

COUNCIL CONSTITUTION COMMITTEE**Minutes of a meeting of the Council Constitution Committee held on Tuesday, 19th February, 2013 at Addenbrooke House, Telford, Shropshire**

PRESENT: Councillors M.J. Smith (Chairman), K.S. Sahota (Vice-Chairman), A.J. Eade, I.T.W. Fletcher, 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 4th September , 2012 be confirmed and signed by the Chairman.

CCC-2 APOLOGIES FOR ABSENCE

None

CCC-3 DECLARATIONS OF INTEREST

None.

CCC-4 CHANGES TO THE COUNCIL'S CONSTITUTION

The Democratic Services Manager presented the report of the Assistant Director: Law, Democracy & Public Protection which outlined a number of proposed changes to the constitution in the following areas:

a) Updates to financial regulations (Appendix B1)

These changes were required to reflect revised organisational structures and job titles and to ensure good governance. In addition, the changes reflected updated Public Sector internal audit standards and amendments to risk management and information governance.

b) Revised terms of reference for Audit Committee (Appendix B2)

This section reflected changes to governance and risk management and the inclusion of information governance

c) Revisions to Standards regime (Appendix B3)

This section showed constitution changes for the revised ethical framework which was approved by Full council in July 2012 and further details as approved by Standards Committee in September 2012.

d) Notice of Key Decisions (Appendix B4)

This section included constitution changes resulting from the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 which came in to force in September 2012.

e) Chairing Full Council meetings (Appendix B5)

The changes in this section deal with the re-establishment of the role of Speaker which was discontinued prior to the current administration. Re-establishment of the role would allow for better use of the varying skills of councillors. The roles of Mayor and Speaker demanded different qualities and separating these roles would utilise these skills most effectively in order to ensure the efficient transaction of council business. The Speaker's role would be re-established from the beginning of the 2013/14 civic year and would attract a Special Responsibility Allowance of £2,616 per annum. This would be at the same level as the discontinued allowance and in line with the recommendations of the Independent Remuneration Panel. In order to ensure there was no overall increase in expenditure the exiting Mayoral civic allowance would be reduced by £2,616 per annum from the beginning of the 2013/14 civic year.

Councillor R.J. Sloan told the meeting that the current administration felt that the role should be re-established because of the unique and differing qualities required.

Councillor K.S. Sahota (Chairman) felt that both roles were extremely important and that the council would be best served by having two distinct roles. Councillor I.T.W. Fletcher queried the re-establishment of the role as he had received advice that the additional role of Speaker did not comply with legal requirements. Councillor A.J. Eade told the meeting that the Monitoring Officer had previously advised that his administration could not have two separate roles. He queried why this advice had been provided previously. Councillor Sahota told the meeting that he had checked the Constitution Committee report from February 2011 which supported discontinuation of the Speaker's role. It was clear that the report stated that the change had been proposed as 'being in line with practice with the majority of other councils. Councillor G.M. Green believed that separating the roles provided a good opportunity for different councillors to perform differing roles. Members agreed that the Monitoring Officer be asked to provide guidance on this matter when the recommendation was considered at Full Council. Councillor I.T.W. Fletcher noted a number of administrative points relating to references to the role of Speaker and Deputy Speaker that might require administrative amendment.

RESOLVED: That Constitution Committee recommend to Council;

- a) **The changes to Part 4 – Rules of Procedure, Section 6 of the Constitution, Financial Regulations, as shown in Appendix 1 of the report;**
- b) **The changes to Audit Committee Terms of Reference as set out in Appendix 2 of the report;**
- c) **The changes to the constitution reflecting the changes to the ethical framework for councillors, as shown in Appendix 3 of the report;**

- d) **The changes to the constitution reflecting new regulations regarding Notices of Key Decisions shown in Appendix 4 of the report**
- e) **The re-establishment of the Speaker's role and associated amendments to the Constitution as set out in paragraph 3.5 and Appendix 5 of the report**

CCC-5 Health & Wellbeing Board and Health Scrutiny

The Assistant Director Social Care Specialist presented the report which set out details of the regulations which applied to the Health & Wellbeing Board as a Committee of the council from 1 April when local authorities assumed responsibility for public health functions.

The report also considered Scrutiny changes resulting from the implementation of the Localism Act 2011 and Health and Social Care Act 2012. Scrutiny Management Board had considered the changes at its meeting of 16 November and commended them to Constitution Committee.

RESOLVED: That Constitution Committee recommend to Council:

- a) **To establish the Health and Wellbeing Board as a Committee of the Council , agree membership and terms of reference as set out in the report;**
- b) **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;**
- c) **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 the report and appendices;**
- d) **To agree the changes to Scrutiny arrangements resulting from the provisions of the Localism Act 2011 as set out in the report and appendices.**

CCC-6 Substitution Arrangements

A

Members briefly discussed arrangements for substitution on the various Committees of the council. The Legal Services Manager agreed for a report to be prepared on substitution arrangements and brought to a future meeting for discussion.

The meeting ended at 6.46 p.m.

Chairman:

Date:

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE: 16 April 2013

COUNCIL: 2 May 2013

CONSTITUTION

REPORT OF ASSISTANT DIRECTOR: LAW, DEMOCRACY & PUBLIC PROTECTION

PART A) – SUMMARY REPORT

1. PURPOSE

For members to consider appropriate changes to the Constitution for the new municipal year.

2. RECOMMENDATIONS

2.1 That Members: -

2.1.1. Recommend the approval of the amended Constitution with effect from the Annual Council on 23 May 2013 including:-

2.1.1.1 The Introduction as included in Appendix 1.

2.1.1.2 The terms of reference of Council, the Leader/ Cabinet, the Boundary Review Committee, the Health & Wellbeing Board, the Licensing Committee and the Planning Committee as included in Appendix 2.

2.1.2 Give their views on the proposed development of the scheme of delegation, "Who makes decisions" as detailed in paragraph 4.3.3 and Appendix 2A.

2.1.3 Recommend the Scrutiny Rules as included in Appendix 3.

2.1.4 Recommend the terms of reference of the Appeals Committee, the Audit Committee, the Council Constitution Committee, the Personnel Committee and the Standards Committee as included in Appendix 4.

2.1.5 Note the position in respect of the Code of Conduct for Officers.

2.1.6 Recommend the Protocol on Member/ Officer relations, the Officer Employment Rules and Rules on Changing the Constitution as included in Appendix 4. Note the on going development of the Financial Regulations including Contract Rules.

2.1.7 Delegate power to the Monitoring Officer to insert Access to Information Rules and notes on Key Decisions into the Constitution to

reflect the legal position in respect of these matters.

2.1.8 The provisions regarding the role of Citizens and the Council be brought to the next meeting of this committee for consideration.

2.1.9 Members recommend that the Monitoring Officer, in consultation with the Chair of the Council Constitution Committee, be delegated power to make further minor amendments that may be required to introduce the new Constitution and ensure that it is loaded onto the internet as appropriate, including with any links or definitions that may be required to best explain the Constitution.

2.2 Members note that: -

2.2.1 The Code of Conduct or Members has already been approved by Council on 12 July 2012.

2. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	No	
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/DELIVERY DATE	<i>Council – 2nd May 2013</i>	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes/No	<i>The Constitution provides the financial framework within which officers and members must operate to ensure strong financial management is in place and public funds are used appropriately, effectively and transparently in the delivery of services to the public. The proposed changes to the Constitution for approval by Council in May 2013 are primarily presentational with the aim of making the document more user-friendly which will strengthen financial governance. The new role of speaker will be paid a Special Responsibility Allowance which will be funded from within existing resources. There are no additional Special Responsibility Allowances associated with the Health & Well</i>

		<i>Being Board. There are no other financial implications arising from the proposed changes. As mentioned in the report, financial regulations will be reviewed and brought to the Committee for approval later in the year.</i>
LEGAL ISSUES	Yes	<i>The Constitution is a key element of the Council's Governance structure and needs to be brought up to date so that it remains relevant and is accessible to ensure that the contents are adhered to when decisions are taken by the Council, its committees and its officers</i>
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	<i>A properly drafted Constitution can protect the Council from unnecessary challenge of the decisions that it makes and can also provide public confidence in its governance structures.</i>
IMPACT ON SPECIFIC WARDS	No	

PART B) – ADDITIONAL INFORMATION

3. INFORMATION

Background

4.1 As members of the CCC know officers have, for some time, being working on changes to the Council's Constitution to make it more accessible and to make the oversight and review of it more efficient. Significant changes are proposed to the format but the actual contents have not been changed materially unless this is specifically identified in the report

Specific Comments

4.2 **Approach** – it is proposed that the Constitution will be an electronic document – the purpose being to ensure that it is easier to navigate using hyper links within the document to move seamlessly around the whole Constitution. This will enable easier access to and use of the provisions of the Constitution which will improve the good governance of the organisation

4.3 **New structure** – the proposed structure deletes the current arrangements for articles and procedure rules which require a lot of cross referencing and proposes a structure that divides the Constitution into 3 main sections, 1 - an Introduction, 2 - a section on decision-

making (who makes decisions/ what decisions can they make and how do they make them) and 3 - a section on governance, (scrutiny, oversight and transparency). Dealing with each of these in turn:-

- 4.3.1 A copy of the introduction is included at Appendix 1, the purpose of this section is to give an initial explanation of how the Council works and will, through links, lead those who are unfamiliar with the Constitution to the sections that they are looking for.
- 4.3.2 A copy of the terms of reference of full Council, the Leader/ Cabinet, the Boundary Review Committee, the Health & Wellbeing Board, the Licensing Committee and the Plans Board are included in Appendix 2. Also included are the procedure rules for these decision-making bodies (and including provisions for the new Speaker role) which, as members can see are simplified.
- 4.3.3 A first draft delegation scheme is included at Appendix 2A, for members' consideration and for their guidance. The current system is very long, very detailed and is generally out of date before it is either agreed or published. Officers are proposing changing the emphasis towards giving general delegations to officers in respect of their areas of responsibility whilst retaining specific and identified decisions to members within the responsibility of either full Council, the Leader or identified committees. Members views are sought on the proposed way forward with a view to the delegation scheme either being agreed or a further report being brought to the next meeting of CCC and approval of Council later in 2013 with the current scheme continuing in operation until then.
- 4.3.4 The Scrutiny Rules are included in Appendix 3 and detail the high level structure of the Council's scrutiny structure. It details key principles but the more detailed rules of current scrutiny committees and their terms of reference are included in a Scrutiny Handbook which, it is proposed to keep outside of the Constitution to enable Scrutiny to retain operational control of their processes. These Chair of the Scrutiny management Board has been consulted.
- 4.3.5 Appendix 4 detail the terms of reference of the Appeals Committee, the Audit Committee, the Council Constitution Committee, the Personnel Committee and the Standards Committee.
- 4.3.6 A new Code of Conduct for Officers is currently being consulted upon and will be forwarded for approval by the Head of Paid Services in due course. An amended Member/ Officer Protocol, Officer Employment Rules and Rules on Changing the Constitution are included in Appendix 4B. Financial Regulations (including the Contract Rules) are still being developed and it is proposed that these be brought forward for Council's consideration in the next municipal year.

4. PREVIOUS MINUTES

4.1. None

5. BACKGROUND PAPERS

5.1. None

**Report prepared by Jonathan Eatough, Assistant Director: Law
Democracy & Public Protection, Telephone: 01952 383200**

How Does the Council work?

Introduction: A summary and explanation of how the Council works

INTRODUCTION

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

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

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

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

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

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

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

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

How Does the Council work?

Introduction: A summary and explanation of how the Council works

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

HOW THE CONSTITUTION WORKS

The Constitution has 3 parts to it:-

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

Constitution – An overview

How does the council work?



1. Introduction

Decision-making



2. Who makes decisions?
3. What decision can they make and how do they make them?

Governance – scrutiny, overview and transparency



4. Scrutiny
5. Oversight
6. Transparency

Constitution 1

How does the council work?

Introduction: A summary and explanation of how the Council works

Constitution 2

Decision-making

2. Who makes decisions?



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

Constitution 3

Decision-making

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



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

Council
Leader/ Cabinet
Boundary Review Cmte
Health & Wellbeing Board
Licensing Committee
Planning Committee

and delegation to officers

Constitution 4

*Governance – scrutiny,
oversight and
transparency*

4. Scrutiny



Scrutiny Rules (high level
overview, details contained in the
Scrutiny Handbook which is not
part of the Constitution.)

Constitution 5

*Governance – scrutiny,
oversight and
transparency*

5. Oversight



Codes of Conduct for Members
and Officers
Protocol for member/ officer
relations
Financial Regulations (inc
Contract Rules)
Officer Employment Rules

Terms of reference and
procedure rules for:-

Appeals Committee
Audit Committee
Constitution Committee
Personnel Committee
Standards Committee

Constitution 6

*Governance – scrutiny,
oversight and
transparency*

6. Transparency



Citizens and the Council
Access to information Rules
Key decisions

COUNCIL TERMS OF REFERENCE

Council will:-

- 1.1. Agree proposed changes to the Constitution
- 1.2. Approve the Budget & Policy Framework¹
- 1.3. Functions of Council as a Council Tax and precepting Authority
- 1.4. Elect the Mayor and Deputy Mayor
- 1.5. Elect the Speaker and Deputy Speaker
- 1.6. Elect and remove the Leader and Deputy Leader (for a 4 year term)
- 1.7. Agree the size, terms of reference of committees, etc . and appoint the membership including Chairmen and Deputy Chairmen
- 1.8. Appoint representatives to outside bodies (unless it is a Leader appointment or the appointment has been delegated)
- 1.9. subject to Urgency Provisions, agreeing decisions proposed to be taken by a Decision Taker that are outside the Budget & Policy Framework Procedure Rules
- 1.10. To approve changes to the Constitution
- 1.11. To approve the Pay Policy Statement
- 1.12. Adopt and/or amend a Members' Remuneration Scheme
- 1.13. Change the name of the area
- 1.14. Grant the Freedom of the Borough and appoint Honorary Aldermen
- 1.15. Confirm the appointment and dismissal of the Head of Paid Service
- 1.16. Confirm the appointment of the Independent Person
- 1.17.
- 1.18. To finalise consultation responses in respect of reviews of electoral arrangements
- 1.19. All functions relating to bye-laws and promoting or opposing the making of local legislation or personal bills
- 1.20. Those local choice functions that the Council decides should be undertaken by the Council rather than the Leader and all other matters which by law must be reserved to the Council and the delegation, as far as the law allows, of these functions.

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

Council Rules

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

1. What is Council

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

2. Council Meetings

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

3. Business to be transacted at Council meetings:-

Business to be transacted	Type of Meeting		
	Annual Meeting	Ordinary Meeting	Extraordinary Meeting
Elect a person to preside if the Speaker or Deputy Speaker are not present	✓ *	✓ *	✓ *
Receive any apologies for absence	✓ *	✓ *	✓ *
Business required by statute to be done before other business		✓ *	
Receive any declarations of interest from Members	✓ *	✓ *	✓ *

Council Rules

Elect the Mayor, Deputy Mayor, Speaker, Deputy Speaker, Leader ¹ and appoint the Deputy Leader	✓		
Approve the minutes of the previous meeting(s) ²	✓ *	✓ *	
Receive any announcements from the Mayor, the Leader or the Head of Paid Service	✓	✓	
Agree the size of the Cabinet and note the Leader's appointments to the Cabinet	✓		
Agree the Council's delegation scheme	✓		
Appoint such committees, etc. as the Council consider are required to enable it to efficiently conduct its business and, in respect of those committees agree the size and terms of reference and appoint the Chairman, Vice-Chairman, Members and substitutes (where applicable)	✓	✓ **	
Business to be transacted	Type of Meeting		
	Annual Meeting	Ordinary Meeting	Extraordinary Meeting
Receive the schedule of meetings	✓		
Receive the Leader's annual statement of policy priorities and the responses from the Leaders of the 2 largest opposition groups	✓		
Consider the business set out in the agenda	✓	✓	✓
To answer questions received from members of the public in the order in which they were received	✓	✓	
Receive reports from Committees, etc. and receive questions and answers on those reports and to determine recommendations made in those reports ³		✓	
To answer questions received from Members in the order in which they were received		✓	
To consider motions in the order in which they were received		✓	

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

** Where there is a vacancy

4. Notice of Meetings/ Attendance at meetings

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

¹ If the Leader's 4 year term has expired or a vacancy has otherwise arisen

² The only part of the minutes that can be discussed is their accuracy. Once approved the Mayor will sign them as a correct record.

³ Minutes are moved by the Leader (or Cabinet Member) and the Chairman (for committees).

Resolved decisions cannot be discussed or changed by Council.

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

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

Council Rules

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

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

Type of meeting	Members	Substitutes	Quorum
Council	54	n/a	14
Cabinet	9 (maximum)	n/a	4
Health & Well-Being Board	6	n/a	3
Standards Committee	7	n/a	3
Audit Committee	7	n/a	3
Council Constitution Committee	7	n/a	3
Scrutiny Management Board	7		3
Scrutiny Committees	8	n/a ⁴	3
Planning Committee	9	9	3
Licensing Committee	10	10	3
Appeals Committee	7	8	3
Personnel Committee	7	n/a	3
Employee JICF	7	7	3

5. The role of the Speaker

- 5.1. The person elected at Annual Council to chair meetings of the Council is referred to as the Speaker. A Deputy Speaker is also appointed at Annual Council
- 5.2. The Speaker will:-
 - 5.2.1. Uphold the Constitution and interpret it during Council meetings;
 - 5.2.2. To ensure that the business of the Council is carried out efficiently and with regard to the rights of all Members and the community as a whole including the variation of the order of business (except those items marked with an asterisk in 4 above)
 - 5.2.3. Ensure that the Council meeting is a forum for debate of matters of concern to the local community and the place for members who are not on the Cabinet to hold the Cabinet to account
 - 5.2.4. The Deputy Speaker, or in his absence any Member elected to preside if the Speaker is not present may exercise any of these powers or duties.

6. The role of the Mayor

- 6.1. Elected at Annual Council the Mayor will:-
 - 6.1.1. Preside over the meetings of Council, including commencing the meeting and handing over to the Speaker to manage the Agenda, to sign the minutes and, if necessary to exercise the casting vote;

⁴ except for call-in meetings

- 6.1.2. Attend such civic and ceremonial functions that the Council and he/ she determines are appropriate;
- 6.1.3. Promote public involvement in the Council's activities.
- 6.2. The Deputy Mayor, also appointed at Annual Council, may exercise any of these powers or duties in the absence of the Mayor.

7. Questions

Questions on reports of the Leader, Cabinet or Committee

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

Other questions at Ordinary meetings of the Council - Members

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

Process for asking questions at Council - Members

- 7.4. A maximum of 30 minutes is allocated for this process and questions are tabled at the meeting, printed in the order in which they are received.
- 7.5. An answer will be provided by the Member to whom the question was put or his/ her nominee and can be either a direct oral answer, a reference to an already existing publication or, if the reply cannot be conveniently be given orally, or the 30 minute time period has expired, a written answer will be circulated to all Members via the Council's intranet or e-mail within five clear working days.
- 7.6. The Member asking the question may respond once without notice to any reply on the subject of the question.
- 7.7. A Member may speak for no more than 3 minutes when asking a question/ supplementary question or providing answers.

Public questions at Ordinary meetings of the Council

- 7.8. All questions must be submitted to the Proper Officer by 5:00pm at least 7 working days before the meeting. An individual or organisation may only ask one question per meeting which cannot be more than 50 words long
- 7.9. Questions can be asked of any member of the Cabinet about any matter in relation to which the Council has powers or duties or which affects the Borough.

7.10. The Speaker may, in consultation with the Managing Director or the Proper Officer, rule a question out of order if questions do not meet these requirements or in his/her opinion it would risk the defamation of any individual, has been asked in the previous 6 months, relates to confidential or exempt information or relates to an individual or personal dealings with the Council.

Process for the public asking questions at Council

7.11. A maximum of 15 minutes is allocated for this process and questions are tabled at the meeting, printed in the order in which they are received. A maximum of 2 minutes is allocated for each question and answer

7.12. An answer will be provided by the Member to whom the question was put or his/ her nominee and can be either a direct oral answer, a reference to an already existing publication or, if the reply cannot be conveniently given orally, or the 15 minute time period has expired, a written answer will be sent to the person asking the question and to all Members.⁵

8. Motions

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

Motions without notice

8.2. The following motions can be moved without notice during the Council meeting:-

8.2.1. to appoint a Chairman

8.2.2. in relation to the accuracy of the Minutes

8.2.3. to change the order of business in the agenda

8.2.4. to refer something to an appropriate body or individual

8.2.5. to appoint a committee or member arising from an item on the agenda for the meeting

8.2.6. to receive reports or adoption of recommendations of Committees or officers and any recommendations following from them

8.2.7. to extend the time limit for speeches

8.2.8. to suspend a particular Council Rule

8.2.9. to adjourn the meeting

8.2.10. to exclude the public and press

8.2.11. to not hear further from a Member or to exclude them from the meeting

8.2.12. to give the consent of the meeting where its consent is required by this Constitution

8.2.13. to ask for a Recorded Vote

8.2.14. to withdraw the motion

8.2.15. to amend the motion

8.2.16. to proceed to the next business⁶

8.2.17. that the question be now put⁷

⁵ See also the [Protocol for Public Questions](#)

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

⁷ If the Speaker considers that the item has been sufficiently discussed he/ she will put the motion to the vote and if passed give the mover of the Substantive Motion a right of reply

8.2.18. to adjourn the debate⁸

8.3. The Speaker may ask for a written version of a Motion or a proposed amendment to be provided to him before it is discussed.

8.4. A Member may alter a Motion without notice which he/ she has moved with the consent of the Secunder and the meeting. This shall be given without discussion.

Motions with notice

8.5. Other Motions must be submitted to the Proper Officer by 5:00pm at least 7⁹ clear working days before the meeting.

8.6. Motions received will be published the day after the closing date for receipt and will be included in the Council agenda in the order in which they are received.

8.7. Motions must relate to matters for which the Council has responsibility or which affect the Borough of Telford & Wrekin.

8.8. A Member may alter a Motion with notice which he/she has moved with the consent of the meeting. This shall be given without discussion.

Special Motions with notice - Rescinding a previous decision

8.9. A Motion or amendment to rescind a decision made at Council in the last 6 months can only be considered once in the 6 months immediately following the date of the original decision if the notice of motion is signed by at least 10 members.

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

9. Rules of Debate

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

	Substantive motion	Propose amendments	Proposed amendment	Right of reply	Length of speech
Proposer	✓ ¹⁰	✗ ¹¹	Right of Reply only	✓	5 minutes
Secunder	✓ ¹²	✗	✓	✗	3 minutes
All other members except the Mayor	✓	✓	✓	✗	3 minutes

⁸ If the Speaker considers that the item has not been sufficiently discussed and cannot reasonably be so he/ she will put the motion to the vote without giving the mover of the Substantive Motion a right of reply

⁹ A notice of motion of no confidence in the cabinet as a whole or individual members (including the Leader) requires 10 clear working days notice

¹⁰ The Proposer must move the motion and explain the purpose of it

¹¹ See rules on altering and withdrawing motions – rules 8.4, 8.8 and 9.7 above

¹² No motion can be debated until it has been seconded however the person seconding the motion may reserve his/ her right to speak until later in the debate

Amendments to Motions or Recommendations

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

Withdrawal of Motions

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

10. Speeches

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

Point of Order

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

Personal Explanation

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

Speaking

- 10.3. Except with the leave of the Speaker all Members must stand and address the meeting through the Speaker. When more than one member is standing up the Speaker will invite one of them to speak and the remaining Members must sit down and remain seated.
- 10.4. When a Member is speaking all Members must remain seated unless they wish to make a Point of Order or a Point of Personal Explanation.

10.5. The Speaker may allow officers to give advice to Council as and when appropriate in which case the rules on speaking for Members apply.

11. Voting

- 11.1. Subject to rules 11.2 to 11.4 below any matter is decided by a simple majority of those present and voting in the room. This can be done either by a show of hands or, if there is no dissent, by the affirmation of the meeting
- 11.2. The Mayor has a casting vote if there equal numbers of votes for and against a matter. There is no restriction on how the Mayor may exercise this casting vote.
- 11.3. Seven¹³ Members may, before the vote is taken, ask for a Recorded Vote which would record in the minutes the way in which individual Members voted.
- 11.4. After a vote is taken any Member can ask for the way that they voted to be recorded in the minutes.
- 11.5. If three or more people are nominated for a position and there is no clear majority of votes in favour of one of them then the person with the fewest votes is rejected and a new vote is taken. This process continues until there is a majority of votes for one person.

12. Conduct

Members

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

Public

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

General Provisions

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

13. Suspending Council Rules

¹³ 2 members for committees

Council Rules

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

LEADER/ CABINET TERMS OF REFERENCE

The Leader/ Cabinet will:-

- 1.1. Take decisions to that will implement the policy of the Council within the Budget & Policy Framework¹
- 1.2. Appoint Cabinet Members except the Deputy Leader who is appointed by full Council
- 1.3. Appoint representatives to outside bodies (unless it is a Council appointment or the appointment has been delegated)
- 1.4. subject to Urgency Provisions, agreeing decisions proposed to be taken by a Decision Taker that are within the Budget & Policy Framework Procedure Rules
- 1.5. Confirm the appointment and dismissal of the Statutory Officers, other Directors and Assistant Directors;
- 1.6. Those local choice functions that the Council decides should be undertaken by the Leader/ Cabinet rather than the Council and all other matters which by law must be reserved to the Leader/ Cabinet and the delegation, as far as the law allows, of these functions.

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

The Leader & Cabinet Rules

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

1. **The Leader**

- 1.1. The Leader is appointed by Council for a four year term and, subject to 1.7, below holds office until the day after the Annual Meeting after the first full Council Elections after his/ her election and is responsible for the implementation of the Budget & Policy Framework and developing the Budget and Policy Framework.
- 1.2. All functions of the Authority are vested in the Leader except in so far as they are reserved to the Council by legislation or they are functions identified as those which may be made either by Council or the Leader, (as amended from time to time), and a decision has been made by Council that they are Council functions¹. These are detailed in the Responsibility for Functions.
- 1.3. The Leader may invite the Council to review and re-allocate the responsibility for these Council functions at any time.
- 1.4. The Leader may only take decisions, including Key Decisions, that are within the Council's Budget and Policy Framework.
- 1.5. The Leader may delegate any or all of his/ her functions, including the taking of Key Decisions, to the Cabinet, a sub-committee of cabinet, an individual cabinet member (including the Deputy Leader), an officer, a joint committee or another local authority. Delegations made by the Leader are detailed in the Responsibility for Functions.
- 1.6. Any changes to the delegations made by the Leader will be notified to the person or committee concerned² and to the Proper Officer who will report the changes to the next meeting of Council .
- 1.7. The Leader will continue in office unless he/she:-
 - 1.7.1. resigns from office
 - 1.7.2. is suspended from being a Councillor
 - 1.7.3. is no longer a Councillor
 - 1.7.4. is removed from office by resolution of the Council by way of motion of no confidence submitted with at least 10 working days notice which is signed by at least 25% of all Councillors

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

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

The Leader & Cabinet Rules

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

2. The Deputy Leader

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

3. The Cabinet

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

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

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

The Leader & Cabinet Rules

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

4. Notice of meetings/ Attendance at meetings

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

5. Business to be transacted at Cabinet meetings

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

⁵ At the first meeting after the Annual Council meeting.

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

The Leader & Cabinet Rules

committees agree the size and terms of reference and appoint the Chairman, Vice-Chairman and Members.	
Matters referred to the Leader from either Council ⁷ or any Scrutiny Committee ⁸ ;	✓
Consideration of reports from individual members ⁹ of the Cabinet or any Statutory Officer;	✓
Consideration of the Notice of Key Decisions and Private Reports/ Meetings; and	✓
matters set out in the agenda for the meeting (Key Decisions shall be identified).	✓

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

** Where there is a vacancy

6. Decision-making

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

7. Developing the Budget Framework

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

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

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

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

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

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

The Leader & Cabinet Rules

The Leader will submit his/her final proposals (including responses to consultation) to Council for adoption	Pre 11 th March
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8. Developing the Policy Framework

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

BOUNDARY REVIEW COMMITTEE TERMS OF REFERENCE

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

TERMS OF REFERENCE

Boundary Reviews

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

Community Governance Reviews

5. Dealing with all matters relating to Community Governance Reviews

Parishes

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

Polling Districts

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

General

9. Annually at the first meeting after the Annual Council Meeting consider its terms of reference

PROCEDURE

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

¹ With the exception of paragraph 12

The Committee has the responsibility on behalf of the Council in respect of public health and health and wellbeing responsibilities within the Borough.

TERMS OF REFERENCE

1. The HWB is responsible for guiding and overseeing:
 - 1.1. The ongoing development of the joint strategic needs assessment (JSNA)
 - 1.2. Developing a high-level joint health and wellbeing strategy (JHWBS), based upon the findings of the JSNA
 - 1.3. The establishment of sound joint commissioning arrangements
 - 1.4. The development of HealthWatch forum for public and patient engagement and involvement
 - 1.5. 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.
5. The HWB will 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.
6. Through the JHWBS, the HWB will 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.
7. The HWB will 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.
8. The HWB will analyse the priorities for deployment of health and care resources in the area based on information collected through the JSNA and other sources.
9. The HWB will 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.

TELFORD & WREKIN HEALTH AND WELLBEING BOARD TERMS OF REFERENCE

10. The HWB will 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.
11. The HWB will 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.
12. The HWB will 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.
13. The HWB will 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.
14. The HWB will 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.
15. The HWB will identify and act upon changes that may be required following new guidance to establish a formal Health and Wellbeing Board.
16. The HWB will propose recommendations, as appropriate to:
 - 16.1. Telford and Wrekin Council's Full Council
 - 16.2. NHS Commissioning Board
 - 16.3. Telford and Wrekin Clinical Commissioning Group Board
17. The HWB will 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.

General

18. Annually at the first meeting after the Annual Council Meeting consider its terms of reference

PROCEDURE

General

1. Unless specifically provided for in these Terms of Reference the Council Procedure Rules govern the way that committees operate but these may be varied or suspended¹ at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.

Membership

2. Members of the HWB will comprise representatives from the Clinical Commissioning Group, Telford & Wrekin Council, Healthwatch and NHS Commissioning Board. The core members are:
 - 2.1. Cabinet Member responsible for wider Health services and Deputy Leader TWC (Chair HWB)
 - 2.2. Cabinet Member for Adult and Social Care
 - 2.3. Cabinet Member for Children, Young People and Families
 - 2.4. Cabinet Member for Leisure and Wellbeing
 - 2.5. Director responsible for Adult Social Care
 - 2.6. Director responsible for Children's Services
 - 2.7. Director of Public Health
 - 2.8. Local Area Team NHS Commissioning Board representative
 - 2.9. Chair of Telford and Wrekin Clinical Commissioning Group (CCG) (Vice Chair HWB)
 - 2.10. Non Executive Director from Clinical Commissioning Group
 - 2.11. Chief Operating Officer Clinical Commissioning Group
 - 2.12. Representative of local Healthwatch
 - 2.13. Each opposition Group with 4 or more elected members shall have one place on the Health and Wellbeing Board with voting rights.
 - 2.14. Such other persons, or representatives of such other persons, as the Local Authority thinks appropriate
3. Attendance and support from such other persons, according to the agenda, including:
 - 3.1. Assistant Directors responsible for Commissioning (AD Care & Support for Adults plus AD Family & Cohesion for Children)
 - 3.2. Assistant Director: Social Care Specialist
 - 3.3. Director of Commissioning, CCG
4. This reflects the statutory minimum membership in the Health and Social Care Act 2012.
5. The members of the Board will be advised and supported by officers from the local authority and CCG.
6. Members agree to share all relevant information and data, to allow performance, and other joint working arrangements, to be properly monitored and managed.

¹ With the exception of paragraph 12

Disqualification for Membership

7. 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.
8. The following disqualifications will be retained for members of the HWB:
 - 8.1. Being the subject of a bankruptcy restrictions order or interim order
 - 8.2. 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

9. 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

10. The Health and Wellbeing Board will meet bi-monthly. Dates and times of meetings will be agreed and published in advance.
11. 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.
12. Members of the public, and press will have access to the meetings. A Protocol will be developed and agreed by HWB.

Quorum

13. 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

14. 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

15. 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.
16. 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

17. The HWB, as a Committee of the Council, will report to Full Council.
18. 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.
19. The actions of the HWB will be subject to independent scrutiny by the relevant members of the Overview and Scrutiny Committee of the Council.
20. The Board will review its structure, membership and activities in response to any further guidance.

Establishment of Sub-Committees

21. The HWB will be able to establish sub-committees and delegate functions to them.

Scrutiny

22. 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.

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

LICENSING AND REGISTRATION FUNCTIONS

1. As set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended) and including functions under the Licensing Act 2003 and the Gambling Act 2005 (excluding paragraphs 37/38 and 46A – 55).

HEALTH & SAFETY AT WORK/ FIRE SAFETY

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

HEALTH ACT 2006

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

ELECTIONS

5. As set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended).
6. Functions relating to community governance as set out in the above Regulations

MISCELLANEOUS

7. Power to make payments or provide other benefits in cases of maladministration etc
8. Powers in respect of common land, village greens and open space
9. Powers in respect of the management and regulation of alcohol in public places, the provision and management of site for the accommodation of gypsies and the closure of take away food shops
10. Annually at the first meeting after the Annual Council Meeting consider its terms of reference
11. Power to determine fees and charges in respect of any of the above functions

PROCEDURE

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

¹ With the exception of paragraph 12

PLANNING COMMITTEE TERMS OF REFERENCE

TERMS OF REFERENCE

The Planning Committee will determine the following:

1. All matters relating to planning permission, permitted development rights, development control. Matters are specifically reserved to the Planning Committee where the following applies:
 - 1.1. A proposal that involves the Council as either applicant or landowner (or has a financial interest) and the proposal is a Major application i.e. residential – 10 or more units / development over 0.5 ha and non residential - creation of 1000m² gross floor area/ development over 1ha excluding reserved matters applications application;
 - 1.2. The application is submitted by or on behalf of a Senior Officer of Telford & Wrekin Council (third tier and above) or an elected member;
 - 1.3. If formally requested by the relevant Ward Member or relevant Parish Council
 - 1.4. If a departure from policy and officers are recommending approval
 - 1.5. If it includes a S106 relating to new financial contributions/ affordable housing provision
 - 1.6. The number and nature of representations from the public against officer recommendation is, in the opinion of the Service Delivery Manager: Development Management and/or Area Planning Officer, sufficient to require that the application should be determined by Board
2. Listed building and Conservation Area consent
3. Confirmation of Tree Preservation Orders, the protection of hedgerows and powers in respect of hedges and dangerous trees
4. Enforcement powers in respect of unauthorised developments
5. Powers in respect of highways, footpaths and bridleways
6. Powers in respect of street naming and numbering

PROCEDURE

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

¹ With the exception of paragraph 12

2. Who makes decisions?

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

THE DELEGATION SCHEME

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

1 Introduction

- 1.1 This part of the Constitution explains who the responsible members or officers are for the different decisions that the Council makes.
- 1.2 It also provides a short summary of the decision-makers and the general principles that govern how decisions are made.

2 The Decision-Makers

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

Council Committees	The Leader
<ul style="list-style-type: none"> • Appeals Committee • Audit Committee • Boundary Review Committee • Constitution Committee • Health & Wellbeing Board • Licensing Committee and Licensing Sub Committee • Personnel Committee • Planning Committee • Standards Committee and Hearings Sub Committee • Other committees and sub committees as may be agreed from time to time 	<ul style="list-style-type: none"> • Cabinet • Cabinet Members • Other sub committees as may be agreed from time to time
<ul style="list-style-type: none"> • Officers 	<ul style="list-style-type: none"> • Officers

3 Principles of Decision-Making

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

THE DELEGATION SCHEME

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

4 Principles of Delegation

4.1 To ensure efficient and effective local government:-

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

5 General Provisions Council

- 5.1** All matters which, by law must be reserved to Council are reserved to Council or where appropriate to a Council Committee. The Terms of Reference for Council and Council Committees detail specific functions that have been retained for their decision. Attached is a list of functions that have been determined to be reserved to Council.

The Leader

- 5.2** Decisions in respect of all functions that are not either by law reserved to Council or that, by local choice have been reserved to Council. The Leader may delegate these to Cabinet, individual Cabinet Members, a sub-committee, a joint committee or officers in accordance with the Principles of Delegation

General Provisions

- 5.3** Save as expressly reserved to Council, the Leader or other decision maker as detailed in the Terms of Reference, Chief Officers and Assistant Directors may take any action

THE DELEGATION SCHEME

in accordance with the Council's Budget and Policy Framework in so far as these are in compliance with the Budget and Policy Framework or the legal or general requirements of service delivery in their respective areas of responsibility.

Officers

Urgent Decisions

- 5.4 The Managing Director, having as far as reasonably possible consulted the Leader or, the absence of the Leader, the Deputy Leader shall, in the event of civil emergency or other issues of extreme urgency, have the power to make decisions for the protection of the Borough and its inhabitants which cannot be dealt with in accordance with the normal decision making powers of the Council

- 5.5 The Managing Director has delegated authority to deal with those urgent items of business falling within the remit of the Leader where the Leader is not in office, including acting as consultee for the purposes of this delegation scheme.

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

1. What is scrutiny?

- 1.1. There is a Scrutiny Assembly, and a minimum of 2 and a maximum of 6 Scrutiny Committees (including the Scrutiny Management Board) that oversees and scrutinises the work of the Leader and his/ her Cabinet and the Council as a whole.
- 1.2. This allows members outside the Cabinet and citizens to have a greater say in Council matters by investigating issues of local concern. This can include questioning Cabinet Members, senior officers of the Council and inviting people from outside the Council to give opinions and expert advice.
- 1.3. Scrutiny Committees also have the power to scrutinise the services provided by organisations outside the Council e.g. NHS services and the work of the Community Safety Partnership.
- 1.4. Scrutiny Committees can make reports and recommendations to Leader, the Council and some partner organisations. The Decision Takers are not required to implement the recommendations but do have to consider any recommendations made.
- 1.5. Scrutiny also monitors the decisions of Decision Takers. They can 'call-in' a decision which has been made by the Decision Taker but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Decision Taker reconsider the decision. They may also be consulted by the Leader, other Cabinet members or the Council on forthcoming decisions and the development of the Budget & Policy Framework.
- 1.6. The Council has appointed a Scrutiny Officer with statutory responsibilities to promote the role of the Council's scrutiny committees within the authority, support the work of the scrutiny committees by providing help and advice to scrutiny members but also those being scrutinised. (This role cannot be held by the Head of paid Services, the Chief Finance Officer or the Monitoring Officer.)
- 1.7. There is a Scrutiny Handbook which does not form part of the Constitution but contains the more detailed operational notes about how the scrutiny function is performed.

2. How does it work?

- 2.1. Scrutiny is not designed for use for political purposes and accordingly the existence and nature of any party whip must be disclosed at the start of any Scrutiny Assembly or Scrutiny Committee meeting.

3. The Scrutiny Assembly

Who is on it

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

What does it do?

- 3.3.1. The Scrutiny Assembly acts as a consultee on scrutiny matters. This may be done by e-mail or at meetings as deemed necessary.

4. Scrutiny Committees

Who is on them?

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

What do they do?

- 4.2. Each committee will:
 - 4.2.1. Scrutinise the work of the Council according to their terms of reference as included in the Scrutiny Handbook
 - 4.2.2. Agree the Committee's work programme and undertake this through formal committee meetings, Member Working Groups and sub-groups
 - 4.2.3. meet as required to deliver the work programme
 - 4.2.4. 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.
 - 4.2.5. Act as consultee for draft budget & policy framework policy proposals published by the Leader (Budget & Finance Scrutiny Committee only) and any alternative proposals developed by opposition groups
 - 4.2.6. Review the strategies and policies of the Leader and the Council and to scrutinise any matter affecting local people and make proposals to the Leader.
 - 4.2.7. Review the discharge by the Leader of any of his/ her functions, including comparison of performance against any appropriate targets, plans or standards.
 - 4.2.8. Review any decisions or proposed decisions of the Council and of Decision Takers, including call-in (Scrutiny Management Board only).
 - 4.2.9. Consider any matters which affect the Council or its administrative area or the inhabitants of that area and to make recommendations to the Council or the Leader arising from that consideration.
 - 4.2.10. Consider any matter referred to it by the Scrutiny Management Board, from the Leader or the Council and make recommendations to the Leader or the Council accordingly.
 - 4.2.11. Consider applications for additional items to go on the Work Programme
 - 4.2.12. Consider any Councillor Calls for Action and/ or Petitions
 - 4.2.13. Scrutinise the planning and provision of NHS services for the population of Telford and Wrekin. This power has been delegated by Council to the Health and Adult Care Scrutiny Committee including the power of referral to the Secretary of State for Health.
 - 4.2.14. Scrutinise the work of partner organisations in accordance with national legislation and good practice.

- 4.3. The Scrutiny Committees statutory and constitutional duties and powers include:-
- 4.3.1. 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
 - 4.3.2. Scrutiny of the Crime and Disorder Reduction Partnership (as set out in **section 19 of the Police & Justice Act (2006)**).
 - 4.3.3. Scrutiny of Flood and Water Management (as set out in the **Flood and Water Management Act 2010**).
 - 4.3.4. 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)**).
 - 4.3.5. Statutory Scrutiny of Local Area Agreements (as set out in **section 21E of the Local Government Act 2000**).
 - 4.3.6. 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)**).
 - 4.3.7. 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)**.
 - 4.3.8. The powers of a Scrutiny Committee in relation to petitions as set out in the **Local Democracy, Economic Development and Economic Construction Act (2009)**.
 - 4.3.9. Scrutiny of the Leader and Cabinet Executive's budget proposals as set out in the Policy Framework and Budget Procedure Rules of this Constitution.

5. Scrutiny Management Board and the role of individual Chairmen

Who is on it?

The Chairman, appointed by Council, for each Scrutiny Committee and any other Members appointed by Council. (The Role Description for the Chairman of the Scrutiny Assembly will be set out in the Scrutiny Handbook.)

What does it do?

- 5.1. The Scrutiny Management Board will:-
- 5.1.1. co-ordinate, oversee and monitor the delivery of the Scrutiny work programme.
 - 5.1.2. oversee the allocation of scrutiny officer resources to the Scrutiny Committees.
 - 5.1.3. allocate Scrutiny suggestions to the relevant Scrutiny Committee and may make recommendations about priorities for the work programme and joint scrutiny of issues.
 - 5.1.4. 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.
 - 5.1.5. 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.
 - 5.1.6. receive / agree notification of Key Decisions falling within the terms of reference for their scrutiny committee that need to be taken but which are not included on the Notice of Key Decisions and Private Reports/Meetings in accordance with the rules on General Exceptions

- or agree to a Key Decision being considered as an Urgent Decision and therefore being exempt from call-in
- 5.1.7. review and make recommendations to the Council Constitution Committee regarding changes to Scrutiny Arrangements including Call-in. Scrutiny Assembly Members will be informed of any proposed changes.
 - 5.1.8. 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.
 - 5.1.9. periodically review and make changes to the Policy for Co-opting Scrutiny Members
 - 5.1.10. the Chairman will report annually to Council on the work of scrutiny in the previous year and priorities for the future.

6. Working Practices

The Scrutiny Handbook

- 6.1. Details about how to undertake scrutiny reviews and general provisions governing the management of the scrutiny process are contained in the Scrutiny Handbook. The Scrutiny Handbook includes details and protocols on:
 - 6.1.1. Agreeing the Scrutiny Work Programme
 - 6.1.2. Role of Cabinet Members in Scrutiny
 - 6.1.3. Scrutiny Member and Officer relations
 - 6.1.4. Councillor Call for Action
 - 6.1.5. Call – In
 - 6.1.6. Media Protocol
 - 6.1.7. Terms of Reference for the Scrutiny Assembly and Scrutiny Committees
 - 6.1.8. Role Description for the Scrutiny Chairmen
 - 6.1.9. The Policy for Co-opted Scrutiny members
- 6.2. Changes to the Scrutiny Handbook can be agreed by the Scrutiny Management Board in consultation with the Scrutiny Assembly.

Witnesses and other investigatory techniques

- 6.3. Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration.
- 6.4. Members of the Cabinet and Officers (at Service Delivery Manager and above) can be called to attend Scrutiny Committees to answer questions within their remit about any particular decision or series of decisions, the extent to which the actions taken implement Council policy and/or the performance of the service. Members and Officers called must attend as soon as is practicable but must be given at least 14 days notice of the date of the meeting which notice shall include full details of the issues that they are to be questioned about (for more details see the Scrutiny Handbook).

7. Call-in

What is it?

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

Call in and urgent decisions

- 7.2. Urgent decisions are exempt from call-in but will be monitored annually by the Scrutiny Management Board. Further information on the process to agree an urgent decision that is exempt from call-in is set out in the Scrutiny Handbook.

How can you make a request for call-in of decisions within the budget and policy framework?

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

Limits on call-in

- 7.5. The call-in procedure does not apply to:
- 7.5.1. Decisions taken by the Leader and Cabinet Executive that are urgent;
 - 7.5.2. Decisions of full Council;
 - 7.5.3. Any decisions taken by officers that are not key decisions;
 - 7.5.4. Recommendations from the Leader and Cabinet Executive to the Council;
 - 7.5.5. Specific or individual Employee Relations, Disciplinary or Grievance matters;
 - 7.5.6. Matters which are subject to formal or statutory appeal processes or are sub-judice;
 - 7.5.7. Individual appeal cases for example, Planning, Licensing, Housing, Education;
 - 7.5.8. Decisions of the Standards and Audit Committee or Regulatory Committees;
- 7.6. The Chairman of the Scrutiny Management Board will determine whether the call-in is valid within 3 days of receipt of the call-in request, he / she may, in consultation with the Monitoring Officer, determine that a request for call-in is not valid if he/she reasonably considers that the reason for the call-in does not *prima facie* comply with the Principles of Decision-making or falls outside the remit of call in as set out in 7.5 above.

Before the call-in meeting.

- 7.7. The Proper Officer will record the time and date of receipt of the request and will inform the Decision Taker and the Chairman of the Scrutiny Management Board. The final wording of the call-in proposal will be accepted from the lead call in Member up to 2 days after receipt of the call in.

Scrutiny Rules

- 7.8. The Proper Officer will arrange a meeting of the Scrutiny Management Board and will notify the members who signed/ supported the request for call-in of the time and date and location of the meeting at which the request for call-in will be considered.
- 7.9. In exceptional circumstances where it is not possible to achieve a quorate meeting Scrutiny Management Board within the prescribed timescales, substitute members from the Scrutiny Assembly may be appointed by Group Leaders.
- 7.10. A call-in meeting of the Scrutiny Management Board must be held within 10 working days of the call-in request being received. If it not held within that time the decision being called-in will take effect from that date.
- 7.11. In the meantime the Decision-Taker may meet with some or all of the members supporting the call-in informally to clarify the points at issue and ensure that there is no confusion regarding the decision and to identify whether the concerns expressed in the request for call-in can be addressed by the Decision Taker in the original decision. This can include formal advice from the Monitoring Officer and Chief Finance Officer about whether or not the decision falls within, or is outside the Budget & Policy Framework
- 7.12. Any member may, in writing to the Proper Officer, withdraw their support for a request for call-in until no later than 24 hours before the start of the meeting of the relevant Scrutiny Committee that is due to consider the request for call-in. If, after one or more members have withdrawn their support, there are less than 5 members still in support of the request for call-in it will no longer be valid and the meeting will be cancelled.
- 7.13. The call-in papers which must be circulated to members of the Scrutiny Management Board and other parties involved in/ attending the meeting at least 48 hours prior to the meeting are:-
 - 7.13.1. the original report on which the decision was based
 - 7.13.2. a copy of the call-in request
 - 7.13.3. one side of an A4 sheet of paper setting out the main points of their argument
 - 7.13.4. background information that supports these arguments, which could include budgetary information, statistical information, maps, consultation results or as summary of changes in legislation.

The call-in meeting

- 7.14. The Chairman of Scrutiny Management Board is responsible for the effective management of the call-in meeting and has discretion over the procedure for the meeting. Generally however he or she will ask the members making the request for call-in to identify a lead call-in member who will be invited to present their argument, ask any questions of the Decision-Taker and put forward alternative proposals (30 minutes) and, at the end of the meeting sum up their position if they want to (5 minutes). The Decision Taker (with officer support if appropriate) will have the opportunity to explain their decision and express their views on any alternative proposals (30 minutes) and, at the end of the meeting sum up their position if they want to (5 minutes). Members of the Scrutiny Committee will consider the papers and may ask questions of anyone in attendance at the meeting at any time or when invited to by the Chairman (no time limit) before considering their response to the request for call-in.

- 7.15. Any Scrutiny Committee member arriving at the meeting after the lead call-in member has started his or her presentation will be allowed to remain in the meeting as an observer but will not be allowed to take part in the debate or the voting process. This will be made clear on the agenda for the meeting.

Decisions of the Scrutiny Committee on a call-in

- 7.16. If having considered the proposal contained in the request for call-in, Scrutiny Management Board supports the original decision it may be implemented with immediate effect.
- 7.17. If, having considered the request for call-in Scrutiny Management Board is concerned about the original decision, then the decision remains suspended and it will be referred back to the Decision-Taker for reconsideration, or, if the decision is deemed to be outside the Policy and Budget Framework refer the matter to full Council. (see Call in of Decisions outside the Budget & Policy Framework below). These meetings will take place as follows:-
- 7.17.1. full Council - within 10 working days of the call-in meeting
- 7.17.2. Cabinet - at the next scheduled meeting of the cabinet
- 7.17.3. Individual Decision-Taker - within 3 working days of the call-in meeting.
- 7.18. 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.
- 7.19. A decision can only be called in once. However, if the Decision Taker significantly alters the decision after considering recommendations from the relevant Scrutiny Committee the new decision will also be capable of being called-in.

Call in of decisions outside the Budget & Policy Framework

- 7.20. When a request for call-in has been received and the Scrutiny Management Board consider that the decision is, or if made, would be contrary to the Budget & Policy Framework then the Chair will seek the advice of the Chief Finance Officer and Monitoring Officer if that advice has not already been sought by those making the request for call-in..
- 7.21. If either officer advises that the decision is outside the Budget & Policy Framework then,
- 7.21.1. if the decision has already been implemented then the relevant scrutiny committee will refer the advice of the Chief Finance Officer/ Monitoring Officer to Council for consideration along with a report from the Leader about the decision.
- 7.21.2. If the decision has not been made or has been made but not yet implemented the relevant scrutiny committee will refer the (proposed) decision to Council who must consider the advice within 10 working days during which time no further action will be taken in respect of the decision or proposed decision.
- 7.22. Having considered the advice Council may:-
- 7.22.1. endorse the decision of the Decision-Taker as falling within the existing Budget & Policy Framework;
- 7.22.2. amend the relevant financial regulations or policy to encompass the decision of the Decision-Taker and agree the original decision with immediate effect; or

Scrutiny Rules

- 7.22.3. Accept the decision of the Chief Finance Officer/ Monitoring Officer, agree no changes to the existing Budget and Policy Framework and require the Leader to re-consider the decision or proposed decision in accordance with the advice of the Chief Finance Officer and Monitoring Officer
- 7.23. If the advice is that the decision is within the Budget & Policy Framework then the report of the Chief Financial Officer/ Monitoring Officer and Leader will be reported back to the relevant scrutiny committee.

8. Procedural Rules

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

Scrutiny Assembly
Scrutiny Committees
Scrutiny Management Board

Scrutiny Rules

Appointment of Chairman/ Vice-Chairman		
The Chairman of the Scrutiny Management Board is automatically the Chairman of the Scrutiny Assembly	Council (in year vacancies appointed by group leaders) Vice-Chairmen may be appointed by majority decision of the Committee.	Council
Politically balanced		
No	Yes	Yes
Membership		
all non cabinet members and all co-opted members	8 and all co-opted members. The Mayor may not sit on a Scrutiny Committee.	7 (or as to make the Board politically balanced)
Quorum		
n/a	3 Elected Members The quorum for the Joint HOSC is set out in the Terms of Reference for this Committee in the Scrutiny Handbook.	3
Substitutes		
n/a	no	no(except for call-in)
Co-optees		
yes – but with no voting rights	Yes – but with no voting rights except:- Special Rules children & young people –4 co-optees with voting rights (in respect of educational matters only) (1 Church of England and 1 Roman Catholic diocesan representative and 2 parent governors) health & adult care 3 co-optees with voting rights as approved by Council in respect of the	no

Scrutiny Rules

	reconfiguration of hospital services	
<p>Co-optees can be appointed for a fixed term or as a standing member – there is a 1 month notice period on either side.</p> <p>Members of one Scrutiny Committee can be co-opted to work with another Scrutiny Committee.</p>		
Meetings		
As and when required	Meet approximately 6 times a year. Meetings may be formal public meetings, informal working group or sub-group meetings as necessary to deliver the work programme Joint Scrutiny Committees with other authorities can be established. The Members of the Joint HOSC with Shropshire is a sub-committee of the Health and Adult Care Scrutiny Committee.	Meets formally six times a year
Meetings held in public		
Yes (subject to rules on exempt information and confidential information)	Yes (subject to rules on exempt information and confidential information)	Yes (subject to rules on exempt information and confidential information)
Joint working/ working groups		
	Scrutiny Committee(s) can hold joint meetings/ scrutiny reviews with one or more other Scrutiny Committees and establish working groups, sub groups, joint committees and joint sub committees where the Chairman/ Chairmen of the relevant Scrutiny Committee(s) agree that it is conducive to the efficient delivery of the scrutiny function. Where 2 Scrutiny Committees work jointly on an issue under scrutiny and the meeting is held as a formal public Committee	

Scrutiny Rules

	<p>meeting one Scrutiny Committee will be the lead Committee for this area of work.</p> <p>Working Groups are not formal Council meetings and do not have to meet in public or meet the political balance requirements as any findings/ recommendations are reported to the relevant Scrutiny Committee(s) for consideration.</p>	
Calling meetings		
The Chairman may ask the Proper Officer to call a meeting.	A schedule of meetings is agreed by the Committee as required to deliver the work programme or the Chairman may ask the Proper Officer to call a meeting.	A schedule of meetings is agreed annually by the Board or the Chairman may ask the Proper Officer to call a meeting
Agenda items		
Agreed by the Chair of the Scrutiny Management Board	Agenda items are approved by the Scrutiny Committee Chairman as required to deliver the work programme agreed by the Scrutiny Committee.	Agenda items are approved by the Chair of the Scrutiny Management Board as required to deliver the agreed work programme.
Scrutiny Reports		
n/a	Scrutiny reports are sent to the Proper Officer for inclusion on the Cabinet agenda (if within the Budget and Policy Framework) and Council (if outside the Budget and Policy Framework).	Scrutiny reports are sent to the Proper Officer for inclusion on the Cabinet agenda (if within the Budget and Policy Framework) and Council (if outside the Budget and Policy Framework).

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

TERMS OF REFERENCE.

The Appeals Committee will:-

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

PROCEDURE

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

¹ With the exception of paragraph 12

AUDIT COMMITTEE

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

TERMS OF REFERENCE

Internal Audit

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

External Audit

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

Governance

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

AUDIT COMMITTEE

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

Treasury Management

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

Statement of Accounts

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

Fraud & Corruption

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

Complaints

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

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

General

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

PROCEDURE

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

¹ With the exception of paragraph 12

CONSTITUTION COMMITTEE TERMS OF REFERENCE

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

TERMS OF REFERENCE

The Constitution Committee will:-

1. Receive reports from the Monitoring Officer about the operation of the Constitution.

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

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

PROCEDURE

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

¹ With the exception of paragraph 12

PERSONNEL COMMITTEE

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

TERMS OF REFERENCE

The Personnel Committee will:-

1. Agree, at a strategic level, issues relating to employees including terms and conditions and employee relations.
2. Duty to designate officer as the head of the authority's paid service, and to provide staff etc.
3. Duty to designate officer as the monitoring officer and to provide staff etc.
4. Duty to designate officer as the chief finance officer and to provide staff etc.
5. Advise upon corporate policies and procedures affecting some or all employees employed by the Council including nationally and locally negotiated terms and conditions of employment.
6. To consider and recommend to Council the Pay Policy Statement
7. All functions relating to the local government pension scheme.
8. Oversee the recruitment of, and make recommendations to Council to confirm the appointment of the Head of Paid Service.
9. Consider whether or not to suspend the Head of Paid Service and appoint a Designated Independent Person to investigate allegations made against the Head of Paid Service or to suspend the Head of Paid Service acting upon the recommendation of the Designated Independent Person.
10. Consider whether or not to recommend to Council the dismissal of the Head of Paid Service.
11. Annually at the first meeting after the Annual Council Meeting consider its terms of reference

PROCEDURE

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

¹ With the exception of paragraph 12

PERSONNEL COMMITTEE

2. Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions.

STANDARDS COMMITTEE

(including the Hearings Sub Committee)

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

TERMS OF REFERENCE

STANDARDS COMMITTEE

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

HEARINGS SUB COMMITTEE

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

STANDARDS COMMITTEE

(including the Hearings Sub Committee)

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

PROCEDURE

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

COMPLAINING ABOUT A COUNCILLOR

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

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

The Code of Conduct

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

¹ With the exception of paragraph 12

STANDARDS COMMITTEE

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

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

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

Making a Complaint

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

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

What happens next?

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

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

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

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

Investigations

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

STANDARDS COMMITTEE

(including the Hearings Sub Committee)

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

Investigation finding of No Breach

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

Investigation finding of Breach

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

Local Resolution

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

Hearing

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

Hearing Procedure

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

Pre Hearing

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

Hearing

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

STANDARDS COMMITTEE

(including the Hearings Sub Committee)

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

Decision – no breach

10. The complaint is dismissed.

Decision - breach

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

STANDARDS COMMITTEE
(including the Hearings Sub Committee)

MEMBER/ OFFICER PROTOCOL

1. Introduction

- 1.1. A positive and trusting relationship between members and officers is essential to ensure that the Council operates economically, efficiently and effectively providing the right services, in the right way, for local people.
- 1.2. This Protocol has been drafted to summarise the important and different contributions that members and officers make to the running of the Council. It recognises that these distinct roles impose some similar and some different responsibilities.
- 1.3. This Protocol sets out the roles and responsibilities and general principles of behaviour for members and officers, it details what members and officers can reasonably expect when working together and what would happen if the provisions of this Protocol are breached

2. Responsibilities and roles

Members	Officers
Members are responsible to the electorate and serve for their term of office	Officers are responsible to the Council and have a duty to advise the Council, committees and individual members, on the work that they do
Members are responsible for:-	Officers are responsible for:-
<ul style="list-style-type: none"> • the policy direction of the Council and political leadership 	<ul style="list-style-type: none"> • advising members on the development of policy
<ul style="list-style-type: none"> • representing the Council externally 	<ul style="list-style-type: none"> • representing the Council externally
<ul style="list-style-type: none"> • representing their constituents 	<ul style="list-style-type: none"> • implementing Council policy and day to day management of Council services
<ul style="list-style-type: none"> • Members with special responsibilities (for example, the Leader, cabinet members, chairmen etc) will generally work more closely with officers than those members without additional responsibilities 	<ul style="list-style-type: none"> • Statutory officers have responsibilities over and above their obligations to the Council

3. Expectations

	Members	Officers
Co-operative working	Members and officers:-	
	Recognise that they have a professional working partnership which means that we will treat each other with respect, dignity and courtesy.	
	Will be mindful of our respective roles, workloads and pressures	
	Training and development is essential in order to carry out our respective roles effectively	
	Officers will provide members with regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold	Officers will not be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between members and officers, and the potential vulnerability of officers, particularly at junior levels
		Officers will provide timely response to enquiries and complaints

MEMBER/ OFFICER PROTOCOL

Governance	Members will respect the particular responsibilities of the statutory officers	
	Neither officers or members will use their position or their relationship with other officers or members to advance their personal interests or those of others or to influence decisions improperly	
	Officers and members will at all times comply with the relevant Code of Conduct	
		Officers will not raise personnel issues with members outside the agreed procedures
Politics	Members must provide political leadership and direction	Officers work for and advise the Council, not a political group but will have an awareness of and sensitivity to the political environment
	Members will respect the political neutrality of officers.	Offices will provide professional advice, not influenced by political views or preference.

4. Breach of these principles or rules

- 4.1. If a member or an officer reasonably considers that an officer or member has breached any of the provisions of this protocol we agree that we will work together to resolve them informally and if this does not prove possible formal procedures will be used.

4.2. Informal resolution

Directors may raise issues with:-

For Members	the relevant Group Leader
For Group Leaders	the Managing Director and Monitoring Officer

Members may raise issues with:-

For officers	Assistant Director
For Assistant Director	the relevant Director
For Director/ Managing Director	the Managing Director

- 4.3 **Formal resolution** is through use, for officers, of the Grievance Procedure or the Councillor's Code of Conduct and, for members, the Council's Disciplinary Procedures

4.4 Further advice

Further advice and assistance is available from the Managing Director and the Assistant Director: Law, Democracy & Public Protection

Employment Status →	Head of Paid Service	Director	Statutory Officers (Not HPS)	Assistant Directors	Service Delivery Manager	Below SDM
Employment Process ↓						
Recruitment						
Appointment	Council on recommendation of Personnel Committee	HPS	HPS	HPS	AD	AD
Cabinet Notification	✓				✗	✗
Relevant Policies	Recruitment & Selection Policy; JNC Conditions of Service for Local Authority Chief Executives	Recruitment and Selection Policy; Conditions of Service for Chief Officers		Recruitment and Selection Policy		
Grievance						
1st stage	Leader	Officer Appeals Board	CD	CD	AD	SDM
2nd stage	Appeals Committee	HPS	Officer Appeals Board	Officer Appeals Board	CD	AD
Appeals	Council	Appeals Committee	Appeals Committee	Appeals Committee	Appeals Committee	Appeals Committee
Relevant Policies	Grievance Policy & JNC Conditions of Service for Local Authority Chief Executives	Grievance Policy and JNC Conditions for Chief Officers		Grievance Policy		
Disciplinary action**, Redundancy, Capability and Sickness dismissals.						
Suspension	Personnel Committee*	HPS	HPS*	CD	AD	AD
Appointment of DIP	✓ Personnel Committee	✗	✓ HPS	✗	✗	✗
Decision maker	Personnel Committee (in accordance with recommendations in a report made by a DIP)	HPS	HPS (in accordance with recommendations in a report made by a DIP)	CD	AD	SDM
Cabinet Notification	✓	✓	✓	✓	✗	✗
Appeal	Full Council	Appeals Committee	Appeals Committee	Appeals Committee	Appeals Committee	Appeals Committee
Relevant Policies						

NOTES

Personnel Committee a politically balanced committee of 3 members including the Leader or a cabinet member appointed by the Leader
Appeals Committee a politically balanced committee of 3 members

Cabinet Notification If applicable an offer of appointment, or a decision to dismiss cannot be made until:-
the Personnel Committee or Head of Paid Services (as appropriate) has notified the Proper Officer*** of the name of the proposed appointee or proposed dismissee (as appropriate) along with other relevant particulars. Once received the Proper Officer must provide this information to every member of cabinet and identify the period within which any objection to the proposed appointment or dismissal, which must be made by the Leader, may be made to the Proper Officer; **and**
either the Leader has, within the specified period notified the Personnel Committee or Head of Paid Services (as appropriate) that he/she nor any member of the Cabinet has any objection to the proposed appointment or proposed dismissal, **or** the Proper Officer notifies the Personnel Committee or Head of Paid Services (as appropriate) that no objection has been received **or** the Personnel Committee or Head of Paid Services (as appropriate) is satisfied that the objection received from the Leader is not well founded

* suspension of the officer must be for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect

** "disciplinary action" in relation to a member of staff of a local authority means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract;

*** The Proper Officer shall be the HPS except wherer the proposal relates to the appointment or dismissal of the HPS in which case the Proper Office shall be the Monitoring Officer