the investigations of the Insurance Manager into any claims and will supply all information upon request. It is imperative that officers comply with the timescales for investigating claims. Failure could directly affect the authority's ability to defend a claim or could result in financial penalties being imposed on the authority/Delivery Unit.
- 20.6 The appropriate officer will make an annual declaration of any claims or events likely to give rise to a claim not yet reported to the CFO.
- 20.7 It is the responsibility of the Delivery Manager to ensure that all third parties using the Council's buildings are appropriately insured and that Contractors employed by the Council hold appropriate and valid insurance.

CONTACT: Insurance Manager

21. Security and Control of Assets

21.1 Stocks and Stores

- 21.1.1 Assistant Directors are responsible for determining an efficient stock holding policy to ensure stock levels are not in excess of normal requirements.
- 21.1.2 The Assistant Director shall supply the CFO with such information relating to stores as may be required for the accounting, costing and financial records of the Council.
- 21.1.3 Assistant Directors shall ensure periodic test examinations of stocks and shall ensure that all stocks are checked at least twice a year, and that a return of stocks in hand at the 31st March is certified.
- 21.1.4 After each stock check a return should be completed indicating any differences between actual and recorded stock. Where, after thorough investigation, differences cannot be reconciled, then the necessary adjustment should be made to the stores accounts. Adjustments to the accounts should be clearly identified and appropriately authorised. Copies of all adjustments should be available for inspection by Audit ~~& Assurance~~ Services. If the adjustments account exceeds £10,000 (LIMIT B) in any year, the CFO shall report the circumstances to the lead member on the Cabinet responsible Resources and Service Delivery~~for Governance~~, together with explanations for the surplus/deficit.
- 21.1.5 Assistant Directors should ensure that any material surpluses or obsolete stock are disposed of in line with agreed Council procedure. All disposals should be recorded and the records should be available for inspection.

21.2 Inventories

- 21.2.1 Inventories shall be maintained by all Delivery Units of all Council assets, including ICT (see ~~213~~.2.2). The CFO shall define the extent to which the assets of the Council shall be recorded and the form in which inventories shall be kept.
- 21.2.2 A corporate inventory for all ICT assets shall be maintained by the Assistant Director Customer and People ~~Services~~ Services and as such all items will be clearly identified and labelled. Delivery Managers should not arrange relocation or disposal without appropriate notification to the Assistant Director Customer and People Services.
- 21.2.3 All leased equipment should be clearly identified and labelled. The labelling should indicate that the item should not be sold (as it does not belong to the authority).

B1

21.2.4 The Council's assets shall not be removed from Council premises except in accordance with the ordinary course of the Council's business unless specifically approved by the Assistant Director. Council property shall only be used for the Council's purposes unless specific instructions are issued by the appropriate Assistant Director. The Assistant Director shall be responsible for ensuring that any such agreements are recorded. Attractive and portable items such as computers, cameras, TVs, video recorders and playback/recording equipment should be identified with security markings as belonging to the Council.

21.2.5 All disposals will be in line with agreed Council procedures and E.U. directives. In addition, special procedures are in place to deal with the disposal of leased equipment – any queries should be referred to the Finance Manager (Capital and Treasury).

21.2.6 Delivery Managers are responsible for carrying out an inventory check at least once a year and ensuring that all items are accounted for. All discrepancies must be reported to their Finance Manager.

21.2.7 Detailed guidance on Inventories and Disposal of Assets is incorporated within specific procedure notes which are included on the Intranet.

21.3 Land and Buildings

21.3.1 The Assistant Director Development, Business & Housing shall be responsible for the Asset Management Plan and maintain or make arrangements for the maintenance of a terrier of all properties owned or rented by the Council.

21.3.2 The terrier should record:

- the date of acquisition or appropriation
- Council authority
- the holding Board
- purpose for which held
- location, extent and plan reference
- purchasing details
- particulars of nature of interest and rent payable
- particulars of tenancies granted

21.4 Information

21.4.1 The CFO is the Council's designated Senior Information Risk Owner and is responsible for ensuring that there is a proper information governance framework in place.

21.4.2 The SIRO is responsible for approving all Information Sharing agreements.

21.4.3 SMT is responsible for ensuring compliance with the Council's Information Governance framework.

21.4.4 Assistant Director's are the owners of the information¹⁰ within their service areas.

~~SMT are responsible for the security of all information within their service area. Information can be stored on computers, transmitted across networks including the Internet, printed out or written down on paper and spoken in conversation.~~

21.4.5~~2~~ SMT must ensure compliance with the Council's Corporate Information Security Policy to ensure:

- Confidentiality of information
- Integrity of information

¹⁰ Information can be stored on computers, transmitted across networks including the internet, printed out or written down or spoken in conversation

- Availability of information
- Proper retention of information
- All software installed ~~is and used is properly licensed and~~ appropriate for business use and is properly licensed.

21.4.63 ~~Assistant Directors SMT~~ must ensure that appropriate Data Protection registrations are in place under the Data Protection Act for their are in place to cover the use of information within their service areas. This includes compliance with the regulation of information relating to individuals¹¹.
~~The Data Protection Act 1998 makes provision for the regulation of information relating to individuals, including obtaining, holding, use or disclosure of such information.~~

CONTACTS

Stocks and Stores, Appropriate Finance Manager CFO
Inventories, Audit & IG Assurance Manager
Land and Buildings, Assistant Director Customer and People Services
Information, CFO

22. Treasury Management

- 22.1 The Chief Finance Officer shall arrange all borrowing of monies, and make all arrangements concerning the investment or utilisation of capital monies or other funds.
- 22.2 In exercising the function, the Chief Finance Officer should comply with the contents of CIPFA's 'Code for Treasury Management in Local Authorities'.
- 22.3 The Council shall adopt a Treasury Policy Statement and an annual Treasury Management Strategy. The responsibility for their implementation and monitoring will be delegated to the Leader and Cabinet Executive.
- 22.4 The Chief Finance Officer shall report (at least half yearly) to the Leader and Cabinet Executive on the activities of the Treasury Management function and on the use of delegated Treasury Management powers.
- 22.5 The Audit Committee through their terms of reference (rather than the Budget & Finance Scrutiny Committee) will scrutinise the Councils Treasury management arrangements as set out in best practice guidance guidance. The Chief Finance officer will provide appropriate information to enable them to fulfil this role.

CONTACT: Corporate Finance Manager

23. Unofficial and Voluntary Funds

- 23.1 An unofficial or voluntary fund is defined as any fund, other than an official fund for the Council, which is controlled wholly or in part by an officer by reason of his or her employment by the Council.
- 23.2 Staff should seek approval from the appropriate Assistant Director before establishing an unofficial fund.
- 23.3 The Assistant Director shall maintain a register of all such funds. The register will include the following details for each fund:

¹¹ This includes obtaining, holding, using and the disclosure of individual's information.

B1

- The name of the 'Responsible Officer', as defined in the procedure notes on Voluntary and Unofficial Funds, responsible for the day to day running of the fund;
- The accounting period (which should generally be 1st April to 31st March);
- Bank account details; and
- Cheque signatories.

23.4 Assistant Directors shall ensure that all such funds are audited by suitably qualified auditors and are submitted within 6 months of the end of the accounting period to the Council and any other parties (i.e. clients, sponsors, charitable bodies) with an interest in the fund.

23.5 The CFO reserves the right to inspect all documentation relating to unofficial funds and seeks such explanations that are necessary to ensure they are being appropriately managed.

CONTACT: Corporate Finance Manager

APPENDIX A

Financial Limits

As financial limits require amending from time to time the limits itemised in the various regulations are referenced to this appendix. When amendments are actioned they will take the place of the amounts currently included in the detailed regulations.

Limit Reference	£
A	5,000
B	10,000
C	25,000
D	5,001 to 10,000
E	10,001 to 24,999
F	25,000 or over
G	50,000
H	75,000
J	100,000
K	250,000
L	500,000
M	Over 100,000
N	200,000
P	Over 200,000
Q	100,000 to 250,000
R	Over 250,000
S	EU Threshold (currently 156,442)
T	EU Threshold (currently 3,927,260)

AUDIT COMMITTEE

Terms of Reference

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

Delegated matters (i.e. Matters which can be decided (resolved))

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.

Risk Management

~~Recognising that Risk Management is a Cabinet function, the Committee should:-~~

- ~~9. Seek assurances that the authority's risk management arrangements are effective and operating within Council policy and review the Annual Risk Management report to Council.~~
- ~~10. Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.~~

Governance

- ~~9.14. 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.~~~~
- ~~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 recommend its inclusion in the Accounts.~~

- 12. ~~Consider the effectiveness of the control environment including reviewing the Council's Code of Corporate Governance and other corporate governance arrangements to ensure compliance with best practice.~~

Treasury Management

- 113. 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

- 124. 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

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

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

General

- 168. 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.
- 179. To ensure that adequate training is received by the members of the committee on the areas covered by the se terms of reference, ~~4-16 above.~~
- 1820. To ensure that any sensitive or confidential information obtained as a result of membership of the Committee is treated as confidential.
- 1924. Annually review their effectiveness and their terms of reference.

Article 1– The Leader and Cabinet

Explanatory Comment

The Leader of the Council is responsible for appointing the Cabinet. However, whilst the Leader, as Senior Executive Member may discharge any functions which are the responsibility of the Leader and Cabinet Executive the Cabinet is at the heart of the day-to-day decision-making process. It also has a key role in proposing the policy framework and budget to the Council.

7.01 Role

The Leader and Cabinet Executive will lead the implementation of Council policy within the Council's budget and policy framework. In doing this the Leader and Cabinet Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

7.02 Appointment and Composition

The Cabinet will consist of the Leader of the Council together with such additional Councillors, at least 2 but not more than 9, as the Leader shall determine.

7.03 Leader

The Leader will be a Councillor elected to the position of Leader by the Council at its Annual Meeting following an ordinary election of Councillors or at a subsequent meeting of the Council if the Council fails to elect the Leader at the Annual Meeting. The Leader will hold office until the day of the post-election annual meeting which follows his election unless:

(a) he/she resigns from the office; or

~~(b) he/she is suspended from being a Councillor of this Council under **Part III of the Local Government Act 2000** (although he/she may resume office at the end of the period of suspension); or~~

~~(b)(e)~~ he/she is no longer a Councillor of this Council; or

~~(c)(d)~~ he/she is removed from office by resolution of the Council following a written notice of no confidence on at least 10 working days notice and signed by at least 25% of all Councillors. If a motion of no confidence is passed, the Leader shall immediately cease to act as Leader.

~~(d)(e)~~ he/she is removed from office by resolution of the Council in the event of a change in political control of the Council

In the event that the Leader no longer holds office as described above, the Deputy Leader will carry out the role and duties of Leader until such time as the Council elects a Councillor to the position of Leader.

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 executive leader's place or must arrange for a member of the Cabinet to act in his/her place.

7.04 Deputy Leader

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.

The Deputy Leader will hold office until the end of the term of office of the Leader unless:

- (a) he/she resigns as Deputy Leader or ceases to be a member of the authority;
- (b) the Leader removes the Deputy Leader from Office

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 Assistant Director: Law, Democracy & Public Protection.

7.05 Other Cabinet members

The Leader will appoint all Cabinet members and will provide notification of those appointments to the Assistant Director: Law, Democracy & Public Protection in writing on or before the date of the Annual Council Meeting They will hold office until:

(a) they resign from office; or

~~(b) they are suspended from being Councillors of this Council under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or~~

~~(b)(e)~~ they are no longer Councillors of this Council; or

~~(c)(d)~~ they are removed from office by the Leader who must give written notice of any removal to the proper officer. The removal will take effect immediately upon receipt of notice by the Assistant Director: Law, Democracy & Public Protection, or

~~(d)(e)~~ they are removed from office, either individually or collectively, by resolution of the Council following a written notice of no confidence of at least 10 working days notice and signed by at least 25% of all Councillors. If a motion of no confidence is passed the Cabinet member(s) shall immediately cease to act.

~~(e)(f)~~ the Council removes them from office, either individually or collectively, but only in the event of a change in political control of the Council.

~~(f)(g)~~ In the event that a vacancy arises the Leader will appoint another Councillor as a replacement. The replacement will take effect upon the Leader providing notification of the appointment in writing to the Assistant Director: Law, Democracy & Public Protection.

~~(g)(h)~~ Any changes to the composition of the Cabinet shall be reported for information to the next meeting of Council.

7.06 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Decision Rules set out in Part 4 of this Constitution.

7.07 Responsibility for functions

The Leader may determine which Cabinet functions shall be allocated to individual members of the Cabinet and those which shall be reserved to the Cabinet. These responsibilities may be amended by the Leader on written notice to the Assistant Director: Law, Democracy & Public Protection.

The Leader will determine a list setting out those Cabinet functions which are the responsibility of the Cabinet and which individual members of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Executive functions.

Article 9 The Standards Committee and The Audit Committee

Explanatory Comment

The Standards Committee has an important role in ensuring and promoting good ethical conduct of Councillors and officers. The Audit Committee has an important role in overseeing financial processes, audit and risk management. They both support good governance in the public sector, with particular reference to local government.

~~(Section 53-55 and Sections 81(5), Local Government Act 2000)~~

(CIPFA Position Statement –“Audit Committee Principles in Local Government”)

9.01 Standards Committee

The full Council will establish a Standards Committee.

9.02 Composition

Political Balance

The Standards Committee will be politically balanced as per the political balance rules in **section 15 of the Local Government & Housing Act 1989.**

- (a) **Membership:** The Standards Committee will be composed of:-
- ~~seve~~~~eight~~ Councillors, excluding the Leader and only one of whom may be a member of the Cabinet;
 - ~~four persons who are not Councillors or Officers of the Council or any other body having a Standards Committee (independent members);~~
 - ~~at least three parish council representatives (who are not members of the Council)~~
 - ~~(b) Independent Members – Independent members will be appointed in accordance with guidance issued. Independent members will be entitled to vote at meetings;~~
 - ~~(c) Chairing the Committee – The Chairman must be an Independent Member of the Committee and should either have previous knowledge or have received training on standards, regulation and ethical issues.~~
- (d) **Quorum** – The quorum for a meeting of the Standards Committee shall be three ~~which must include one of the independent members.~~
- (e) **Training** – ~~In addition to the Chairman’s training outlined above,~~ All members of the Committee should be properly trained to fulfil their role, including awareness of standards, ethics and governance.
- (f) **Sub-committees** –

HEARINGS SUB COMMITTEE

1. To consider complaints referred to them by the Monitoring Officer to decide if the complaint should be referred for investigation.
2. To consider investigation reports in respect of Code of Conduct complaints that are referred to them by the Monitoring Officer.

3. To report its findings to the Borough Council, Town or Parish Council, as appropriate for information.

4. Where a breach is found, to make decisions about sanctions including:-

4.1. To make recommendations to the relevant Group Leader regarding future membership of committees and sub committees;

4.2. To make recommendation to Council regarding the removal of a non aligned member from membership of committee and sub-committees;

4.3. To make recommendations to the Leader of the Council regarding the removal of a member from Cabinet, or the removal of portfolio responsibilities;

4.4. To instruct the Monitoring Officer to arrange training for a Borough Council member;

4.5. To remove a member from all outside appointments to which he/ she has been appointed or nominated by the Council; and

4.6. 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).

5. To consider applications for dispensations where:-

5.1. The dispensation is in the interests of persons living in the Borough of Telford & Wrekin area; or

5.2. It is otherwise appropriate to grant a dispensation.

~~(i) Terms of Reference of the Referrals Sub-Committee~~

~~As approved by the Standards Committee~~

~~1. Terms of Reference~~

~~a. The Referrals Sub-Committee is established to receive allegations that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct.~~

~~b. Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:~~

~~i. refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or directing that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;~~

~~ii. refer the allegation to the Standards Board for England;~~

~~iii. decide that no action should be taken in respect of the allegation; or~~

~~iv. where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;~~

~~and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.~~

- ~~e. Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall be responsible for determining whether:
 - ~~i. it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;~~
 - ~~ii. the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or~~
 - ~~iii. the matter should be referred to the Adjudication Panel for determination.~~~~
- ~~d. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) or 2(c) above, the Sub-Committee shall state its reasons for that decision.~~
- ~~e. The Sub-Committee shall consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.~~
- ~~f. The Sub-Committee shall, upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.~~

~~2. Composition of the Referrals Sub-Committee~~

~~The Referrals Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee (and one of whom shall chair the Sub-Committee), and at least 2 elected members of the Authority. When the Referrals Sub-Committee considers a matter relating to the conduct of a person in his/her capacity as a Parish or Town Councillor, the Sub-Committee shall also include a Parish or Town Council representative.~~

~~3. Quorum~~

~~The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent member as Chairman, and at least one elected member of the Council and at least one Parish or Town Council representative when considering a matter relating to the conduct of a member as Parish or Town Councillor.~~

~~(ii) Terms of Reference of the Review Sub-Committee~~

~~As approved by the Standards Committee~~

~~1. Terms of Reference~~

- ~~a. The Review Sub-Committee is established to review, upon the request of a person who has made an allegation that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct, a decision of the Referrals Sub-Committee that no action be taken in respect of that allegation.~~
- ~~b. Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Referrals Sub-Committee and shall then do one of the following:
 - ~~i. refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or specifying that he/she take an alternative action as permitted by Regulations;~~
 - ~~ii. refer the allegation to the Standards Board for England;~~
 - ~~iii. decide that no action should be taken in respect of the allegation; or~~
 - ~~iv. where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;~~~~

~~and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.~~

- ~~c. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1(b) above, the Sub-Committee shall state its reasons for that decision.~~

~~2. Composition of the Review Sub-Committee~~

~~The Review Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee (and one of whom shall chair the sub-committee), and at least two 2 shall be elected members of the Authority. When the Referrals Sub-Committee considers a matter relating to the conduct of a person in his/her capacity as a Parish or Town Councillor, the Sub-Committee shall also include a Parish or Town Council representative.~~

~~3. Quorum~~

~~The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent member as Chairman, and at least one elected member of the Council and at least one Parish or Town Council representative when considering a matter relating to the conduct of a member as Parish or Town Councillor.~~

~~4. Frequency of Meetings~~

~~The Review Sub-Committee shall meet as and when required to enable it to undertake the review of any decision of the Referrals Sub-Committee within 3 months of the receipt of the request for such a review from the person who made the allegation.~~

~~(iii) Terms of Reference of the Dispensations Sub-Committee~~

~~As approved by the Standards Committee~~

~~1. Terms of Reference~~

~~The Dispensations Sub-Committee is established to determine applications from members of the authority and members of other relevant authorities for a dispensation in accordance with the provisions of the Local Government Act 2000 (as amended) and the Standards Committee (Further Provisions) (England) Regulations 2009.~~

~~2. Composition of the Dispensations Sub-Committee~~

~~The Dispensations Sub-Committee shall comprise 4 members, of whom at least 1 shall be an independent member of the Standards Committee and at least two 2 shall be elected members of the Authority. When the Dispensations Sub-Committee considers an application from a Parish or Town Councillor, the Sub-Committee shall also include a Parish or Town Council representative. The Chairman of the Dispensations Sub-Committee must be an independent member of the Standards Committee.~~

~~3. Quorum~~

~~The quorum for a meeting of the Sub-Committee shall be 3 members, with an Independent member as Chairman, and at least one elected member of the Council and at least one Parish or Town Council representative when considering an application from a Parish or Town Councillor.~~

9.03 **Role and Function**

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 up to 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

~~The Standards Committee will have the following roles and functions:~~

- ~~(a) promoting and maintaining high standards of conduct by Councillors, parish councillors and co-opted members, (including church and parent governor representatives;~~
- ~~(b) assisting the Councillors, parish councillors and co-opted members (including church and parent governor representatives) to observe the Members' Code of Conduct;~~
- ~~(c) advising the Council on the adoption or revision of the Members' Code of Conduct;~~
- ~~(d) monitoring the operation of the Members' Code of Conduct;~~
- ~~(e) advising, training or arranging training in relation to the Code of Conduct;~~
- ~~(f) granting dispensations to Councillors, co-opted members (including church and parent governor representatives) from requirements relating to interests set out in the Members' Code of Conduct;~~
- ~~(g) receiving allegations that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct~~
- ~~(h) establish sub-committees of the standards committee to make initial assessments of complaints received by the Standards Committee alleging a breach of the Members' Code of Conduct;~~
- ~~(i) establish sub-committees to consider requests received by the Standards Committee to review decisions to take no action in relation to a complaint made to its sub-committee set out at paragraph (g) above~~
- ~~(j) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by a sub-committee of the Standards Committee or an ethical standards officer to the Monitoring Officer and setting up hearings sub-committees to deal with these reports as and when required~~
- ~~(k) in conjunction with the operation of the Standards Board for England, the Standards Committee will work within the existing policy and procedures for handling of issues relating to probity and matters of an ethical nature.~~

- ~~(l) consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act~~
- ~~(m) advising the Council on the appointment of independent members taking account of guidance issued by the Standards Board for England~~
- ~~(n) selecting and recruiting Parish Council representatives to serve on the Standards Committee taking account of guidance issued by the Standards Board for England~~

9.04 Audit Committee

The full Council will establish an Audit Committee.

9.05 Composition

Political Balance

The Audit Committee will be politically balanced, as per the Political Balance Rules in **section 15 of the Local Government & Housing Act 1989**.

- (a) **Membership:** The Audit Committee will be composed of:
 - six councillors, excluding the Leader and any member of the Cabinet;
 - the Leader and/or any Cabinet Member can be invited to attend by the Chairman and he/she may contribute to the debate, through the Chair, but will not be able to vote;
- (b) **Co-opted Members:** one or more persons can be co-opted to the Committee who are not councillors or officers of the Council. Co-opted members will not be entitled to vote.
- (c) **Chairing the Committee:** the Chairman will be appointed from the Council members of the Committee. They should either have previous knowledge or have received training on financial and risk management, internal control assurance, the Council's core activities, accounting issues and regulation/compliance. The Chairman will have such access to members, officers and the external auditor as is required to discharge their duties.
- (e) **Quorum:** The quorum for a meeting of the Audit Committee shall be three.
- (f) **Training:** In addition to the Chairman's training outlined above, all members of the Committee should be properly trained to fulfil their role, including awareness of governance, risk management, internal control assurance, the Council's core activities, accounting issues and regulation compliance.
- (g) Due to the training and experience required by the members of this Committee there will be no system of substitute members.

9.06 Role and Function

The Audit Committee will have the following roles and functions:

- (a) Overseeing the Council's:
 - internal audit processes
 - external audit processes

- (b) Seeking assurances that the Council's risk management processes are operating properly;
- (c) Overseeing the Council's governance processes and reviewing and approving the Annual Governance Statement; and
- (d) Contributing to the approval of the Council's accounts.

FUNCTIONS, POWERS AND DUTIES OF STANDARDS COMMITTEE

Delegated Matters (i.e. matters which can be decided (resolved))

1. To prepare Codes of Conduct for members and employees taking account of national codes and guidance.
2. To submit these Codes for approval by full Council.
3. To ensure that the Codes are understood and implemented throughout the Council and the local community.
4. To monitor the implementation of the Codes and advise Council of any changes that may be desirable.
5. To grant dispensations to councillors, ~~parish councillors~~ and co-opted members (including church and parent governor representatives) from requirements relating to interests set out in the Members' Code of Conduct.
- ~~6. To prepare an Anti-Fraud and Corruption Strategy for the Council, submit it to the Council and review it on an annual basis.~~
- ~~7. To instigate a 'whistle blowing' or Speak Up policy for the Council, and to monitor its operation~~
- ~~68. To ~~receive and~~ investigate/determine allegations of breaches of the members Code (employees to be part of the disciplinary process) in accordance with the provisions of the Localism Act 2011 ~~Government and Public Involvement in Health Act 2007~~ and associated legislation and guidance.~~
- ~~79. To consider and deal with reports relating to issues of conduct referred to the Committee by the Monitoring Officer/Finance Officer both of whom shall have a right of direct access to the Committee.~~
- ~~810. To prepare a Protocol for members/Employee relations within the Council~~
- ~~944. To arrange and/or provide training for Councillors on ethical conduct.~~
- ~~102. Annually review their effectiveness and their terms of reference.~~
- ~~113. To consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer~~
- ~~114. To Advise the Council on the appointment of Independent Persons taking account of the provisions of the requirements set out in the Localism Act 2011 ~~independent members taking account of guidance issued by the Standards Board for England~~~~
- ~~15. To select and recruit Parish Council representatives to serve on the Standards Committee taking account of guidance issued by the Standards Board for England~~

Part 2 – Code and Protocols

Section 1 – Members Code of Conduct

Standards of Conduct

Members (including all voting co-opted members) of Telford & Wrekin Council will at all times promote and maintain high standards of conduct when they are acting in that capacity. To do this they will:-

<p>✓ <u>Members should serve only the public interest and should treat everyone that they deal with equally and with respect.</u> <u>Link to co-operative value of Fairness and Respect</u></p>	<p><u>Selflessness</u></p>
<p>✓ <u>Members should not place themselves in a position where they either are or give the appearance that they are under any financial or other obligation to anyone that might seek to influence them in the performance of their duties as a Member.</u> ✓ <u>Members should only use the resources of the Authority in accordance with reasonable requirements set out for their use from time to time</u> ✓ <u>Members should declare their interests in accordance with the law and with the provisions of this Code of Conduct</u> ✓ <u>Members should declare gifts and hospitality that they receive in accordance with the Council's Rules on Gifts and Hospitality</u> <u>Link to co-operative value of Fairness and Respect</u></p>	<p><u>Integrity</u></p>
<p>✓ <u>Members should make decisions on merit and in the public interest, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.</u> <u>Link to co-operative value of Fairness and Respect</u></p>	<p><u>Objectivity</u></p>
<p>✓ <u>Members should be accountable to the public for their decisions and actions and should co-operate fully with any scrutiny appropriate to their particular role or office.</u> <u>Link to co-operative value of Ownership</u></p>	<p><u>Accountability</u></p>
<p>✓ <u>Members should be as open as possible about their decisions and actions and should give reasons for their decisions and actions. They should not disclose information given to them which they can reasonably be expected to know was either exempt or confidential and is not to be disclosed to protect the wider public interest.</u> <u>Link to co-operative value of Openness and Involvement</u></p>	<p><u>Openness</u></p>
<p>✓ <u>Members have a duty to declare any private interests that relate to their duties as a Member and do whatever is necessary to resolve any such conflict in a way that protects the public interest</u> <u>Link to co-operative value of Honesty</u></p>	<p><u>Honesty</u></p>
<p>✓ <u>Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence</u></p>	<p><u>Leadership</u></p>

Disclosable Pecuniary Interests

The Monitoring Officer of Telford & Wrekin Council will maintain a Register of Disclosable Pecuniary Interests which can be found at <http://www.telford.gov.uk/councillors/name> or viewed by appointment with the Monitoring Officer by calling 01952 383200

<u>What</u>	<u>When</u>	<u>How</u>	<u>Impact on Meetings</u>
<u>Disclosable Pecuniary Interests</u>	<u>Within 28 days of election or re-election (if not already entered)</u>	<u>In writing to the Monitoring Officer detailing the existence and nature of the interest</u>	<u>Member cannot participate in or vote on the matter</u>
<u>Previously undeclared Disclosable Pecuniary Interest</u>			
<u>Outside a meeting</u>	<u>Within 28 days of the date of disclosure of a Disclosable Pecuniary Interest at a meeting</u>	<u>In writing to the Monitoring Officer detailing the existence and nature of the interest</u>	<u>Member cannot participate in or vote on the matter</u>
<u>During a meeting</u>	<u>As soon as the Member is aware that they have a Disclosable Pecuniary Interest</u>	<u>Verbally to the meeting detailing the existence and nature of the interest</u>	<u>Member cannot participate, participate further, vote or further vote on the matter</u>
<u>Sensitive Interests – ie where the Monitoring Officer agrees that the disclosure of the interest could lead the Member being subject to violence or intimidation</u>	<u>As above – depending upon the circumstances</u>	<u>As above but detailing the existence but not the nature of the interest</u>	<u>As above</u>

Dispensations

Dispensations can be granted by the Monitoring Officer (for 1 & 2) / Hearings Sub Committee (for 3 & 4), if, after considering the relevant circumstances:-

1. The number of Members precluded from transacting the business is so great that it would impede the business of the Council, committee or Executive
2. The political balance is affected to the extent that it could affect the outcome of a vote relating to the business
3. The dispensation is in the interests of persons living in the Borough of Telford & Wrekin area
4. It is otherwise appropriate to grant a dispensation

Disclosable Pecuniary Interests

Disclosable Pecuniary Interests may be amended from time to time by regulation but at 1st July 2012 they were:-

<u>Employment, office, trade or profession</u>	<u>Any employment, office, trade, profession or vocation carried out for profit or gain</u>
<u>Sponsorship</u>	<u>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a person in carrying out duties as a member, or towards the election expenses of that person</u>
<u>Contracts</u>	<u>Any contract which is made between the relevant person(or body in which the relevant person has a beneficial interest) and the relevant authority-</u> <u>(a) Under which goods or services are to be provided or works are to be executed; and</u> <u>(b) Which has not been fully discharged</u>
<u>Land</u>	<u>Any beneficial interest in land which is within the area of the relevant authority</u>
<u>Licenses</u>	<u>Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer</u>
<u>Corporate tenancies</u>	<u>Any tenancy where (to the persons knowledge)-</u> <u>(a) The landlord is the relevant authority; and</u> <u>(b) The tenant is a body in which the relevant person has a beneficial interest</u>
<u>Securities</u>	<u>Any beneficial interest in securities of a body where-</u> <u>(a) That body (to the persons knowledge) has a place of business or land in the area of the relevant authority; and</u> <u>(b) Either-</u> <u>(i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</u> <u>(ii) If the share capital of that body is of more than one class, the total nominal value of the shares in any one class in which the relevant person has a beneficial interest that exceeds one hundredth of the total issued share capital of that class</u>

Preamble – General Principles

~~**Selflessness** – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.~~

~~**Honesty and Integrity** – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.~~

~~**Objectivity** – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.~~

~~**Accountability** – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.~~

~~**Openness**—Members should be as open as possible about their actions and those of their Authority, and should be prepared to give reasons for those actions.~~

~~**Personal Judgement**—Members may take account of the view of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.~~

~~**Respect for Others**—Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.~~

~~**Duty to Uphold the Law**—Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.~~

~~**Stewardship**—Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law~~

~~**Leadership**—Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.~~

Part 1 – General provisions

Introduction and interpretation

~~1. (1) This Code applies to **you** as a member of an authority.~~

~~(2) You should read this Code together with the general principles prescribed by the Secretary of State (a).⁴~~

~~(3) It is your responsibility to comply with the provisions of this Code.~~

~~(4) In this Code—~~

~~“meeting” means any meeting of—~~

~~(a) the authority;~~

~~(b) the executive of the authority~~

~~(c) any of the authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;~~

~~“member” includes a co-opted member and an appointed member;~~

~~(5) In relation to a parish council, references to an authority's monitoring officer and an authority's standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.~~

Scope

⁴ See the Relevant Authorities (General Principles) Order 2001 (S.I. 2001/1401)

~~2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—~~

~~(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or~~

~~(b) act, claim to act or give the impression you are acting as a representative of your authority,~~

~~and references to your official capacity are construed accordingly.~~

~~(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.~~

~~(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.~~

~~(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).~~

~~(5) Where you act as a representative of your authority—~~

~~(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or~~

~~(b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.~~

General obligations

~~3. (1) You must treat others with respect.~~

~~(2) You must not~~

~~(a) do anything which may cause your Authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(a));~~

~~(b) bully any person;~~

~~(c) intimidate or attempt to intimidate any person who is or is likely to be~~

~~(i) a complainant~~

~~(ii) a witness, or~~

~~(iii) involved in the administration of any investigations or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or~~

~~(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.~~

~~(3) In relation to police authorities and the Metropolitan Police authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.~~

~~4. You must not~~

~~(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where~~

~~(i) you have the consent of a person authorised to give it;~~

~~(ii) you are required by law to do so;~~

~~(iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or~~

~~(iv) the disclosure is~~

~~(aa) reasonable and in the public interest; and~~

~~(bb) made in good faith and in compliance with the reasonable requirements of the authority; or~~

~~(b) prevent another person from gaining access to information to which that person is entitled by law.~~

~~5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.~~

~~6. You~~

- ~~(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and~~
- ~~(b) must, when using or authorising the use by others of the resources of your authority—~~
 - ~~(i) act in accordance with your authority's reasonable requirements;~~
 - ~~(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and~~
- ~~(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986(a).²~~

~~7.—(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—~~

- ~~—(a) your authority's chief finance officer; or~~
- ~~—(b) your authority's monitoring officer,~~

~~—where that officer is acting pursuant to his or her statutory duties.~~

~~(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.~~

Part 2 – Interests

Personal interests

~~8.—(1) You have a personal interest in any business of your authority where either—~~

~~(a) it relates to or is likely to affect—~~

~~(i) —any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;~~

~~(ii) any body—~~

~~—(aa) exercising functions of a public nature;~~

~~—(bb) directed to charitable purposes; or~~

~~(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);~~

~~of which you are a member or in a position of general control or management;~~

~~(iii) any employment or business carried on by you;~~

~~(iv) any person or body who employs or has appointed you;~~

² ~~(a) 1986 c.10~~

- ~~(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;~~
 - ~~(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);~~
 - ~~(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);~~
 - ~~(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;~~
 - ~~(ix) any land in your authority's area in which you have a beneficial interest;~~
 - ~~(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;~~
 - ~~(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or~~
- ~~(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority—~~
- ~~(i) (in the case of authorities with electoral divisions or wards) other council tax payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;~~
 - ~~(ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or~~
 - ~~(iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.~~
- ~~(2) In sub-paragraph (1)(b), a relevant person is—~~
- ~~(a) a member of your family or any person with whom you have a close association; or~~
 - ~~(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;~~
 - ~~(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or~~
 - ~~(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).~~

Disclosure of personal interests

- ~~9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.~~
- ~~(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.~~
- ~~(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.~~
- ~~(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.~~
- ~~(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.~~
- ~~(6) Subject to paragraph 12(1) (b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.~~
- ~~(7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(a).³~~

Prejudicial interest generally

- ~~10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.~~
- ~~(2) You do not have a prejudicial interest in any business of the authority where that business—~~
- ~~(a) does not affect your financial position or the financial position of a person or body described in paragraph 8;~~
- ~~(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or~~

³ (a) See the Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations (S.I. 2000/3272)

~~(c) relates to the functions of your authority in respect of—~~

- ~~(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease~~
- ~~(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full-time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends:~~
- ~~(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;~~
- ~~(iv) an allowance, payment or indemnity given to members;~~
- ~~(v) any ceremonial honour given to members; and~~
- ~~(vi) setting council tax or a precept under the Local Government Finance Act 1992.~~

Prejudicial interests arising in relation to scrutiny

~~11. You also have a prejudicial interest in any business before a scrutiny committee of your authority (or a sub-committee of such a committee) where—~~

- ~~(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and~~
- ~~(b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.~~

Effect of prejudicial interests on participation

~~12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—~~

- ~~(a) you must withdraw from the room or chamber where a meeting considering the business is being held—~~
 - ~~(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;~~
 - ~~(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;~~

~~unless you have obtained a dispensation from your authority's standards committee; and~~

- ~~(b) you must not exercise executive functions in relation to that business; and~~

~~(c) — you must not seek improperly to influence a decision about that business.~~

~~(2) — Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.~~

Part 3 – Registration of Members' Interests

Registration of members' interests

~~13. (1) Subject to paragraph 14, you must, within 28 days of —~~

~~(a) — this Code being adopted by or applied to your authority; or~~

~~(b) — your election or appointment to office (where that is later);~~

~~register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.~~

~~(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.~~

Sensitive information

~~14. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.~~

~~(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.~~

~~(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.~~

Standards in Local Government		
The promotion and maintenance of high standards of conduct within the Council		
To advise the council on the adoption or revision of its Code of Conduct	Standards Committee	
To monitor and advise the council about the operation of its Code of Conduct in the light of best practice, changes in the law and all appropriate guidance	Standards Committee	
Assistance to members and co-opted members of the authority		
To ensure that all members of the Council and co-optees have access to training in all aspects of the member Code of Conduct, that this training is actively promoted, and that members are aware of the standards expected from local councillors under the Code	Standards Committee	
Other functions		
Functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Localism Act 2011	Standards Committee	
[List] other functions delegated to the Committee by the Council in accordance with The Localism Act 2011, in accordance with any associated legislation and in accordance with any regulations made under that Act	Standards Committee	

HOW DECISIONS ARE MADE

The Leader and Cabinet Executive is the part of the Council which is responsible for most operational decisions. The Leader and Cabinet Executive is made up of the Leader and up to 9 other Councillors appointed by the Leader. When major decisions (called “Key Decisions”) are to be discussed or made, at least 28 days public notice must be given. these are published in the Forward Plan in so far as they can be anticipated. A Notice of Key Decisions is published by the Council on a regular basis. This Plan must include at least those decisions which the Leader and Cabinet Executive anticipates it will have to make over the next 4 months. If the required 28 days notice for a Key Decision has not been made needs to be made which is not in the Forward Plan, there are special provisions to allow the decision to be taken. exist to enable this to happen.

If these major decisions are to be discussed at a meeting of the Cabinet, this will be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council’s overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

SCRUTINY

The Scrutiny Assembly and Scrutiny Committees, including a Scrutiny Management Board, support the work of the 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 officers of the Council and inviting people from outside the Council to give opinions and expert advice. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Scrutiny Committees and Scrutiny Assembly also monitor the decisions of the Cabinet. They can ‘call-in’ a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate.

They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

AREA WORKING ARRANGEMENTS

In order to give citizens a greater say in local affairs, the Council may consider the introduction of area working arrangements. The Council will decide on whether to introduce these arrangements in all or parts of the Borough.

THE COUNCIL’S EMPLOYEES

The Council employees (called ‘officers’) give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationships between officers and councillors

CITIZENS' RIGHTS

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights. This and other useful links can be found on the Council's website www.telford.gov.uk.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- access a copy of the Constitution;
- see agendas and reports and attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Cabinet;
- find out, from the [Notice of Key Decisions Cabinet's Forward Plan](#), what major decisions are to be ~~discussed by the Cabinet or~~ decided by the Cabinet, [the Leader](#) or officers, and when;
- attend meetings of the Cabinet where decisions are being discussed or decided;
- see reports and background papers, and records of decisions made.
- complain to the Council about Council services or how they feel they have been treated by the Council;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process. Telephone: 01952 380000;
<http://www.telford.gov.uk/Council+democracy/Customer+complaints/Complaints+comments+and+compliments.htm>
- complain to the local Standards Committee if they have evidence which they think shows that a councillor has not followed the Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

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

The Council welcomes participation by its citizens in its work. For further information, or if you would like to join the Telford & Wrekin Community Panel, details can be found on the Council's website at www.telford.gov.uk

Page 2:4

Article 1– Citizens and the Council

Explanatory Comment

This sets out what citizens can expect from the Council and what rights they have. However, with rights come responsibilities and it is also the role of the Constitution to show how the Council expects to be treated in return.

3.01 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution: Citizens also have rights under the **Freedom of Information Act 2000** to make requests for information held by the Council.

- (a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote for their local Councillor(s) and to sign a petition to request a referendum for an elected mayor form of Constitution. For a petition to be valid to require a referendum, the number of signatures to it must equate to no less than 5% of the electorate of the Borough. Citizens will have a right to vote for an elected mayor in the event of a referendum being held.

- (b) **Information.** Citizens have the right to:
 - (i) attend as observers, meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) attend as observers, meetings of the Cabinet when decisions are being considered except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (iii) find out from the [Notice of Key Decisions Forward Plan](#) what key decisions will be taken by the Leader, ~~and the~~ Cabinet Executive or by an officer under delegated authority
 - (iv) inspect reports and background papers, and any records of decisions made by the Council and its committees and the Leader and Cabinet Executive; and
 - (v) inspect the Council's accounts and Audit Commission's Annual Audit and Inspection Letter and make their views known to the external auditor.
 - (vi) such other information as may be specified in the Council's Freedom of Information publication scheme

- (c) **Assembly Sessions.** The Council shall facilitate further participation by holding, as and when required, meetings of Assembly Sessions at which partner organisations may through nominated spokespersons attend and debate with elected members matters of public policy. As appropriate these Assembly Sessions may also invite for debate, reports from other public and private agencies and from the Borough's, Westminster, European and other representatives.

Citizens will have the right to express views on all aspects of local government and the Council will take steps to consult effectively, and have the right to have those views considered.

13.02 Principles of decision making

All decisions of the Council, its Committees/Boards, the Leader and Cabinet Executive and those under delegated powers shall have regard to the following principles of governance and good practice:

- consideration of all options available;
- having regard to due consultation;
- consideration of professional advice from officers;
- clarity of aims and desired outcomes;
- the action proposed must be proportionate to the desired outcome;
- having respect and regard for human rights;
- presumption for openness, transparency and accountability;
- only relevant matters taken into account;
- due weight to all material considerations (including opportunities and risks);
- proper procedures will be followed.

13.03 Types of decision

- (a) Decisions reserved to full Council – Decisions relating to the functions listed in Article 4 will be made by the full Council and not delegated.
- (b) Decisions made by Committees/Boards appointed by the Council – Power to make such decisions is delegated by the Council in accordance with Part 4 of this Constitution. (Section 101, Local Government Act 1972)
- (c) Decisions of the Leader and Cabinet Executive will comprise Key Decisions and Non-Key Decisions. "Key Decisions" relate to a Leader and Cabinet Executive decision, which is likely:
 - (1) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates;or
 - (2) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area.

A key decision will relate to a decision on a matter identified in the [Notice of Key Decisions Forward Plan](#), except in cases of urgency when the provisions [contained within the Policy Framework Budget Procedure Rules] will apply.

In accordance with **Section 38 of the Local Government Act 2000**, in determining the meaning of "significant" the Council shall determine thresholds above which items are significant (see Guidance Note 3) and will ensure these limits are published. Any decisions involving expenditure or saving above the published threshold for the service or function concerned will be a Key Decision. A Key Decision may not necessarily involve significant expenditure or savings but may however be significant in terms of its effect on communities in two or more wards within the Council's area.

A decision taker may only make a Key Decision in accordance with the requirements of the Cabinet Decision Procedure Rules set out in Part 4 of this Constitution.

Pages 4.20 and 4.21

Part 4 – Rules of Procedure

Section 1– Access to Information Procedure Rules

The requirements for access to information in respect of decision-taking by the Council are very largely set out in statute and regulations. This section provides a summary of those statutory provisions together with a more detailed statement where the Council has decided to grant rights of access over and above the statutory provision.

1. Council Functions

All decisions in respect of Council functions are regulated by **Sections 100A to 100K of the Local Government Act 1972**.

The Council has made no supplemental provisions for access to information in respect of Council functions.

2. Cabinet Functions

All decisions in respect of Cabinet functions are regulated by the **Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012**~~as amended~~ as follows:

a) Advance notice of forthcoming decisions

- i) The requirement for advance notice of forthcoming Leader and Cabinet Executive decisions apply to “Key Decisions”, which are defined by Regulation 8 to comprise any executive decision which is likely to:
 - result in significant expenditure or significant savings, or
 - be significant in terms of its effects on two or more wards or electoral divisions within the authority’s area.
- ii) The ~~Decision maker Leader~~ is required, at least ~~40~~28 working days before the ~~decision is made start of each calendar month~~, to ~~publish a document prepare a Forward Plan~~ which sets out details (as set out in Regulation 9~~14~~) of ~~the key decision(s) to be taken. any matters which he/she considers are likely to be the subject of a Key Decision within the next 4 calendar months.~~
- iii) ~~The document referred to at ii) above must be made available for inspection by the public at the offices of the Council and on its website. The Leader shall instruct that the authority shall advertise annually the existence and availability of the Forward Plan~~
- iv) Where a Key Decision is required to be taken ~~for which~~ at least 28 days notice has not been ~~given publicised in the Forward Plan~~, the ~~Proper Officer decision-taker~~ must inform give at least 5 working days notice of the proposed decision and a copy of any report to the Chairman of the appropriate Scrutiny Committee in writing of the details of the decision to be made and the reasons why it is

impracticable to give 28 days notice. Where the urgency of the decision is such that five clear days between the notice and the decision even that notice cannot be given, the decision-maker must obtain the agreement of the Chairman of the relevant Scrutiny Committee (or in their absence the Mayor or Deputy Mayor of the Council) that the decision does need to be taken as a matter of such urgency, and the reasons why it cannot be reasonably be deferred.

b) The decision-making process

i) Where a decision is to be made by the Cabinet (as a body):

- the agenda for the meeting and every public, and non-exempt report shall be available for inspection as soon as they are made available to members of the decision-making body, unless it discloses confidential or exempt information. At least 5 working days notice shall be given unless the meeting is convened at shorter notice or where an item is added to the agenda at shorter notice in cases of urgency in accordance with the provisions of the **Local Government Act 1972**.

- the meeting must be a public meeting, although the press and public may be excluded during consideration of any matter which would involve the disclosure of confidential or exempt information.

- If a decision is proposed to be taken in private because exempt or confidential information might be disclosed, at least 28 days notice must be given of the intention to consider that decision in private, along with a statement of reasons. Any representations received by the Cabinet about why the meeting/decision should be open to the public must be published at least 5 clear working days before the meeting, along with the Cabinet's response to any such representations.

ii) Where an individual member of the Cabinet or an officer proposes to take a Key Decision, a Decision Notice shall first be published within four working days and sent to all Members of the Council via email.

c) Recording the Decision

(i) Within four working days after a Cabinet decision has been made by the Cabinet as a whole or by an individual member, or a Key Decision made by an officer, the proper officer shall make a written record of that decision. All Decision Notices with the exception of those referred to in (d) below shall be published by being made available in the Main Reception of Addenbrooke House Civic Offices, on the Council website, and sent via email to all Members of the Council.

(ii) ~~Records of Cabinet decisions shall be available for public inspection within four working days after the decision has been taken, together with a copy of any report considered and any background papers.~~

d) Exceptions for Exempt and Confidential Information

In respect of (b)(i) and (ii) above the rules do not apply where the publication of a report, ~~a Decision Notice thereon~~ or background paper or attendance at a meeting would be likely to disclose exempt or confidential information, as defined in the **Local Government Act 1972, Schedule 12A (as amended)**. Such reports, ~~Decision Notices~~ or background papers shall only be sent to Members of the Council.

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

The Leader will preside at any meeting of the Cabinet at which he/she is present, and in his/her absence the Deputy Leader will preside. In the absence of both the Leader and Deputy Leader the members present may appoint another member of the Cabinet to preside.

2.2 Who may attend?

Members of the public (which may include non-Cabinet members of the Council and officers at the discretion of the Cabinet) may attend all meetings of the Cabinet except when exempt or confidential information is being considered where the press and public (including non-Cabinet members of the Council), may be excluded by resolution of the Cabinet in accordance with the Access to Information Rules contained in Part 4 of this constitution.

2.3 What business?

Meetings of the Cabinet will include the following business:

- i) consideration of the minutes of the last meeting;
- ii) apologies for absence
- iii) declarations of interest, if any;
- iv) matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Policy Framework and Budget Procedure Rules set out in Part 4 of this Constitution;
- v) consideration of reports from individual members of the Cabinet;
- vi) consideration of reports from a Scrutiny Committee
- ~~vii) Forward Plan;~~
- viii) reports of Statutory Officers; and
- ~~viii~~) matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions.

Items (iv) – (~~ix~~viii) shall require written reports except in cases of urgency where it is impractical to do so.

2.4 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the policy framework and budget should contain details of the nature and extent of consultation undertaken with stakeholders and Scrutiny Committees. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the Cabinet agenda?

- (a) Any member of the Cabinet may require the Proper Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. The proper officer will comply, subject to the agreement of the Leader.
- (b) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by the Scrutiny Committees and Scrutiny Assembly. However the number of items per Cabinet meeting, will have regard to the amount of business on the agenda.
- (c) Any resolution of the Council which is required to be considered by the Cabinet will be so considered within fifteen working days of the date of the Council resolution, or at the next scheduled meeting of the Cabinet.
- (d) The Managing director, Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where the Head of Paid Service or Chief Financial Officer or Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

2.6 Timescales

In considering matters in relation to budgetary issues the Leader and Cabinet Executive will have due regard to any appropriate timescale within which the budget has to be approved by the Council. By way of example the timespan required to deal with this will include consultation with partners and other external agencies plus reference to the relevant Scrutiny Committee.

2.7 Key Decisions

Key Decisions shall only be taken provided that a notice of the intention to take that key decision has been published at least 28 days beforehand. the matter in question is contained within the Forward Plan. If 28 days notice has not been given, the provisions set out at paragraph 2 (a) (iv) of Part 4 – Section 1 of this Constitution will apply. or if not in the Forward Plan, after giving five working days notice, together with a report to the Chairman of the appropriate Scrutiny Committee and with the consent of the Chairman of the relevant Scrutiny Committee.

2.8 Recording of Decisions

All decisions including Key Decisions are to be made by a simple majority of these Members of the Cabinet present and voting, except for voting on appointments where two or more persons are nominated for any position in which case if there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

Following a meeting of the Cabinet at which a report (whether oral or in writing) has been received and at which a Cabinet decision has been made or a decision of a individual Cabinet member after consideration of a report, the proper officer shall ensure that a written record will be published

Pages 9:2 to 9:6

GUIDANCE NOTE 1–DEFINITIONS OF KEY DECISION

Key decisions are:-

(a) Decisions which have a significant financial impact:

- Decisions which will result in the authority incurring expenditure, or making savings, have a significant financial impact of more than £500,000 e.g. the letting of a contract
- Involve a virement between service budgets of more than £50,000.
- Involve a virement between service budgets of between £25,000 and £50,000 where the sum is more than 20% of the budget
- Decisions to participate or lead in collaborative schemes funded (partly or wholly) from external sources, which may expose the Council to contractual risk exceeding £500,000, e.g. schemes carrying repayment penalties or schemes where the Council will carry contractual responsibility for execution of the contract.

OR

(b) Decisions which are likely to be significant in terms of their effects on communities living or working in an area comprising two or more wards in the Borough.

~~The key tests are:~~

~~Does the decision have:~~

~~— A significant impact on more than one ward?~~

- ~~— A significant impact on terms of delivery of the Council's agreed policy?~~

~~Or:~~

~~• Is the decision likely to be of significant public interest?~~

- ~~if either apply then the decision is deemed to be a Key Decision.~~

(c) Any decision made by the Leader and Cabinet Executive in the course of developing proposals to the full Council to alter the policy framework would be a key decision.

When considering the financial limits the following guidance should be followed:-

1. Contracts of employment are to be treated as outside the scope of key decisions.
2. The aggregate value of multi-year contracts should be considered e.g. a contract for £500,000 p.a. for two years would be caught under the definition.

3. Reports allocating block capital budgets between specific schemes will be taken to Leader and Cabinet Executive and will be treated as Key Decisions. Changes to these allocations in excess of the virement limits will also be treated as Key Decisions. However the letting of individual contracts funded from these block capital approvals will not be treated as Key Decisions even if they affect more than one ward unless the total value of the contracts exceeds the approved budget for the particular schemes.
4. The letting of contacts for an individual child by Children & Young People or for a vulnerable adult by Adult Social Care in respect of personal care or “specialist placements” will not be treated as Key Decisions regardless of whether those contracts would be covered by approved budgets, due to statutory requirements to ensure that appropriate provision is made for personal social services or education. The cumulative effects of such commitments will be subject to reporting requirements to Leader and Cabinet Executive where there is a proposed overspend against budget provision for the year.
5. The nature of Treasury Management decisions is such that decisions to borrow or invest are taken in response to interest rate movements and to the daily cash flow position. These factors cannot be accurately forecast in order to comply with the timetable for key decisions and therefore must be treated as an exclusion to the definition of key decisions.
6. Please remember that Key Decisions can be taken by the Leader and Cabinet Executive or by officers under delegated powers.

Should you require any clarification relating to the interpretation of this guidance, please contact Legal Services

GUIDANCE NOTE 2 – ATTENDANCE AT CABINET MEETINGS (VOLUNTARY PROTOCOL)

- The Constitution requires that the Cabinet meet in public session when making decisions. The Cabinet is also subject to the Access to Information rules set out in the Constitution which require:-
 - that the agenda is made available for public inspection five working days prior to the date of the meeting
 - that all items of business are open to the public unless they meet the requirements of the Access to Information Act and are classified as exempt or confidential.
 - Section 152 - that meetings of the Cabinet can be attended by members of the public and any Member of Council for the public session. Members of the public will be asked to leave following agreement to the appropriate resolution to exclude the press and public (see also Part 4 – Section 4 – Cabinet Decision Procedure Rules paragraph 1.7 and Part 9 – Committee Procedure Rules paragraph 16)
- This Protocol gives additional rights over and above those contained in the Constitution.
- For each meeting of the Cabinet, the Group Leaders (or if unable to attend the Deputy Group Leaders) from all Groups will be invited to attend as a matter of course. In addition to attendance at the meeting each Group Leader (or Deputy Group Leader if substituting for the Leader) will be able to speak on any item on the agenda.
- In addition to Group Leaders (or Deputy Group Leader substituting for a Group Leader), any Councillor who has a significant ward matter on the Cabinet agenda may seek permission from the Leader, prior to the meeting, to speak when the item will be discussed. By permission of the Leader, members may be given the opportunity to speak for significant items/issues within their ward. It will be the Leader who will determine whether or not the item is significant or not. This mirrors the existing arrangements where Chairmen of Boards and Committees have allowed members not on the Board/Committee to speak on ward issues.
- On the Thursday prior to a meeting of the Cabinet, the Opposition Group Leaders (or their deputies) may request a briefing on agenda items.

GUIDANCE NOTE 3 – PUBLICATION OF AGENDAS, MINUTES AND DECISION NOTICES.

There are several elements within the Constitution where documents are required to be “published”. This Guidance Note sets out the minimum requirements in terms of publication.

- The range of documents required to be published are:
 - [Forward Plan Notice](#) of Key Decisions
 - Reports of Officers
 - Decision Notices/Minutes of Cabinet and Decision Notices relating to those decisions taken by Officers under delegated powers

The agendas, reports (except those that are confidential/exempt) and Decision Notice/Minutes of Cabinet and minutes of all other meetings.

- These documents will be published on the Council's web site.
- This Guidance Note is based on the principle that electronic methods will be used to the full and it will be for individual Members to regularly check their own e-mail. In particular there are only 3 working days in which to “Call In” decisions and notifying Members of the decisions quickly is key.

As a minimum requirement, a copy of these documents should be available for inspection at the Council's main office ([AddenbrookeHouse Civic Offices](#)).

FORWARD PLAN OF KEY DECISIONS

- ~~• The Constitution requires publication of a Forward Plan covering a four-month period.~~
- ~~•~~
- ~~• The Plan is rolled forward and updated on a monthly basis. Each time the Plan is rolled forward a new fourth month will be added, and there will be additions, deletions and amendments to the other three months.~~
- ~~•~~
- ~~• Each municipal year at the start of the cycle of meetings a public advertisement will be placed in the Shropshire Star indicating the dates on which the Forward Plan will be published, the effective date for each edition and where it can be inspected.~~
- ~~•~~

Public Access

- ~~• Minimum requirement: To make a copy available at the main Council Offices (Civic Offices).~~
- ~~•~~
- ~~• A copy of the Forward Plan is also available on the Council's web site.~~
- ~~•~~

Access for Members

- ~~• Minimum requirement: An e-mail will be sent to all Members providing a link to the relevant part of the Council's web site where the Forward Plan is published.~~
- ~~•~~
- ~~• Minimum requirement: A copy will also be made available in the Members Room.~~

B4

Article 5 – Chairing the Council

Explanatory Comment

Council meetings will be Chaired by a member known as the Speaker and the civic/ceremonial role carried out by a member known as the Mayor.

~~Council meetings will be chaired by the Mayor~~

5.01 Title of the person chairing Council meetings

The person elected to chair meetings of the Council is referred to as “the ~~Mayor~~Speaker”.

5.02 Role and function of the ~~Mayor~~Speaker

The ~~Speaker~~Mayor and Deputy ~~Mayor~~Speaker will be elected by the Council at the Annual Council Meeting.

The ~~Mayor~~Speaker and in his or her absence, the Deputy ~~Mayor~~Speaker will have the following roles and functions:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members are able to hold the Leader and Cabinet Executive to account;
4. to promote public involvement in the Council’s activities;

5.03 Ceremonial Role

A member will be elected as Mayor at the Annual Council meeting.

The Mayor’s role and responsibilities will also include to attend such civic and ceremonial functions that the Council and he/she determines appropriate.

Article 16 – Suspension, Interpretation and Publication of the Constitution

Explanatory Comment

This Article ensures that the articles of the Constitution may not be suspended. This provides certainty and stability to the fundamental aspects of the Council's governance. However, it does provide for rules of procedure to be suspended in certain circumstances.

16.01 **Suspension of the Constitution**

- (a) Limit to suspension. The Articles of this Constitution may not be suspended. The Rules of Procedure relating to meetings of the Council, the Cabinet, Committees and Sub-Committees may be suspended by the Council or the Cabinet to the extent permitted within the Council Procedure Rules and the Cabinet Procedure Rules contained in Part 4 and the law.
- (b) Procedure to suspend. A motion to the full Council to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the aims of the Constitution set out in Article 1.

16.02 **Interpretation**

The ruling of the ~~Mayor~~ Speaker as to the interpretation or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the aims of this Constitution contained in Article 1.

16.03 **Keeping the Constitution Up To Date**

The Council has delegated power under **Section 37 of the Local Government Act 2000** to prepare and keep up to date the Constitution to the Managing director who shall make appropriate arrangements to ensure the Constitution is kept up to date and is made available in accordance with paragraph 16.04 below.

16.04 **Publication**

<http://www.telford.gov.uk/Council+democracy/Democracy+elections/Council+Constitution.htm>

- (a) The Managing director will provide an electronic link to this Constitution on the Council's website or, on request, a printed copy, to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- (b) The Managing director will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased on payment of a reasonable fee.
- (c) The Managing director will ensure that the summary Part 1 Chapter 1 of the Constitution is made widely available within the area and is updated as necessary.

CHAPTER 2

Part 4 – Rules of Procedure

Section 1 – Council Procedure Rules

Rule

1. Annual meeting of the Council
2. Ordinary meetings
3. Extraordinary meetings
4. Assembly Session
5. Appointment of Substitute Members of Committees
6. Time and place of meetings
7. Notice of and summons to meetings
8. Chairman of meeting
9. Quorum
10. Questions by members
11. Notice of Motion
12. Motions without notice
13. Rules of debate
14. Previous decisions and motions
15. Voting
16. Minutes
17. Minutes of Boards and Committees, Boards & Commission
Reports of Cabinet and Chairmen at Council Meeting
18. Record of attendance
19. Exclusion of public
20. Members' conduct
21. Disturbance by public
22. Declaration of interest of members in contracts and other matters
23. Suspension and amendment of Council Procedure Rules
24. Alteration of Date/Time of Meeting
25. Application of Rules to Committees, Boards and Commissions
26. Interests of Officers in Contracts
27. Advice to Council by Officers

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in March, April or May (Local Government Act 1972, Schedule 12 paragraph 1).

The annual meeting will:

- (i) elect a person to preside if the ~~Mayor~~ Speaker is not present;
- (ii) elect the Speaker
- (iii) elect the Deputy Speaker of the Council
- (iv) appoint the Leader if the Annual Meeting follows an ordinary election of Councillors;
- (vi) appoint a Mayor
- (vii) appoint a Deputy Mayor
- (viii) receive any declarations of interest from members
- (ix) approve the minutes of the last meeting;
- (x) receive any announcements from the Speaker, Leader, the ~~mayer~~ Mayor and/or Head of Paid Service;
- (xii) appoint such committees and boards as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3, of this Constitution), agree the size and terms of reference of these bodies and to appoint Chairmen, Vice Chairmen, Members and substitute Members for such committees and boards in accordance with political balance rules;
- (xiii) agree the scheme of delegation in accordance with the requirements of the Local Authority (Functions & Responsibilities) (England) Regulations 2000 or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (xiv) receive a programme of ordinary meetings of the Council for the year; and
- (xv) consider the Leader's annual statement of policy priorities and the responses of the Leaders of the two largest opposition parties
- (xvi) consider any business set out in the notice convening the meeting

2. ORDINARY MEETINGS

2.1 Ordinary meetings of the Council will take place in accordance with the calendar of meetings. Ordinary meetings will:

- (i) elect a person to preside if the ~~Mayor~~ Speaker and Deputy Speaker ~~Mayor~~ are not present;

- (ii) have prayers led by the ~~Mayor~~ Speaker or a nominee
- (iii) receive apologies for absence (if any)
- (iv) deal with any business required by statute to be done before any other business
- (v) approve the minutes of the previous meeting and any outstanding from previous meetings;
- (vi) receive any declarations of interest from members;
- (vii) receive any announcements from the Speaker, the Leader and Cabinet Members, the Mayor, or the Head of Paid Service;
- (viii) deal with any business from the previous Council meeting;
- (ix) receive reports from the Leader and Cabinet Members, and receive questions and answers on any of these reports;
- (x) receive reports from the Council's committees and receive questions and answers on any of these reports. All recommendations to Council for approval contained within such reports to be clearly identified on the agenda for the meeting;
- (xi) receive reports about and receive questions and answers on the business of external organisations;
- (xii) receive statutory reports:
- (xiii) to answer questions received from members under Rule 10 in the order in which they were received
- (xiv) consider motions from members under Rule 11 in the order in which they were received; and
- (xv) consider any other business specified in the Summons to the meeting, including consideration of proposals from the Leader and Cabinet Executive in relation to the Council's budget and policy framework and reports of the Scrutiny Committees and Scrutiny Assembly for debate.

2.2 The order of items (i), (ii), (iii) or (iv) of paragraph 2.1 shall not be varied. The order of other business may be varied:-

- (i) at the discretion of the ~~Mayor~~ Speaker, prior to the meeting following consultation with the Leader or at the meeting
- (ii) by a resolution passed at the meeting on a motion (which need not be in writing) duly moved and seconded, and put without discussion.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings

Those listed below may request the Assistant Director: Law, Democracy & Public Protection to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;

- (ii) the ~~Mayor~~Speaker;
- (iii) the Monitoring Officer; and
- (iv) any five members of the Council if they have signed a requisition presented to the ~~Speaker~~Mayor and he/she has refused to call a meeting or has failed to call a meeting within five working days of the receipt of the requisition **Local Government Act 1972, Schedule 12, paragraph 3(2)**.

3.2 Business

Business conducted at an extraordinary meeting shall be restricted to a single item with no consideration of previous minutes or reports from committees.

4. ASSEMBLY SESSION

4.1 Calling of Debate

The Leader, after consultation with the ~~Mayor~~Speaker, may request the Assistant Director: Law, Democracy & Public Protection to call an Assembly Session as and when required.

4.2 The Assistant Director: Law, Democracy & Public Protection will, by letter, invite partner organisations through nominated spokespersons, to attend and debate with members of the Council, matters of public policy. The letter of invitation will set out the rules of debate applicable to Assembly Sessions.

4.3 Form of Debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include workshops and other events prior to or during the Assembly Sessions.

4.4 Chairing of debate

The debate will be chaired by the ~~Mayor~~Speaker.

4.5 Results of Debate

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the Leader in proposing budget and policy framework to the Council for the coming year.

5. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

5.1 Allocation

As well as allocating seats on committees, the Council may allocate seats in the same manner for substitute members, and these will be appointed at the Annual Council meeting. Subject to the requirements of Rule 5.2, substitute members may also be appointed by the relevant political group except that there should be no substitute arrangements in relation to the

following:-Standards Committee, Audit Committee, Personnel Board, and Scrutiny Committees, except in the case of Call-In Meetings. The appropriate Group Leader will be required to notify the Assistant Director: Law, Democracy & Public Protection of the appointment.

5.2 Number

For each committee where substitutes are permitted, the Council or relevant political group will appoint no more than the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee.

5.3 Powers and duties

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

5.4 Substitution

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the designated substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting; and
- (iii) after that member notifying the Assistant Director: Law, Democracy & Public Protection one hour before the start of the meeting of the intended substitution.

6. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Assistant Director: Law, Democracy & Public Protection and notified in the summons.

7. NOTICE OF AND SUMMONS TO MEETINGS

The Assistant Director: Law, Democracy & Public Protection will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Assistant Director: Law, Democracy & Public Protection will send a Summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The Summons will state the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by reports

8. CHAIRMAN OF MEETING

The person presiding at the meeting may exercise any power or duty of the ~~Mayor~~Speaker. Where these rules apply to Committee, Board and Scrutiny Committee meetings, references to the ~~Mayor~~Speaker also include the Chairman of Committees and Boards.

9. QUORUM

The quorum of a meeting shall be 14 members. During any meeting if the ~~Mayor~~Speaker counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the ~~Mayor~~Speaker. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. QUESTIONS BY MEMBERS

10.1 On reports of the Cabinet or Committees

A member of the Council may ask the Leader or the Chairman of a Committee any question without notice upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.

10.2 Questions on notice at full Council

Subject to Rule 10.3, a member of the Council may ask:

- the ~~Mayer~~Speaker;
- any member of the Cabinet; or
- the Chairman of any Committee or Board.

At any ordinary meeting of the Council a question on any matter in relation to which the Council has powers or duties or which affects the Borough.

10.3 Question and Answer Process

- (a) There will be a maximum of 30 minutes allowed for questions and answers.
- (b) Questions will be dealt with strictly in accordance with the order in which they are received by the Assistant Director: Law, Democracy & Public Protection.
- (c) A member asking a question will refer to that question as printed and circulated rather than to read out the question.
- (d) Any question not answered within the 30 minute time limit will receive a written reply within 7 working days.
- (e) A member asking a question under Rule 10.2 may respond once without notice to the reply from the member to whom the first question was asked. The questioner's response must arise directly out of the original question or the reply. The member to whom the question was addressed shall then have the right to conclude the debate.

10.4 Notice of questions

A member may only ask a question under Rule 10.2 if either:

- (a) the question has been submitted in writing at least two working days prior to the Council meeting to the Assistant Director: Law, Democracy & Public Protection; or

(N.B. Notices of Questions should be by 5.00pm on the last day of receipt. These may be delivered by e-mail and facsimile)

- (b) the question relates to urgent matters, they have the consent of the ~~Mayer~~Speaker to whom the question is to be put and the content of the question is given to the Assistant Director: Law, Democracy & Public Protection if at all possible no later than 24 hours before the time fixed for the meeting.

10.5 Questions out of Order

The ~~Mayer~~Speaker may, in consultation with the Managing ~~director~~Director or Assistant Director: Law, Democracy & Public Protection, rule out of order questions which in his/her opinion would risk:-

- (a) defamation of any individual;
- (b) not conforming to the provisions of paragraph 10.2.

No invalid questions will be circulated.

10.6 Response

An answer may be given by the member to whom the question was asked or such other member as they may nominate.

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner and to all other Members via the Council's Intranet or e-mail within 7 working days.

10.7 Time allowed for questions

The time allowed in Council meetings for dealing with questions received under this Council's Procedure Rules shall not exceed 30 minutes. If questions remain unanswered, then written answers will be circulated within 5 working days after the meeting to the questioner and to all other Members via the Council's Intranet or e-mail.

11. NOTICE OF MOTION

11.1 Notice

Except for motions which can be moved without notice under Rule 12, written notice of every motion must be delivered to Assistant Director: Law, Democracy & Public Protection not later than 7 clear working days before the date of the meeting.

These will be available for inspection the day after the closing date for receipt.

(NB. Notices of motion should be delivered by 5.00 pm on the last day of receipt. These may be delivered by e-mail and facsimile)

11.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

11.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect Telford & Wrekin.

11.4 Withdrawing a motion

If a motion set out in the summons is not moved either by the member who gave notice or by some other member on that member's behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice

11.5 Motions Out of Order

The ~~Mayor~~ Speaker may in consultation with the Managing ~~director~~ Director or Assistant Director: Law, Democracy & Public Protection, rule out of order motions which, in his/her opinion, would risk:-

- (a) defamation of any individual;
- (b) not conforming to the provisions of paragraph 11.3 or which breach Council Procedure Rules.

Such motions shall not appear on the Council agenda or be otherwise circulated.

11.6 Referring a motion

If the subject matter of any motion of which notice has been duly given comes within the province of the Leader and Cabinet Executive or any committee, board or commission, it shall, upon being moved and seconded, stand referred without discussion to the Leader and Cabinet Executive or such committee or to such other committee as the Council may determine, for discussion and report, provided that the ~~Mayor~~ Speaker may consider it convenient and conducive to the despatch of business to allow the motion to be dealt with at the meeting at which it is brought forward.

12. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda; (in accordance with Rule 2.2 (ii))
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to extend the time limit for speeches
- (i) to amend a motion;
- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;

- (m) to adjourn a meeting;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.
- (r) to requisition voting by roll-call in accordance with Rule 15

13. RULES OF DEBATE

13.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

13.2 Right to require motion in writing

Unless notice of the motion has already been given, the Mayor-Speaker may require it to be written down and handed to him/her before it is discussed.

13.3 Secunder's speech

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

13.4 Content and length of speeches

- (a) Speeches must be directed to the question under discussion or to a personal explanation or point of order. Except as set out below no speech may exceed three minutes without the consent of the Mayor-Speaker or upon a passing of a motion under Rule 12(h)
- (b) the following persons may be allowed to speak for up to 5 minutes:
 - (i) The Leader or a Cabinet Member or Chairman of a Committee who is presenting a report to the Council or moving the adoption of minutes of that Committee
 - (ii) The mover of a motion.
 - (iii) A Member exercising his/her right of reply to a motion
- (c)
 - (i) At the Annual Council Meeting and at the Council meeting which determines the budget and on the occasion of the State of the Borough Debate the Leader shall be allowed 20 minutes to deliver his/her priorities speech.
 - (ii) The Leaders of the two largest opposition groups shall each be allowed 10 minutes to reply to (c) (i) above
 - (iii) The Leader or a Cabinet Member shall be allowed a further 10 minutes in total to respond to the speeches in (ii) above

13.5 When a member may speak again

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

- (a) if the member has formally seconded a motion or amendment and reserved the right to speak later
- (b) to speak once on an amendment moved by another member;
- (c) to move a further amendment if the motion has been amended since he/she last spoke;
- (d) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (e) in exercise of a right of reply;
- (f) on a point of order; and
- (g) by way of personal explanation.

13.6 Amendments to Motions and Recommendations

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Any proposed amendment to a motion or recommendation at Council shall be submitted to the Assistant Director: Law, Democracy & Public Protection by no later than 2.30 p.m. on the day of the meeting. The Assistant Director: Law, Democracy & Public Protection will ensure that Group Leaders are notified by telephone or email of any amendments received as soon as possible prior to the commencement of the Council meeting. If the meeting commences any earlier than 6.30 p.m. then the deadline shall be 4 hours before the start time shown on the summons.
- (c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (f) After an amendment has been carried, the Mayor-Speaker will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

13.7 Alteration of motion

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

13.8 Withdrawal of motion

A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

13.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) The mover of a motion may nominate another member to exercise the Right of Reply in their place.
- (c) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (d) The mover of the amendment has no right of reply to the debate on his or her amendment.

13.10 Motions which may be moved during debate

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

- (a) to withdraw a motion; (See Rule 13.8)
- (b) to amend a motion; (See Rule 13.6)
- (c) to proceed to the next business; (See Rule 13.11)
- (d) that the question be now put; (See Rule 13.11)
- (e) to adjourn a debate; (See Rule 13.11)
- (f) to adjourn a meeting; (See Rule 13.11)
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

13.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor-Speaker thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Mayor-Speaker thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor-Speaker thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.12 Point of order

A member may raise a point of order at any time. The Mayor-Speaker will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor-Speaker on the matter will be final.

13.13 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor-Speaker on the admissibility of a personal explanation will be final.

14. PREVIOUS DECISIONS AND MOTIONS

14.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 10 members.

14.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 10 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

14.3 Decision of Committee to rescind a previous decision

If a Committee decides that a decision of the Council or a Committee, made within the previous 6 months ought to be rescinded or substantially varied then that Committee, may recommend but may not resolve to the Council that the decision in question be rescinded or varied.

15. VOTING

15.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members present and voting in the room at the time the question was put. (**Local Government Act 1972, Schedule 12, paragraph 39(1)**).

15.2 Mayor's Speaker's casting vote

If there are equal numbers of votes for and against, the Mayor-Speaker will have a second or casting vote. There will be no restriction on how the Mayor-Speaker chooses to exercise a casting vote . (Local Government Act 1972, Schedule 12, paragraph 39(2)).

15.3 Voting

The Mayor-Speaker will take the vote by means of an electronic voting system that will automatically record the vote and this information will be entered into the minutes. In the event of an electronic vote recording system not being used the Mayor-Speaker will take the vote by show of hands or if there is no dissent by affirmation at the meeting.

15.4 Recorded vote

In the event of an electronic voting system not being used the following paragraph will apply:
If 7 members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

15.5 Right to require individual vote to be recorded

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

15.6 Voting on appointments

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

16. MINUTES

16.1 Signing the minutes

The ~~Mayor-Speaker~~ will sign the minutes of the proceedings at the next suitable meeting. The ~~Mayor-Speaker~~ will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy, which shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the ~~Mayor-Speaker~~ shall sign the minutes.

16.2 No requirement to sign minutes of previous meeting at extraordinary meeting

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting which is not an extraordinary meeting will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

16.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the ~~Mayor~~ ~~Speaker~~ put them.

17. MINUTES OF BOARDS AND COMMITTEES AND REPORTS OF CABINET AND CHAIRMEN AT COUNCIL MEETING

17.1 The Minutes of the Scrutiny Committees and other Committees shall be submitted for adoption and information to the Council and shall distinguish between decisions made using delegated powers and those made by the appropriate body using referred powers. Decisions in the former case shall be preceded by the word 'RESOLVED' and in the latter case by the word 'RECOMMENDED'.

17.2 The person presenting the minutes shall submit the minutes of the Scrutiny Committees or Committee/Board as appropriate for approval by the Council, and shall formally move their adoption.

17.3 Reports from the Leader and Cabinet Executive containing recommendations shall be submitted for adoption by the Council, and shall formally be moved by the Leader or Cabinet Member .

17.4 Following the seconding of the motion, the number of each minute/report which contains a recommendation or recommendations, will be called out in turn by the ~~Mayor~~~~Speaker~~. When a minute/report containing a recommendation or recommendations is called, a member may indicate that he/she wishes to speak.

17.5 A member may move an amendment, comment, question or make an observation relating to the minute/report. A member wishing to move an amendment must do so at the commencement of his/her speech.

17.6 No comment, observation or question by members on any resolved minutes shall be allowed, except by the discretion of the ~~Mayor~~~~Speaker~~,

17.7 There shall be no amendment to resolved minutes.

17.8 At the conclusion of all questions on and debate on amendments of the Minutes of a Board, Committee or Commission or amendments to reports of the Cabinet, the ~~Mayor~~

Speaker shall put it to the Council Meeting that the Minutes (or the Minutes as amended as the case may be) or reports shall be adopted.

17.9 Members of the Cabinet, the Chairmen of the Scrutiny Committees and other Boards or Committees having given nine working days notice to the Assistant Director: Law, Democracy & Public Protection shall bring to the attention of the Council such matters in respect of which notice has been given after which a debate may follow on matters within that report only. At the conclusion of the debate the Leader, a Cabinet Member or Chairman of the appropriate Committee shall have the right of final response.

17.10 Notwithstanding Rule 14 the Cabinet has the power to request the Council to reverse a decision within five days of that decision being made.

18. RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting. (Local Government Act 1972, Schedule 12, paragraph (40)).

19. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

20. MEMBERS' CONDUCT

20.1 Standing to speak

When a member speaks at full Council they must stand and address the meeting through the Mayor-Speaker, except where the member or members may be physically impaired from so doing. If more than one member stands, the Mayor-Speaker will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

20.2 Mayor-Speaker standing

When the Mayor-Speaker indicates by standing or some other means during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

20.3 Member not to be heard further

If a member persistently disregards the ruling of the Mayor-Speaker by behaving improperly or offensively or deliberately obstructs business, the Mayor-Speaker or any other member may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

20.4 Member to leave the meeting

If the member continues to behave improperly after such a Motion is carried, the Mayor-Speaker may move that either the member leaves the meeting or that the meeting is adjourned for a specified period and to a specified place. If seconded, the motion will be voted on without discussion.

20.5 General disturbance by individual member or groups of members

If there is a general disturbance making orderly business impossible, the Mayor-Speaker may adjourn the meeting for as long and to such place as he/she thinks necessary.

21. DISTURBANCE BY PUBLIC

21.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor-Speaker will warn the person concerned. If they continue to interrupt, the Mayor-Speaker will order their removal from the meeting room.

21.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor-Speaker may call for that part to be cleared.

22. DECLARATIONS OF INTEREST OF MEMBERS

If a member of the Council has a personal interest as referred to in Part 2 of the Council's Code of Conduct for Members in any matter under consideration, then the member shall declare his or her interest and if it is considered prejudicial withdraw from the meeting until discussion of the relevant matter is concluded unless that member has obtained a dispensation from the Council's Standards Committee.

23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

23.1 Suspension

All of these Council Rules of Procedure except Rules 15.5, 16.2 and 18-24 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

23.2 Amendment

Unless it is on the recommendation of the Council Constitution Committee and five working days prior notice in writing is given to each Member of the Council of any addition, variation or revocation of those Rules of Procedure, any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

24. ALTERATION OF DATE/TIME OF MEETING

The Mayor-Speaker or Deputy Mayor-Speaker may in any case when he/she considers it necessary following consultation with the Leader, and provided due notice can be given, alter the date or time of the meeting of the Council.

25. APPLICATION OF RULES TO COMMITTEES AND BOARDS

All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet. Only Rules 5-9, 10-13, 14-16, 19-25 (but not Rule 20.1) apply to meetings of Committees and Boards.

26. INTEREST OF OFFICERS IN CONTRACTS

The Assistant Director: Law, Democracy & Public Protection shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Council under **Section 117 of the Local Government Act 1972**.

27. ADVICE TO COUNCIL BY OFFICERS

| The ~~Mayor~~ Speaker may permit Officers to give advice to the Council as and when appropriate.

Part 4 – Rules of Procedure

Section 2 – Access to Information Procedure Rules

The requirements for access to information in respect of decision-taking by the Council are very largely set out in statute and regulations. This section provides a summary of those statutory provisions together with a more detailed statement where the Council has decided to grant rights of access over and above the statutory provision.

1. Council Functions

All decisions in respect of Council functions are regulated by **Sections 100A to 100K of the Local Government Act 1972**.

The Council has made no supplemental provisions for access to information in respect of Council functions.

2. Cabinet Functions

All decisions in respect of Cabinet functions are regulated by the **Local Authorities (Executive Arrangements) (Access to Information)(England) Regulations 2000**, as amended as follows:

a) Advance notice of forthcoming decisions

- i) The requirement for advance notice of forthcoming Leader and Cabinet Executive decisions apply to “Key Decisions”, which are defined by Regulation 8 to comprise any executive decision which is likely to:
 - result in significant expenditure or significant savings, or
 - be significant in terms of its effects on two or more wards or electoral divisions within the authority’s area.
- ii) The Leader is required, at least 10 working days before the start of each calendar month, to prepare a Forward Plan which sets out details (as set out in Regulation 14) of any matters which he/she considers are likely to be the subject of a Key Decision within the next 4 calendar months.
- iii) The Leader shall instruct that the authority shall advertise annually the existence and availability of the Forward Plan
- iv) Where a Key Decision is required to be taken which has not been publicised in the Forward Plan, the decision-taker must give at least 5 working days notice of the proposed decision and a copy of any report to the Chairman of the appropriate Scrutiny Committee. Where the urgency of the decision is such that even that notice cannot be given, the decision-taker must obtain the agreement of the Chairman of the Scrutiny Committee (or in their absence the ~~Mayor-Speaker~~ or Deputy ~~Mayor~~ Speaker of the Council) that the decision does need to be taken as a matter of such urgency.

b) The decision-making process

- i) Where a decision is to be made by the Cabinet (as a body):

- the agenda for the meeting and every public, and non-exempt report shall be available for inspection as soon as they are made available to members of the decision-making body, unless it discloses confidential or exempt information. At least 5 working days notice shall be given unless the meeting is convened at shorter notice or where an item is added to the agenda at shorter notice in cases of urgency in accordance with the provisions of the **Local Government Act 1972**.
 - the meeting must be a public meeting, although the press and public may be excluded during consideration of any matter which would involve the disclosure of confidential or exempt information.
- ii) Where an individual member of the Cabinet or an officer proposes to take a Key Decision, a Decision Notice shall first be published within four working days and sent to all Members of the Council via email.
- c) **Recording the Decision**
- (i) Within four working days after a Cabinet decision has been made by the Cabinet as a whole or by an individual member, or a Key Decision made by an officer, the proper officer shall make a written record of that decision. All Decision Notices with the exception of those referred to in (d) below shall be published by being made available in the Main Reception of Civic Offices and sent via email to all Members of the Council.
- (ii) Records of Cabinet decisions shall be available for public inspection within four working days after the decision has been taken, together with a copy of any report considered and any background papers.
- d) **Exceptions for Exempt and Confidential Information**

In respect of (b)(i) and (ii) above the rules do not apply where the publication of a report, a Decision Notice thereon or background paper or attendance at a meeting would be likely to disclose exempt or confidential information, as defined in the **Local Government Act 1972, Schedule 12A (as amended)**. Such reports, Decision Notices or background papers shall only be sent to Members of the Council.

Extract from Section 7 – Contract Procedure Rules

In situations where this will result in disruption and further delay, formal approval to award directly to a supplier or contractor may be obtained from the relevant Assistant Director or another Assistant Director in their absence. This authority may not be delegated.

Works, supplies or services with an estimated value which **exceeds EU limits (£156,442 for Supplies/Services or £3,927,260 for Works)** – must follow the procedures for ‘Urgent decisions outside the budget or policy framework’ contained at Appendix 5.

Note that EU Rules will still apply – but an Accelerated Procedure with compressed timescales may be justified. In these instances, please contact the Corporate Procurement Unit for guidance.

All procedures relating to the placing of orders and subsequent payment of works will be in accordance with standard procedures.

All other works requiring formal tenders are to be carried out in accordance with Contracts Procedure Rules and Financial Procedure Rules and in accordance with standard procedures.

1. Procedure for Urgent Decisions under Paragraph 4 of the Budget and Policy Framework Procedure Rules

This procedure covers decisions contrary to the policy framework and contrary to or not wholly in accordance with the budget.

Urgent decisions outside the budget or policy framework

The Leader and Cabinet Executive, and any Officers, committees of the Council, area committees or joint arrangements discharging Leader and Cabinet Executive functions may take a decision which is contrary to the Council’s policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

- if it is not practical to convene a quorate meeting of the full Council and
- if the Chairman of the appropriate Scrutiny Committee agrees that the decision needs to be taken as a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the appropriate Scrutiny Committee consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the appropriate Scrutiny Committee the consent of the ~~Mayor~~Speaker, and in the absence of both, the Deputy ~~Mayor~~Speaker will be sufficient.

Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

2. External Funding

When letting a contract which is wholly funded by an external provider the contract award method of the fund provider shall take precedence over these Contract Procedure Rules, except where EU regulations shall apply. The usual requirement to retain documentation in these circumstances will be for 6 years after the contract or scheme ends, but may be more if specified by the fund provider.

3. Leasing Arrangements

Section 10 – Committee Procedure Rules

CONDUCT OF BUSINESS

1. GENERAL

Any reference to a Committee in these Committee Procedure Rules shall include Commissions and Boards.

2. APPOINTMENT OF COMMITTEES

- (1) The Council shall at the Annual Meeting appoint such Committees as it is required to appoint by or under any statute or under Council Procedure Rule 1.1(xi) and 1.2 and may at any time appoint such other Committees as are necessary to carry out the work of the Council but, subject to any statutory provision in that behalf:
 - (i) shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting of the Council;
 - (ii) may at any time dissolve a Committee or alter its membership.
- (2)
 - (i) Members of the Council may notify the Managing director of their intention to form a Political Group in accordance with the Local Government (Committees and Political Groups) Regulations 1990 (as amended), and who the Leader (and Deputy Leader if any) of the Group shall be.
 - (ii) The Managing director shall calculate the number of seats on each Committee to be allocated to each of the Political Groups of which he/she has received notice and the number of seats to be allocated to Members who do not form a Political Group (if any) (non-aligned Members) and shall notify the Leader(s) of each of the Political Groups of his/her decision.
 - (iii) If the Managing director does not receive any notice relating to the formation of Political Groups then the allocation of seats on Committees and the appointment of Chairmen and Vice-Chairmen of the Committees shall be decided at the Annual Meeting of the Council.
- (3) Following the procedures mentioned in (2) above each Political Group shall nominate members of the Council to serve on Committees. Details of the nominations shall be contained in a report to be sent to each member not less than three working days before the Annual Meeting.
- (4) The Leader of any of the Political Groups or a member nominated to the Chair before the beginning of the meeting may submit a written amendment comprising a list with alternative names subject to their being before the Chair prior to the commencement of the meeting.

3. CONSTITUTION OF COMMITTEES

- (1) The Council may appoint such Committees, Boards etc. as it considers appropriate. Currently, these are:

Scrutiny Committees
Scrutiny Management Board
Standards Committee
Audit Committee
Licensing Committee

Plans Board
Appeals Committee
Personnel Board
Council Constitution Committee

- (2) The number of members specified for each Committee shall be determined at the Annual Meeting of the Council.
- (3) No member of the Council shall be Chairman of more than one Committee unless the Council shall otherwise determine.
- (4) The Mayor shall not sit on any Board or Committee of the Council during his/her year of office. The Mayor will have the right to attend any meeting and, after prior consultation with the Chairman, to speak at any meeting.

(5) The Speaker shall be invited to attend all Committee meetings in that capacity, save in that capacity the Speaker shall have no vote.

4. ELECTION OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES

The Council shall at its Annual Meeting elect Members of the Council to be Chairmen and Vice-Chairmen of all Committees.

5. VACANCY IN POSITION OF CHAIRMAN/VICE-CHAIRMAN OF COMMITTEE

In the event of a vacancy arising in the office of Chairman or Vice-Chairman of any Committee during the municipal year the Committee shall at its first meeting following the occurrence of the vacancy appoint a new Chairman or Vice-Chairman as the case may be.

6. VICE-CHAIRMAN OF COMMITTEE

In these Committee Procedure Rules in the absence of the Chairman the Vice-Chairman of the Committee shall preside, where reference is made to the Chairman of a Committee the Vice-Chairman of the Committee shall deputise for him/her in the carrying out of any of his/her functions if not available,

7. SPECIAL MEETINGS OF COMMITTEES

- (1) The Chairman of a Committee or the Speaker may call a special meeting of a Committee at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the Committee delivered in writing to the Assistant Director: Law, Democracy & Public Protection. The Summons to the special meeting shall set out the business to be considered and no business other than set out in the Summons shall be considered at that meeting.
- (2) Unless especially called together at the request of the Mayor-Speaker or the Deputy Mayor-Speaker, for the purpose of considering urgent business or for nominating members to Committees and to represent the Council on outside bodies, no Committee, ~~(other than the Licensing Committee)~~ shall hold any unscheduled meetings in the month of August with the exception of Licensing Committee and the Plans Board or in a year when Council Elections are held, between the date of the Election of Councillors and the date of the Annual Meeting of the Council.

8. ALTERATION OF DATE/TIME OF MEETINGS

The Chairman of a Committee, or the ~~Mayor-Speaker~~ or Deputy ~~Mayor-Speaker~~ may in any case when he/she considers it necessary, and provided due notice can be given, alter the date or time of the meeting of the Committee

9. ESTABLISHING TASK FORCES

Every Committee appointed by the Council may appoint or disband Task Forces for purposes specified by the Committee.

10. RESIGNATION FROM COMMITTEE

- (1) Any member of a Committee may resign his/her membership of that Committee by notice in writing signed by him/her and sent to the Managing director and the resignation shall be effective immediately such notice is received by the Managing director.
- (2) Upon receipt of such notice the Managing director shall notify the leader of the appropriate Political Group that a vacancy exists whereupon the appropriate political group, if applicable, may nominate the replacement member of the Committee by giving written notice to the Managing director. Upon receipt of the written notice the Managing director shall approve the appointment of the replacement member of the Committee.
- (3) The Managing director shall also be authorised to approve the appointment of members to newly constituted Committees in accordance with the written instructions of the appropriate political group.

11. QUORUM OF COMMITTEES

- (1) Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the whole number of the Committee is present with the exception of the Standards Committee where the quorum shall be three which must include one of the independent members.
- (2) For the purposes of (1) above, the following tables show the quorums required for meetings of Committees, depending on the size:-

No. of Seats on Committee Required	Quorum
20	5
18	5
17	5
16	4
15	4
14	4
13	4
12	3
11	3
10	3
9	3
8	3
7	3
5 (Emergency Committee)	3

(Local Government Act 1972, Schedule 12 paragraph 6)

12. VOTING IN COMMITTEES

Voting at meetings of a Committee shall be by show of hands. If there is a requisition of any two members of the Committee made before the vote is taken, the voting on any question shall be by roll call and shall be recorded so as to show how each member present and voting gave his/her vote. The name of any member present and not voting shall also be recorded.

Voting on appointments shall be by an exhaustive vote method.

13. RECORDING OF VOTES

(1) Where immediately after a vote is taken at a meeting of a relevant body any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether he/she abstained from voting.

14. COUNCIL PROCEDURE RULES TO APPLY TO COMMITTEES

The Council Procedure Rule 13 headed "Rules of Debate" for Council meetings (except those parts which relate to standing and to speaking more than once) and Council Procedure Rule 22 headed "Declarations of Interest of Members in Contracts and Other Matters" shall, with any necessary modifications, apply to Committee meetings.

15. MEMBER ATTENDING MEETINGS OF A COMMITTEE OF WHICH HE/SHE IS NOT A MEMBER

Subject to Committee Procedure Rule 17, a member of the Council attending a meeting of a Committee other than as a member of the Committee has no right to speak, other than subject to the scheme for Public Speaking at Plans Board, but subject to Council Procedure Rule 22 may remain after the Board or Committee has resolved to exclude the public under Section 100A (2) or (4) of the Local Government Act 1972.

16. MOVER OF MOTION MAY ATTEND COMMITTEE

A member of the Council who has moved a motion which has been referred to any Committee shall have notice of the meeting of the Committee at which it is proposed to consider the motion. He/she shall have the right to attend the meeting and if he/she attends shall have an opportunity of explaining the motion.

17. EXEMPT PROCEEDINGS IN COMMITTEES

All agendas, reports, minutes and supporting documents of Committees shall be available for public inspection five working days before the date of the meeting except those considered in private session after a resolution has been passed under Section 100A(2) or (4) of the Local Government Act 1972.

18. PRESENTATION OF PETITIONS

(1) A petition may be presented to a meeting of the relevant Committee by a member of the Council or a member of the public subject to four clear working days prior written notice being given to the Assistant Director: Law, Democracy & Public Protection.

- (2) There shall be no right of a petitioner to address members.
- (3) Consideration of a petition may take place at the meeting of the Committee at which the petition is presented when the subject of the petition relates to an item which is already on the agenda for that meeting, or the petition shall be received without discussion referred to the relevant Officer for report to a future meeting.

Part 7 – Definitions

Access to Information Rules – those Rules setting out the terms on which members of the public may attend Council Meetings and obtain copies of documents as detailed in Part 2, Article 3 of this Constitution

Area – the geographical area which is the administrative responsibility of the Council

Area Working – a means of engaging with the community and monitoring the local delivery of services

Authority – the local authority known as Borough of Telford and Wrekin

Cabinet Decisions – decisions of the Cabinet in accordance with the Cabinet Procedure Rules

Cabinet Member – a Councillor who is appointed by the Leader to be a member of the Cabinet

Chairman – any individual appointed to chair any Committee

Managing director – Managing director (Head of Paid Service) for the time being of the authority

Chief Finance Officer – the Officer appointed by the Authority to be Chief Finance Officer and have responsibility for those duties designated under Section 151 of the 1972 Act, Section 73 of the 1985 Act and Section 112 of the 1988 Act

Committee – any committee, sub-committee, board, sub-board or commission of the Council

Deputy Speaker – the Councillor elected by the Council to deputise for the Speaker if the Speaker is not able for whatever reason to fulfil his or her duties

Directors – such Directors as are for the time being appointed

Council – the collective term for all of the elected members of the Council

Councillor/Member – an elected member of the Council

Deputy Leader – person appointed by the Leader to deputise for the Leader

Audit Commission's Annual Audit and Inspection Letter – The Audit Commission's comments on the Council's progress and Comprehensive Area Assessment rating together with the requirements of the statutory annual audit (Code of Audit Practice 2005)

Ethical Standards Officers – officer of the Standards Board for England

Extraordinary Meeting – a Council Meeting called in accordance with the Council Procedure Rule 3. See Chapter 2, Part 4, Section 1

Head of Paid Service – the Officer appointed by the Council to undertake all duties designated under Section 4 of the 1989 Act. The Managing director is the Head of Paid Service.

Leader – the Councillor elected by the Council to be the Leader of the Council

Leader and Cabinet Executive – the Leader and the Cabinet Members together

LMS Scheme – the Local Management of Schools Scheme Monitoring Officer – the Officer appointed by the Authority to undertake all duties designated under Section 5 of the 1989 Act.

Monitoring Officer – the Assistant Director: Law, Democracy & Public Protection is the Monitoring Officer.

Officer – an employee of the Authority

Ombudsman – the Local Government Ombudsman

Proper Officer – the Officer with specific statutory responsibilities

Public Assembly Session – a meeting called by the Leader at which parties other than Councillors may participate in debate

Scrutiny Committees– scrutinise the work of the Council and relevant partner organisations

Speaker – the Councillor elected by the Council to Chair meetings of the Council

Standards Hearing - a hearing of the Standards Committee

Statutory Officers – the Head of Paid Service, Monitoring Officer, Chief Finance Officer

The 1972 Act – the Local Government Act 1972

The 1985 Act – the Local Government Act 1985

The 1988 Act – the Local Government Finance Act 1988

The 1989 Act – the Local Government and Housing Act 1989

The 2000 Act – the Local Government Act 2000

BOROUGH OF TELFORD & WREKIN

COUNCIL CONSTITUTION COMMITTEE – 19 FEBRUARY 2013

HEALTH AND WELLBEING BOARD AS A STATUTORY COMMITTEE OF THE COUNCIL AND FUTURE HEALTH AND CARE SCRUTINY ARRANGEMENTS

REPORT OF THE ASSISTANT DIRECTOR – SOCIAL CARE SPECIALIST AND DEMOCRATIC SERVICE MANAGER

1.0 SUMMARY

- 1.1 This report sets out details of the regulations that apply to Health and Wellbeing Boards as a Committee of the Council from 1 April 2013, when authorities take over a number of public health functions. The Regulations have recently been published (8th February) with further practical guidance awaited. This report is subject to the guidance that will follow.
- 1.2 The Localism Act 2012 and the Health and Social Care Act 2012 have also resulted in a number of changes that affect Scrutiny. Scrutiny Management Board considered the changes to the constitution at the committee meeting on November 16th 2012. The Board agreed to recommend the changes to the Constitution following the Localism Act 2011 and agreed to delegate the changes following the Health and Social Care Act 2012 to the Statutory Scrutiny Officer in consultation with the Chair of Scrutiny Management Board.

2.0 RECOMMENDATIONS

2.1 It is recommended that Council Constitution Committee make the following recommendations to Council:

- To establish the Health and Wellbeing Board as a Committee of the Council as set out in Section 5-10 and Appendix 3 of this report.
- That delegated authority be given to the Council's Monitoring Officer and Assistant Director: Law, Democracy and Public Protection, in consultation with the Chair of the Health and Wellbeing Board and Chair of Council Constitution Committee to make any necessary amendments and recommendations following any further regulations or guidance.
- To delegate the health scrutiny power vested in Council under the Health and Social Care Act 2012 to the relevant Scrutiny Committee and agree the changes to the constitution as set out in Section 11 of this report and Appendix 1
- To make the changes to Scrutiny elements of the constitution following the Localism Act 2011 as set out in Section 11 of this report and Appendix 1.

3.0 MINUTES OF PREVIOUS MEETINGS

3.1 SMB - 21

4.0. INFORMATION

4.1 The Health and Social Care Act 2012 (Section 194) places a statutory responsibility on the Council to have a Health and Wellbeing Board in place from the 1 April 2013. Up until this point the Board has been meeting in shadow form but in preparation for the 1 April the Board needs to be established as a formal Committee of the Council in accordance with statutory requirements and guidance.

4.3 The proposed structures of Health and Wellbeing Boards do not align with the traditional local authority executive/committee structures. To deal with this the Department of Health has implemented regulations governing the operation of Health and Wellbeing Boards (as per Section 194 (12) of the Health and Social Care Act). These regulations will come into force on 1 April 2013.

4.3 The regulations will allow Health and Wellbeing Boards to function as a committee of the local authority. However there will be some opportunity for local determination. **A revised Terms of Reference for the HWB, covering all the key points, is attached as Appendix 3.**

4.4 The key points are set out below

5.0 ESTABLISHMENT OF SUB COMMITTEES AND DELEGATION

5.1 Unless a local authority directs otherwise, a committee can establish a subcommittee to discharge certain functions. The regulations will enable Health and Wellbeing Boards to be able to establish subcommittees and delegate functions to them. Whether or not to establish sub-committees will be a matter for local determination.

6.0 VOTING RESTRICTIONS

6.1 Current legislation means that any members of a committee who are not members of the local authority should be treated as non-voting members, except in relation to a specified set of committees. The regulations remove this barrier and enable local authorities to empower all key members of the board to vote alongside the elected representatives. This also applies to any additional board members appointed in addition to the statutory membership set out in the Health and Social Care Act 2012.

7.0 POLITICAL PROPORTIONALITY

7.1 Seats on local authority committees and sub-committees are normally allocated to reflect the prevailing political proportionality of the local authority. The Department of Health has disapplied the provisions of the existing

legislation requiring political balance in relation to Health and Wellbeing Boards so that the question of political proportionality of Health and Wellbeing Board membership is left to local determination. It is recommended that each opposition party with 4 or more elected members shall have one place on the Health and Wellbeing Board with voting rights.

8.0 DISQUALIFICATION FOR MEMBERSHIP

8.1 The current legislative framework states that any person who would be disqualified from being able to stand for election as a councillor shall be disqualified from being a member of a committee or sub-committee of a local authority. The regulations state that these disqualifications will be retained, but the regulations will ensure the disqualifications do not apply to Health and Wellbeing Boards in so far as they cover disqualifications in respect of members of the board:

- Holding any paid employment or office in the local authority – this in effect allows the Directors of Adult Social Services, Children’s Services and Public Health to be formal members of the Committee

8.2 **However, it is recommended that the following disqualifications are retained locally in respect of members of the Board:**

- Being the subject of a bankruptcy restrictions order or interim order
- Having been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine

9.0 APPLICATION OF A CODE OF CONDUCT AND DECLARATIONS OF INTEREST

9.1 The Council has adopted a code of conduct. The new regulations will apply this code of conduct to members of the Health and Wellbeing Board even if they are not elected members. However, the Department of Health is exploring whether a modification is necessary in relation to Clinical Commissioning Group participation in discussions and decisions in which they could otherwise potentially be excluded. This is subject to receipt of further guidance.

10.0 APPLICATION OF TRANSPARENT PROVISIONS

10.1 There is a strict set of rules governing access to documents and meetings of local authority committees and sub-committees, and there are prescribed situations in which the public can be excluded from meetings and when local authorities can withhold documents from inspection. The regulations will not disapply or make any modifications to the existing provisions, which will apply to Health and Wellbeing Boards unchanged.

11.0 SCRUTINY ARRANGEMENTS

- 11.1 The Localism Act 2012 and the Health and Social Care Act 2011 have resulted in a number of changes that affect Scrutiny. The substantial changes set out below require changes in the Council's constitution.
- 11.2 Regulations following the Localism Act 2012 set out that the Executive must now give 28 "clear" days notice of an intention to hold all or part of a Cabinet meeting in private and the reasons for doing so. There is also a requirement in respect of all key decisions, to publish a notice setting out details of that proposed key decision; such a notice must be published 28 clear days before the decision is taken. There is no longer a requirement for the Council to publish a monthly Forward Plan of key decisions.
- 11.3 If the 28 day timetable for notification of a key decision is impracticable, the decision can still be taken if the Proper Officer has informed the Chair of the relevant Scrutiny Committee in writing of the details of the decision to be made. If there is less than 5 clear days notice before the decision is to be taken, there is a Special Urgency provision. Such a decision can only be taken if the decision-maker has received the permission of the Chair of the relevant Scrutiny Committee. This mirrors the previous arrangement where permission had to be sought of Scrutiny Chairs if a key decision was not in the Forward Plan or was very urgent.
- 11.4 The Health and Social Care Act 2012 has given the health scrutiny power to the Local Authority with effect from April 2013. The scope of the health scrutiny powers will be extended to include relevant health service providers – this includes providers of NHS and public health services commissioned by the NHS Commissioning Board, CCGs and local authorities, including providers in the independent and third sectors. While the Regulations relating to these aspects of the legislation have not been published the Department of Health has published its response to the consultation on Health Scrutiny Regulations. This confirmed that Council will have the power to delegate the Health Scrutiny powers to a Health Overview and Scrutiny Committee (HOSC) including the power of referral to the Secretary of State in the event of a contested substantial variation or development in service. It is recommended that CCC recommend to Council that these powers are delegated to the relevant Scrutiny Committee. The Department of Health believes that in a delegated arrangement it is right that full council should be fully sighted on how the powers for which it is accountable are being exercised. E.g. that the HOSC notify full council of an intention to refer a matter to the Secretary of State before a referral is made. The process to inform Council will be set out in the Scrutiny Handbook as described below.
- 11.5 The Department of Health has set out that the new regulations will require the formation of joint scrutiny arrangements where the an NHS organisation proposing service change consults more than one authority. As is currently set out in the Constitution the existing Joint HOSC with Shropshire and any

other Joint HOSC established will be sub groups of the Scrutiny Committee to which the Health Scrutiny power has been delegated. The Department of Health response has set out that where HOSC has been established to consider a substantial variation or development in the power of referral is vested with the Joint HOSC.

- 11.6 The consequent changes to the Constitution are shown as track changes in Appendix 1 Scrutiny Handbook are set out in Appendix 2.

12.0 EQUAL OPPORTUNITIES

- 12.1 There are no direct equal opportunity implications from this report. The Health and Wellbeing Board and Health Scrutiny Committees will consider the equal opportunity issues relevant to the Health and Wellbeing Strategy, work programme and reviews.

13.0 ENVIRONMENTAL IMPACT

- 13.1 There are no environmental implications from this report.

14.0 LEGAL COMMENT

- 14.1 The provision for Health and Wellbeing Boards has been established by the Health and Social Care Act 2012. Section 194 sets out the requirements for the constitution of the Board. Appendix 3 sets out the proposals for how the Board will be set out. The nomination for councillors on the Health and Wellbeing Board is to be made by the executive leader of the authority (section 194(3) of the Health and Social Care Act 2012).
- 14.2 Specific arrangements for the structure and powers of the Board has now been clarified in The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2012. Key provisions of the Regulations are set out in the main body of the report and at Appendix 3. However, guidance to assist with interpretation of the Regulations have yet to be released and further modifications to the arrangements as set out may need to be made at a later date. The Regulations include the following provisions:
- The Health and Wellbeing Boards to delegate the discharge of certain functions to sub-committees and/or officers or to create sub-committees to advise on their functions
 - To establish non-voting members of the Health and Wellbeing Board if considered appropriate.
 - That the rules relating to the political balance of committees as set out at Sections 15, 16 and Schedule 1 of the Local Government and Housing Act 1989 do not apply to the Health and Wellbeing Board

- 14.3 In relation to the scrutiny arrangements referred to in the report, the regulations set out in paragraph 11.2 and 11.3 are the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089 which came into force on 10th September 2012.
- 14.4 The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2012 also make amendments to scrutiny arrangements for health and wellbeing matters which are set out in Part 12, Chapter 3 of the NHS Act 2006 as amended by the Health and Social Care Act 2012. If the Council chooses to continue to have this function undertaken by an overview and scrutiny committee the provisions are set out as to how this is to be done in this report, in consideration of the aforementioned new regulations (but also stating that further amendment may be required in the event of further regulations and/or guidance).
- 14.5 All of the provisions and changes proposed in this report must be compliant with the statutory provisions referred to. The most recent regulations have been published with short notice for implementation. Further regulations or guidance may mean that proposals here need to be amended. Accordingly the report contains a delegation to the Assistant Director for Law, Democracy and Public Protection in consultation with the relevant elected members to make any changes required at short notice to ensure that the council performs its functions in accordance with statutory requirements. This delegation is requested on the understanding that any changes will be reported to the appropriate committees thereafter for review.

15.0 LINKS WITH CORPORATE PRIORITIES

- 15.1 The establishment of the Health and Wellbeing Board and the work of the HOSC and Join HOSC links with the corporate priority to improve the health and wellbeing of our communities and address health inequalities.

16.0 OPPORTUNITIES AND RISKS

- 16.1 The establishment of the Health and Wellbeing Board provides an opportunity to build on the good working relationships with partner organisations in the NHS.

17.0 FINANCIAL IMPLICATIONS

- 17.1 All costs of administering Scrutiny are funded from their annual revenue budget . Any financial issues will be highlighted as part of financial monitoring as appropriate. Any specific costs associated with the establishment of the Health and Wellbeing Board can be met from within the Council's resources.

18.0 WARD IMPLICATIONS

18.0 There are no ward implications resulting from this report.

19.0 BACKGROUND PAPERS

19.0 The Health and Social Care Act 2012
The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2012
The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089
National Health Service Act 2006

The formal route for approving the final recommendations is:

Council Constitution Committee – 19 Feb 2013
Council - 7 March 2013

Report prepared by: Paul Taylor, Assistant Director – Social Care Specialist
Paul.taylor@telford.gov.uk 01952 381200 and Clare Hall-Salter – Partnership and Planning Manager clare.hall-salter@telford.gov.uk 01952 382016 Fiona Bottrill
Scrutiny Group Specialist and Statutory Scrutiny Officer 01952 383113

Scrutiny changes to the Constitution

CHAPTER 1

Part 1 – Summary and Explanation

THE COUNCIL'S CONSTITUTION

The Constitution sets out how the Council will operate, how decisions are made, and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Constitution is divided into 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

WHAT'S IN THE CONSTITUTION?

Article 1 of the Constitution commits the Council to exercising all its powers and duties in accordance with the law and this Constitution in pursuit of the Council's vision for

“A successful, prosperous and healthy community which offers a good quality of life for all the people of Telford & Wrekin.”.

Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Scrutiny of decisions (Article 6).
- The Leader and Cabinet Executive (Article 7).
- Regulatory and other committees (Article 8).
- The Standards Committee and the Audit Committee (Article 9).
- Area working arrangements (Article 10)
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).
- Suspension, interpretation and publication of the Constitution (Article 16).

HOW THE COUNCIL OPERATES

The Council is composed of 54 councillors elected every four years. Councillors are democratically accountable to residents of their Ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the Code of Conduct.

All councillors meet together as the Council. Meetings of the Council take place approximately every 2 months and are open to the public unless items to be discussed are of a confidential nature. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader of the Council who decides upon the number and membership and powers of the Leader and Cabinet Executive which is the body which takes decisions about the running of the Council and the implementation of its

policies. The Council appoints the members of the Scrutiny Committees and all other committees/boards of the Council.

The Council holds the Leader & Cabinet Executive and the other Council committees and boards to account by receiving reports from them at its meetings and receiving questions and answers on these reports. Some Council meetings will include “public assembly sessions” where spokespersons of partner organisations will be invited to participate with Councillors in debates about key issues affecting the Borough. In addition, there may be an annual “State of the Borough” debate, again involving partner organisations, which will be used to inform the policy framework and budget setting.

HOW DECISIONS ARE MADE

The Leader and Cabinet Executive is the part of the Council which is responsible for most operational decisions. The Leader and Cabinet Executive is made up of the Leader and up to 9 other Councillors appointed by the Leader. When major decisions (called “Key” Decisions) are to be discussed or made, these are published in the Forward Plan in so far as they can be anticipated. This Plan must include at least those decisions which the Leader and Cabinet Executive anticipates it will have to make over the next 4 months. If a Key Decision needs to be made which is not in the Forward Plan, special provisions exist to enable this to happen.

If these major decisions are to be discussed at a meeting of the Cabinet, this will be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council’s overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

SCRUTINY

The Scrutiny Assembly and Scrutiny Committees, including a Scrutiny Management Board, support the work of the 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 officers of the Council and inviting people from outside the Council to give opinions and expert advice. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Scrutiny Committees and Scrutiny Assembly also monitor the decisions of the Cabinet. They can ‘call-in’ a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate.

They may recommend that the Cabinet reconsider the decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

Scrutiny Committees also have the power to scrutinise outside bodies. The power to scrutinise NHS services has been delegated to the relevant Scrutiny Committee, including the power of referral to the Secretary of State for Health.

AREA WORKING ARRANGEMENTS

In order to give citizens a greater say in local affairs, the Council may consider the introduction of area working arrangements. The Council will decide on whether to introduce these arrangements in all or parts of the Borough.

THE COUNCIL’S EMPLOYEES

The Council employees (called ‘officers’) give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the

Council acts within the law and uses its resources wisely. A Protocol governs the relationships between officers and councillors

CITIZENS' RIGHTS

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights. This and other useful links can be found on the Council's website www.telford.gov.uk.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- access a copy of the Constitution;
- see agendas and reports and attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of Cabinet;
- find out, from the Cabinet's Forward Plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- attend meetings of the Cabinet where decisions are being discussed or decided;
- see reports and background papers, and records of decisions made.
- complain to the Council about Council services or how they feel they have been treated by the Council;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process. Telephone: 01952 380000;
<http://www.telford.gov.uk/Council+democracy/Customer+complaints/Complaints+comments+and+compliments.htm>
- complain to the local Standards Committee if they have evidence which they think shows that a councillor has not followed the Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

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

The Council welcomes participation by its citizens in its work. For further information, or if you would like to join the Telford & Wrekin Community Panel, details can be found on the Council's website at www.telford.gov.uk

Article 6 – Scrutiny Committees

SCRUTINY

Explanatory Comment

The scrutiny function is a central element to this constitution. The Scrutiny Committees and Scrutiny Assembly will meet in public to discuss and make recommendations on the development of policies and hold the Cabinet to account for their actions. They will also have a key role in considering other matters of local concern.

The guiding principle for the work of scrutiny is that it should be consensual and positive. The emphasis of the work should be on making a proactive and positive contribution to the development of policy and the discharge of the Council's functions. This is best achieved by an inclusive process covering members, partners, service users and employees.

Structure:

- Scrutiny will be undertaken by the Scrutiny Assembly, Scrutiny Management Board and Scrutiny Committees. There will be a minimum of 2 and a maximum of 6 Scrutiny Committees, including the Scrutiny Management Board.
- Group Leaders will appoint their own representatives to the Scrutiny Committees in line with political balance requirements. These representatives cannot be Cabinet Members, or the Mayor.
- All Members of the Council will automatically become members of a Scrutiny Assembly, excluding Cabinet Members or the Mayor.
- All scrutiny standing co-optees will be members of the Scrutiny Assembly.
- The Scrutiny Committees may appoint standing groups to which they can delegate areas of responsibility to scrutinise in detail.

Roles:

- The Scrutiny Committees' role is to scrutinise the work of the Council and relevant partner organisations. The Scrutiny Chairmen will liaise with the Leader and Cabinet Members. The power to scrutinise NHS organisations has been delegated by Council to the relevant Scrutiny Committee including the power of referral to the Secretary of State for Health.
- The Lead Scrutiny Member must report annually to full Council on the workings of Scrutiny in the previous municipal year and key issues for the future..
- The Scrutiny Committees and Scrutiny Assembly will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.

Other than the statutory representatives with voting rights on education matters, co-opted members of scrutiny will not have voting rights unless agreed by Full Council.

Article 8 – Regulatory and Other Committees

Explanatory Comment

Committees will need to be created to undertake non-Leader and Cabinet Executive functions under powers delegated from full Council. By way of example planning and licensing are not functions for the Leader and Cabinet Executive.

8.01 Regulatory and other committees

The following committees will be appointed by full Council. Delegated powers will be given to these committees to discharge their relevant functions.

Committees

Plans Board

Licensing Committee

Standards Committee

Audit Committee

Council Constitution Committee

Functions

- Town and Country Planning and Development Control
- Miscellaneous powers in relation to footpaths, bridleways, use and enjoyment of highways and duty to keep definitive map and statement under review.
- Tree Preservation Orders (where objections have been received)
- Protection of important hedgerows
- Licensing and Registration functions excluding those relating to social care.
- Elections.
- Health & Safety at Work.
- Health Act 2006 Part 1 Chapter 1
- The naming and status of areas and individuals.
- Power to make, amend, revoke or re-enact bye-laws.
- Power to promote or oppose local or personal Bills.
- To make payments etc in cases of maladministration.
- Licensing Act 2003
- Gambling Act 2005
- Matters relating to ethics, standards and governance.
- Matters relating to governance and overseeing the audit, risk management and financial statements processes.
- To review and recommend changes to the Constitution of the Council

Committees

Scrutiny Committees

|
|

Appeals Committee

Personnel Board

Functions

- To scrutinise the work of the Council, its Committees and the Cabinet
- To scrutinise the work of other organisations in accordance with national legislation and good practice
- to scrutinise NHS services including the power of referral to the Secretary of State for Health.
- To hear and determine all appeals except those which by statute require to be determined by a separate body, e.g. social services appeals
- Appointment of Directors and Statutory Officers
- Local Government Pension Scheme
- To agree at a strategic level all matters relating to the Council's employees

Footnote

- (i) General functions relating to all committees are listed above which also include Standards Committee, Audit Committee and the Scrutiny Committees.
- (ii) The following functions listed for Licensing Committee will be reserved to full Council for determination: -
 - power to make, amend, revoke or re-enact bye-laws
 - power to promote or oppose personal bills

Part 4 – Rules of Procedure

Section 2 – Access to Information Procedure Rules

The requirements for access to information in respect of decision-taking by the Council are very largely set out in statute and regulations. This section provides a summary of those statutory provisions together with a more detailed statement where the Council has decided to grant rights of access over and above the statutory provision.

1. Council Functions

All decisions in respect of Council functions are regulated by **Sections 100A to 100K of the Local Government Act 1972**.

The Council has made no supplemental provisions for access to information in respect of Council functions.

2. Cabinet Functions

All decisions in respect of Cabinet functions are regulated by the **Local Authorities (Executive Arrangements) (Access to Information)(England) Regulations 2000**, as amended as follows:

a) Advance notice of forthcoming decisions

- i) The requirement for advance notice of forthcoming Leader and Cabinet Executive decisions apply to “Key Decisions”, which are defined by Regulation 8 to comprise any executive decision which is likely to:
 - result in significant expenditure or significant savings, or
 - be significant in terms of its effects on two or more wards or electoral divisions within the authority’s area.
- ii) The Leader is required, at least 10 working days before the start of each calendar month, to prepare a Forward Plan which sets out details (as set out in Regulation 14) of any matters which he/she considers are likely to be the subject of a Key Decision within the next 4 calendar months.
- iii) The Leader shall instruct that the authority shall advertise annually the existence and availability of the Forward Plan
- iv) Where a Key Decision is required ~~but to be taken which has not been publicised in the – the 28 day timetable for notification of a key decision is impracticable, the decision can still be taken if the Proper Officer has informed the Chair of the relevant Scrutiny Committee in writing of the details of the decision to be made. If there is less than 5 clear days notice before the decision is to be taken, there is a Special Urgency provision. Such a decision can only be taken if the decision-maker has received the permission of the Chair of the relevant Scrutiny Committee. the decision-taker must give at least 5 working days notice of the proposed decision and a copy of any report to the Chairman of the appropriate Scrutiny Committee. Where the urgency of the decision is such that even that notice cannot be given, the decision-taker must obtain the agreement of the Chairman of the Scrutiny Committee~~ (or in their absence the Mayor or Deputy Mayor of the Council) ~~that the decision does need to be taken as a matter of such urgency.~~

Part 4 – Rules of Procedure

Section 4 – Cabinet Decision Procedure Rules

1. HOW THE CABINET OPERATES

1.1 Who may make Cabinet decisions – Schedule 1, Part 4, Local Government Act 2000

The arrangements for the discharge of Cabinet functions are set out in the Cabinet Arrangements (Article 13 and Part 3). They provide for Cabinet functions to be discharged by:

- i) the Cabinet as a whole;
- ii) an individual member of the Cabinet including the Leader;
- iii) an officer;
- iv) joint arrangements; or
- v) another local authority.

1.2 Delegation by the Leader

At the Annual Council Meeting, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's Scheme of Delegation. The document presented by the Leader will contain the following information about Cabinet functions in relation to the coming year:

- i) the extent of any authority delegated to Cabinet members both collectively and individually, including details of the limitation on their authority;
- ii) the nature and extent of any delegation of Cabinet functions to any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year; and

1.3 Sub-delegation of Cabinet functions

- (a) Where the Cabinet acting as a whole or an individual member of the Cabinet is responsible for a Cabinet function, they may delegate further to a committee exercising joint arrangements or an officer .
- (b) Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated it.

1.4 The Council's Scheme of Delegation and Cabinet functions

- (a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 of this Constitution.
- (b) The Leader is able to decide whether to delegate Leader and Cabinet Executive functions and may amend the scheme of delegation relating to Leader and Cabinet Executive functions at any time during the year. To do so, the Leader must give written notice to the Assistant Director: Law, Democracy & Public Protection and to the

person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole.

- (c) Where the Leader seeks to withdraw delegation from a joint committee, notice will be deemed to be served on that joint committee when he/she has served it on its Chairman.

1.5 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this will be dealt with as set out in the Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every member of the Cabinet has a conflict of interest this will be dealt with as set out in the Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of a Leader and Cabinet Executive function has been delegated to an individual member of the Cabinet or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Code of Conduct for Members in Part 5 of this Constitution.

1.6 Cabinet meetings – when and where?

The Cabinet will meet at least once per month (except in July and August) at times to be agreed by the Leader or the Managing director. The Cabinet shall normally meet at Civic Offices, Telford or another location to be agreed by the Leader.

A meeting of the Cabinet shall be summoned by the Assistant Director: Law, Democracy & Public Protection who will give a minimum of five working days notice and comply with the processes contained within the Access to Information Rules.

1.7 Public or private meetings of the Cabinet?

Meetings of the Cabinet will be held in public except in so far as the matters for decision relate to issues which can be dealt with in private in accordance with the Access to Information Rules as set out in Part 4 of this Constitution.

1.8 Quorum

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

1.9 How are decisions to be taken by the Cabinet?

Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

The Leader will preside at any meeting of the Cabinet at which he/she is present, and in his/her absence the Deputy Leader will preside. In the absence of both the Leader and Deputy Leader the members present may appoint another member of the Cabinet to preside.

2.2 Who may attend?

Members of the public (which may include non-Cabinet members of the Council and officers at the discretion of the Cabinet) may attend all meetings of the Cabinet except when exempt or confidential information is being considered where the press and public (including non-Cabinet members of the Council), may be excluded by resolution of the Cabinet in accordance with the Access to Information Rules contained in Part 4 of this constitution.

2.3 What business?

Meetings of the Cabinet will include the following business:

- i) consideration of the minutes of the last meeting;
- ii) apologies for absence
- iii) declarations of interest, if any;
- iv) matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Policy Framework and Budget Procedure Rules set out in Part 4 of this Constitution;
- v) consideration of reports from individual members of the Cabinet;
- vi) consideration of reports from a Scrutiny Committee
- vii) Forward Plan;
- viii) reports of Statutory Officers; and
- ix) matters set out in the agenda for the meeting, and which shall indicate which are Key Decisions.

Items (iv) – (ix) shall require written reports except in cases of urgency where it is impractical to do so.

2.4 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the policy framework and budget should contain details of the nature and extent of consultation undertaken with stakeholders and Scrutiny Committees. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 Who can put items on the Cabinet agenda?

- (a) Any member of the Cabinet may require the Proper Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. The proper officer will comply, subject to the agreement of the Leader.
- (b) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by the Scrutiny Committees and Scrutiny Assembly. However the number of items per Cabinet meeting, will have regard to the amount of business on the agenda.
- (c) Any resolution of the Council which is required to be considered by the Cabinet will be so considered within fifteen working days of the date of the Council resolution, or at the next scheduled meeting of the Cabinet.

- (d) The Managing director, Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where the Head of Paid Service or Chief Financial Officer or Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

2.6 Timescales

In considering matters in relation to budgetary issues the Leader and Cabinet Executive will have due regard to any appropriate timescale within which the budget has to be approved by the Council. By way of example the timespan required to deal with this will include consultation with partners and other external agencies plus reference to the relevant Scrutiny Committee.

2.7 Key Decisions

Key Decisions shall only be taken provided that the matter in question- has been publicised in the Notice of Key Decisions and Private Reports/ Meetings, is contained within the Forward Plan, If the 28 day timetable for notification of a key decision is impracticable, the decision can still be taken if the Proper Officer has informed the Chair of the relevant Scrutiny Committee in writing of the details of the decision to be made. If there is less than 5 clear days notice before the decision is to be taken, there is a Special Urgency provision. Such a decision can only be taken if the decision-maker has received the permission of the Chair of the relevant Scrutiny Committee (or in their absence the Mayor or Deputy Mayor of the Council) ~~or if not in the Forward Plan, after giving five working days notice, together with a report to the Chairman of the appropriate Scrutiny Committee and with the consent of the Chairman of the relevant Scrutiny Committee.~~

2.8 Recording of Decisions

All decisions including Key Decisions are to be made by a simple majority of these Members of the Cabinet present and voting, except for voting on appointments where two or more persons are nominated for any position in which case if there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

Following a meeting of the Cabinet at which a report (whether oral or in writing) has been received and at which a Cabinet decision has been made or a decision of a individual Cabinet member after consideration of a report, the proper officer shall ensure that a written record will be published

2.9 Officer Attendance

No decision will be made by the full Cabinet unless there is present at the meeting the senior officer responsible for the service or their representative and/or the Proper Officer for recording the meeting.

A written statement of the decision taken will be produced by the proper officer four working days following the Cabinet meeting or after the individual Cabinet member instructs the officer to do so.

2.10 Urgent Decisions and Call-in

Where an urgent decision has been taken by the Cabinet this should be recorded and this decision will not be subject to call-in (see Scrutiny Procedure Rules).

Part 4 – Rules of Procedure

Section 1 – Scrutiny Procedure Rules

1.0 ARRANGEMENTS FOR SCRUTINY

1.1 There will be a Scrutiny Assembly, and a minimum of 2 and maximum of 6 Scrutiny Committees including a Scrutiny Management Board.

4.11.2 Council will delegate the Powers for Health Scrutiny and the power to refer issues to the Secretary of State to the relevant Scrutiny Committee. The procedure to agree timescales for any referral and to notify Council of the intention to refer will be set out in the Scrutiny Handbook.

4.21.3 Appointment to the Committees will be agreed at Annual Council.

4.31.4 The Scrutiny Assembly will be made up of all Members of the Council except the Leader, other Cabinet Members and the Mayor.

4.41.5 The Chairman of the Scrutiny Management Board will also be the Lead Scrutiny Member and Chairman of the Scrutiny Assembly.

4.51.6 Each Scrutiny Committee will be politically balanced.

4.61.7 The scrutiny work programme and methods of scrutiny will be determined by the Scrutiny Assembly and Scrutiny Committees.

4.71.8 Details of the scrutiny structure and procedures will be set out in the Scrutiny Handbook as may be amended from time to time.

2.0 SCRUTINY ASSEMBLY

2.1 Terms of Reference for the Scrutiny Assembly will be set out in the Scrutiny Handbook.

2.2 The Scrutiny Assembly will meet as deemed necessary for the effective execution of the scrutiny function.

3.0 SCRUTINY MANAGEMENT BOARD

3.1 The Scrutiny Management Board will co-ordinate, oversee and monitor the delivery of the Scrutiny work programme.

3.2 The Scrutiny Management Board will oversee the allocation of scrutiny officer resources to the Scrutiny Committees.

3.3 The Scrutiny Management Board will allocate Scrutiny suggestions to the relevant Scrutiny Committee and may make recommendations about priorities for the work programme and joint scrutiny of issues.

3.4 The Scrutiny Management Board will be responsible for scrutiny in relation to Leader and Cabinet Executive decisions made but not implemented as set out in **section 21(3) of the Local Government Act 2000** i.e. Call-in of decisions taken but not yet implemented.

- 3.5 The Scrutiny Management Board will receive requests from the Leader and Cabinet Executive or individual Members and/or the Full Council for reports from the Scrutiny Committee and to allocate them if appropriate to one or more Scrutiny Committees.
- 3.6 Subject to the provision of 1.1 the Scrutiny Management Board may make changes to the scrutiny structure and processes after consulting with the Scrutiny Assembly. The Scrutiny Handbook will be updated to reflect the changes. Changes will be reported back to the next full Council meeting.
- 3.7 The Role Description for the Chairman of the Scrutiny Assembly will be set out in the Scrutiny Handbook.
- 3.8 The Scrutiny Management Board may periodically review and make changes to the Policy for Co-opting Scrutiny Members.

4.0 SCRUTINY COMMITTEES

- 4.1 The Scrutiny Committees will scrutinise the work of the Council as set out by the **Local Government Act (2000)**. The Committees will:
 - Review the strategies and policies of the Leader and Cabinet Executive and the Council and scrutinise any matter affecting local people;
 - Review the discharge by the Leader and Cabinet Executive of any of its functions, including comparison of performance against any appropriate targets, plans or standards;
 - Review any decisions or proposed decisions of the Council and of the Leader and Cabinet Executive;
 - 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 and Cabinet Executive arising from that consideration;
 - Consider any matter referred to Scrutiny by the Leader and Cabinet Executive or the Council and recommend to the Leader and Cabinet Executive or the Council accordingly.
- 4.2 The Scrutiny Committees will scrutinise the work of partner organisations in accordance with national legislation and good practice.
- 4.3 The Scrutiny Committees will undertake scrutiny in accordance with statutory duties and powers, and the requirements of the Council's Constitution:
 - The powers of a Scrutiny Committee in relation to Leader and Cabinet Executive decisions made but not implemented as set out in **section 21(3) of the Local Government Act 2000** i.e. Call-in of decisions taken but not yet implemented. This power will be exercised by the Scrutiny Management Board.
 - Scrutiny of the Crime and Disorder Reduction Partnership (as set out in **section 19 of the Police & Justice Act (2006)**).
 - Scrutiny of Flood and Water Management (as set out in the **Flood and Water Management Act 2010**).
 - Consideration of ~~Social Care~~-referrals on health and social care issues from Healthwatch as set out in the regulations for the Health and

~~Social Care Act (2012) for the Local Involvement Network (LiNK) (as set out in section 226 of the **Local Government and Public Involvement Act (2007)**).~~

- Statutory Scrutiny of Local Area Agreements (as set out in **section 21E of the Local Government Act 2000**)).
 - Statutory health scrutiny function including ~~referral to the Secretary of State for Health and appointing Members and Co-optees to~~ any Joint Health Scrutiny arrangements (as set out in **Section 7 of the Health & Social Care Act (2001) and amended by the National Health Service Act (2006) the Health and Social Care Act (2012)**).
 - The powers of a Scrutiny Committee in relation to the consideration of Councillor Calls for Action in relation to the relevant Council priority as set out in **section 21A of the Local Government Act 2000 and section 19(3) of the Police & Justice Act (2006)**.
 - The powers of a Scrutiny Committee in relation to petitions as set out in the **Local Democracy, Economic Development and Economic Construction Act (2009)**.
 - Scrutiny of the Leader and Cabinet Executive's budget proposals as set out in the Policy Framework and Budget Procedure Rules of this Constitution.
- 4.4 The Scrutiny Committees will meet as required to deliver the work programme.
- 4.5 The Scrutiny Committees will be entitled to appoint Co-optees in accordance with legislation and the Policy for Co-opting Scrutiny Members as set out in the Scrutiny Handbook.
- The relevant Scrutiny Committee shall include in its membership the following voting representatives for education matters:
 - (a) Church of England diocese representatives (one);
 - (b) Roman Catholic diocese representative (one);
 - (c) parent governor representatives (two).
 - The meaning of "education matters" in this paragraph relates wholly or in part to any education functions which are the responsibility of the Authority's Cabinet. If the Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may play a full part in the work of the Committee and the Scrutiny Assembly.
 - Other than statutory education co-optees, the co-optees will not have voting rights unless agreed by Full Council.
- 4.6 The quorum for the Scrutiny Committees shall be as set out for committees in the Council Procedure Rules of this Constitution.
- 4.7 Terms of Reference for the Scrutiny Committees will be set out in the Scrutiny Handbook.

4.8 The Role Description for the Scrutiny Committee Chairmen will be set out in the Scrutiny Handbook.

4.9 The protocol for Scrutiny reports will be set out in the Scrutiny Handbook.

5.0 MEMBERS AND OFFICERS GIVING ACCOUNT

5.1 Scrutiny groups may scrutinise and review decisions made or actions taken in connection with the discharge of any Cabinet and Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, they may require any member of the Cabinet, the Head of Paid Service and/or any senior officer (Service Delivery Manager, Assistant Director or Director) to attend before it to explain in relation to matters within their remit:

- i) any particular decision or series of decisions;
- ii) the extent to which the actions taken implement Council policy; and/or
- iii) the performance of the service

5.2 and it is the duty of those persons to attend if so required within 1 month of being requested.

5.3 Scrutiny Members must confine their questions to the particular issue on the agenda.

5.4 Information obtained as a Scrutiny member in the course of scrutiny reviews may be sensitive and if it is must be treated as confidential and not used for purposes other than for scrutiny.

5.5 In addition to those people referred to above the Scrutiny Assembly or Scrutiny Committee members may invite groups, organisations and individuals to address them, discuss issues of local concern and/or answer questions.

5.6 The Scrutiny Handbook sets out the protocol for Members and Officers giving account

6.0 PROTOCOL FOR THE CALL-IN OF DECISIONS (EXCEPT DECISIONS OUTSIDE THE POLICY FRAMEWORK AND BUDGET) WHICH ARE SET OUT IN THE POLICY FRAMEWORK AND BUDGET RULES

6.1 The call-in procedure allows for any member of the Council, subject to the call-in procedure rules and this protocol, to refer decisions which have been made by Leader and Cabinet Executive or delegated key decisions taken by officers, but not yet implemented, back to the appropriate decision making body for reconsideration. This is intended to be a check on the decision-making responsibilities of the Leader and Cabinet Executive and the delegated key decisions taken by officers. This also includes the statutory co-optees for decisions upon which they can vote. This protocol clarifies the call-in process and the documentation required for the process.

6.2 If call-in is triggered, the decision is effectively suspended pending reconsideration. If call-in were used too frequently it would delay the decision making process and work against the principle of speeding up decision making. The call-in procedure and protocol has therefore been carefully designed to ensure that there is an appropriate balance between effectively holding the Cabinet to account, being able to question decisions before they are implemented, and allowing effective and efficient decision making by the Leader and Cabinet Executive.

6.3 There is also reference to call-in under Budget and Policy Framework Procedure Rules.

- 6.4 This protocol will be subject to review and change by the Council Constitution Committee.
- 6.5 All decisions of the Leader and Cabinet Executive (whether taken collectively or individually) must be recorded. The record must show the reasons for the decision, details of alternative options considered, record of any conflict of interest declared, and any dispensation granted by Standards Committee, where appropriate. When a decision is made by the Leader and Cabinet Executive, or a key decision is made by an officer with delegated authority from the Leader and Cabinet Executive, or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council within 4 working days of being made. Members will be sent copies of the records of all such decisions within the same timescale, by the Assistant Director: Law, Democracy & Public Protection.
- 6.6 That notice will bear the date on which it is published and will specify when the decision will come into force, and may then be implemented, on the expiry of 3 working days after the publication of the decision, unless the decision is subject to call-in.
- 6.7 The call-in procedure does not apply to:
- a) Decisions taken by the Leader and Cabinet Executive that are urgent;
 - b) Decisions of full Council;
 - c) Any decisions taken by officers that are not key decisions;
 - d) Recommendations from the Leader and Cabinet Executive to the Council;
 - e) Specific or individual Employee Relations, Disciplinary or Grievance matters;
 - a. Matters which are subject to formal or statutory appeal processes or are sub-judice;
 - f) Individual appeal cases for example, Planning, Licensing, Housing, Education;
 - g) Decisions of the Standards and Audit Committee or Regulatory Committees;
- 6.8 Any request for call-in must be made in writing to the Assistant Director: Law, Democracy & Public Protection on a "Call-in Request form" within 3 working days of the decision being published. The form must be signed by a minimum of 5 members. A faxed form or emailed form will be accepted.
- 6.9 When the Call-in has been received, the Assistant Director: Law, Democracy & Public Protection will record the time and date of receipt on the request form and will inform the decision taker. The call-in of decisions will be effected by the Chairman of the Scrutiny Management Board or, in his/her absence, by the Vice Chairman of the Scrutiny Management Board, or in their absence by the Chairman of an appropriate Scrutiny Committee, upon a request in writing from a minimum of 5 members, stipulating a draft proposal to be debated at the Scrutiny Management Board. The final wording of the proposal will be accepted from the lead call-in member up to 48 hours after receipt of the call-in form in writing via email, fax or handwritten to the Assistant Director: Law, Democracy & Public Protection. So far as education matters only are concerned this minimum number of 5 may include the statutory voting co-optees referred to in the procedure rules.

- 6.10 All call-ins will be considered by the Scrutiny Management Board. In exceptional circumstances where it is not possible to achieve a quorate meeting of the Scrutiny Management Board within the prescribed timescales, substitute members may be appointed by group leaders from the Scrutiny Assembly.
- 6.11 The Chairman of the Scrutiny Management Board will determine within 3 working days whether the call-in request is valid. The Chairman of the Scrutiny Management Board, or in his or her absence the Vice-Chairman of the Scrutiny Management Board, or in their absence a Chairman of a Scrutiny Committee, will sign the call-in request form to verify that it is valid. The members who signed the call-in request form shall be notified that the call-in has been received and will be given notice of the meeting at which the matter will be considered.
- 6.12A decision can only be called in once. If the Leader and Cabinet Executive significantly alter the decision after call-in by scrutiny, the new decision will be capable of being called-in.
- 6.13 The decision is suspended from the time of receipt of the request for call-in, pending the decision of the Scrutiny Management Board.
- 6.14 An informal meeting will be held between members supporting the call-in, the decision taker and the Assistant Director: Law, Democracy & Public Protection or his/her representative.
- 6.15 The objectives of this meeting are to clarify the points at issue and ensure that there is no confusion regarding the decision and to identify whether the concerns expressed on the call-in request form can be addressed by the decision taker in the original decision. After this meeting members supporting the call-in will be able to withdraw their support if they wish to do so in the light of further information or assurances gained at this meeting. If less than 5 signatories remain, the call-in will no longer be valid. If 5 or more signatories remain, the call-in request remains valid and the Scrutiny Management Board will meet to consider the call-in request.
- 6.16 To prevent unnecessary delay to the implementation of the decision, while the informal meeting is being arranged, the necessary arrangements to hear a call-in will also continue, as set out below.
- 6.17A member may withdraw their support for a call-in request no later than 24 hours before the start of the call-in meeting by letter, fax or e-mail to the Assistant Director: Law, Democracy & Public Protection. If after one or more members have withdrawn their support there are less than five members still in support of the call-in request the call-in will no longer be valid.
- 6.18 The papers despatched for the meeting will be the original report on which the decision was based together with a copy of the call-in request. In addition, both sides of the call-in are requested to produce basic information to enable the Scrutiny Committee to come to an informed decision. This should include:
- One side of an A4 sheet of paper setting out the main points of their argument which will be distributed to each member of the Scrutiny Management Board to use during the meeting. This will be the maximum amount of paperwork that each party will be allowed to table at the call-in meeting.
 - Any background information that supports these arguments, which could include budgetary information, statistical information, maps, consultation results or as summary of changes in legislation. This must be circulated to scrutiny members and other parties involved in the meeting at least 48 hours prior to the meeting.

6.19 The Assistant Director: Law, Democracy & Public Protection will liaise with the Chairman of the Scrutiny Management Board to determine whether a site visit should be organised prior to the call-in meeting taking place.

6.20 It is acceptable for the Scrutiny Management Board (or substitute) members to ask questions of anyone sitting at the table in the call-in meeting, including any external witnesses.

6.21 Any Scrutiny Management Board members arriving at the meeting after the lead call-in member has started their 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 should be made clear on the agenda for the meeting.

6.22 Proceedings at the meeting will follow the format set out below. Time limits will be strictly adhered to by the Chairman of the meeting, except in exceptional circumstances by determination of the Chairman:-

a) If having considered the proposal, the appropriate Scrutiny Management Board supports the original decision it may be implemented with immediate effect.

b) If, having considered the proposal, the Scrutiny Management Board is still concerned about the original decision, then it may refer it back to the decision maker for reconsideration, or refer the matter to full Council only if the decision is deemed to be outside the policy and budget framework. If referred to full Council, the decision is further suspended pending a meeting of full Council, which must take place within 10 working days of the decision to refer to full Council.

If referred to the Leader and Cabinet Executive the decision taker shall then reconsider amending the decision or not before adopting a final decision. If the decision has been made by an officer with delegated authority, that person shall then reconsider within 3 working days of the call-in meeting, amending the decision or not.

c) If a call-in meeting of the Scrutiny Management Board has not been held within 10 working days of a valid call-in request being received, the decision being called-in will take effect from that date.

d) Call-in of decisions outside the policy framework or budget are covered in Part 4 Rules of Procedure, Section 3 – Policy Framework and Budget Procedure Rules in this Constitution.

6.23 The Scrutiny Management Board having reviewed the decision can:

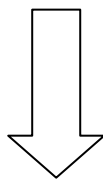
1) reject the call-in proposal and note the original decision. The decision will take effect on the date of the call-in meeting;

2) accept the proposal set out on the call-in form and refer back to the decision taker. The decision-taker shall then reconsider, amending the decision or not before adopting the final decision. If the decision has been made by an officer with delegated authority, that person shall then reconsider within a further 3 working days amending the decision or not, before adopting a final decision;

3) accept the proposal set out on the call-in form and refer the matter to full Council if the decision is deemed to be outside the policy and budget framework.

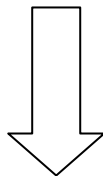
- 6.24 Whether a call-in proposal is supported or not, members may come to agreement on any comments they wish to pass to the decision taker. The Chairman will sum up and clarify any points which member wish to pass to Cabinet. These will be reported to the Cabinet by the Scrutiny Management Board.
- 6.25 If after a call-in is received the Scrutiny Management Board does not meet in the period set out above, the decision shall take effect on the expiry of 10 working days after the call-in form has been received.

**SUMMARY OF TIMETABLE FOR CALL-IN
DECISION MADE**



4 working days

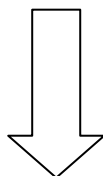
DECISION PUBLISHED



3 working days

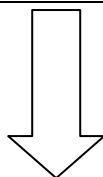
CALL-IN REQUEST DEADLINE (with at least 5 eligible signatures)

Final proposal will be accepted up to 2 working days after receipt of the call-in form. A final decision on validity of call-in within a further working day.



3 working days

**CHAIRMAN OF SCRUTINY COMMITTEE DECIDES VALID OR
INVALID**



7 working days

MEETING OF SCRUTINY COMMITTEE

To decide:

Accept proposal and refer back to decision taker (forwarding comments if members wish to)

OR Reject proposal and note Leader and Cabinet Executive decision, decision is implemented (forwarding comments if members wish to)

If the Scrutiny Committee does not meet in the period set out above, the decision shall take effect on the expiry of 10 working days after the call-in form is received.

TELFORD & WREKIN COUNCIL

15.0 NON-APPLICATION OF CALL-IN AND URGENCY

15.1 The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public interest. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the relevant Scrutiny Committee, or in his or her absence, the Chairman of the Scrutiny Management Board and in the absence of both, the Vice-Chairman of the Scrutiny Management Board, must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

15.2 The operation of the provisions relating to call-in and urgency shall be monitored at least annually by the Scrutiny Management Board, and a report submitted to the Council Constitution Committee with proposals for review if necessary by the Scrutiny Management Board and the Assistant Director: Law, Democracy & Public Protection.

16.0 THE PARTY WHIP

16.1 Scrutiny is intended to operate outside the party whip system. However, when considering any matter in respect of which a member of scrutiny is subject to a party whip the member must declare the existence of the whip and the nature of it before the commencement of the scrutiny deliberations on the matter. The Declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

16.2 The expression "party whip" can be taken to mean: "Any instruction given by or on behalf of a political group to any Councillor who is a member of that group as to how that Councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that Councillor should he/she speak or vote in any particular manner."

17.0 PROTOCOL FOR SCRUTINY MEMBER AND OFFICER RELATIONS

17.1 All officers of the Council have an equal responsibility to serve both Cabinet and Scrutiny Members. The Council has good well-established officer/member working relationships based on respect, dignity, trust and integrity. The Member/Officer Protocol contained within the Constitution supports this position and applies to all officer/member relations, whether Cabinet, Scrutiny or other. The Scrutiny protocol for Scrutiny and Officer relations set out in the Scrutiny Handbook supplements this protocol and provides clarity for officers when serving both the Cabinet and Scrutiny functions.

18.0 PUBLIC RELATIONS AND SCRUTINY

18.1 The protocol for public relations and scrutiny will be set out in the Scrutiny Handbook

19.0 CHANGES TO THE CONSTITUTION REGARDING SCRUTINY

19.1 The Scrutiny Management Board will recommend changes to the Council Constitution Committee regarding Scrutiny arrangements including Call-In. Scrutiny Assembly Members will be informed of any proposed changes.

20.0 COUNCILLOR CALL FOR ACTION

20.1 The Council will maintain a protocol for the operation of Councillor Call for Action and this will be maintained in the Scrutiny Handbook in accordance with legislation.

Appendix 2

Consequent Changes to the Scrutiny Handbook

The detail of how the changes to the Constitution will affect Scrutiny processes and procedures and will be set out in amendments to the Scrutiny Handbook:

The Regulations following the Localism Act also give members of Overview & Scrutiny Committees additional rights to request the Executive to make available any material relating to past decisions. The requested information must be provided by no later than 10 clear days after the request is made. Confidential/Exempt information does not need to be provided by the Executive unless it relates to the Scrutiny work programme or to a decision that is being scrutinised.

If the Cabinet have taken a decision that was not treated as key, but in the opinion of Overview & Scrutiny should have been treated as a key decision, there is provision for Overview & Scrutiny to require the Cabinet to submit a report to full Council to explain why that decision was not a key decision.

If the HOSC or Joint HOSC intends to make a referral to the Secretary of State all Members of Council will be informed prior to a referral being made. Where it is possible to inform members at a meeting of Full Council this will take place. If it is not possible to inform Members at a meeting of Full Council all members will be notified, this may be by email.

The Scrutiny Handbook will also set out the arrangements to agree the timescales with local NHS organisations for the referral of any proposed change to the Secretary of State.

Telford and Wrekin Health and Wellbeing Board (HWB)

Terms of Reference

Date: February 2013

Background

The White Paper *Equity and excellence: liberating the NH*, published in 2010, set out the Government's strategy for the NHS. The consultation document, '*Local democratic legitimacy in health*', gave further information on proposals for increasing democratic legitimacy in health and included the proposed establishment of local Health and Wellbeing Boards. The *Health and Social Care Act 2012*, sets out the establishment, functions and supplementary information relating to the Boards. The legislation places a statutory responsibility on the Local Authority to take on its full statutory role from April 2013 and to have a Joint Health and Wellbeing Strategy in place. The HWB will be a formal Committee of the Council.

Important areas to be highlighted are:

- The transfer of commissioning to GPs
- The abolition of primary care trusts and strategic health authorities
- Transferring the public health budget and responsibility to local authorities
- Giving local authorities the responsibility to promote integration and partnership by working through statutory health and wellbeing boards

Aims

1. The HWB is responsible for guiding and overseeing:
 - a. The ongoing development of the joint strategic needs assessment (JSNA)
 - b. Developing a high-level joint health and wellbeing strategy (JHWBS), based upon the findings of the JSNA
 - c. The establishment of sound joint commissioning arrangements
 - d. The development of HealthWatch forum for public and patient engagement and involvement
 - e. The transfer of Public Health responsibilities and arrangements to the local authority
2. The HWB will provide a key forum for public accountability of NHS, social care for adults and children and other commissioned services that the HWB agrees are directly related to health and wellbeing in Telford and Wrekin.
3. The HWB has a duty to encourage integrated working between local health, social care and health-related commissioners.

4. The HWB will have a link to the overarching Telford and Wrekin Local Strategic Partnership but will also very much function in its own right. The HWB will work closely with the Children, Young People and Families Board, Safer Community Board, in addition to the existing adult partnership boards, in order to ensure the focus on the improved health and wellbeing outcomes for the whole population of Telford and Wrekin.

Objectives

1. To lead on the development of a Telford and Wrekin Joint Health and Wellbeing Strategy (JHWBS) for residents which drives health improvement, plans to deliver this strategy and keeps the implementation of these plans under review.
2. Through the JHWBS, to oversee a commissioning programme of service and/or pathway redesign to better meet the needs of patients and service users and to deliver improved outcomes. Successful delivery of this will be dependent on the HWB developing effective management mechanisms with both primary care and secondary care providers where relevant or appropriate.
3. To link into the Local Strategic Partnership, Strategic Boards and associated Partnership Boards, making recommendations to Full Council, NHS Commissioning Board, and the Clinical Commissioning Group Board, as appropriate.
4. To analyse the priorities for deployment of health and care resources in the area based on information collected through the JSNA and other sources.
5. To consider options and opportunities to maximise the impact of aligning the deployment of resources of the health and care agencies in the area on agreed priorities. This will include the joint commissioning of health and social care services for children, families, and adults in Telford and Wrekin, to meet identified needs and to consider any relevant plans and strategies regarding joint commissioning of health and social care services for children and adults.
6. To oversee the development of this proposed joint commissioning activity, ensuring any proposed activity is aligned with local priorities and levels of need and is undertaken within available resources. To consider options for joint commissioning and procurement between relevant organisations to support this work.
7. To oversee all areas of health and social care commissioning activity for people of all ages, to ensure that commissioning priorities are in line with

those set through analysis of the JSNA and the local JHWBS. This commissioning activity includes all local services commissioned by Telford and Wrekin CCG, Telford and Wrekin Council, Joint Commissioning CCG/Council and NHS Commissioning Board, which could include local: specialised services; secondary dental care; general dental services; GP services; general ophthalmic services; pharmaceutical services; any services for the Armed forces or Offenders; and other primary care.

8. To consider options for the development of HealthWatch and establish relevant joint working groups in order to undertake this work, ensuring that appropriate engagement and involvement with existing patient and service user involvement groups takes place.
9. To consider appropriate arrangements for the transfer of Public Health responsibilities to Telford and Wrekin Council, and to propose and consider relevant governance and organisational structures to support this work.
10. To keep under review, the financial and organisational implications of joint and integrated working across health and social care services, ensuring that performance and quality standards for health and social care services to children, families and adults are met and represent value for money across the whole system.
11. To identify and act upon changes that may be required following new guidance to establish a formal Health and Wellbeing Board.
12. To propose recommendations, as appropriate to:
 - a. Telford and Wrekin Council's Full Council
 - b. NHS Commissioning Board
 - c. Telford and Wrekin Clinical Commissioning Group Board
13. To ensure that the HWB works to promote the achievement of the objectives of the organisations represented on the Board, including the establishment of the Council's new health improvement responsibilities.

Membership

Members of the HWB will comprise representatives from the Clinical Commissioning Group, Council, Healthwatch (currently LINKS) and NHS Commissioning Board. The core members are:

- Cabinet Member responsible for wider Health services and Deputy Leader TWC (Chair HWB)
- Cabinet Member for Adult and Social Care
- Cabinet Member for Children, Young People and Families

- Cabinet Member for Leisure and Wellbeing
- Director responsible for Adult Social Care
- Director responsible for Children’s Services
- Director of Public Health
- Local Area Team NHS Commissioning Board representative
- Chair of Telford and Wrekin Clinical Commissioning Group (CCG) (Vice Chair HWB)
- Non Executive Director from Clinical Commissioning Group
- Chief Operating Officer CCG
- Representative of local Healthwatch/LINKs
- Each opposition Group with 4 or more elected members shall have one place on the Health and Wellbeing Board with voting rights.
- Such other persons, or representatives of such other persons, as the Local Authority thinks appropriate

Attendance and support from such other persons, according to the agenda, including:

- Assistant Directors responsible for Commissioning (AD Care & Support for Adults plus AD Family & Cohesion for Children)
- Assistant Director: Social Care Specialist
- Director of Commissioning, CCG

This reflects the statutory minimum membership in the Health and Social Care Act.

The members of the Board will be advised and supported by officers from the local authority and CCG.

Members agree to share all relevant information and data, to allow performance, and other joint working arrangements, to be properly monitored and managed.

Disqualification for Membership

Any person who would be disqualified from being able to stand for election as a councillor will be disqualified from being a member of a committee or sub-committee of a local authority. The regulations state that these disqualifications will be retained for HWB, but the regulations will ensure the disqualifications do not apply to HWB in so far as they cover disqualifications in respect of members of the board holding any paid employment or office in the local authority – this allows the Directors of Adult Social Services, Children’s Services and Public Health to be formal members of the HWB.

The following disqualifications will be retained for members of the HWB:

- Being the subject of a bankruptcy restrictions order or interim order
- Having been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine

Voting Rights

All Members of the HWB will be able to vote alongside the elected representatives. This applies to any additional board members appointed in addition to the statutory membership set out in the Health and Social Care Act 2012.

Meetings

The Health and Wellbeing Board will meet bi-monthly. Dates and times of meetings will be agreed and published in advance.

Agendas and supporting papers will be issued at least five clear days before each meeting and action notes will be produced, confirmed as a true record of the meeting and signed by the Chair.

Members of the public, and press will have access to the meetings. Protocol to be developed and agreed by HWB.

Quorum

Quorum of one quarter is required, cross section of partners represented, (the minimum number of members that need to be in attendance before decisions can be taken). Business shall not be transacted at a meeting of any Council Committee unless at least one quarter of the whole number of the Committee is present.

Code of Conduct and Declaration of Interest

The HWB will adopt the Council's code of conduct. Any interests in item(s) on the agenda should be declared at the start of the meeting.

Access to Information/Transparency Provisions

Meetings of the HWB will be held in public, although the press and public may be excluded during consideration of any matter which would involve the disclosure of confidential or exempt information.

The agenda and papers for meetings of the Board, except for any documents that may disclose confidential or exempt information, will be made available for public inspection five days before the meeting.

Reporting Mechanisms/Accountability

The HWB, as a Committee of the Council, will report to Full Council.

The HWB will regularly update the Telford and Wrekin Local Strategic Partnership with its progress and specific contributions to achieving the vision and priorities of Telford and Wrekin.

The actions of the HWB will be subject to independent scrutiny by the relevant members of the Overview and Scrutiny Committee of the Council.

The Board will review its structure, membership and activities in response to any further guidance.

Establishment of Sub-Committees

The HWB will be able to establish sub-committees and delegate functions to them.

Scrutiny

Health scrutiny function and powers will be delegated by Full Council to the relevant Scrutiny Committee and the power of referral to the Secretary of State is also delegated to this Scrutiny Committee. Scrutiny Committee will notify Full Council of an intention to refer a matter to the Secretary of State before a referral is made.