

**A MEETING OF THE  
BOROUGH OF TELFORD & WREKIN**

**Will be held at THE HAYBRIDGE RESTAURANT,  
TELFORD COLLEGE OF ARTS & TECHNOLOGY,  
HAYBRIDGE ROAD, WELLINGTON, TELFORD  
on THURSDAY, 14 JULY 2016 at 6.00pm**

**All Members are summoned to attend for the transaction  
of the under mentioned business**



**Assistant Director Governance, Procurement & Commissioning**

---

**AGENDA**

1. **The Late Jo Cox MP**  
The Mayor will call for the observation of one minute's silence in remembrance of Jo Cox MP
2. **Prayers**
3. **Apologies for Absence**
4. **Declarations of Interest**
5. **Minutes of the Council**  
To confirm the minutes of the Annual Meeting of the Council held on 26 May 2016.

Appendix A  
White  
Pages 7-17

6. **Leader's Report & Announcements**

The Leader of the Council may give an oral report on matters of significance to the Borough, comment upon the Cabinet decisions or make any announcements.

7. **Mayor's Announcements**

To note the Mayoral Engagements undertaken since the Annual Council meeting held on 26 May 2016.

Appendix B  
White  
Pages 18-19

8. **Public Questions**

To receive any questions from the public which have been submitted under Council Procedure Rules 7.11 and 7.12. The session will last no more than 15 minutes with a maximum of 2 minutes allowed for each question and answer. Questions can be asked of The Leader and Cabinet Members.

- (i) The following question to Cllr A R H England, Cabinet Member: Adult Social Care & Older People has been submitted by Carol Scott MBE:

“680 women within the borough have signed the WASPI petition calling on the Government to reconsider transitional arrangements for women born on or after 6th April 1951. Will this Council pledge support to the campaign and write to the Prime Minister on behalf of local women affected by the changes?”

- (ii) The following question to Cllr S Davies, Leader has been submitted by Neil Phillips:

I am concerned that Telford is suffering because Lucy Allan MP and the Council do not appear to be working together for the benefit of Telford residents. Can the Leader please tell us if there are any signs of an improvement in the relationship between the Council and Lucy Allan?

9. **Cabinet Decisions Made Since the Last Meeting of the Council**

To receive the report on the Cabinet decisions made since publication of the last Council meeting agenda. Cabinet Members may speak on these decisions and Members may ask questions of the relevant Cabinet Member for the purposes of clarification only. Members are asked to note the additional delegations to officers granted at those meetings.

Appendix C  
White  
Pages 20-25

10. **Recommendations from Cabinet**

**Cabinet – 16 June 2016**

Appendix D  
Yellow  
Pages 26-59

- (i) Service & Financial Planning Report – 2015/16 Outturn and 2016/17 Update

**Recommended –**

- (a) the Revenue outturn position for 2015/16 and related virements shown in Appendix 3 of the report (and subject to audit by the Council's external auditors), and the transfers to reserves and associated approval to spend the reserves as detailed in paragraph 5.3 of the report be approved;
- (b) the Capital outturn position and related supplementary estimates and re-phasing shown in Appendix 4 of the report be approved;
- (c) the performance against income targets be noted; and
- (d) the key issues identified for 2016/17 and the Insurance update provided in paragraph 9.2 of the report be noted.

11. **Changes to the Constitution**

To consider the report of the Assistant Director: Governance, Procurement & Commissioning which seeks approval for changes to the Constitution.

Appendix E  
White  
Pages 60-64

12. **Annual Scrutiny Report**

Councillor S A W Reynolds, Chair of the Scrutiny Management Board, will present the Annual Scrutiny Report.

Appendix F  
White  
Pages 65-78

13. **Recommendations from Boards and Committees**

**Audit Committee**

At its meeting held on 28 June 2016, the Audit Committee made the following recommendation to Council.

Corporate Anti Fraud & Corruption Policy

**Recommended – that the updated Corporate Anti Fraud & Corruption Policy be adopted**

Appendix G  
Green  
Pages 79-88

14. **Minutes of Boards and Committees**

To note the following resolved and draft minutes:-

Boundary Review Committee – 13 April 2016  
Council Constitution Committee – 25 April 2016  
Customer, Community & Partnership Scrutiny Committee – 26 April 2016

Salmon Pages  
89-181

Appendix H  
Appendix I  
Appendix J

Health & Wellbeing Board – 9 March 2016  
Joint Health Overview & Scrutiny Committee – 2 March 2016  
Licensing Committee – 23 March 2016  
Planning Committee – 24 February, 16 March, 6 April, 27 April,  
18 May 2016 and 8 June 2016  
Scrutiny Management Board – 17 March and 4 May 2016

Appendix **K**  
Appendix **L**  
Appendix **M**  
Appendix **N1-N6**  
Appendix **O1-O2**

15. **Questions**

To answer questions received under Council Procedure Rule 7.

**NB** *In accordance with the provisions of Council Procedure Rule 7.4 there will be a maximum of 30 minutes allowed for questions and answers. Any question not answered within the 30 minute time limit will receive a written reply within 5 working days.*

16. **Notices of Motion**

- (i) Councillor E J Carter will move, in accordance with Council Procedure Rule 8, the following Motion:

"I call upon Telford & Wrekin Council to make a commitment to actively work towards producing a parking strategy and a business case, that can lead directly to submitting an application for a Civil Parking Enforcement Order."

Councillor N C Lowery will second the Motion.

- (ii) Councillor S Davies will move, in accordance with Council Procedure Rule 8, the following Motion:

*"The Land Registry has been state owned since its formation in 1862.*

*The Land Registry registers all land ownership in the UK, it provides a quality fully accountable impartial gold standard service in Land Registration and its system is copied across the World.*

*The Land Registry is no drain on the public purse, it is a trading fund, and has made a profit / surplus for the 19 years out of the last 20, in the last two years returned £246 million to the treasury.*

*It reduces its fees regularly and has a 96% customer satisfaction; being rated from good to excellent*

*The Land Registry employs around 300 people in Telford and Wrekin, these are well paid and highly skilled jobs.*

This Council believes the Government plans to sell of the Registry will lead to a worse service for residents, which will cost more and diminish trust in the Registration of Land in this country. There is a real risk that these 300 jobs, which will be lost to the Borough of Telford and Wrekin, will have a detrimental impact on the workforce & their families and the negative economic impact to the Borough will be significant.

This Councils urgently calls on the Government to abort the sale of the Land Registry and re-affirm that Land Registry jobs will be kept in the Borough of Telford and Wrekin which have been based in the Town for over 30 years.”

Councillor A D McClements will second the Motion.

- (iii) Councillor H Rhodes will move, in accordance with Council Procedure Rule 8, the following Motion:

“This Council calls upon the Chief Constable and Police and Crime Commissioner to take all necessary steps to ensure there is a dedicated Police Commander for Telford and Wrekin Council area responsible for community and investigative policing. That Police Commander must be based in Telford and Wrekin within the Divisional Headquarters for the area in order to continue that vital connection between local communities and local partners. We feel that a ‘top down’ & centralist approach will have a negative impact on the strategic delivery of policing across Telford & Wrekin, with less accountability.

Telford and Wrekin is a growing Borough with a variety of challenges and opportunities and losing a dedicated Police Commander that is currently delivering policing that meets local priorities and local needs would be a backward step and have a detrimental impact on Borough residents and businesses.”

Councillor W L Tomlinson will second the Motion.

## **KEY**

Yellow paper	Recommendations from Cabinet to Full Council
White Paper	Reports submitted direct to Full Council
Green Paper	Recommendations from Committees, Boards and Commissions requiring approval by Full Council
Salmon Paper	Resolved minutes for noting only

## **FILMING, RECORDING & PHOTOGRAPHY**

The Council supports the principle of transparency and encourages filming, recording and taking photographs at its meetings that are open to the public. It also welcomes the use of social networking websites (such as Twitter and Facebook) and micro-blogging to communicate with people about what is happening, as it happens.

There is no requirement to notify the Council in advance, but it should be noted that the Chairman of the meeting will have absolute discretion to terminate or suspend any of these activities if, in their opinion, continuing to do so would prejudice proceedings at the meeting. Full details of the Council's protocol on audio/visual recording and photography at meetings can be accessed via the following link:

[http://www.telford.gov.uk/info/20243/council\\_meetings/365/filming\\_photography\\_recording\\_and\\_use\\_of\\_social\\_networking\\_at\\_meetings](http://www.telford.gov.uk/info/20243/council_meetings/365/filming_photography_recording_and_use_of_social_networking_at_meetings)

## **PUBLIC QUESTIONS**

At each Ordinary meeting of the Council a period of 15 minutes will be allocated for public questions. Questions can be asked of The Leader and Cabinet Members. Details of the protocol for public questions can be accessed via the following link:

[http://www.telford.gov.uk/info/20243/council\\_meetings/364/public\\_questions\\_at\\_council\\_meetings](http://www.telford.gov.uk/info/20243/council_meetings/364/public_questions_at_council_meetings)

## BOROUGH OF TELFORD & WREKIN

### Minutes of the Annual Meeting of the Borough of Telford & Wrekin held on Thursday 26 May 2016 at 6.30pm at 'The Place', Oakengates, Telford

#### Present:

Councillors J C Ashford, S L Barnes, S Bentley, M Boylan, A J Burford, S P Burrell, E J Carter, L D Carter, E A Clare, G K Cook, S Davies, N A Dugmore, A R H England, N A M England, R C Evans, I T W Fletcher, V A Fletcher, J A Francis, C A Furnival, K R Guy, M B Hosken, J Jones, R T Kiernan, A Lawrence, J Loveridge, N C Lowery, C N Mason, A D McClements, A A Meredith, J C Minor, C P R Mollett, L A Murray (Mayor), T J Nelson, R A Overton J Pinter, G C W Reynolds, S A W Reynolds, S J Reynolds, H Rhodes, K S Sahota, P J Scott, J M Seymour, R J Sloan, C F Smith (Speaker) , M J Smith, B D Tillotson, W L Tomlinson, C R Turley, P R Watling and D G Wright

#### **1. Welcome from Mayor**

The Mayor welcomed civic dignitaries, Members and invited guests to the Annual Meeting of the Borough of Telford & Wrekin. In particular he noted the presence of Lord & Lady Grocott; and Freeman of the Borough Lieutenant Colonel Nick Jenkins representing The Rifles.

#### **2. Declaration**

Councillor P J Scott read the following declaration:

*“Colleagues, aware of our responsibilities to promote democracy and the well-being of all local people, on behalf of the Council, I make this re-commitment to our office as elected representatives.*

*Elected to serve the public good, we recognise that public office is a privilege granted by the people and not a right.*

*We, elected representatives of the people of Telford & Wrekin, declare that we will, to the best of our ability, uphold the Council's constitution and serve the community above any private or personal interest.”*

Members signified their affirmation of the Declaration.

#### **3. Appointment of Mayor**

It was moved by Councillor K R Guy, seconded by Councillor P R Watling, that Councillor R C Evans be elected as Mayor of the Council. Councillor S Bentley moved, seconded by Councillor M Boylan that Councillor K S Sahota be elected as Mayor. Councillor K S Sahota refused the nomination. Following a vote it was :

**RESOLVED – that Councillor R C Evans be elected as Mayor of the Council for the municipal year 2016/17.**

The Mayor, Councillor R C Evans, commented upon the achievements of Telford since she arrived in the borough over thirty-five years ago and told the meeting that she felt great pride in serving the Borough as Mayor. The Mayor advised that during her year in office she would focus on the issue of domestic abuse and promote a better understanding of the subject. Her charitable activities would not only include fundraising but also raise awareness of the work of the multi-agency teams and organisations which supported victims of domestic abuse.

#### **4. Election of Speaker**

It was moved by Councillor C N Mason, seconded by Councillor S A W Reynolds, that Councillor C F Smith be elected as Speaker of the Council. It was moved by Councillor R T Kiernan, seconded by Councillor N A Dugmore that Councillor I T W Fletcher be elected as Speaker. A vote was taken and it was:

**RESOLVED – that Councillor C F Smith be elected as Speaker of the Council for the municipal year 2016/17.**

#### **5. Election of Deputy Speaker**

It was moved by Councillor A J Burford, seconded by Councillor C R Turley, that Councillor R J Sloan be elected as Deputy Speaker of the Council. It was moved by Councillor E J Carter, seconded by Councillor I T W Fletcher, that Councillor M Boylan be elected as Deputy Speaker. A vote was taken and it was:

**RESOLVED – that Councillor R J Sloan be appointed as Deputy Speaker of the Council for the municipal year 2016/17.**

#### **6. Appointment of Deputy Mayor**

It was moved by Councillor H Rhodes, seconded by Councillor R A Overton, that Councillor S J Reynolds be appointed as Deputy Mayor. It was moved by Councillor N C Lowery, seconded by Councillor I T W Fletcher, that Councillor J A Francis be appointed as Deputy Mayor. A vote was taken and it was:

**RESOLVED – that Councillor S J Reynolds be appointed as Deputy Mayor of the Council for the municipal year 2016/17.**

#### **7. Vote of Thanks to Retiring Mayor & Mayoress**

A vote of thanks to the retiring Mayor and Mayoress, Councillor L A Murray and Mrs Barbara Murray, was proposed by Councillor R J Sloan and seconded by Councillor H Rhodes. A number of other Members also paid tribute to the retiring Mayor for all his hard work in representing the Borough over the past year.

**RESOLVED – that the Council recorded its thanks to the retiring Mayor, Councillor L A Murray for his service over the 2015/16 term of office.**

## **8. Reply to Vote of Thanks**

In response, the retiring Mayor thanked his wife Barbara, the Deputy Mayor and Mayoral staff for their support during the year.

Over £12,500 had been raised during the year for the Mayor's chosen charities, the MS Society, Samaritans and Wellington Cottage Care. The Mayor had been overwhelmed by the support received during his year in office and had very much enjoyed another term as Mayor, serving the Borough's communities.

## **9. Election of Leader**

Following the prior resignation by Councillor K S Sahota, it was moved by Councillor L D Carter, seconded by Councillor L A Murray, that Councillor S Davies be elected Leader of the Council for a three year term of office.

**RESOLVED – that Councillor S Davies be elected as Leader of the Council for a three year term of office from 2016/17 to 2018/19.**

## **10. Appointment of Deputy Leader**

The Speaker confirmed that the Leader was appointing Councillor R A Overton as Deputy Leader for a three year term of office.

**RESOLVED – that Councillor R A Overton be appointed Deputy Leader for a three year period 2016/17 to 2018/19**

## **11. Apologies for Absence**

Councillors K T Blundell, A J Eade, E J Greenaway and K L Tomlinson.

## **12. Declarations of Interest**

None.

## **13. Minutes**

**RESOLVED - that the minutes of the Meeting of the Council held on 3 March 2016 be confirmed and signed by the Mayor.**

## **14. Announcements**

Councillor S Davies, Leader of the Council, welcomed all guests and councillors to the meeting. Cllr Davies paid tribute to the former Leader, Councillor K S Sahota, expressed his pride in the borough and the Council's achievements, and commented on the challenges facing the borough in light of cuts to government grants.

The Leader set out his three main priorities for the next 12 months and called for cross-party support:-

- To defend 24/7 well resourced, well staffed and modern A&E facilities at Princess Royal Hospital and resist any attempt to close or degrade services at the Women’s and Children Unit.
- To press the case with Central Government for a fair funding deal for Telford & Wrekin.
- To continue to bid for and secure funding to invest and improve the borough.

He expressed his own drive to do the best he could for the borough and to be open to ideas and new ways of working before asking the Chamber to join him in working together with fairness and compassion, a “can-do” attitude, unity and pride.

Councillor N A Dugmore, Deputy Leader of the Conservative group, echoed the Leader’s comments with regard to working together in support of the borough.

Councillor W L Tomlinson expressed his thanks to Councillor K S Sahota, congratulated Councillor S Davies on his appointment, noting his enthusiasm and energy, and offered support for the Leader’s priorities as set out above.

**15. Appointment of Cabinet**

Councillor S Davies notified the meeting of Cabinet appointments.

**RESOLVED – that the Membership of the Cabinet, as notified by Councillor S Davies, be appointed for the municipal year 2016/17 as set out in Appendix 1 to these Minutes.**

**16. Appointment of Committees, Commissions, Boards, etc**

Proposals for the appointment of Committees, Commissions and Boards, etc in accordance with the political balance of the Council had been submitted.

**RESOLVED – that the internal bodies for the municipal year 2016/17 (including the appointment of Chairmen and Vice-Chairmen) be appointed as set out in Appendix 2 to these Minutes.**

**17. Programme of Ordinary Meetings of the Council**

The programme of dates for ordinary meetings of the Council for 2016/17 would be as follows:

- Thursday, 14 July @ TCAT, Wellington
- Thursday, 22 September @ TCAT, Wellington
- Thursday, 24 November @ TCAT, Wellington
- Thursday, 19 January @ The Place, Oakengates
- Thursday, 2 March @ The Place, Oakengates

All meetings would be held at the earlier time of 6.00pm.

The meeting ended at 7.50 pm

**Mayor:** .....  
**Date:** .....

<b>APPOINTMENT OF CABINET FOR THE 2016/17 MUNICIPAL YEAR</b>
--

<b>Cabinet Member</b>	<b>Area of Responsibility</b>
Cllr S Davies	Leader
Cllr R A Overton	Deputy Leader and Housing, Leisure & Health
Cllr L D Carter	Council Finance, Partnerships & Commercial Services
Cllr E A Clare	Culture, Sports, Parks & Green Spaces
Cllr A R H England	Adult Social Care & Older People
Cllr A D McClements	Transport, Customer & Neighbourhood Services
Cllr G C W Reynolds	Education, Employment & Regeneration
Cllr H Rhodes	Public Protection, Safety & Enforcement
Cllr P R Watling	Children, Young People and Communities

<b>APPOINTMENT OF COMMITTEES, COMMISSIONS &amp; BOARDS FOR THE 2016/17 MUNICIPAL YEAR</b>
---

**GOVERNANCE**

<b>Standards Committee – 8 Seats</b>	
Cllr S Barnes (Con) Cllr R T Kiernan (Con) Cllr C P Mollett (Con) Cllr R J Sloan (Lab) Cllr N A M England (Lab) <b>Cllr M J Smith (Lab) – Vice Chair</b> <b>Cllr K S Sahota (Lab) – Chair</b> Cllr P J Scott (Lib Dem/Ind)	

<b>Audit Committee – 8 Seats</b>	
Cllr I T W Fletcher (Con) Cllr K R Guy (Lab) Cllr A Lawrence (Con) Cllr K S Sahota (Lab) <b>Cllr R J Sloan (Lab) – Chair</b> <b>Cllr C F Smith (Lab) – Vice Chair</b> Cllr W L Tomlinson (Lib Dem/Ind) Cllr D G Wright (Con)	

<b>Council Constitution Committee – 8 Seats</b>	
Cllr A G J Eade (Con) Cllr I T W Fletcher (Con) Cllr R A Overton (Lab) Cllr R J Sloan (Lab) <b>Cllr C F Smith (Lab) – Vice Chair</b> <b>Cllr M J Smith (Lab) – Chair</b> Cllr B D Tillotson (Con) Cllr W L Tomlinson (Lib Dem/Ind)	

<b>Boundary Review Committee – 8 Seats</b>	
Cllr K T Blundell (Lib Dem/Ind) Cllr N A Dugmore (Con) Cllr A J Eade (Con) Cllr I T W Fletcher (Con) Cllr A D McClements (Lab) <b>Cllr R A Overton (Lab) – Vice Chair</b> Cllr G C W Reynolds (Lab) <b>Cllr R J Sloan (Lab) – Chair</b>	

## REGULATORY

<b>Planning Committee – 8 Seats</b>	
Cllr I T W Fletcher (Con) Cllr J Loveridge (Lab) Cllr N C Lowery (Con) <b>Cllr J C Minor (Lab) – Chair</b> Cllr L A Murray (Lab) Cllr N A Dugmore (Con) Cllr P J Scott (Lib Dem/Ind) <b>Cllr C R Turley (Lab) – Vice-Chair</b>	<b><u>Labour Subs</u></b> Cllr G H Cook Cllr S J Reynolds Cllr C F Smith Cllr M J Smith  <b><u>Conservative Subs</u></b> Cllr J A Francis Cllr R T Kiernan Cllr E J Greenaway  <b><u>Lib Dem/Ind Sub</u></b> Cllr K T Blundell

<b>Licensing Committee –10 Seats</b>	
Cllr M Boylan (Con) Cllr G H Cook (Lab) Cllr I T W Fletcher (Con) Cllr J A Francis (Con) Cllr M B Hosken (Con) <b>Cllr C N Mason (Lab) – Chair</b> Cllr S J Reynolds (Lab) Cllr J M Seymour (Con) Cllr M J Smith (Lab) <b>Cllr C R Turley (Lab) – Vice Chair</b>	<b><u>Labour Subs</u></b> Cllr K R Guy Cllr J Jones Cllr J C Minor Cllr J A Pinter Cllr C F Smith  <b><u>Conservative Subs</u></b> Cllr J C Ashford Cllr S P Burrell Cllr R T Kiernan Cllr N C Lowery Vacant

## SCRUTINY

<b>Scrutiny Management Board – 8 Seats</b>	
Cllr S Bentley (Con) Cllr A J Burford (Lab) Cllr N A M England (Lab) Cllr V A Fletcher (Con) Cllr E J Greenaway (Con) Cllr K R Guy (Lab) <b>Cllr S A W Reynolds (Lab) - Chair</b> Cllr J M Seymour (Con)	

### **Scrutiny Committee – Finance & Enterprise – 8 Seats**

Cllr S Bentley (Con)  
Cllr S P Burrell (Con)  
Cllr A J Burford (Lab)  
Cllr N A Dugmore (Con)  
**Cllr S A W Reynolds (Lab) – Chair**  
Cllr R J Sloan (Lab)  
Cllr C F Smith (Lab)  
Cllr D G Wright (Con)

### **Scrutiny Committee – Children & Young People – 8 Seats**

Cllr S Barnes (Con)  
Cllr J A Francis (Con)  
**Cllr K R Guy (Lab) – Chair**  
Cllr J Jones (Lab)  
Cllr N C Lowery (Con)  
Cllr K S Sahota (Lab)  
Cllr J A Pinter (Lab)  
Cllr K L Tomlinson (Lib Dem/Ind)

### **Scrutiny Committee – Customer, Community & Partnership – 8 Seats**

Cllr J C Ashford (Con)  
**Cllr N A M England (Lab) - Chair**  
Cllr K R Guy (Lab)  
Cllr L A Murray (Lab)  
Cllr S J Reynolds (Lab)  
Cllr P J Scott (Lib Dem/I)  
Cllr J M Seymour (Con)  
Cllr B D Tillotson (Con)

### **Scrutiny Committee – Health & Adult Care – 8 Seats**

Cllr M Boylan (Con)  
**Cllr A J Burford (Lab) – Chair**  
Cllr V A Fletcher (Con)  
Cllr C P R Mollett (Con)  
Cllr L A Murray (Lab)  
Cllr T Nelson (Con)  
Cllr J A Pinter (Lab)  
Cllr R J Sloan (Lab)

<b>Joint Health &amp; Overview Scrutiny Committee – 3 Seats</b>	
<b>Cllr A J Burford (Lab) – Chair</b> Cllr V A Fletcher (Con) Cllr R J Sloan (Lab)	

**PERSONNEL**

<b>Appeals Committee – 8 Seats</b>	
Cllr J C Ashford (Con) Cllr K T Blundell (Lib Dem/Ind) Cllr J A Francis (Con) <b>Cllr K R Guy (Lab) – Vice Chair</b> <b>Cllr M J Smith (Lab) – Chair</b> Cllr C N Mason (Lab) Cllr A A Meredith (Con) Cllr C F Smith (Lab)	<b><u>Labour Subs</u></b> Vacant Vacant Vacant Vacant  <b><u>Conservative Subs</u></b> Cllr S P Burrell Cllr N A Dugmore Cllr D G Wright

<b>Personnel Committee – 8 Seats</b>	
Cllr S Bentley (Con) Cllr A J Burford (Lab) <b>Cllr S Davies (Lab) – Chair</b> Cllr N A Dugmore (Con) Cllr A J Eade (Con) <b>Cllr R A Overton (Lab) – Vice Chair</b> Cllr P R Watling (Lab) Cllr W L Tomlinson (Lib Dem/Ind)	

## OTHER

<b>Health &amp; Wellbeing Board – 14 Seats</b>	
Cllr E A Clare	Cabinet Member – Culture, Parks, Events & Green Spaces
Cllr A R H England	Cabinet Member – Adult Social Care & Older People
<b>Cllr R A Overton – Chair</b>	Cabinet Member - Housing, Leisure & Health
Cllr K L Tomlinson	Lib Dem/Independent Group
Cllr J M Seymour	Conservative Group Chief Operating Officer,
Cllr P R Watling	Cabinet Member – Children, Young People & Communities
D Evans	Chief Operating Officer, Telford & Wrekin CCG
D Harrison	Non-Executive Director, Telford & Wrekin CCG
<b>Dr J Leahy – Vice Chair</b>	Chair, Telford & Wrekin CCG
C Jones	Director of Adult and Children’s Services, TWC
R Woods	NHS England
E Noakes	Director of Public Health, TWC
J Chaplin	Healthwatch
J Tozer	Community Safety Partnership

<b>Combined Fire Authority – 6 Seats</b>	
Cllr S Barnes (Con)	
Cllr E J Carter (Con)	
Cllr M B Hosken (Con)	
Cllr L A Murray (Lab)	
Cllr J Pinter (Lab)	
Cllr C R Turley (Lab)	

<b>West Mercia Energy Joint Committee</b>	
Cllr L D Carter (Lab)	<b><u>Substitutes</u></b>
Cllr H Rhodes (Lab)	Cllr R A Overton (Lab)
	Cllr P R Watling (Lab)

<b>WMCA Board</b>	
Cllr S Davies (Lab)	<b><u>Substitute</u></b>
	Cllr R A Overton (Lab)

<b>WMCA Overview &amp; Scrutiny Committee</b>	
Cllr N A M England (Lab)	<b><u>Substitute</u></b>
	Cllr S A W Reynolds (Lab)

<b>WMCA Audit Committee</b>	
Cllr R J Sloan (Lab)	<b><u>Substitute</u></b> Cllr C F Smith (Lab)

**MAYORAL ENGAGEMENTS**  
**28 May 2016 – 30 June 2016**

<b>June</b>	<b>3</b>	<b>M</b>	Shropshire Youth Support Trust Launch & Garden Lunch at The Leasowes, Cound Shrewsbury
	<b>4</b>	<b>DM</b>	Maninplace Sponsored Mattress Carry, Wellington
	<b>5</b>	<b>DM</b>	Queen's 90 <sup>th</sup> Birthday Service at Shrewsbury Abbey
	<b>8</b>	<b>DM</b>	Official Opening of Lyreco Solar Panel Installation at Lyreco Head Offices, Donnington Wood
	<b>10</b>	<b>DM</b>	EM Highways Open Day at Stafford Park
		<b>DM</b>	University of Wolverhampton Faculty of Arts Degree Show at the Wolverhampton School of Arts
	<b>11</b>	<b>DM</b>	Foresters Friendly Society Annual Conference Opening at The Telford International Centre
		<b>DM</b>	Telford & Wrekin CVS Carers Week at Citizens Advice, Tan Bank, Wellington
		<b>DM</b>	Mayor of Bridgnorth Proms in the Pews Concert at St Mary's Church, Bridgnorth
	<b>12</b>	<b>DM</b>	Mayor of Oswestry Civic Service at St Oswald's Parish Church, Oswestry
		<b>DM</b>	Foresters Friendly Society High Court Dinner at The Telford International Centre
	<b>19</b>	<b>DM</b>	RAF Cosford Air Show at Royal Air Force, Cosford
	<b>20</b>	<b>M</b>	Mayor of Bridgnorth Charity Curry Night at the Blue Ginger, Mill Street, Bridgnorth
	<b>21</b>	<b>M</b>	Young Enterprise West Midlands Regional Awards Evening at Shrewsbury Town Football Club, Oteley Road, Shrewsbury

- 22**    **DM**    Citizenship Ceremony at the Register Office, Wellington Civic & Leisure Centre
- M**        Telford & Wrekin Policing Area Commendation & Awards Evening at The Holiday Inn, Telford
- 24**    **DM**    Army Cadet Force League East Shropshire Curry Buffet at The Officers' Mess, Venning Barracks, Donnington
- 25**    **M**        West Mercia Business, Rural, & Cyber Crime Team Community Day at High Ercall Village Hall
- 30**    **DM**    New College National Hospitality School Lunch Club Launch at The Whitehouse Hotel, Watling Street, Wellington

**TELFORD & WREKIN COUNCIL****COUNCIL – 14 JULY 2016****MATTERS DETERMINED BY THE CABINET****REPORT OF CABINET – FOR INFORMATION ONLY****1.0 INTRODUCTION**

This report sets out those matters determined by the Cabinet at its meetings on 24 March 2016, 21 April 2016 and 16 June 2016.

**2.0 CABINET BUSINESS**

Matters that have been determined by Cabinet are listed below:

**2.1 24 March 2016**

- |    |       |   |
|----|-------|---|
| K  | 2.1.1 | Housing Investment Programme Update                             |
| NK | 2.1.2 | Annual Public Health Report 2015/16                             |
| NK | 2.1.3 | Health & Wellbeing Strategy                                     |
| NK | 2.1.4 | Green Guarantee   |
| NK | 2.1.5 | Community Pride Fund  |
| NK | 2.1.6 | Traffic Management Permit Scheme                                |
| NK | 2.1.7 | Wrockwardine Conservation Area Appraisal & Management Proposals |
| K  | 2.1.8 | Procurement Update Report                                       |

**2.2 21 April 2016**

- |    |       |  |
|----|-------|--|
| NK | 2.2.1 | Destination Telford Update   |
| NK | 2.2.2 | Integration of Health & Social Care – Better Together                              |
| K  | 2.2.3 | Tree and Woodland Framework  |
| K  | 2.2.4 | Article 4 Permitted Development Rights – Employment Areas                          |
| NK | 2.2.5 | Proposed Additions to the LGA 1972 Section 100g(2) and Associated Delegated Powers |

**2.3 16 June 2016**

- |     |       |   |
|-----|-------|---|
| K C | 2.3.1 | Service & Financial Planning Report – 2015/16 Outturn and 2016/17 Update          |
| NK  | 2.3.2 | Markets Update  |
| K   | 2.3.3 | Asset Disposals   |
| NK  | 2.3.4 | The Annual Governance Statement 2015/16 and Updated Local Code of Good Governance |
| NK  | 2.3.5 | Planning – Duty to Co-operate   |
| NK  | 2.3.6 | Waters Upton Neighbourhood Plan: Proceed to Making                                |
| K   | 2.3.7 | Housing Assistance Policy   |
| NK  | 2.3.8 | Representation on Outside Bodies 2016/17  |

<b>Key</b>	
K	= Key Decisions
NK	= Non-Key Decisions
E	= Exempt Items
PE	= Part Exempt Item
C	= Council
PC	= Part Recommendation to Council

### 3.0 **DELEGATION OF POWERS GRANTED BY THE CABINET**

<b>REPORT HEADING</b>	<b>DELEGATION GRANTED TO</b>	<b>DETAIL OF DELEGATION GRANTED</b>
Housing Investment Programme Update	Managing Director	In consultation with the Cabinet Member: Business, Neighbourhood & Customer Services and Cabinet Member: Housing, Public Health & Protection, and the Housing Investment Project Board to execute any documents necessary to implement the revised Business Case and enter into any agreements necessary for the disposal or acquisition of land required to give effect to the resolutions above.
Community Pride Fund	Managing Director	In consultation with the Cabinet Member for Business, Neighbourhood & Customer Services, to extend the deadline for expenditure of Community Pride Fund grants beyond 31 March 2016, with the final deadline for completion of projects and receipt of financial and monitoring information from organisations being 31 March 2017.

<p>Traffic Management Permit Scheme</p>	<p>Assistant Director: Neighbourhood &amp; Customer Services (or any other officer authorised in writing by the Assistant Director)</p>	<p>In consultation with the Cabinet Member for Communities, Regeneration &amp; Transport, to exercise all powers under Part 3 of the Traffic Management Act 2004 and the Traffic Management Permit Scheme (England) Regulations 2007 (as amended) to enable the Traffic Management Permit Scheme for the area of the Borough of Telford &amp; Wrekin to be prepared, processed, for all relevant matters to be considered and for an Order to be made to bring it into effect.</p> <p>In consultation with the Cabinet Member for Communities, Regeneration &amp; Transport, to exercise all powers under Part 3 of the Traffic Management Act 2004 and the Traffic Management Permit Scheme (England) Regulations 2007 (as amended) to apply, implement, operate and enforce all the provisions of the Borough of Telford &amp; Wrekin's Traffic Management Permit Scheme, once the required Order has been made and come into effect.</p>
<p>Procurement Update</p>	<p>Appropriate Officers (as per contract procedure rules)</p>	<p>That the Procurement Intentions Document, as shown at Appendix B of the report, be noted and to progress new procurements through the tender process to contract award be approved.</p>



Asset Disposals	Assistant Director: Business, Development & Employment  Assistant Director: Governance, Procurement & Commissioning	In consultation with the Cabinet Member for Finance, Partnerships & Commercial Services, to negotiate and dispose of appropriate interests in the assets as detailed in section 4.2 of the report.  To seal or sign any documents required to give effect to the above.
Planning – Duty to Co-operate	Assistant Director: Business, Development & Employment (and any other officer authorised by this Assistant Director)  Assistant Director: Business, Development & Employment (and any other officer authorised by this Assistant Director)  Lead Cabinet Member for Housing, Public Health & Protection	To exercise the Council's powers relating to its duty to cooperate in relation to the planning of sustainable development as set out in Section 33A Planning and Compulsory Purchase Act 2004 and any other associated legislation and guidance.  In consultation with the Deputy Leader and Cabinet Member for Housing, Leisure & Health, to enter into formal arrangements with any person or body referred to or prescribed in accordance with Section 33A Planning and Compulsory Purchase Act 2004 and any other associated legislation and guidance.  To sign and confirm the Council's agreement to any formal arrangements agreed as above.
Waters Upton Neighbourhood Plan: Proceed to Making	Assistant Director: Business, Development & Employment	To exercise all of the Council's relevant powers and duties and undertake all necessary procedural arrangements relating to the making of the Waters Upton Neighbourhood Plan.

Housing Assistance Policy	<p>Housing Service Delivery Manager</p> <p>Assistant Director: Commercial Services</p>	<p>To carry out any minor policy amendments which do not materially affect the policy.</p> <p>In consultation with the Lead Cabinet Member for Housing, Leisure and Health, to make all other changes to the policy.</p>
<p><b>LEGAL COMMENT</b> <b>FINANCIAL COMMENT</b> <b>LINKS WITH CORPORATE PRIORITIES</b> <b>RISKS AND OPPORTUNITIES</b> <b>ENVIRONMENTAL IMPACT</b> <b>EQUALITY &amp; DIVERSITY</b> <b>WARD IMPLICATIONS</b></p>	<p>As described in each report considered by Cabinet. Copies of all reports have been previously circulated to all Members of the Council</p>	

**TELFORD & WREKIN COUNCIL**

**COUNCIL – 14 JULY 2016**

**SERVICE & FINANCIAL PLANNING REPORT – 2015/16 OUTTURN AND  
2016/17 UPDATE**

**REPORT OF THE ASSISTANT DIRECTOR: FINANCE & HR (CHIEF  
FINANCIAL OFFICER.)**

**LEAD CABINET MEMBER: CLLR LEE CARTER**

**PART A) – SUMMARY REPORT**

**1.0 SUMMARY OF KEY ISSUES**

**1.1 2015/16 General Fund Revenue Financial Outturn**

In anticipation of the financial challenges to be faced over the next few years, the Council has continued to actively manage its budget throughout 2015/16 and has ended the year in a very positive financial position. This will not only assist in 2016/17 but will also help in the medium term and is part of the planned approach to managing our finances in the most challenging financial climate that the Council has ever faced.

The gross revenue budget for 2015/16 was £430m and the net budget was £124m. The revenue outturn position is within budget with a final net underspend of £0.121m (which is equivalent to only -0.1% of net budget) after the proposed transfers to reserves and balances have been made. This position has been achieved after delivering £10m of budget savings in 2015/16, on top of the £70m made in the previous 6 years. Savings are now equivalent to £1,100pa for every home in the borough.

Despite the Government's commitment to give a Four Year Grant Settlement, the funding outlook for the medium term is still very uncertain due to the number of changes in the pipeline which sit outside the Revenue Support Grant process, including: the current review of the Business Rates Retention Scheme (including reviewing the Relative Needs formulae, the NDR Baseline and the move to 100% Business Rates Retention combined with the transfer of extra responsibilities and Functions to local authorities); Business Rates Revaluation in 2017; proposals to change the New Homes Bonus Scheme to be implemented in 2017/18; Education Funding Reform etc. It is therefore not possible to have any real certainty on the further cuts that we will face, however it is anticipated that we will need to identify a further £15m - £20m by the end of 2019/20 on top of those savings already approved by the Council for 2016/17 and 2017/18. This would bring the total savings to around £125m - £130m by the end of this

Parliament. However, as stated earlier, there are so many changes proposed to the local government finance system that the position for future years is very difficult to assess at the current time.

Due to the strong financial management exercised by Cabinet Members and budget holders during 2015/16, the Council has been able to create prudent provisions from the 2015/16 underspend to support its priorities and sustain its financial position going forward. These include:

- £2.1m to contribute towards funding the projected 2017/18 budget gap on a one-off basis allowing future savings to be delivered following a planned, phased approach
- £1.5m to help fund environmental maintenance priorities and developments throughout the borough
- £1.2m set aside to meet known waste contractual obligations
- £0.348m to meet committed spend in relation to Community Recycling Centres and is linked to the delivery of required savings
- £0.150m to support Benefits/Contact Centre call answering performance
- £0.150m to complete data research and analysis required in advance of tendering for Cleansing & Grounds Maintenance Services
- £0.125m to fund various drainage schemes and gully cleaning
- £0.100m Invest to Save Funds set aside to support the transfer of services to partner organisations following the principles outlined in the 2016/17 budget strategy

Our pro-active approach secured a number of favourable variations during the year which contributed to the overall positive position.

These included:

- A benefit totalling £5.9m has been delivered from rescheduling debt repayments which follows considerable technical analysis, research and work with other authorities and discussions with our external auditors. This significant benefit continues in 2016/17 and 2017/18 after which it begins to reduce whilst still providing very significant benefits to the revenue budget for many more years.

**Combined with the maximisation of the benefits of low interest rates during the year by actively running an extensive portfolio of very short term loans and lower than anticipated borrowing levels the total benefit from treasury activities was £7.1m in 2015/16.**

- Close management of employee budgets during the year has resulted in savings totalling just under £1m relating to vacant posts,

many of which are one off and linked to planned future service restructures

- Additional income totalling £0.6m has been achieved across various services during the year.

The main pressures experienced during 2015/16 were:

- **Adult Social Services** ended the year at £0.9m service overspend. As reported throughout the year, the cost of purchasing care packages from external providers was the key issue with an overspend of £3.5m. One off balances, including a specific contingency set aside as part of the budget strategy, totalling £3m partly offset the overspend. The Council has increased the Adult Social Services budget by £1.648m in 2016/17 and is committed to effectively meeting the assessed needs of vulnerable adults in the borough.
- **Children's Safeguarding** ended the year with a service overspend of £1.9m. This was a combination of the cost of Children in Care Placements, which had an overspend of £1.7m at year end, and other service overspends including the cost of using agency staff; these were offset by the use of the £0.75m draw down budget and other service under-spends. The Council has increased the Safeguarding budget by £1.621m in 2016/17 highlighting the very high priority placed on safeguarding children.

#### **1.2 2015/16 Capital Outturn.**

Capital spend ended the year at £74.5m against an approved estimate of £90.5m which was in the main due to re-phasing expenditure into 2016/17. This underspend will result in some further treasury management savings to be made in 2016/17.

#### **1.3 Income Monitoring**

Overall cash collection is in a good position. Collection rates for Council Tax (£71m), Business Rates (£75m) and Sales Ledger Income (£41m) were ahead of target for the year. Debt is pursued rigorously and continues to be collected after the end of the financial year with all appropriate recovery avenues being pursued.

#### **1.4 General**

The draft formal statement of accounts will be available in July as KPMG begin the external audit and will also be available for public inspection for 30 working days from 1 July. The 2015/16 accounts include group accounts which incorporate Nuplace, the Council's wholly owned housing investment company.

- 1.5** Summaries of the outturn on revenue and capital along with major variations are shown as appendices to this report.

#### **1.6 2016/17 Update**

The Council faces another very challenging year in 2016/17 and a number of key issues are already highlighted in this first high level review of the budget position. Once the final accounts are completed more detailed new year monitoring will take place and a further, more detailed, report will be brought to the July meeting of the Cabinet with an updated position. An update following the 2016/17 Insurance tender process is also included within this report.

## **2.0 RECOMMENDATIONS**

**2.1** Members are asked to approve the following recommendations:

- (i) To approve the Revenue outturn position for 2015/16 and related virements in Appendix 3 which is subject to audit by the Council's external auditors; also, the transfers to reserves and associated approval to spend the reserves as detailed in paragraph 5.3.
- (ii) To approve the Capital outturn position and related supplementary estimates and re-phasing shown in Appendix 4 and as summarised in the report. This includes updating the capital programme and gaining approval to spend the new Highways Pothole Action funding allocation of £0.176m received from Central Government for 2016/17.
- (iii) To note the performance against income targets.
- (iv) To note the key issues identified for 2016/17 and the Insurance update provided in paragraph 9.2

## **3.0 SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	Delivery of all priority objectives depend on the effective use of available resources. Financial management ensures best use of resources.
<b>TARGET COMPLETION/DELIVERY DATE</b>	Outturn forms the basis of the formal statement of accounts which will be presented to the Audit Committee in draft format at the end of June, are audited during July and the final version of which will be published by the end of September following consideration by the Audit Committee.	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	Yes	The financial impacts are detailed throughout the report.

<b>LEGAL ISSUES</b>	No	None directly arising from this report. The S151 Officer has a statutory duty to monitor income and expenditure and to take action if overspends /shortfalls emerge. There is a requirement to publish the audited Statement of Accounts by the end of September and the draft accounts should be presented to the Audit Committee before the end of June.
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	No	
<b>IMPACT ON SPECIFIC WARDS</b>	No	Borough Wide

## **PART B) – ADDITIONAL INFORMATION**

### **4.0 2015/16 REVENUE BUDGET**

4.1 The Council had a gross revenue budget of £430m for 2015/16 and the final net revenue outturn position is as follows (a more detailed summary is provided in Appendix I):

	£m
Net Budget	123.660
Net Expenditure	123.539
Net Underspend	-0.121
Percentage Net Variance	-0.1

4.2 Variations by Service Delivery Unit are summarised below and further detail is provided in Appendix 2.

	<b>Final Budget</b>	<b>Outturn</b>	<b>Service Variation</b>
	£	£	£
Adult Social Services	34,974,747	35,868,827	894,080
Public Health, Public Protection, Civil Resilience and Coroners	1,835,680	1,764,357	(71,323)
Education & Corporate Parenting	11,835,175	11,678,826	(156,349)
Children's safeguarding & specialist services	19,698,534	21,638,158	1,939,624
Family Cohesion & Commissioning	9,649,712	9,431,441	(218,271)
Neighbourhood & Customer Services	31,627,789	31,551,706	(76,083)
Planning	0	-18,838	(18,838)
Development Business & Employment	3,635,247	3,415,838	(219,409)
Leisure, Culture & Facilities Management	3,996,257	3,921,715	(74,542)
Law Democracy & People Services	1,376,500	412,456	(964,044)
Finance Audit & Information Governance	10,311,151	3,047,961	(7,263,190)
Co operative Council & Commercial Delivery Unit	1,069,810	872,786	(197,024)
Council Wide	(6,948,712)	-12,582,145	(5,633,433)
Transfers to Reserves	0	11,079,396	11,079,396
<b>Total before transfers to balances</b>	<b>123,061,890</b>	<b>122,082,483</b>	<b>(979,407)</b>
<b>Transfer to Balances</b>	<b>598,890</b>	<b>1,456,890</b>	<b>858,000</b>
<b>Total after transfers to balances</b>	<b>123,660,780</b>	<b>123,539,373</b>	<b>(121,407)</b>

Note: the above figures show only the service variation and exclude variances on asset rentals and pension accounting entries which are "non-controllable"

accounting entries. The detailed analysis of all variances is shown in Appendix 2.

4.3 Service variances over £0.100m are highlighted below.

Service Area	Variance £m
<b><u>Children’s Safeguarding &amp; Specialist Services</u></b>	
<p><b>Children in Care Placements</b> –The final position for 2015/16 reflects a cost improvement of £223k from 2014/15. At the end of March there were 299 Looked After Children which is an increase of 6 compared to the position at the end of 2014/15. A review of placements was undertaken as part of the 2016/17 budget process and a pressure of £1.2m has been included in the 2016/17 budget strategy.</p>	+1.711
<p><b>Internal Foster Carer Costs</b>– payments to Foster Carers including transport costs and foster carer training.</p>	+0.127
<p><b>Staffing (Safeguarding)</b> – this includes the cost of agency social workers and reflects the significant pressure placed on the service from difficulties with recruitment and retention of staff. There were 10 Safeguarding agency staff at the end of March and an agency manager within the Educational Psychology service. The 2016/17 budget strategy has included additional funding for the staffing pressures identified.</p>	+0.446
<p><b>Care Leavers Accommodation Costs</b> – the final position reflects a significant reduction in both activity and placement costs.</p>	-0.228
<p><b>Joint Adoption Service</b> – pressures arising from the cessation of the Adoption Reform Grant that part-funded this service and savings targets not yet delivered.</p>	+0.210
<p><b>One off Funds</b> – use of specific contingency set aside as part of the budget strategy</p>	-0.750
<p>The Service Area has a Cost Improvement Plan in place for 2016/17 to address areas of pressure and to ensure costs are contained within budgets as far as possible. The 2016/17 budget invested £1.621m into Children’s Safeguarding highlighting the high priority placed on Children’s safety. One-off resources of £0.5m have also been set aside within the Service Area that could be used for unexpected cost pressures.</p>	

<p><b><u>Education &amp; Corporate Parenting</u></b></p> <p>There are no variances over £0.100m to report at year end.</p>	
<p><b><u>Family, Cohesion Services &amp; Commissioning</u></b></p> <p><b>Transport Contracting &amp; Commissioning</b> – costs relating to Supporting People. The service is currently under review to deliver savings and is looking at innovative ways of providing support.</p> <p><b>Cohesion including homelessness and housing needs</b> – higher than anticipated housing income received and lower occupancy levels within temporary accommodation resulted in an underspend at year end.</p>	<p>+0.208</p> <p>-0.211</p>
<p><b><u>Adult Social Services</u></b></p> <p><b>Purchasing budgets</b> – this pressure has been reported throughout the year and includes the impact of the rising unit costs of care which have offset cost savings made through the effective management of demand. The management team continue to focus on the cost Improvement Plan and the savings required in the 2016 budget strategy.</p> <p><b>Income</b> – shortfall relating to client contributions</p> <p><b>Transport</b> – a review group has been set up to look at ways to reduce expenditure and identify a more robust transport policy.</p> <p><b>One off Contingency</b> – use of specific contingency set aside as part of the budget strategy</p> <p><b>One off Funds</b> – use of one off reserves</p> <p>The Council has increased the Adult Social Services budget by £1.648m in 2016/17 and is committed to meeting the needs of vulnerable members of our community.</p>	<p>+3.503</p> <p>+0.716</p> <p>+0.123</p> <p>-2.500</p> <p>-0.475</p>
<p><b><u>Public Health, Wellbeing &amp; Public Protection</u></b></p> <p><b>Smoking Cessation Contract</b> – saving arising from reduced demand and use of service.</p> <p><b>Working Age – Healthy Lifestyles &amp; Health Trainers</b> – in year vacancies has resulted in an underspend</p>	<p>-0.193</p> <p>-0.207</p>

<b>Public Health Grant</b> – in year cut to the Public Health Grant funding announced by the Chancellor in June.	+0.773
<b>Public Health Grant</b> – underspend at year end carried forward to 2016/17	+0.122
<b><u>Leisure, Culture &amp; Facilities Management</u></b>	
<b>Income</b> - The income targets for the Leisure centres were challenging for 2015/16. The BSF building works at Oakengates impacted on this facility along with new income targets set for the proposed Synthetic Turf pitch. Swimming Lesson income projections have been revised due to the successful channel shift to Direct Debit, this has resulted in a one off, in year impact associated with the timing of payments, this change will result in additional income from 2016/17 onwards.	+0.148
<b>Primary School Meals</b> – additional income relating to an increase in take-up	-0.148
<b>Oakengates Theatre</b> – additional income due to the success of the Pantomime and other productions.	-0.105
<b><u>Development, Business &amp; Employment</u></b>	
<b>Regeneration &amp; Investments</b> – Property Investment Portfolio income. The PIP generated £5.5m last year. PIP performance continues to improve as we rationalise the PIP holdings including mitigating where possible inevitable volatilities.	+0.412
<b>Property &amp; Design – Admin Buildings</b> – one off saving as a result of buildings rationalisation	-0.210
<b><u>Neighbourhood &amp; Customer Services</u></b>	
<b>ICT</b> – pressure mainly arising from the increased number of Microsoft licenses required across the council together with costs associated with the purchase of PCs	+0.343
<b>Transport &amp; Highways Development</b> – one off savings from vacant posts during the year	-0.268
<b>Concessionary Travel</b> – saving as a result of reduced passenger numbers.	-0.228
<b>Grounds Maintenance</b> – contribution to reserves to fund data collection required for tender process	+0.150

<b>Environmental Maintenance</b> – contribution to reserves to fund drainage schemes	+0.125
<b>Waste</b> – contribution to reserves to fund CRC changes	+0.348
<b>Public Transport</b> – costs relating to the provision of subsidised bus routes; funds have been set aside in the 2016/17 budget strategy for this pressure.	+0.280
<b>Housing Benefits</b> – grant income higher than budgeted.	-0.123
<b>My Options</b> – reduced staffing costs partly offset by income shortfalls.	-0.184
<b><u>Finance, Audit &amp; Information Governance</u></b>	
<b>Treasury</b> –this includes the benefit arising from current low interest rates from running an extensive portfolio of very low rate short term loans and lower borrowing than anticipated in the earlier part of the year; capitalisation of interest on works in progress at year end together with £5.9m benefit from rescheduling debt repayments which is following considerable technical work and discussions with our external auditors.	-7.095
<b><u>Law, Democracy &amp; People Services</u></b>	
<b>Single Status</b> - the budget for 2015/16 allowed for implementation of the single status settlement during the year which is not now scheduled until midway through 2017/18. This is net of the Payroll/HR IT system costs approved by Cabinet in July.	-0.800
<b><u>Co-operative Council Delivery Unit</u></b>	
<b>Delivery &amp; Planning</b> – underspend from vacant posts during the year.	-0.109

#### 4.4 Public Health.

Responsibility for Public Health transferred to the Council from the NHS in April 2013 together with the associated specific ring-fenced grant funding. In 2015/16 this grant totalled £11.7m after an in year cut to the grant of £0.772m by the Government. The conditions of the grant are that it must be used to address health needs and improve health and well-being in the community. Improving public health outcomes is delivered across a number of Service Areas and a summary of the application of the grant in 2015/16 is shown in the table below:

	£
Public Health Reserve (grant bwfd from 14/15)	112,162
Public Health Grant 2015/16	11,734,053
<b>Total Funding</b>	<b>11,846,215</b>
<u>Application of Funding in 2015/16</u>	
Public Health, Well Being & Public Protection	8,106,878
Adult Social Services	53,267
Customer Services	36,726
Development, Business & Employment	514,990
Education & Corporate Parenting	280,013
Family & Cohesion & Commissioning Services	2,070,222
Neighbourhood & Leisure Services	468,000
Legal Services	30,000
Council Wide	108,000
Total Spend	11,668,096
Grant cfwd to 2016/17	178,119

The majority of the 2015/16 grant was allocated to Services during the year, with the exception of £0.122m which was carried forward to 2016/17 together with the £0.022m received as the Public Health Premium Incentive grant in March 2016. Of the £0.112m grant brought forward from 2014/15, £0.078m was applied in 2015/16 (£0.027 was applied to Family, Cohesion & Commissioning Services as additional income and £0.051m, as budgeted, was applied to Development, Business & Employment) leaving £0.034m. Overall, including the balance carried forward to 2016/17 in accordance with the grant conditions, the grant was fully spent in 2015/16.

## 5.0 **RESERVES & BALANCES**

5.1 The main General and Special Fund balances were £4.490m at 31<sup>st</sup> March 2016. As part of the budget process a further risk based evaluation of all balances will be undertaken to provide an updated view of balances available for the budget strategy.

5.2 The position on the main General and Special Fund Balances is:

	£m
Balances at 1 <sup>st</sup> April 2014	<b>4.369</b>
Contribution to General Fund Balances	0.121
<b>Balances at 31<sup>st</sup> March 2016</b>	<b>4.490</b>

The General/Special Fund balance forms part of the Council's overall reserves and balances.

In addition to the General and Special Fund Balances, the Council holds a number of contingencies and service balances available to support services in 2016/17. These include:-

- £2.500m specifically set aside to support Early Help & Support services,
- £0.500m held within Safeguarding to meet pressures,
- £3.222m general contingency to provide further support to Adults and children's safeguarding or for other services if required.

**5.3** The following specific transfers to reserves are proposed and included in the outturn position:-

	<u>£m</u>
• Budget Strategy Reserve – set aside to provide one off funding to support the medium term financial planning strategy allowing time for savings to be fully realised.	2.100
• Environmental Maintenance – to fund environmental maintenance priorities and developments throughout the borough	1.500
• Waste – funds set aside to meet known contractual obligations	1.200
• Invest to Save Fund – funds to support the transfer of services to third parties	0.100
• Benefits/Contact Centre – to support the ongoing improvement relating to call answering performance and allow resource levels to continue until some of the channel shift tools go live.	0.150
• Grounds Maintenance – to complete the data collection exercise required for the pending tender exercise	0.150
• Various Drainage Schemes and Gully Cleaning	0.125
• Community Recycling Centres – to meet committed spend linked to the delivery of savings	0.348
<b>Total</b>	<b>5.673</b>

**5.4** The overall position also includes transfers to the Invest to Save/Capacity Fund and Severance fund which were approved at Full Council in January 2016. A treasury provision of £0.250m has also been created (utilising less than 5% of the in-year treasury management surplus) to cover future pressures, such as interest rate fluctuations.

## 6.0 2015/16 CAPITAL PROGRAMME

6.1 The capital programme for 2015/16 totalled £90.5m; spend at year end was £74.5m giving a year end variation of £16m which is summarised in the table below:

<b>Service Area</b>	<b>Budget</b>	<b>Spend</b>	<b>% Spend</b>	<b>Year End Variance</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
Adult Social Services	2.40	1.53	64%	- 0.87
Development Business & Employment	32.95	27.29	83%	- 5.66
Neighbourhood & Leisure Services	21.73	19.32	89%	- 2.41
Education & Corporate Parenting	30.65	24.57	80%	- 6.08
Customer Services	2.43	1.68	69%	- 0.75
Cooperative Delivery & Commercial Unit	0.22	0.08	36%	- 0.14
Corporate	0.12	-	0%	- 0.12
<b>Total</b>	<b>90.50</b>	<b>74.47</b>	<b>82%</b>	<b>- 16.03</b>

Note: The budget includes the new allocations detailed in Appendix 4

6.2 The main scheme re-phasing to 2016/17 are shown below with detail included in Appendix 4.

	<b>£m</b>
<b><u>Adult Social Services</u></b>	
Social Care ICT Review-rephasing of programme	-0.20
Social Care Capital Grant- part of BCF Pooled Fund; will be carried forward and committed in 2016/17.	-0.60
<b><u>Development, Business &amp; Employment</u></b>	
Superfast Broadband – spend re-profiled; fully committed over the next 2 years	-0.40
Housing Investment-Contract awarded for 2 sites; programme rephased	-0.70
Phase 2 travellers site – delay in project design	-0.20
Homeowner assistance grants slippage	-0.40
Delays in third party housing renewal scheme	-0.20
Town Centre – required to meet final contractor	-0.40

payments	
Asset Management - slipped to 16/17	-0.30
Brookside-Building works complete, awaiting details of Final contract valuation	-0.30
Every Day Pride Hollinswood Centre– work complete waiting for final claim from contractor	-0.40
Schools – various schemes rephased and fully committed in 2016/17.	-1.50
<b><u>Neighbourhood &amp; Leisure Services</u></b>	
Highways Maintenance, Bridges & Integrated Transport, Ironbridge Gorge Stability – various schemes rephased to and fully committed in 2016-17	-1.30
Every Day Telford-Pride in your community- various schemes rephased to and fully committed in 2016-17	-0.90
<b><u>Education &amp; Corporate Parenting</u></b>	
Grange Park Primary School-re-build due to start in 16-17.	-6.10
<b><u>Customer Services</u></b>	
Customer Services Development- Rephasing of project linked to channel shift.	-0.20

6.3 There are a number of new approvals and virements which are also detailed in Appendix 4 and require formal approval.

6.4 Appendix 5 includes details of Education Section 106 agreements agreed during 2015/16.

## 7.0 NUPLACE

7.1 The Council's wholly owned housing investment company, Nuplace Ltd, was incorporated on 1 April 2015. The principal activity of the company is procurement of the construction and management of private and affordable residential property. During its first year of operation land was acquired across two sites in the Telford & Wrekin Borough, at Fishermans Walk, Randlay and Holybush Road, Madeley

and contracts were let for the construction of 132 properties. In March 2016, 4 units had been completed and successfully let to tenants and the construction of the remaining properties was on schedule.

Completion and letting of Phase 1 sites is progressing well in the new financial year with a total of 17 units now occupied at the Fishermans Walk, Randlay site and a further 17 units occupied at the Woodlands site.

7.2 Nuplace Ltd is a separate legal entity and as such will prepare its own Statement of Accounts and comply with company regulations. The accounts will be audited by KPMG, who also audit the Council's accounts. As Nuplace is wholly owned by Telford & Wrekin Council, the Council is required to prepare Group Accounts as part of its Statement of Accounts for 2015/16 which will consolidate the Council and Nuplace's financial position.

7.3 As anticipated, no dividends were distributed at the end of 2015/16 and as expected the company ended the year with a small trading loss of £0.032m mainly due to the fixed costs associated with its operation prior to rental income streams coming online. It should be noted that the Council has received income totalling £0.4m from Nuplace during 2015/16 which is a combination of interest paid relating to the loan agreement and services Nuplace purchased from the Council. The Council will also benefit from additional Council Tax, Business Rates and New Homes Bonus as Nuplace properties are completed.

#### 8.0 **CORPORATE INCOME MONITORING**

8.1 The Council's budget includes significant income streams which are regularly monitored to ensure they are on track to achieve targets that have been set and so that remedial action can be taken at a very early stage. The three main areas are Council Tax, NNDR (business rates) and Sales Ledger. Outturn information relating to these is provided below. The Council pursues outstanding debt vigorously, until all possible recovery avenues have been exhausted, but also prudently provides for bad debts in its accounts.

8.2 In summary, the overall position for all income streams out turned above target. Cash collection was in a very strong position in all three areas with more than £9m extra being collected compared to the previous year.

<b>INCOME COLLECTION – 2015/16</b>				
	<b>Actual</b>	<b>Target</b>	<b>Performance</b>	<b>Change in cash collected on last year</b>
Council Tax Collection	97.09%	96.70%	0.39% Ahead of target	+£2,605,303
NNDR Collection	98.28%	97.60%	0.68% Ahead of target	+ £3,674,376
Sales Ledger Outstanding Debt	6.10%	7.00%	0.90% Ahead of target	+£2,870,380

### 8.3 Council Tax (£70.7m)

The percentage of the current year liability for council tax which the authority should have received during the year, as a percentage of annual collectable debit. The measure does not take account of debt that continues to be pursued and collected after the end of the financial year in which it became due. The final collection figures for all financial years is normally around 99%.

Year end performance 2014/15	96.7%
Year End Target for 2015/16	96.7%

Performance is cumulative during the year and expressed against the complete year's debit.

Month End Target	Month End Actual	Last year Actual
96.70%	97.09%	96.70%

At the end of the year, council tax collection was 0.39% ahead of target and last year's out turn performance.

We have collected over £2.6 million more in council tax than in 2014/15, and the property base has grown by over 1,200, so we're now collecting council tax from more than 73,000 properties in the borough.

### 8.4 NNDR-Business Rates (£74.8m)

The % of business rates for 2015/16 that should have been collected during the year. This target, as for council tax, ignores our continuing collection of earlier years' liabilities.

The measure does not take into account the debt that continues to be pursued and collected after the end of the financial year in which it became due. As a general rule the final collection figure for any financial year exceeds 99%.

Year end performance 2014/15	97.5%
Year End Target for 2015/16	97.6%

Month End Target	Month End Actual	Last year Actual
97.6%	98.28%	97.5%

Collection for business rates is an improvement on 2014/15's rates by 0.78%, and 0.68% above target.

We've collected an additional £3.6 million more in business rates than in 2014/15.

## 8.5 Sales Ledger (£40.6m)

This includes general debt and Social Care debt. Debt below 2 months is classified as a normal credit period.

The target percent is set relating cumulative debt outstanding from all years to the current annual debit. The targets and performance of income collection for 2015/16 are as follows:

Age of debt	Annual Target %	2015/16	
		£m	%
Total	7.00	2.10	6.10%

Sales ledger performance continues to perform within target and has made significant improvements during 2015/16.

## 9.0 2016/17 UPDATE

The first detailed monitoring report for 2016/17 will be considered at Cabinet in July. However, this section of the report will give an early indication of some emerging issues for the new financial year, informed where relevant, by the closedown position reported above. Inevitably, early focus is on areas of potential pressure and managers are now taking action to seek ways to minimise these pressures and to identify ways to mitigate remaining issues.

### 9.1 Revenue

#### **Safeguarding and Early Help & Support Services**

Safeguarding and Early Help & Support Services will continue to be areas requiring close monitoring throughout the year. The key areas of concern being unit costs, complexity of care needs and numbers of Children in Care. Early monitoring shows that Children in Care numbers have increased from 299 at the end of March to 315 at the end of May so a cost pressure is already evident in this area. Both services are developing cost improvement plans to assist in the management of cost levels throughout the year as well as taking a proactive approach to address future changes in funding.

As mentioned earlier in the report the 2016/17 budget includes a contingency of £2.5m specifically for Early Help & Support and one off funds of £0.5m earmarked to support Safeguarding.

#### **Treasury Management**

A benefit of £1m is currently predicted in relation to treasury management which is mainly due to reduced borrowing costs due to low short-term interest rates and rephasing of expenditure in to later years from 2015/16 as explained earlier in this report. This may vary throughout the year dependent on borrowing requirements and any impact the European Referendum may have on the financial markets.

## **ICT**

There are a number of pressures currently highlighted in ICT including: growth in the cost and number of Microsoft licenses, due to more employees using ICT to do their jobs effectively and the move to digitally enabled and mobile technology; network contract costs and software support costs (storage area network and back-up environment) are also higher than anticipated. The pressure is currently estimated to be in the region of £0.280m; costs relating to the purchase of thick/thin/laptop client devices are also likely to create a pressure throughout the year.

### **9.2 2016/17 Insurance Arrangements**

Due to the way in which the Insurance market operates, the AD: Finance & HR has delegated responsibility to conduct insurance procurement processes and agree renewal terms, in consultation with the Lead Cabinet Member. The Council's main insurance contracts are subject to European tendering procedures and the outcome of the process completed for the 2016/17 renewals is now reported back to Cabinet.

Following tender evaluation, which was undertaken by the Council's insurance brokers, Aon Ltd, contracts for property cover have been placed with Zurich Municipal and liability cover placed with Maven Public Sector.

The insurance contracts are for a period of 3 years, with the option to extend for a further 2 years if required. Once agreements are in place the position will be reviewed annually by the insurance providers to take into account updated information, such as increases in wages and salaries, increased sums insured and claims experience which may alter the premium in future years.

The estimated premiums for 2016/17 are £1.004m which is £0.127m lower than the cost in 2015/16 (this will be split across General Fund, Schools and Commercial Properties); although it should be noted that, as is usual, due to changing cover requirements throughout the year there will be some adjustments made to the premium after the contract has been awarded.

### **10.0 PREVIOUS MINUTES**

Council, Service & Financial Planning Strategy: 05/03/15  
Cabinet, Service & Financial Planning Report: 2014/15 Outturn and 2015/16 Update - 25/06/15  
Cabinet, Financial Management Reports: 23/07/2015; 15/10/2015; 10/12/2015; 07/01/2016; 26/02/2016

Council, Financial Management Reports: 01/10/2015; 26/11/2015;  
21/01/2016

11.0 **BACKGROUND PAPERS**

2015/16 Budget Strategy and Financial Ledger reports  
2016/17 Budget Strategy

Report Prepared by:

Ken Clarke, Assistant Director: Finance & H.R. (C.F.O.) – 01952  
383100;

Pauline Harris, Corporate Finance Manager – 01952 383701

## Summary of 2015/16 Outturn Variations

Service Area	Final Budget	Outturn	Variance	Asset Rentals	Analysis of Variance			Service
	£	£	£		IAS19	Public health	£	
Adult Social Services	34,974,747	36,193,461	1,218,714	(6,366)	331,000	0	894,080	
Public Health, Public Protection, Civil Resilience and Coroners	1,835,680	1,873,357	37,677	0	109,000	0	(71,323)	
Education & Corporate Parenting	11,835,175	12,161,723	326,548	224,898	258,000	0	(156,349)	
Childrens safeguarding & specialist services	19,698,534	22,098,278	2,399,744	7,120	453,000	0	1,939,624	
Family Cohesion & Commissioning	9,649,712	9,941,727	292,015	1,286	509,000	0	(218,271)	
Neighbourhood & Customer Services	31,627,789	32,630,391	1,002,602	75,685	1,003,000	0	(76,083)	
Planning	0	(12,838)	(12,838)	0	6,000	0	(18,838)	
Development Business & Employment	3,635,247	(3,831,787)	(7,467,034)	(7,715,625)	468,000	0	(219,409)	
Leisure, Culture & Facilities Management	3,996,257	4,491,715	495,458	0	570,000	0	(74,542)	
Law Democracy & People Services	1,376,500	618,923	(757,577)	467	206,000	0	(964,044)	
Finance Audit & Information Governance	10,311,151	3,288,961	(7,022,190)	0	241,000	0	(7,263,190)	
Co operative Council & Commercial Delivery Unit	1,069,810	1,046,783	(23,027)	(3)	174,000	0	(197,024)	
Council Wide	(6,948,712)	(9,497,607)	(2,548,895)	7,412,538	(4,328,000)	0	(5,633,433)	
Transfers to Reserves	0	11,079,396	11,079,396	0	0	0	11,079,396	
							0	
<b>Total before transfers to balances</b>	<b>123,061,890</b>	<b>122,082,483</b>	<b>(979,407)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(979,407)</b>	
<b>Transfer to Balances</b>	<b>598,890</b>	<b>1,456,890</b>	<b>858,000</b>				<b>858,000</b>	
<b>Total after transfers to balances</b>	<b>123,660,780</b>	<b>123,539,373</b>	<b>(121,407)</b>				<b>(121,407)</b>	

2015/16 Revenue Budget Variations over £50,000								
Description	Budget	Outturn	Variation	Analysis of Variation			Service	Comments
				Asset Rent	IAS19	Public Health		
				£	£	£		
<b>Childrens Safeguarding &amp; Specialist Services</b>								
Children in Care Placements	8,104,116	9,815,414	1,711,298				1,711,298	The 2015/16 reported outturn reflects a cost improvement of £223k from 2014/15. By the end of March 16 there were 299 Children in Care which reflects an increase of 6 from the same point in 2015. A review of placements was undertaken as part of the 2016/17 budget process and a pressure of £1.2m has been included within the 2016/17 budget strategy.
Care leavers Accommodation costs	599,630	371,258	(228,372)				(228,372)	A target was set in the Cost Improvement plan to achieve a cost reduction of £0.100m against this area. The outturn position shows an over achievement of this target and reflects a significant reduction in both activity and placement costs.
Staffing	7,384,869	8,283,316	898,447		452,000		446,447	The outturn variance in 2015/16 for agency staff is an overspend of £0.692. This is a £110k reduction compared to 14/15 outturn but still a reflection of the significant pressure placed on the Services budget by the difficulties of retention and recruitment of staff. There were 10 Safeguarding agency staff at the end of March in addition to an agency manager within the Educational Psychology service. The 2016/17 budget strategy includes additional funding to address identified staffing pressures .
Income (Specialist Services)	(807,068)	(719,627)	87,441				87,441	A reduction in expenditure in the jointly arranged services resulted in a reduced amount of income being collected from Shropshire Council.
Internal Foster Carers costs (excluding salaries, fees and allowances)	339,065	465,700	126,635				126,635	Specific pressures include travel costs £83k and Foster Carer training of £21k overspend.
Joint Adoption Service	298,448	509,044	210,596		1,000		209,596	The 2015/16 budget for the service hosted by Shropshire included savings of £70k which could not then be delivered . The cessation of the Adoption Reform Grant that part-funded this service has created an additional pressure of £90k. The remaining increase relates to 14/15 pressures agreed in 15/16. The budget pressure has been addressed as part of the 16/17 budget strategy.
Direct Payments	174,361	150,335	(24,026)				(24,026)	The 2014/15 overspend for direct payments of personal care for children with disabilities was £105k. Work is ongoing both to look for cost reductions in direct payments care packages and towards implementation of Education Health and Care plans from 1st April 2016.
Children not in Care / in Need costs	4,780	77,647	72,867				72,867	The variance relates to Section 17 payments which are made to carers to support keeping children at home as opposed to in care. (ie These costs are an alternative to higher care related costs). This is a £28k reduction against the 14/15 outturn position . The budget pressure has been addressed as part of the 16/17 budget strategy.
Contingency		(750,000)	(750,000)				(750,000)	Specific contingency set aside as part of the budget strategy
Variations under £50k	3,600,333	3,895,191	294,858	7,120			287,738	
<b>Total Children's Safeguarding &amp; Specialist Services</b>	<b>19,698,534</b>	<b>22,098,278</b>	<b>2,399,744</b>	<b>7,120</b>	<b>453,000</b>		<b>1,939,624</b>	
<b>Education &amp; Corporate Parenting</b>								
Miscellaneous School Expenditure	7,819,930	8,002,212	182,282	224,898	28,000		(70,616)	Lower premature retirement costs than 1415 and lower remissions costs than 1415
Transport	2,827,316	2,804,038	(23,278)		0		(23,278)	Although this budget shows a modest underspend, the total includes significantly higher transport costs to Queensway, linked to the expansion of provision.
Advisory Management & Support	463,972	566,512	102,540		30,000		72,540	A review of the responsibilities of staff changed the balance of Dedicated Schools Grant and General fund in this area.

2015/16 Revenue Budget Variations over £50,000								
Description	Budget	Outturn	Variation	Analysis of Variation			Service	Comments
				Asset Rent	IAS19	Public Health		
	£	£	£	£	£		£	
Traded Advisory	(18,596)	(93,189)	(74,593)		32,000		(106,593)	The underspend represents a combination of staffing savings arising from an unfilled vacancy and more income generated from schools compared to the budget.
Variations under £50,000	742,553	882,151	139,598		168,000		(28,402)	
<b>Total Education &amp; Corporate Parenting</b>	<b>11,835,175</b>	<b>12,161,723</b>	<b>326,548</b>	<b>224,898</b>	<b>258,000</b>	<b>0</b>	<b>(156,349)</b>	
<b>Family, Cohesion &amp; Commissioning Services</b>								
Cohesion including Homelessness/ Housing Needs	2,624,038	2,595,920	(28,118)	322	183,000	0	(211,440)	Income from housing rentals mainly received from Housing Benefit has improved as anticipated. This is as a result of the changing profile of projected occupancy levels within temporary accommodation, and improved management of the use of leasehold property. Some improvement projected in expenditure on travellers sites.
Transport Contracting & Commissioning	1,258,589	1,466,293	207,704	0	0	0	207,704	The variation above budget arises from the Supporting People service. The budget has been reduced in line with the Adults Cost Improvement Plan by £425k in 2015/16, and £208k of cost reductions from contract re-tendering have been achieved so far in this year (these savings equate to £417k in a full year). The service continues to be under review to deliver further savings.
Variations under £50k	5,767,085	5,879,514	112,429	964	326,000	0	(214,535)	These variations have moved due to year end operating costs including costs of Management restructure (AD post costs in year) and Children's and Family Centres and various staffing costs being less than anticipated in year.
<b>Total Family, Cohesion &amp; Commissioning Services</b>	<b>9,649,712</b>	<b>9,941,727</b>	<b>292,015</b>	<b>1,286</b>	<b>509,000</b>	<b>0</b>	<b>(218,271)</b>	
<b>Adult Social Services</b>								
Purchasing	43,151,793	46,655,290	3,503,497				3,503,497	The final 2015/16 reported position reveals a largely static position for the cost of purchasing care. This has been a pressure of around £3.5m since January 2016. There has been a steady improvement over the 2015/16 financial year driven by various strategies designed to reduce operating costs. However, there remains a significant pressure on this budget and overall within Adult Social Care. The Management Team continue to progress the actions within the Cost Improvement Plan (CIP), and will now focus on delivering the savings proposals detailed in the 2016/18 budget strategy. Underlying pressures remain in the unit costs of care being purchased which have stabilised in recent months following a long period of month on month increases. The increased unit cost of care placements has in the year materially offset cost savings being made through the effective management of demand in some areas of care being purchased. One further important issue to note is that by reducing demand for care placements, there has been an impact on the level of income being collected, and this can be seen in the reported figures during 2015/16. Often residential and nursing placements can generate larger contributions from clients towards their care because of the different charging rules in place and a decrease in the number of Older People residential home based placements has occurred in year.
Income	(17,232,477)	(16,516,801)	715,676				715,676	The income budget has been adjusted to reflect proposed savings in order to represent the position on income. <b>The current projection</b> is for a shortfall from the contributions collected towards the cost of care of around £491k, and a shortfall on income expected from the CCG towards joint packages of care of around £182k.
Transport	657,593	780,366	122,773				122,773	The 2014/15 ASS transport budget was reduced by £229k as a result of the recommendations made in the Transport Review. A Transport Review Project Group has been set up to look at ways to reduce Service expenditure on Transport and identify a more robust transport policy in a bid to reduce the overspend. There has been some improvement since the last report resulting in a reduction of £32k to the pressure, largely as a result of savings made to the cost of transport rather than in demand management.
Contingency	0	(2,500,000)	(2,500,000)				(2,500,000)	Specific contingency set aside as part of the budget strategy

2015/16 Revenue Budget Variations over £50,000									
Description	Budget	Outturn	Variation	Analysis of Variation			Service	Comments	
				Asset Rent	IAS19	Public Health			
	£	£	£	£	£		£		
Use of one offs	(1,244,000)	(1,719,000)	(475,000)				(475,000)	Use of one off reserves	
Variations under £50,000	9,641,838	9,493,606	(148,232)	(6,366)	331,000		(472,866)		
<b>Total Adult Social Services</b>	<b>34,974,747</b>	<b>36,193,461</b>	<b>1,218,714</b>	<b>(6,366)</b>	<b>331,000</b>	<b>0</b>	<b>894,080</b>		
<b>Public Health, Wellbeing &amp; Public Protection</b>									
			0						
Staffing and Operational	986,565	908,181	(78,384)		8,000	(86,384)		Underspend relates to various operational budgets in Public Health	
Smoking Cessation	562,100	368,855	(193,245)			(193,245)		Reduced number of quitters partly due to popularity of e-cigarettes.	
Healthy Lifestyles	876,940	669,728	(207,212)			(207,212)		In year vacancies within Telford & Wrekin Health trainers teams and Healthy lifestyle hubs.	
Under £50k	6,482,206	6,112,986	(369,220)			(369,220)		Various underspends across Early Help offer and NHS Health checks	
Public Health Grant	(8,907,811)	(8,135,039)	772,772			772,772		Confirmed loss of Public Health Grant announced in the Chancellors budget of £772k	
Variance on devolved allocations		(38,694)	(38,694)			(38,694)		Various underspends against devolved element of the Public Health Grant	
Carry Forward		121,983	121,983			121,983			
Public, Protection, Civil Resilience			0						
Variations under £50,000	1,835,680	1,865,357	29,677		101,000		(71,323)		
<b>Total Public Health, Wellbeing &amp; Public Protection</b>	<b>1,835,680</b>	<b>1,873,357</b>	<b>37,677</b>	<b>0</b>	<b>109,000</b>	<b>0</b>	<b>(71,323)</b>		
<b>Neighbourhood &amp; Customer Services</b>									
<b>Transport &amp; Highway Development</b>									
Transport & Highways Development	Employees	1,462,070	1,229,925	(232,145)		36,000	(268,145)	One off vacancy management savings across Transport & Highways Development	
Concessionary Travel	Supplies & Services	1,726,910	1,498,800	(228,110)		0	(228,110)	Savings as a result of ongoing reducing passenger numbers. Ongoing savings agreed as part of budget strategy	
Public Transport	Transport related expenditure	170,670	450,511	279,841		0	279,841	Costs relating to the provision of subsidised bus routes. Provision has been set aside in the budget strategy for 2016/17 to meet this pressure.	
	Income	(177,100)	(275,858)	(98,758)		0	(98,758)	(£97k) one off income applied from the Transport reserve to support one off pressure in 15/16 for Subsidised Routes, as agreed at Strategic & Financial Planning 14/15 outturn.	
Waste and Neighbourhood Services	Waste disposal - Wood	0	61,633	61,633		0	61,633	One off pressure from Wood disposal arising from higher unit costs as a result of Moody's site being closed until September 2015.	
	Waste disposal - Sita Cost pass through	0	97,496	97,496		0	97,496	Costs Relating to the final settlement of a reduced cost pass through claim. This has been funded from service under spends in year which has released a reserve of £171k to offset the one off costs of bringing forward the CRC changes to 2016/17. This will result in savings in future years as set out in the budget savings for 2016/17.	
<b>Highways &amp; Neighbourhood Management</b>									
Winter Maintenance	Winter maintenance net position	700,260	626,752	(73,508)		0	(73,508)	The weather during 2015/16 has been finer resulting in a net saving on winter maintenance.	

2015/16 Revenue Budget Variations over £50,000									
Description		Budget £	Outturn £	Variation £	Analysis of Variation			Service £	Comments
					Asset Rent £	IAS19 £	Public Health		
Footpath Lighting Wrekin - <b>Special Fund</b>	Premises Related	676,827	626,789	(50,038)			0	(50,038)	Reduced maintenance spend on Street lighting due to the current procurement process underway with new contract start date of 1/4/17 including large invest to save programme scheduled for 17/18..
Variations under £50,000		21,574,065	21,572,457	(1,608)	75,689	209,000		(286,297)	
<b>Street Cleansing &amp; Grounds maintenance Procurement</b>	Supplies & Services	0	150,000	150,000			0	150,000	Contribution to reserves to fund Data collection required for Grounds & Cleansing procurement process.
<b>Environment Maintenance &amp; Highways</b>	Supplies & Services	0	125,000	125,000			0	125,000	Contribution to reserves to fund various Drainage schemes, cleaning to gullies and works at Castlefields Way.
<b>Waste</b>	Supplies & Services	0	347,583	347,583			0	347,583	Contribution to reserves to support bringing forward the CRC changes to 2016/17. This will result in savings in future years as set out in the budget savings for 2016/17.
ICT	Various	59,286	609,967	550,681	(4)	208,000		342,685	Unavoidable budget pressure from an increase in the number of Microsoft Licenses required across the Council £181k. This over spend has been met from ICT budgets over the last 3 years however due to the reduction in ICT budgets during the last 12 months in order to deliver savings there is no longer the capacity to fund these costs going forward. This underspend has increased at year end due to an overspend on Thick/ Thin Client devices of £146k.
Registrars	Income	(250,190)	(307,637)	(57,447)				(57,447)	Additional income generated from ceremonies
Print Room	Various	(80,090)	(9,895)	70,195		5,000		65,195	Shortfall against income target for printing
Benefits	Income	(1,256,130)	(1,379,288)	(123,158)				(123,158)	Additional grant income received from the government
My Options	Various	751,347	760,087	8,740		193,000		(184,260)	Net underspend from reduction in staffing costs offset by shortfall against income target
Variations under £50,000		6,269,864	6,446,069	176,205		352,000		(175,795)	
		0	0	0				0	
<b>Total Neighbourhood &amp; Customer Service</b>		<b>31,627,789</b>	<b>32,630,391</b>	<b>1,002,602</b>	<b>75,685</b>	<b>1,003,000</b>	<b>0</b>	<b>(76,083)</b>	
<b>Development, Business &amp; Employment</b>									
<b>Skills Delivery, Lifelong Learning.</b>									
<b>Post 16 Transport</b>	Transport Related expenditure	(72,500)	(12,500)	60,000			0	60,000	Contributions no longer being received from TCAT & New College for Post 16 Transport, creating an ongoing pressure. The level of service is being reviewed along with implementation of a number of recommendations from the recent Audit which will assist in reducing the ongoing pressure
<b>National Careers Contract</b>	Income	(31,720)	(125,041)	(93,321)			0	(93,321)	Contract changes have resulted in the ability to generate one off higher levels of income in addition to changes on how we have delivered the service more effectively.
<b>Development Management Planning Applications</b>	Supplies & Services	5,830	72,858	67,028			0	67,028	LPA costs relating to planning appeals for Muxton Lane & Haygate Road.
<b>Planning Business Management Account</b>	Employees	1,484,310	1,485,355	1,045		84,000		(82,955)	One off vacancy management savings in readiness for 16/17 restructure launch.
<b>Property &amp; Design Engineering, Architect &amp; Building</b>	Employees	1,486,920	1,487,772	852		89,000		(88,148)	Vacancy management savings in addition to part year BIT Restructure savings delivered early.
<b>Operational Properties &amp; Admin Buildings</b>	Premises related	6,088,860	5,878,648	(210,212)			0	(210,212)	One off £104k NNDR pressure from 2012/13 at Wellington Civic due to revised valuation greater than previously anticipated, this results in an ongoing pressure of £44k for which growth has been given for 16/17. (£103k) net one off saving on Admin Buildings as a result of rationalisation. £44k Ongoing pressure at Abraham Darby due to the hire of generator to support ICT servers in case of power failure. Plus a number of other one off savings across Operational & Admin properties from reduced R&M and energy costs and one off income.
<b>Regeneration &amp; Investment</b>									

2015/16 Revenue Budget Variations over £50,000									
Description		Budget	Outturn	Variation	Analysis of Variation			Service	Comments
					Asset Rent	IAS19	Public Health		
		£	£	£	£	£		£	
<b>PIP &amp; Service Charges</b>	PIP & Service Charge net variance	(4,377,728)	(3,926,654)	451,074		38,000		413,074	Ongoing rationalisation of PIP resulting in an in year pressure on income and Service Charge voids. Showing improved position on 14/15 with further improved projection for 2016/17.
<b>Variations under £50,000</b>		(948,725)	(8,692,225)	(7,743,500)	(7,715,625)	257,000		(284,875)	
<b>Total Development, Business &amp; Employment</b>		<b>3,635,247</b>	<b>(3,831,787)</b>	<b>(7,467,034)</b>	<b>(7,715,625)</b>	<b>468,000</b>	<b>0</b>	<b>(219,409)</b>	
<b>Planning</b>									
Variations under £50,000		0	(12,838)	(12,838)		6,000		(18,838)	
<b>Total Planning</b>		<b>0</b>	<b>(12,838)</b>	<b>(12,838)</b>	<b>0</b>	<b>6,000</b>		<b>(18,838)</b>	
<b>Leisure, Culture &amp; Facilities Management</b>									
<b>Arts &amp; Culture</b>									
<b>Oakengates Theatre</b>	Theatre net position	308,840	215,691	(93,149)		12,000		(105,149)	Successful impact of Pantomime and other Theatre productions in year against a stretched income target.
<b>Leisure Services</b>									
<b>Oakengates Centre</b>	Oakengates net position	222,980	331,983	109,003		22,000		87,003	Shortfall on Tennis centre income pressure which has been rectified with new contract recently awarded. In addition to the phasing of income levels has been hindered as a result of the ongoing construction of new school during 15/16.
<b>Horsehay Golf &amp; Leisure</b>	Income	(341,730)	(271,812)	69,918		9,000		60,918	Income targets for the new Aspirations gym was challenging, although membership has developed during the year.
Primary School Meals	Income	(3,128,676)	(3,276,693)	(148,017)				(148,017)	Additional income from child paid meals due to increase in take up
<b>Variations under £50,000</b>		<b>6,934,843</b>	<b>7,492,546</b>	<b>557,703</b>		<b>527,000</b>		<b>30,703</b>	
<b>Total Leisure, Culture &amp; Facilities Management</b>		<b>3,996,257</b>	<b>4,491,715</b>	<b>495,458</b>	<b>0</b>	<b>570,000</b>	<b>0</b>	<b>(74,542)</b>	
<b>Finance, Audit &amp; Information Governance</b>									
Treasury		10,454,180	3,358,940	(7,095,240)				(7,095,240)	MRP savings together with lower borrowing costs
Variations under £50,000		(143,029)	(69,979)	73,050		241,000		(167,950)	Under spends from vacant posts.
<b>Total Finance, Audit &amp; Information Governance</b>		<b>10,311,151</b>	<b>3,288,961</b>	<b>(7,022,190)</b>	<b>0</b>	<b>241,000</b>		<b>(7,263,190)</b>	
<b>Law, Democracy &amp; People Services</b>									
Land Charges	Income	(104,570)	(192,073)	(87,503)				(87,503)	Additional income received from Land Charges
Single Status		1,045,095	245,000	(800,095)				(800,095)	Under spend as Single Status not implemented in 2015/16
Variations under £50,000		435,975	565,996	130,021	467	206,000		(76,446)	
<b>Total Law, Democracy &amp; People Services</b>		<b>1,376,500</b>	<b>618,923</b>	<b>(757,577)</b>	<b>467</b>	<b>206,000</b>		<b>(964,044)</b>	
<b>Cooperative Delivery Unit</b>									
Delivery & Planning	Employees	660,116	600,982	(59,134)		50,000		(109,134)	Net under spend arising from vacant posts, maternity leave and officers not at top of grade.
Variations under £50,000		409,694	445,801	36,107	(3)	124,000		(87,890)	
<b>Total Cooperative Delivery Unit</b>		<b>1,069,810</b>	<b>1,046,783</b>	<b>(23,027)</b>	<b>(3)</b>	<b>174,000</b>		<b>(197,024)</b>	
<b>Council Wide</b>									

2015/16 Revenue Budget Variations over £50,000									
Description	Budget	Outturn	Variation	Analysis of Variation			Service	Comments	
				Asset Rent	IAS19	Public Health			
	£	£	£	£	£		£		
Asset Management Account and other Council Wide Items	(11,572,193)	(13,869,680)	(2,297,487)	7,412,538	(4,328,000)		(5,382,025)		
Litigation Reserve		(187,000)	(187,000)				(187,000)	Reduced amount required in provision at year end	
Variations under £50,000	4,623,481	4,559,073	(64,408)				(64,408)	Surplus from WME contract £44k	
<b>Total Council Wide</b>	<b>(6,948,712)</b>	<b>(9,497,607)</b>	<b>(2,548,895)</b>	<b>7,412,538</b>	<b>(4,328,000)</b>		<b>(5,633,433)</b>		
<b>Transfers to Reserve</b>									
			0						
Severance Fund		3,000,000	3,000,000				3,000,000	To support the future delivery of savings through restructures	
ITS/Capacity fund		3,000,000	3,000,000				3,000,000	To support the future delivery of savings through capacity and investment	
Environmental Maintenance Reserve		1,500,000	1,500,000				1,500,000	To fund environmental maintenance issues and initiatives	
Waste Reserve		1,200,000	1,200,000				1,200,000	To meet known contractual obligations	
Insurance Reserve		179,396	179,396				179,396	Required to meet known MMI liability	
Invest to Save Fund		100,000	100,000				100,000	To support transfer of services to third parties	
Budget Strategy Reserve		2,100,000	2,100,000				2,100,000	To support the medium term budget strategy	
<b>Total Transfers to Reserve</b>	<b>0</b>	<b>11,079,396</b>	<b>11,079,396</b>	<b>0</b>	<b>0</b>		<b>11,079,396</b>		
<b>Total Variations</b>	<b>123,061,890</b>	<b>122,082,483</b>	<b>(979,407)</b>	<b>0</b>	<b>0</b>		<b>(979,407)</b>		

(0)

## 2015/16 Revenue Virements for Approval

Virements To:	£	Virements From:	£
<b>Children's Safeguarding &amp; Specialist Services</b>			
Children in Care Placements	1,711,298	Corporate Contingency drawdown	750,000
Staffing (Safeguarding)	446,447	Care Leavers Accommodation Costs	228,372
Internal Foster Carer Costs	126,635		
Joint Adoption Service	209,596		
Income Specialist Services	87,441		
Children not in Care / in need of costs	72,867		
	<b>2,654,284</b>		<b>978,372</b>
<b>Education &amp; Corporate Parenting</b>			
Advisory Management & Support	72,540	Traded Advisory	72,540
Asset Charges	224,898		
	<b>297,438</b>		<b>72,540</b>
<b>Family, Cohesion Services &amp; Commissioning Services</b>			
Supporting People Contracting	207,704	Cohesion, including Homelessness/Housing Needs	207,704
		Variations under £50,000	145,372
	<b>207,704</b>		<b>353,076</b>
<b>Adult Social Services</b>			
Purchasing of Care - all client groups	3,503,497	Contingency	2,500,000

### 2015/16 Revenue Virements for Approval

Virements To:	£	Virements From:	£
Income	715,676	One off Funds	475,000
Transport	122,773	Variations under £50,000	472,866
	<b>4,341,946</b>		<b>3,447,866</b>
<b>Neighbourhood &amp; Customer Services</b>			
Public Transport	279,841	Concessionary Travel	228,110
Waste Disposal - Wood	61,633	Public Transport income	64,112
Waste Disposal - Sita pass through	97,496	Winter Maintenance	73,508
Street Cleansing & Grounds Mtce Procurement	150,000	Neighbourhood variations under £50,000	286,297
Environment Mtce & Highways	125,000	Registrars	57,447
Waste supplies and services	347,583	Benefits income	123,158
Print Room	65,195	My options	184,260
ICT	342,685	Customer Services variations under £50,000	175,795
Asset Charges	75,689	Transport & Highways Development employees	268,145
	<b>1,545,122</b>		<b>1,460,832</b>
<b>Development, Business &amp; Employment</b>			
Post 16 Transport	60,000	National Careers Contract Income	93,321
Planning Applications - supplies and services	67,028	Operational Properties - premises related	210,212
PIP & Service Charge net variance	413,074	Property & Design - employees	88,148

### 2015/16 Revenue Virements for Approval

Virements To:	£	Virements From:	£
		Variations under £50,000	284,875
		Asset Charges/Revaluations	7,713,125
	540,102		8,389,681
<b>Finance, Audit &amp; Information Governance</b>		Treasury Management	7,095,240
		Variations under £50,000	167,950
	0		7,263,190
<b>Law, Democracy &amp; People Services</b>		Single Status	800,095
		Land Charges income	87,503
		Variations under £50,000	76,446
	0		964,044
<b>Public Health, Wellbeing &amp; Public Protection</b>			
Public Health Grant	772,772	Staffing & Operational	86,384
Public Health - carry forward	121,983	Smoking Cessation	193,245
		Healthy Lifestyles	207,212
		Devolved Allocations	38,694
		Public Protection, Civil Resilience	71,323

### 2015/16 Revenue Virements for Approval

Virements To:	£	Virements From:	£
		Variations under £50,000	369,220
	894,755		966,078
<b>Leisure, Culture &amp; Facilities Management</b>			
Oakengates Leisure Centre - income	87,003	Primary School Meals	147,921
Horsehay Golf & Leisure Centre - Income	60,918	Oakengates Theatre income	105,149
	147,921		253,070
<b>Cooperative Council &amp; Commercial Delivery Unit</b>			
		Delivery & Planning - employees	109,134
		Variations under £50,000	87,890
	0		197,024
<b>Council Wide &amp; Transfers to Reserves</b>			
Severance Fund	3,000,000	Central Contingency	5,382,025
ITS/Capacity Fund	3,000,000	Litigation Reserve	187,000
Environmental Mtce Reserve	1,500,000	Variations under £50,000	64,408
Waste Reserve	1,200,000		
Insurance Provision	179,396		
Invest to Save Fund	100,000		
Budget Strategy Reserve	2,100,000		
Transfer to Balances	858,000		
Asset Charges	7,412,538		
	19,349,934		5,633,433
<b>Total</b>	<b>29,979,206</b>		<b>29,979,206</b>

**Capital - Slippage & Supplementary Estimates**

Slippage - Scheme	Service Area	Slippage - £	Funding Analysis					
			Prudential	Capital Receipts	External	Govt. Grant	Borrowing	Revenue
Accommodation	Development Business & Employment	-31,039	-31,039					
Asset Management Plan-General Works & Surveys	Development Business & Employment	-305,269	-305,269					
Brookside	Development Business & Employment	-250,553	-250,553					
Capital receipts site preparation	Development Business & Employment	107,884		107,884				
Commercial and Business Fund	Commercial Services	-140,000		-140,000				
Customer Services Systems Development	Customer & Neighbourhood Services	-243,900						-243,900
Dawley Regeneration	Development Business & Employment	-50,000		-50,000				
Dawley Regeneration	Development Business & Employment	-13,806	-13,806					
Day Opportunities for ALD	Health & Well-Being	-103,102		-103,102				
Every Day Telford- Pride Hollinswood Centre	Development Business & Employment	-8,000						-8,000
Every Day Telford- Pride Hollinswood Centre	Development Business & Employment	-502,000		-502,000				
Every Day Telford- Pride Hollinswood Centre	Development Business & Employment	75,907	75,907					
Every Day Telford-Pride in your community	Customer & Neighbourhood Services	-901,976	-901,976					
Footway Lighting Energy Programme	Customer & Neighbourhood Services	-174,900	-174,900					
Hadley Local Centre	Development Business & Employment	-54,226				-54,226		
HCA Land Deal	Development Business & Employment	-180,998			-180,998			
Highways & Bridges Capital Maintenance	Customer & Neighbourhood Services	-351,789				-351,789		
Highways/Footpaths	Customer & Neighbourhood Services	-70,268	-70,268					
Horsehay Fitness Facility	Commercial Services	-70,007	-70,007					
Housing	Development Business & Employment	-200,000	-200,000					
Housing	Development Business & Employment	-30,000	-30,000					
Housing	Commercial Services	-272,399				-272,399		
Housing	Commercial Services	-4,379	-4,379					
Housing	Commercial Services	-26,808	-26,808					
Housing	Commercial Services	-243,992	-243,992					
Housing	Commercial Services	-44,937			-44,937			
Housing	Commercial Services	-159,863		-159,863				
Housing	Commercial Services	-147,550	-147,550					
Housing Company - Housing	Development Business & Employment	-657,836	-657,836					
Commercial Investment Project	Development Business & Employment	33,875	33,875					
ICT/ eGov	Commercial Services	-212,495						-212,495
ICT/ eGov	Commercial Services	-306,309	-306,309					
Integrated Transport	Customer & Neighbourhood Services	-312,739				-312,739		
Ironbridge Gorge Stability	Customer & Neighbourhood Services	-525,988	-525,988					
Ironbridge Gorge Stability	Customer & Neighbourhood Services	-84,300				-84,300		
Land Deal Board Schemes	Development Business & Employment	-141,000			-141,000			
Local Sustainable Transport Fund	Customer & Neighbourhood Services	-2,354				-2,354		
Malinslee Local Centre	Development Business & Employment	-740		-740				
Parks and Play Areas	Health & Well-Being	-501	-501					
Parks For People	Health & Well-Being	-2,767				-2,767		

Parks For People	Health & Well-Being	-51,452	-51,452					
Property investment programme	Development Business & Employment	230,412	230,412					
All Other School schemes	Development Business & Employment	-7,042				-7,041.81		
All Other School schemes	Development Business & Employment	-712,767	-712,767					
All Other School schemes	Development Business & Employment	-637,073				-637,073.16		
All Other School schemes	Development Business & Employment	-179,300			-179,300.10			
ICT Social Care Review	Early Help & Support	-188,943	-188,943					
Social Care Capital Grant	Early Help & Support	-579,091				-579,091		
St Georges Regeneration	Development Business & Employment	-199,686	-199,686					
Superfast Broadband Programme	Development Business & Employment	191,305					191,305	
Superfast Broadband Programme	Development Business & Employment	-597,000				-597,000		
Supported Independent Living - Disabled Facilities Gr	Commercial Services	-224,000	-224,000					
Supported Independent Living - Disabled Facilities Gr	Commercial Services	-2,423				-2,423		
Telford Growth Package	Customer & Neighbourhood Services	242,129				242,129		
Telford Growth Package	Customer & Neighbourhood Services	-105,503				-105,503		
Telford Growth Package	Customer & Neighbourhood Services	-12,500				-12,500		
Town Centre - Phase 1	Development Business & Employment	-410,095		-410,095				
Town Centre Connectivity	Customer & Neighbourhood Services	22,361			22,361			
Woodside Local Centre & Project Manag	Development Business & Employment	-4,594	-4,594					
Woodside Local Centre & Project Manag	Development Business & Employment	-4,013		-4,013				
Managing the funding of the Capital Programme	Corporate	-115,000	-3,426,000	3,311,000				
Building Schools for the Future	Education & Corporate Parenting	-2,183,173	-2,183,173					
Building Schools for the Future	Education & Corporate Parenting	-1,267,601					-1,267,601	
Building Schools for the Future	Education & Corporate Parenting	-2,949,884		-2,949,884				
Building Schools for the Future	Education & Corporate Parenting	-7,000			-7,000			
Building Schools for the Future	Education & Corporate Parenting	333,000					333,000	
<b>Total</b>		<b>-16,030,055</b>	<b>-10,611,598</b>	<b>-900,814</b>	<b>-530,875</b>	<b>-2,772,035</b>	<b>-1,274,643</b>	<b>59,909</b>

#### Slippage - for future years

Service Area	Slippage - £	Funding Analysis						
		Prudential	Capital Receipts	External	Govt. Grant	Borrowing	Revenue	
HCA Land Deals	Development Business & Employment	-112,140			-112,140			
	Development Business & Employment	-623,720			-623,720			
Land Deal Board Schemes	Development Business & Employment	-518,148			-518,148			
<b>Total</b>		<b>-1,254,008</b>	<b>0</b>	<b>0</b>	<b>-1,254,008</b>	<b>0</b>	<b>0</b>	<b>0</b>

#### New Allocations

Scheme	Service Area	Value - £	15/16	16/17	17/18	18/19
			£	£	£	£
All Other School Schemes	Development Business & Employment		167,179.35			
All Other School Schemes	Development Business & Employment		455,832.00	456,009.00		8,008,488.87
All Other School Schemes	Development Business & Employment		-455,832.00			
All Other School Schemes	Development Business & Employment		10,173.70	-9,482.00	-9,482.00	
Every Day Telford-Pride in your community	Neighbourhood & Leisure		132,168.56			

Dawley Tennis Courts	Neighbourhood & Leisure	-3,046.00			
Solar Farm	Co operative Delivery & Commercial Unit	-9,398.51			
Housing	Development Business & Employment	22,891.89			
The Place -Invest to Save	Neighbourhood & Leisure	-15,721			
HCA Land Deals	Development Business & Employment	-363,971	-784,228.00	-170,000.00	-92000
HCA Land Deals	Development Business & Employment		-180,998.03		
Land Deal Board Schemes	Development Business & Employment		-36,125.00	-279,721.00	-754000
HCA Land Deals	Development Business & Employment	38,891			
Dawley	Development Business & Employment	-13,276			
Ironbridge Gorge Stability	Neighbourhood & Leisure	-1,093,135			
Integrated Transport	Neighbourhood & Leisure	112,570			
Integrated Transport	Neighbourhood & Leisure	23,103			
Highways/Footpaths	Neighbourhood & Leisure	1,000			
Superfast Broadband	Development Business & Employment	130,873	660,000.00	213,127.02	
Superfast Broadband	Development Business & Employment	-200,000		-760,000.00	
Superfast Broadband	Development Business & Employment		-44,147.03		
Telford Growth Package	Neighbourhood & Leisure	40,000.00			
Every Day Telford- Pride Hollinswood Centre	Development Business & Employment	-71,204.06			
Property Investment Portfolio	Development Business & Employment	781,626.18			
Supported Independent Living - Disabled Facilities Gr	Commercial Services		1,575,312.00		
Public Health Capital Grants	Health & Well-Being		448,000.00		
Telford Growth Package	Customer & Neighbourhood Services		-2,200,000.00		
Telford Growth Package	Customer & Neighbourhood Services		2,200,000.00		
Telford Growth Package	Customer & Neighbourhood Services		-40,000.00		
Building Schools for the Future	Education & Corporate Parenting	273,000.00			
Building Schools for the Future	Education & Corporate Parenting	1,436,365.19			
Pot Hole Action Fund	Neighbourhood & Leisure		176,000.00		
Highways Bridges & Capital Maintenance	Neighbourhood & Leisure		174,000.00		
<b>Total</b>		<b>0.00</b>	<b>1,400,089</b>	<b>2,394,341</b>	<b>-1,006,076</b>
					<b>7,162,489</b>

**Section 106 Monetary Contributions Received and Expended for Education Purposes 01/04/15 to 31/03/16**

Planning Application No	Scheme	Bal brought forward	Income	Expenditure	Interest	Bal Carried forward	Project
W2010/0011	Wakins Nursery Apley Castle	30,232.48	-	-	93.40	30,325.88	To be used within vicinity of development - either HLC, Millbrook or Apley Wood (solutions currently being considered)
W2005/0961 & TWC/2012/0408	Marshbrook Way Donnington	0.00	-	-	0.00	-	Towards Muxton 3 class extension - completed
W2009/1015	Land at Church Farm Yard	0.00	-	-	0.00	-	Preston St Lawrence CE Primary refurb - completed
TWC/2012/0320 & TWC/2013/0720	Land off Sommerfield Road	121,232.73	-	-	376.95	121,609.68	To be used within vicinity of development - either HLC, Millbrook or Apley Wood (solutions currently being considered)
TWC/2011/1037	Land at The Walker Institute (Phase 2)	37,897.81	137.42	84.46	114.95	38,065.72	Will be used for expansion in North East Telford - project yet to be confirmed.
W2006/1347	Legomeny Centre	27,545.67	-	-	85.10	27,630.77	To be used within vicinity of development - either HLC, Millbrook or Apley Wood (solutions currently being considered)
TWC/2013/0938	Land to the South Side of Holyhead Rd	50,016.84	372.84	-	154.41	50,544.09	Will be used for expansion in North West Telford - project yet to be confirmed.
W2004/0981 & TWC/2013/0096	KMC (comm.centre/sch design)	3.45	660,000.00	3.46	0.01	660,000.00	Meadows Primary Extension - completed
W2005/1290	Dawley Bingo Hall	0.00	-	-	0.00	-	Captain Webb Primary redevelopment completed
W2005/0659 & W2007/1161	Land @ Britannia Way	206,745.54	-	115,796.27	580.09	91,539.36	To be used within vicinity of development - HLC
TWC/2010/0638	Land at The Pidgeon Box	53,830.04	-	-	166.30	53,996.34	Will be used for expansion in North East Telford - project yet to be confirmed.
W2007/1732	Capewell Works	39,810.58	308,337.68	348,253.44	105.18	-	Teagues Bridge Primary - 3 class & hall extension - completed
W2005/0661	Parkdale - Hadley	27,323.62	-	27,700.73	83.13	293.98	To be used within vicinity of development - HLC
TWC/2012/0371	Land at Muxton C2 & C3	75,100.14	30,598.82	-	247.91	105,946.87	Towards Muxton 3 class extension - completed
TWC/2010/0147	Land @ Holyhead Rd (former garage)	0.00	-	-	0.00	-	Meadows Primary Extension - completed
TWC/2012/0211	Land at Maynards Croft Newport	576.63	36,000.00	-	25.04	36,601.67	Newport Infant 2 class extension project - completed
TWC/2010/0722	Redhill - Education	4.88	109,421.33	-	44.94	109,461.39	Will be used for expansion in North East Telford - project yet to be confirmed.
TWC/2012/0609 & TWC/2014/1124	Woodlands Primary Redevelopment	-	132,351.00	40,000.00	270.65	92,621.65	Woodlands Demountable (15/16) & John Fletcher Primary Works (16/17)
TWC/2012/0787	Former White Hart Pub	0.00	-	-	0.00	-	Captain Webb Primary redevelopment completed
TWC/2013/0297	Land off Edgmond Rd Newport	206,279.83	-	-	599.92	206,879.75	To be used toward expansion of education facilities in Newport area - project yet to be confirmed
TWC/2014/1122	Land at junction of Stinchley Ave Randlay	-	40,069.00	-	113.64	40,182.64	Randlay Primary School Kitchen Works (16/17)
W2006/0608	Land off Church Walk Donnington	0.00	-	-	0.00	-	Muxton 3 class extension - completed
TWC/2013/0083	Land at Hadley Park West (Oakehampton Rd)	123,448.71	241,593.50	-	515.14	365,557.35	To be used within vicinity of development - either HLC, Millbrook or Apley Wood (solutions currently being considered)
TWC/2012/0886	Land at 121-125 Hadley Park Road	39,372.42	-	-	121.64	39,494.06	To be used within vicinity of development - either HLC, Millbrook or Apley Wood (solutions currently being considered)
TWC/2010/0089	Highfield House	21,279.14	-	21,305.59	26.45	-	St Patricks Primary School refurbishment
TWC/2014/0333	Land at Corner of Stafford Rd/A41 Newport	73,717.92	-	-	233.07	73,950.99	To be used toward expansion of education facilities in Newport area - project yet to be confirmed
TWC/2010/0828	Lawley Primary New School	333,490.00	1,550,657.90	1,733,333.33	585.47	151,400.04	1st & 2nd installment re new School at Lawley & school expansion plan sum
TWC/2014/0360	Land at Heath Hill/Balls Hill	0.27	-	0.27	0.00	0.00	Contribution to Captain Webb Primary Extension
TWC/2014/0882 & TWC/2015/0177	Park Road Malinslee	-	52,364.63	-	147.57	52,512.20	Old Park Primary Extension (16/17)
TWC/2015/0028	Land at Frome Way Donnington	-	98,750.00	-	-	98,750.00	Teagues Bndge Primary - 3 class & hall extension - completed

**Totals** - **1,467,898.94** - **3,260,654.12** **2,286,467.55** - **4,690.96** - **2,446,776.47**

- **2,446,776.47**

**To 31/03/16**

-

**TELFORD & WREKIN COUNCIL**

**COUNCIL – 14 July 2016**

**UPDATE TO THE COUNCIL’S CONSTITUTION**

**REPORT OF ASSISTANT DIRECTOR: GOVERNANCE, PROCUREMENT AND COMMISSIONING**

**LEAD CABINET MEMBER – CLLR LEE CARTER**

**1. SUMMARY OF MAIN PROPOSALS**

To propose the adoption of a new revised Constitution for the Council and extend voting rights of co-optees on the Joint Shropshire and Telford & Wrekin Council Health Overview and Scrutiny Committee.

**2. RECOMMENDATIONS**

2.1 To adopt the revised Constitution as set out at Appendix 1 to come into effect from the end of this Council meeting.

2.2 The Council approves the Voting scheme in Appendix 2 of this report to extend the voting rights for the co-optees appointed by Telford and Wrekin Council on the Joint Shropshire and Telford & Wrekin Council Health Overview and Scrutiny Committee.

**3. SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	
	Will the proposals impact on specific groups of people?	
	No	
<b>TARGET COMPLETION/DELIVERY DATE</b>	The Constitution will become effective upon the end of the council meeting, all delegations in the Constitution will become effective at that time.	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	Yes	The financial regulations, which provide the guidelines that must be adhered to when managing the financial affairs of the council and apply to all officers and members, are unchanged in the revised Constitution. The general principles behind the delegated powers include

		<p>the provision that financial resources can only be committed if they are within the approved budget and that financial regulations must be complied with at all times.</p> <p>PH – 23.6.2016</p>
<b>LEGAL ISSUES</b>	Yes	<p>The Local Government Act 2000 (as amended) requires the Council to have a Constitution. It is a matter for the Council to decide on revisions and changes to the Constitution. The Constitution covers a wide range of legislation and government guidance. These numerous statutes and guidance documents have been reviewed as part of the process to update the Constitution in order to ensure that it is compliant with legislation.</p> <p>The Council is required to follow the terms of the Constitution in order to act lawfully and reduce the risk of successful legal challenges.</p>
<b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b>	Yes	<p>The risks involved with updating the Constitution have been reviewed and addressed. Councillors and officers have been provided with briefings and drop in sessions to made aware of the new document. Opportunities have been taken to make the document more accessible and more adaptable to being used in an electronic format.</p>
<b>IMPACT ON SPECIFIC WARDS</b>	No	Borough-wide impact

#### **4. THE REVISED CONSTITUTION**

It is a legal requirement that this Council has a Constitution. It provides a framework for the Council to carry out its duties and undertake all of its operations.

The current Constitution is an established document but has been subject to many amendments over the years. It was decided that the whole of the document needed to be reviewed and updated to make it simpler, more accessible to the public, officers and Councillors alike and to be more suitable to using in an electronic format.

Officers have worked with Councillors to review the current Constitution and produce an updated alternative which is attached as Appendix1 at the link below. The new Constitution attached was reviewed and agreed by the Council's Constitution Committee on 5<sup>th</sup> July 2016 and the recommendation of that Committee is that the Council adopts the new version at this meeting.

<http://apps.telford.gov.uk/CouncilAndDemocracy/Meetings/Meeting/MTQ1MA%3d%3d>

The revised document is set out in three parts:

- 1 'How does the Council work' – which provides some background information and an explanation of how to navigate your way around the document and explains where to find the more specific rules
- 2 'Decision-making' – this section sets out who makes decisions, what decisions they can make and how they make them including Council business Cabinet and officers decisions and the role of the administrative committees such as planning and licensing committees.
- 3 'Governance, Scrutiny, Oversight and Transparency' – which sets out the role of scrutiny and the governance committees and the high level rules that govern how we operate including legal, procurement and financial regulations. It also summarises our relationship with the citizen, particularly in respect of transparency and access to information.

If the Council agrees to adopt the new Constitution at this meeting, it will become effective as soon as the meeting is closed. The decision will also mean that all new delegations will come into effect. Chief Officers (as defined in the Constitution) will be responsible for establishing specific delegations to their teams and keeping them up to date. Delegations from Committees will continue and the respective Committees will be responsible for reviewing their delegations and making sure that they are up to date.

The Constitution will always need to be reviewed in relation to internal changes at the Council but also to reflect any changes in legislation and government guidance. Whilst the Monitoring Officer will have delegated powers to make small administrative changes or those changes required to

changes in the law made at short notice it will continue to be the responsibility of the Council's Constitution Committee to look at any material proposed changes and to subsequently make recommendations to the Council when required.

#### **5. Extending Voting Rights for Co-optees**

In September 2013 Full Council granted permission for the co-opted members of the Joint Shropshire and Telford & Wrekin Health Overview and Scrutiny Committee appointed by Telford and Wrekin to vote at Committee meetings. The voting scheme gave the co-optees full voting rights for 3 years, at which point the voting rights will be revoked.

The Joint HOSC will continue to scrutinise the NHS proposals for the Future Fit Programme and will have a statutory role during the consultation on these proposals. Extending the voting scheme for the co-optees appointed by Telford and Wrekin on the Joint HOSC will ensure that all members of the Committee will be able to vote on the Joint HOSC response to this important area of work.

The Council is asked to renew the voting scheme for a further 3 years. A copy of the voting scheme that Council would consider is attached as Appendix 2 of this report.

#### **6. IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

No further information required.

#### **7. PREVIOUS MINUTES**

Full Council – 2<sup>nd</sup> May 2013, 92

Council Constitution Committee – 16<sup>th</sup> April 2013, CCC – 15, 15<sup>th</sup> and 17<sup>th</sup> November 2013, 7<sup>th</sup> July 2014, 25<sup>th</sup> April 2016

#### **8. BACKGROUND PAPERS**

None

**Report prepared by Jonathan Eatough, Assistant Director: Governance, Procurement and Commissioning (01952 383200), Matt Cumberbatch, Democratic and Legal Services Manager (01952 383233)**

**Table of Contents**

<b>Part 1 - How Does the Council work?</b> .....	<b>3</b>
Introduction: A summary and explanation of how the Council works .....	3
How the Constitution Works .....	5
Information about the Constitution .....	6
<b>Part 2 – Decision Making</b> .....	<b>7</b>
Who makes decisions and what decisions can they make? .....	7
Council – Terms of Reference .....	8
Leader/Cabinet - Terms of Reference .....	9
Boundary Review Committee - Terms of Reference and Procedure .....	10
Telford & Wrekin Health and Wellbeing Board - Terms of Reference and Procedure .....	11
Licensing Committee – Terms of Reference and Procedure .....	14
Planning Committee – Terms of Reference and Procedure .....	15
Officers .....	16
Responsibility for Functions (General) .....	23
Responsibility for Functions (Local) .....	25
Delegations to Chief Officers .....	28
How do they make decisions? .....	30
Principles of Decision Making .....	30
Council Procedure Rules .....	33
The Leader & Cabinet Rules .....	44
Committee Procedure Rules .....	50
Area Working Arrangements .....	54
Joint Arrangements .....	55
<b>Part 3 – Governance, Scrutiny, Oversight and Transparency</b> .....	<b>56</b>
Scrutiny .....	56
Scrutiny and Oversight Committees .....	56
Scrutiny Rules .....	58
Appeals Committee – Terms of Reference and Procedure .....	70
Audit Committee – Terms of Reference and Procedure .....	71

Constitution Committee - Terms of Reference and Procedure .....	73
Personnel Committee and The Panel - Terms of Reference and Procedure .....	74
Standards Committee – Terms of Reference, Functions, Powers and Duties .....	76
Oversight .....	81
Policy Framework and Budget Procedure Rules .....	81
Financial Regulations .....	83
The Contract Procedure Rules .....	110
Members’ Code of Conduct .....	123
Members’ Remuneration Scheme .....	127
Member/Officer Protocol .....	128
Officer Employment Procedure Rules .....	130
Employee Code of Conduct .....	136
Local Code of Good Governance .....	141
Transparency .....	142
Citizens and the Council .....	142
Access to Information - Publication of Agendas, Minutes and Decision Notices	144

## **Part 1 - 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**

1. 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 30 wards within the Borough. The Councillors together form the Council and meet together as a Council up to 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.
2. Telford & Wrekin Council is a co-operative Council which means that it is a Council that works closely with its communities, staff, partners and other organisations to deliver the best it can for the borough by giving local people greater influence over the services they use and the issues that affect their lives and encouraging greater involvement in their local community.
3. Full Council decides 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 the Cabinet, how to best deliver the services that the Council is responsible for providing.
4. The Council appoints a Mayor who is the first citizen and the Council’s representative within the Borough. The Council also appoints a Speaker who runs the Council meetings on behalf of the Mayor. 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. Local authorities should at all times act lawfully. Officers therefore in carrying out their responsibilities have a general duty to act and to see that the Council acts within the law. However, some officers have specific duties to ensure that the Council acts within the law and uses its resources wisely.
5. Councillors and officers have to follow (different) codes of conduct to ensure high standards in the way in which they conduct their duties.

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

## Introduction: A summary and explanation of how the Council works

### How the Constitution Works

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

The Constitution has 3 parts to it:-

<i>How Does the Council work?</i>	Introduction: A summary and explanation of how the Council works	
<i>Decision-making</i>	Who makes Decisions?	Details the different powers of Council, the Leader, Boundary Review, Health & Well-Being Board, Licensing and Planning Committees and Officers.
	What decisions can they make?	
	How do they make decisions?	
<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.

## Introduction: A summary and explanation of how the Council works

### Information about the Constitution

- **DUTY TO MONITOR AND REVIEW THE CONSTITUTION**
    - The Council is required to keep the Constitution up to date and under review, and this is undertaken by the Council Constitution Committee reporting to full Council.
    - The Monitoring Officer will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect and will make recommendations for updates and improvements to the Council's Constitution Committee as and when required.
    - The results of any changes will be reported to full Council, which can approve and adopt any necessary changes to the Constitution.
  - **CHANGES TO THE CONSTITUTION**
    - Where proposed change to the Constitution involve a change from a Leader and Cabinet Executive model to mayoral form, the Council must take steps to consult with local electors and other interested persons and take the results of that consultation into account before taking a final decision on such a change.
  - **PUBLICATION**
    - The Monitoring Officer will provide an electronic link to this Constitution on the Council's website or, on request, a printed copy, to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- [www.telford.gov.uk/constitution](http://www.telford.gov.uk/constitution)
- The Monitoring Officer will ensure that copies of the Constitution are available for inspection at the Council's office at Addenbrooke House, Ironmasters Way, Telford, TF3 4NT and can be purchased on payment of a reasonable fee.

## ***Part 2 – Decision Making***

### ***Who makes decisions and what decisions can they make?***

**This section sets out the powers (Terms of Reference) of the Council, the Leader and Cabinet, Boundary Review Committee, Health & Wellbeing Board, Licensing Committee, Planning Committee and details the powers that have been delegated to Officers.**

## **Council – Terms of Reference**

### **Council will:-**

1. Agree proposed changes to the Constitution
2. Approve the Budget & Policy Framework including virement limits and the degree of in-year changes to the Policy Framework that may be made by the Leader
3. Functions of Council as a Council Tax and precepting Authority
4. Elect the Mayor and Deputy Mayor
5. Elect the Speaker and Deputy Speaker
6. Elect and remove the Leader (for a 4 year term)
7. Agree the size, terms of reference of committees, etc. and appoint the membership including Chairmen and Deputy Chairmen
8. Appoint representatives to outside bodies (unless it is a Leader appointment or the appointment has been delegated)
9. Subject to Urgency Provisions, agreeing decisions proposed to be taken by a Decision Taker that are outside the Budget & Policy Framework Procedure Rules
10. To approve the Pay Policy Statement
11. Adopt and/or amend a Members' Remuneration Scheme
12. Change the name of the area
13. Grant the Freedom of the Borough and appoint Honorary Aldermen
14. Confirm the appointment or dismissal of the Head of Paid Service or the dismissal of the Monitoring Officer or Chief Finance Officer
15. Confirm the appointment of the Independent Person(s)
16. To finalise consultation responses in respect of reviews of electoral arrangements
17. All functions relating to bye-laws and promoting or opposing the making of local legislation or personal bills
18. 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

## ***Leader/Cabinet - Terms of Reference***

**The Leader appoints the Deputy Leader and the Cabinet Members and may delegate some or all of the strong leader powers of the executive to the Cabinet and accordingly the terms of reference for the Cabinet are as follows (subject to provisions of urgency as set out in the NOTE below).**

**The Cabinet will:-**

1. Take decisions that will implement the policy of the Council within the Budget & Policy Framework including virement limits and the degree of in year changes to the Policy Framework that may be made by the Leader.
2. Appoint Cabinet Members and the Deputy Leader.
3. Appoint representatives to outside bodies (unless it is a Council appointment or the appointment has been delegated).
4. Subject to Urgency Provisions take decisions that are within the Budget & Policy Framework Procedure Rules.
5. 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.
6. Take decisions that will implement the policy of the Council within the Budget & Policy Framework.

**NOTE** – In the event of the need for an urgent decision in a matter of emergency or in other circumstances, the Leader has the right to withdraw any of the delegations above for the purpose of exercising his strong leader powers to make a decision. Any decision made in such circumstances must only be undertaken both when it is reasonable and proportionate to do so and on the basis that any such decision will be reported to a subsequent meeting of the Cabinet.

## ***Boundary Review Committee - Terms of Reference and Procedure***

**The Committee has the responsibility and delegated powers to act on behalf of the Council in respect of the following 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.

#### **Elections**

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

#### **General**

10. 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, with the exception of paragraph 12 of the Council Procedure Rules, may be varied or suspended at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.

## ***Telford & Wrekin Health and Wellbeing Board - Terms of Reference and Procedure***

The Board has the responsibility for public health and health and wellbeing responsibilities within the Borough.

### **TERMS OF REFERENCE**

1. The Health and Wellbeing Board is responsible for
  - 1.1. the development of a joint Health & Wellbeing Strategy for Telford & Wrekin based upon the needs identified in the Joint Strategic Needs Assessment (JSNA)
  - 1.2. the ongoing development of the JSNA and the development, review and oversight of the delivery of actions identified in the joint health and wellbeing strategy and other key plans and strategies that may be developed from time to time
  - 1.3. the encouragement of joint and co-commissioning between health and care sectors, including Telford and Wrekin CCG, Telford and Wrekin Council, and NHS England and ensuring that commissioning activity of the relevant organisations are aligned with the priorities set out in the Health & Wellbeing Strategy
  - 1.4. the general oversight of the Council's Public Health responsibilities and receiving the annual report of the Council's Director of Public Health
  - 1.5. the receiving of reports from and making recommendations to Full Council, NHS England, and the Clinical Commissioning Group Board and Boards and sub-committees that it may establish (and delegate functions to) and from other Boards and organisations involved in the provision of that influence of health and well-being outcomes for the whole population within the Borough.
2. The Health and Wellbeing Board will link to the Local Strategic Partnership and local Adults and Childrens' Safe-guarding Boards
3. **General**
  - 3.1. At the first meeting after the Annual Council Meeting and in response to any further guidance consider its terms of reference, structure, membership and activities.

### **PROCEDURE**

#### **4. General**

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 suspended at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee

#### **5. Membership**

- 5.1. Members of the Health and Wellbeing Board will comprise representatives from the Telford & Wrekin Clinical Commissioning Group, Telford & Wrekin Council, HealthWatch and NHS England Local Area Team. The core members are:

- 5.2. Cabinet Member responsible for Housing, Leisure & Health (Chairman of the Health and Wellbeing Board)
- 5.3. Cabinet Member for Adult Social Care & Older People
- 5.4. Cabinet Member for Children, Young People and Communities
- 5.5. Cabinet Member for Culture, Sports, Parks & Green Spaces
- 5.6. Director responsible for Adult Social Care
- 5.7. Director responsible for Children's Services
- 5.8. Director of Public Health
- 5.9. NHS England Local Area Team representative
- 5.10. Chair of Telford and Wrekin Clinical Commissioning Group (CCG) (Vice Chair Health and Wellbeing Board)
- 5.11. Non-Executive Director from Clinical Commissioning Group
- 5.12. Chief Officer from Clinical Commissioning Group
- 5.13. Representative of local HealthWatch
- 5.14. Chair of the Community Safety Partnership
- 5.15. Each opposition Group with 4 or more elected members shall have one place on the Health and Wellbeing Board with voting rights.
- 5.16. Such other persons, or representatives of such other persons, as the Local Authority thinks appropriate
- 5.17. The members of the Board will be advised and supported by officers from the local authority and CCG.
- 5.18. Members agree to share all relevant information and data, to allow performance, and other joint working arrangements, to be properly monitored and managed.

## **6. Quorum**

- 6.1. Quorum of one quarter is required, with a minimum of one Councillor Board member from Telford & Wrekin Council and one Board member from the CCG required in attendance.

## **7. Disqualification for Membership**

- 7.1. 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 Health and Wellbeing Board, but the regulations will ensure the disqualifications do not apply to Health and Wellbeing Board 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 Health and Wellbeing Board.
- 7.2. The following disqualifications will be retained for members of the Health and Wellbeing Board:
- 7.3. Being the subject of a bankruptcy restrictions order or interim order
- 7.4. 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.

## **8. Voting Rights**

- 8.1. All Members of the Health and Wellbeing Board 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.

## **9. Meetings**

- 9.1. The Health and Wellbeing Board will meet quarterly and in public. Dates and times of meetings will be agreed and published in advance. Note - the press and public may be excluded during consideration of any matter which would involve the disclosure of confidential or exempt information.
- 9.2. 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. Note - documents that may disclose confidential or exempt information, will be made available for public inspection five days before the meeting.
- 9.3. Members of the public and press will have access to the meetings and there will be provision for public speaking section at each Health and Wellbeing Board meeting. A procedure for public speaking at the Health and Wellbeing Board is in place and is available on the Council's website or by contacting Democratic Services.

## **10. Code of Conduct and Declaration of Interest**

- 10.1. The Health and Wellbeing Board 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.

## **11. Reporting Mechanisms/Accountability**

The actions of the Health and Wellbeing Board will be subject to independent scrutiny by the relevant Scrutiny Committee of the Council.

## **Licensing Committee – Terms of Reference and Procedure**

**The Committee has the responsibility and delegated powers to act on behalf of the Council in respect of licensing matters within the Borough as follows.**

### **Licensing and registration functions**

- (a) 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**

- (b) 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.
- (c) Matters relating to fire safety.

### **Health Act 2006**

- (d) 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.

### **Miscellaneous**

- (e) Power to make payments or provide other benefits in cases of maladministration etc.
- (f) Powers in respect of common land, village greens and open space.
- (g) Powers in respect of the management and regulation of alcohol in public places, the provision and management of sites for the accommodation of gypsies and the closure of take away food shops.
- (h) Annually at the first meeting after the Annual Council Meeting consider its terms of reference.
- (i) Power to determine fees and charges in respect of any of the above functions.

### **PROCEDURE**

- (a) As a general rule the Council Procedure Rules govern the way that committees operate but these, with the exception of paragraph 12 of the Council Procedure Rules, may be varied or suspended at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.
- (b) Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions to ensure a fair hearing.

## **Planning Committee – Terms of Reference and Procedure**

**The Committee has the responsibility and delegated powers to act on behalf of the Council in respect of town and country planning matters and other associated functions within the Borough as follows.**

### **Town and Country Planning and Development Control functions**

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

### **Public Rights of Way functions**

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

### **Functions in relation to hedgerows and the preservation of trees**

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

### **Functions in relation to highways**

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

### **General**

5. Annually review their effectiveness and their terms of reference.

### **PROCEDURE**

- a) As a general rule the Council Procedure Rules govern the way that committees operate but these, with the exception of paragraph 12 of the Council Procedure Rules, may be varied or suspended at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.
- b) Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions to ensure a fair hearing.

## **Officers**

**This section describes the roles of the Statutory Officers including some specific functions that they are responsible for. The Statutory Officers are listed below –**

- 1. Head of Paid Service (Managing Director),**
- 2. Monitoring Officer (MO),**
- 3. Chief Financial Officer (CFO),**
- 4. Director for Children’s Services (DCS),**
- 5. Director of Adult Social Services (DASS),**
- 6. Director of Public Health (DPH), and**
- 7. Scrutiny Officer (SO).**

### **MANAGEMENT STRUCTURE**

1. Structure: The Head of Paid Service will determine and publicise a description of the senior officer structure of the Council.
2. The Senior Management Team is made up of the Managing Director, Directors, Assistant Directors and any other officer as determined by the Managing Director. The duties of the Senior Management Team include the delivery of effective governance and corporate and strategic management of the Council through collaborative working with elected members and partners, including the pursuit of the Council’s vision, priorities and core values. Designations of senior personnel will change from time to time and use of role titles within this document will be deemed to include their effective replacements from time to time or any other body or person placed in an equivalent role.
3. The Council is required to designate statutory officers who will act in accordance with their professional standards and best practice guidance.

### **FUNCTIONS OF THE HEAD OF PAID SERVICE**

**The Managing Director will be designated as the Head of Paid Service.**

1. **The Head of Paid Service shall undertake all duties designated under Section 4 of the Local Government and Housing Act 1989.** These are personal functions and must be undertaken by the Head of Paid Service personally. Where the Head of Paid Service is also the Managing Director he/she may delegate other functions which are not included in that Section 4.
2. **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
3. **Emergency Powers.** The Managing Director shall, having as far as possible conferred with the Leader in the event of civic disasters or other issues of extreme emergency, have power to make decisions for the protection of the Borough and its inhabitants, and which cannot be dealt with in accordance with

the normal decision making process of the Council.

4. The Managing Director has delegated authority to deal with those urgent items of business falling within the remit of the Leader where a Leader is not in office. In addition, the Managing Director has delegated authority to undertake the role of consultee for those functions within the Council's Scheme of Delegation to Officers requiring prior consultation with the Leader where they are not in office.
5. **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.

## **FUNCTIONS OF THE MONITORING OFFICER**

**The Assistant Director: Governance, Procurement and Commissioning will be designated as the Monitoring Officer.**

1. **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by members, employees and the public.

[www.telford.gov.uk/constitution](http://www.telford.gov.uk/constitution)

2. **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the full Council [or to the Leader and Cabinet Executive in relation to a Cabinet function] if he or she considers that any proposal, decision or omission would give rise to unlawfulness or following receipt of an ombudsman's report indicating if a decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered by full Council.
3. **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee. This will include conducting investigations into matters where there may have been a breach of the Members' Code of Conduct and making reports or recommendations in respect of them to the Standards Committee.
4. **Ensuring all reports to Cabinet include a legal comment and legal implications associated with the recommendations are clearly identified.** The Monitoring Officer, or officer designated by him, must be given adequate notice to prepare this comment before the initial draft is considered by Senior Management Team.
5. **The Proper Officer.** The Monitoring Officer is the Proper Officer for all statutory purposes other than those expressly reserved to another named officer (by title) in this Constitution.

6. **Advising whether Cabinet decisions are within the policy framework and budget.** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the policy framework and budget.
7. **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and policy framework and budget issues to all Councillors. The Monitoring Officer shall also provide advice to officers and members in relation to personal and prejudicial interests and generally on issues that may affect their ability to take part in or vote in matters being considered.
8. **Responsibilities in Legal Proceedings.** The Monitoring Officer can authorise, institute, defend, participate or settle any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer considers it necessary to protect the Council's interest. For the avoidance of doubt, settlement of legal proceedings does include matters of issue or dispute where court/tribunal proceedings have yet to be issued.
9. **Authentication of Documents.** Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Assistant Director: Governance, Procurement & Commissioning or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the requisite authority has been specifically delegated to some other person.
10. **Execution of documents and the Common Seal of the Council.** The Monitoring Officer, in his/her capacity as Assistant Director: Governance, Procurement & Commissioning will execute by signature any contract, notice or other document required to implement any decision of the Council and can authorise any other officer(s) to undertake the execution of such documents on his/her behalf.
11. The Common Seal of the Council will be kept in a safe place in the custody of the Assistant Director: Governance, Procurement & Commissioning. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Assistant Director: Governance, Procurement & Commissioning should be sealed. The affixing of the Common Seal will be attested by the Assistant Director: Governance, Procurement & Commissioning or some other person authorised by him/her.
12. **Appointment of a Deputy.** The Monitoring Officer shall appoint a deputy or deputies to act in his/her absence and when the Monitoring Officer is unable to act as defined in Section 5 of the Local Government and Housing Act 1989.
13. **Restrictions on posts.** The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

## **FUNCTIONS OF THE CHIEF FINANCIAL OFFICER**

**The Assistant Director: Finance & Human Resources will be designated as the Chief Financial Officer**

1. **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to the full Council [or, in the first instance, to the Leader and Cabinet Executive in relation to a Cabinet function] and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
2. **Ensuring all reports to Cabinet include a financial comment and financial implications associated with the recommendations are clearly identified.** The CFO, or officer designated by him, must be given adequate notice to prepare this comment before the initial draft is considered by Senior Management Team.
3. **Administration of financial affairs.** The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.
4. **Contributing to corporate management.** The Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
5. **Providing advice.** The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, policy framework and budget issues to all Councillors and will support and advise Councillors and officers in their respective roles.
6. **Give financial information.** The Chief Financial Officer will provide financial information to the media, members of the public and the community.
7. **Advising whether Cabinet decisions are within the policy framework and budget.** The Chief Finance Officer will advise whether decisions of the Cabinet are in accordance with the policy framework and budget.
8. **Supporting the Audit Committee.** The Chief financial Officer will contribute to the promotion and maintenance of high standards of governance, audit, probity and propriety, risk management and the approval of the statement of accounts through provision of support to the Audit Committee.

## **FUNCTIONS OF THE DIRECTOR OF CHILDREN'S SERVICES (DCS)**

**The Director: Children's & Adult Services will be designated as the Director of Children's Services**

1. The Children Act 2004 Section 18 (1) requires the Council to appoint a Director of Children's Services. The Director of Children's services is tasked with improving the well-being of all children and young people in the local area

across all five Every Child Matters outcomes, and ensuring that outcomes gaps between the most disadvantaged children and their peers are reduced.

**2. The functions of the Director of Children's Services are specified in Section 18(2):**

- 2.1. functions conferred on or exercisable by the LA in its capacity as a local education authority subject to exceptions detailed in Section 18(3);
- 2.2. social services functions as they relate to children within the meaning of the Local Authority Social Services Act 1970;
- 2.3. functions relating to persons leaving care – Sections 23C to 24D Children Act 2004 ;
- 2.4. functions in respect to the co-operation to improve well-being with partner agencies; multi agency arrangements to safeguard and promote welfare; information databases; children and young people's plans – Sections 10 – 12 and 17 Children Act 2004;
- 2.5. functions under section 75 of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to children
- 2.6. functions in respect to the improvement of young children's well-being; provision of child care; information, advice and assistance, and training to child care providers – Part 1 of the Childcare Act 2006 and
- 2.7. such other functions conferred on or exercisable by the authority as may be prescribed by the Secretary of State by regulations.

**3. Key roles:**

- 3.1. leadership –
- 3.2. to promote the importance of improving outcomes for all children and young people,
- 3.3. to encourage all services to contribute to improving outcomes for all children within the Children's Trust and other partnerships; and
- 3.4. working with local head teachers collectively to drive up standards in schools and improve children's wellbeing
- 3.5. championing children and young people and their families within the local area;
- 3.6. management of the local authority's children's services, with professional responsibility and accountability for their effectiveness, availability and value for money;
- 3.7. safeguarding and promoting the welfare of children
- 3.8. supporting looked after children
- 3.9. ensuring there are effective arrangements for school improvement in the area;
- 3.10. ensuring effective delivery of the authority's responsibilities for 14-19 commissioning and provision, and all aspects of 16-19 provision;
- 3.11. promoting early intervention and prevention in delivering services for children, young people and families; and
- 3.12. emphasising and ensuring all plans and strategies reflect the importance of reducing child poverty in the area.

## **FUNCTIONS OF THE DIRECTOR OF ADULT SOCIAL SERVICES (DASS)**

**The Assistant Director: Early Help & Support will be designated as the Director of Adult Social Services**

The Children's Act 2004 makes an amendment to Section 6 of the Local Authority Social Services Act 1970 and requires local authorities with social services responsibility in England to appoint an officer as the Director of Adult Social Services (once the duty to appoint a DCS has commenced).

- 1. The DASS is accountable for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended) and the Care Act 2014, other than those for which the DCS is responsible, in respect of adults.**
  
- 2. The responsibilities of the DASS must properly relate to the local authority's functions in respect to adult social services including:**
  - 2.1. accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services;
  - 2.2. professional leadership, including workforce planning;
  - 2.3. leading the implementation of standards;
  - 2.4. safeguarding vulnerable adults;
  - 2.5. managing cultural change;
  - 2.6. promoting local access and ownership and driving partnership working;
  - 2.7. delivering an integrated whole systems approach to supporting communities; and
  - 2.8. promoting social inclusion and wellbeing.

## **FUNCTIONS OF THE SCRUTINY OFFICER (SO)**

**The Proper Officer will designate an officer to be the Scrutiny Officer.**

**The Scrutiny Officer shall undertake the following functions, including:**

- 1.1. **Promoting Scrutiny.** The SO will promote the role of the authority's scrutiny committee(s) and sub-committee(s).
- 1.2. **Provide Support.** The SO will provide support to the scrutiny committee(s), sub-committee(s) and members of those committees or sub-committee(s).
- 1.3. **Provide Support and Guidance.** The SO will provide support and guidance to the members of the authority, members of the executive of the authority and officers of the authority in relation to the functions of the authority's scrutiny committee(s) and sub committees.

The Scrutiny Officer post cannot be held by the Head of Paid Service, Chief Financial Officer or Monitoring Officer.

## **FUNCTIONS OF THE DIRECTOR OF PUBLIC HEALTH**

**The Assistant Director: Health & Wellbeing will be designated as the Director of Public Health (DPH).**

The Council must appoint a DPH in accordance with section 73A of the National Health Act 2006 (as amended) acting jointly with the Secretary of State.

**The Statutory responsibilities of the DPH are set out in section 73A ((1) of the NHS Act 2006 (as amended) (“the 2006 Act”) as follows:-**

all of the local authority’s duties to take steps to improve public health  
any of the Secretary of State’s public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations – these include services mandated by regulations made under section 6C of the 2006 Act,  
exercising their local authority’s functions in planning for, and responding to, emergencies that present a risk to public health  
their local authority’s role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders  
such other public health functions as the Secretary of State specifies in regulations and  
write an annual report on the health of the local population.

### **DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCIAL OFFICER**

The Council will provide the Head of Paid Service, the Monitoring Officer and Chief Financial Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

### **CONDUCT**

Officers will comply with the Officers’ Code of Conduct and the Protocol on Officer/Member Relations set out in this Constitution.

### **EMPLOYMENT**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in this Constitution and the relevant statutory requirements.

All officers shall be appointed on merit in accordance with Section 7 of the Local Government and Housing Act 1989.

## ***Responsibility for Functions (General)***

- Section 13 of the Local Government Act 2000 (as amended) provides that all the functions of the authority shall be functions of the Leader and Cabinet Executive except in so far as they are reserved to the Council by the Local Government Act 2000 (as amended), by subsequent legislation or by regulations made under the Local Government Act 2000 (as amended). The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) sets out those functions:
  - which must not be discharged by the Leader and Cabinet Executive (e.g. determination of planning applications; licensing and registration functions);
  - which may be the responsibility of the Leader and Cabinet Executive (e.g. service of an abatement notice for a statutory nuisance; functions relating to contaminated land);
  - which may not be the sole responsibility of the Leader and Cabinet Executive (e.g. the Council Plan; and
  - circumstances in which functions which would otherwise be functions of the Leader and Cabinet Executive fall to be discharged other than by the Leader and Cabinet Executive (e.g. where the Leader and Cabinet Executive is taking a decision concerning the budget and wish to make a decision contrary to the approved budget, then this is a matter for the Council).
- Accordingly, the Council only has discretion as to the allocation of functions between the Council (“Council functions”) and the Leader and Cabinet Functions (“Leader and Cabinet functions”) in respect of those functions which fall within categories b. and c. above.
  - “Council functions” shall therefore comprise:
    - those functions which are reserved as Council functions by the Local Government Act 2000 (as amended) and by subsequent legislation;
    - those functions which are reserved as Council functions by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and subsequent regulations under the Local Government Act 2000;
    - of those functions set out in Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended):
      - under paragraph 2 of that Schedule the determination of any appeal against any decision made by or on behalf of the Council; and
      - under paragraph 19 of that Schedule, the appointment of any individual to any office or body, or to any committee or sub-committee of any body, and the revocation of such appointment shall be a Council function except to the extent that the opportunity for such appointment arises at such date that it is not convenient to defer any such appointment until the next Annual General Meeting of the authority.
  - and the plans and strategies the adoption or approval of which shall be a Council function (the “Strategic Framework”) shall be those plans and

strategies set out in Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) together with such other plans and strategies as the Council shall identify from time to time for this purpose.

- The Council may make arrangements under Section 101 of the Local Government Act 1972 (as amended) for the discharge of any of its functions by:
  - a Committee;
  - a Sub-Committee;
  - a Joint Committee;
  - another local authority, or
  - an officer.
- Such arrangements are set out in this section of the Constitution and in the Scheme of Delegation of Council Functions to Officers.
- Under Section 14(2) of the Local Government Act 2000 (as amended), the Leader may make provision that specific Cabinet functions shall be allocated to, and discharged by,
  - the Cabinet (as a body);
  - an individual member of the Cabinet;
  - a Committee of the Cabinet; or
  - an officer.

## ***Responsibility for Functions (Local)***

### **Local Functions which may be exercisable by the Council and its Committees, or the Cabinet.**

**The Council, the Leader and the Cabinet have agreed the allocation of these functions in accordance with the split shown below: -**

#### **Functions**

#### **Decision Making Body**

##### **Appeals**

Appeals Committee

The determination of an appeal against any decision made by or on behalf of the authority where statute allows

##### **Environment**

Environmental Health Refuse Collection, Any function relating to contaminated land Part IIA Environmental Protection Act 1990

Licensing Committee

The discharge of any function relating to the control of pollution or the management of air quality. Pollution Prevention & Control Act 1999; Part IV Environmental Protection Act 1995; Part I Environmental Protection Act 1990; Clean Air Act 1993

Licensing Committee

The service of an abatement notice in respect of a statutory nuisance s.80(1) Environmental Protection Act 1990

Licensing Committee

The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area. S.8 Noise and Statutory Nuisance Act 1993

Licensing Committee

The inspection of the authority's area to detect any statutory nuisance s.79 Environmental Protection Act 1990

Licensing Committee

The investigation of any complaint as to the existence of a statutory nuisance s.79 Environmental Protection Act 1990

Licensing Committee

## **Planning**

Certificate of Lawfulness of existing use or development and Certificate of Lawfulness of proposed use or development  
Planning Committee

## **Enforcement**

The obtaining of information as to interests in land.  
Town and Country Planning Act 1990 s.330  
Planning Committee

The obtaining of particulars of persons interested in land. Local Government (Miscellaneous Provisions) Act 1976 s.16  
Planning Committee

## **Standards in Local Government**

The promotion and maintenance of high standards of conduct within the Council  
Standards Committee

Assistance to members and co-opted members of the authority  
Standards Committee

## **Education**

To establish independent committees to which parents appeal if they are dissatisfied with a decision to exclude a pupil. School Standards and Framework Act 1998 s.67(1) and Sch 18  
The Leader and Cabinet Executive

To establish independent committees to which parents can appeal if they are dissatisfied with an admission decision. School Standards and Framework Act 1998 s.67 (1) and Sch 18  
The Leader and Cabinet Executive

The making of arrangements pursuant to Section 95(2) of and Schedule 25 to the 1998 Act (children to whom section 87 applies; appeals by governing bodies)  
The Leader and Cabinet Executive

## **Environment**

### **DEVELOPMENT PROPOSALS**

Agreement between a developer and the Highway authority for the execution of highway Works. Highways Act 1980, s.278.  
The Leader and Cabinet Executive

## Appointments

The appointment of any individual:

The Leader and Cabinet  
Executive

(a) to any office other than an office in which he is employed by the authority;

(b) to any body other than

(i) the authority

(ii) a joint committee of two or more authorities; or

to any committee or sub-committee of such a body

and the revocation of any such appointment

NOTE – The Cabinet and Committees referred to above may, in turn, delegate functions to Sub Committees and/or officers where they consider appropriate. Any such delegations should be recorded in writing.

NOTE – FOR THE AVOIDANCE OF DOUBT, UNLESS AND UNTIL REVIEWED BY INDIVIDUAL CABINET, BOARDS AND COMMITTEES, EXISTING DELEGATIONS PREVIOUSLY MADE TO OFFICERS BY THE CABINET, BOARDS AND COMMITTEES SHALL CONTINUE TO BE EFFECTIVE.

## ***Delegations to Chief Officers***

### **Officers' Delegated Authority**

- For the purposes of this delegation scheme the term 'Chief Officer', means the Managing Director, the Directors and the Assistant Directors of the Council.
- Chief Officers are authorised as follows:
  - To undertake all Council functions duties and powers not specifically reserved to the full Council, a Committee or the Executive except as may be specifically reserved to Statutory Officers;
  - The full Council, its Committees and the Executive make decisions in accordance with the Constitution. Chief Officers have express authority to take all necessary actions to implement full Council, Committee and Executive decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate;
  - In the interests of operational efficiency of the service a Chief Officer may arrange for the function, duty or power to be exercised on his or her behalf by an appropriately qualified officer for whom that Chief Officer has management responsibility.
  - When functions duties and powers are delegated to an appropriately qualified officer by a Chief Officer, the Chief Officer, Full Council, the Committee or Executive which has delegated those functions duties and powers will retain concurrent authority to exercise those functions, duties and powers where this is legally permissible.
  - A function, duty or power delegated to an officer may be passed back by that officer to the person (including another officer), Full Council, committee or Executive giving the delegated power to the officer.
  - Without prejudice to Chief Officer's delegated authority, Chief Officers are required to report to their appropriate Cabinet Member on the performance of their service area.
- All Chief Officers are empowered to have the following authority to act:
  - to take all necessary action to implement decisions of the Council, its Committees and the Executive within overall remit, including:
  - commitment of resources within approved budgets and financial regulations;
  - service and placing of any necessary statutory or other notices (other than those expressly reserved to the full Council, a Committee or the Executive and which are not otherwise delegated);
  - the acquisition of equipment or services necessary for the day to day performance of the Council's business or fulfilment of any matter authorised by the Council or elected member body for which a budget has been approved;
  - to manage any physical assets, including land and buildings (except for the acquisition, appropriation or disposal of land and buildings), IT, vehicles and equipment generally, allocated to the service for which he/she is responsible;
  - to enter into any arrangements, contractual, partnership, or otherwise with any other body for the carrying out of the functions of either body;

- power to nominate or authorise any other officer to act on his or her behalf to action any decision;
  - to enter into any arrangements, contractual, partnership, or otherwise with any other body for the carrying out of the functions of the Council;
  - to appoint, discipline, suspend or dismiss any employee below Chief Officer level who is employed in the delivery of services for which he/she is responsible, within the guidance issued by Managing Director and HR Manager;
  - in consultation with the Managing Director and the HR Manager, to make changes to the establishment of a service area for which he/she is responsible subject to financial provision for the current and future years being available and including the approval both of the grading of new posts for which financial provision has been made by the Cabinet and the regrading of existing posts;
  - to undertake all actions necessary to fulfil their respective duties and responsibilities as set out in this Constitution.
- Chief Officers are required to produce, keep up to date and publish on the Council's website a list of all nominations and authorisations to any other officers to act on his or her behalf to undertake any decision, duty, power or function.
  - These delegations should be interpreted widely to aid the smooth running of the Council, the effective deployment of resources and the efficient delivery of services.

## **Part 2 – Decision Making**

### ***How do they make decisions?***

**This sections details the principles that the Council uses when making decisions, procedure rules for full Council, Cabinet and Committees and special arrangements for area working or working with other Councils in joint committees**

### ***Principles of Decision Making***

**The Council is required to keep up to date a record of what part of the Council or which individual has responsibility for particular types of decisions or decisions relating to particular areas or functions.**

#### **RESPONSIBILITY FOR DECISION MAKING**

1. One purpose of the Leader and Cabinet Executive structure is to expedite decision making. Accordingly the intention of the Council is that decision taking should be delegated in the interests of speed where that is consistent with the democratic process in terms of accountability and openness.
2. The various levels of decision making are:-
  - Council – Committees – delegations to officers.
  - Leader - Cabinet (either collectively or by individual Cabinet member) – delegations to officers.
3. Whilst specific functions are reserved to full Council by statute and the Leader may determine that certain Cabinet decisions be taken in full meetings of the Cabinet, a purpose of this Constitution is to encourage delegation of decision making to individual officers. Where such decisions have been delegated it remains open to the person or body making the delegation to call back for their own decision, issues of significance or sensitivity and for the decision maker to refer matters upwards for determination.
4. The Leader may delegate functions to or within the Cabinet, or to an individual Cabinet Member, or an officer. See the '*Leader/Cabinet – Terms of Reference*' for further information.
5. Decisions which the Council is delegating to Committees are identified in this Constitution.
6. Where a matter/decision has been delegated to the Cabinet, Committee or officer it is permitted for that delegation to be delegated on further to other Committee(s) and/or Officers where it is lawful, reasonable and appropriate to do so. Any such delegations should be recorded in writing.
7. The Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) set out what decisions the Council must make itself and these are detailed in this section of the Constitution. The following functions under

Schedule 2 of the Regulations are also functions in relation to which the Council itself will make decisions:

- approval of the Council Plan (including any such plan which constitutes the Council Plan but is known by another name or title);
  - determination of any appeal against a decision made by, or on behalf of the full Council as opposed to appeals against decisions of the Leader and Cabinet Executive.
8. The determination of any appeal against a decision made by, or on behalf of the full Council as referred to in (b) in the paragraph above shall not in any way affect or remove the statutory rights of the individual.
9. Decisions in relation to the policy framework and budget are exclusively reserved to the Council.

### **PRINCIPLES OF DECISION MAKING**

10. All decisions of the Council, its Committees, the Leader and Cabinet Executive and those under powers delegated by others shall have regard to the following principles of governance and good practice:
- consideration of all options available;
  - having regard to due consultation;
  - consideration of professional advice from officers;
  - clarity of aims and desired outcomes;
  - the action proposed must be proportionate to the desired outcome;
  - having respect and regard for human rights;
  - presumption for openness, transparency and accountability;
  - only relevant matters taken into account;
  - due weight to all material considerations (including opportunities and risks);
  - proper procedures will be followed
  - The Council's co-operative values.

### **TYPES OF DECISION**

11. **Decisions reserved to full Council** – Decisions which are either required by statute to be taken by the full Council and/or which the full Council have decided to retain and not delegate to any councillor, committee or officer.
12. **Decisions made by Committees/Boards appointed by the Council** – Power to make such decisions are delegated by the Council in accordance with the relevant provisions of this Constitution. (Section 101, Local Government Act 1972).
13. **Decisions of the Leader and Cabinet Executive will comprise Key Decisions and Non-Key Decisions.** "Key Decisions" relate to a Leader and Cabinet Executive decision, which are likely:

- to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates, specifically decisions which are of a value in excess of £500,000; or
  - to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area.
14. A key decision will relate to a decision on a matter identified in the Notice of Key Decisions, except in cases of urgency when the provisions contained within the Policy Framework and Budget Procedure Rules will apply.
15. In accordance with Section 38 of the Local Government Act 2000, in determining the meaning of "significant" the Council shall determine thresholds above which items are significant and will ensure these limits are published. Any decisions involving expenditure or saving above the published threshold for the service or function concerned will be a Key Decision. A Key Decision may not necessarily involve significant expenditure or savings but may however be significant in terms of its effect on communities in two or more wards within the Council's area.
16. A decision taker may only make a Key Decision in accordance with the requirements of the Cabinet Decision Procedure Rules set out in the section 6 of the Leader and Cabinet Rules (*decision-making*) and the *Principles of Decision Making* rules set out above.

#### **DECISION MAKING BY THE FULL COUNCIL**

17. When considering any matter, the Council meeting will follow the Council Procedure Rules set out in this Constitution.

#### **DECISION MAKING BY THE CABINET**

18. When considering any matter, the Leader, Cabinet, individual member of the Cabinet or officer exercising delegated powers will follow the provisions of paragraph 6 above.

#### **DECISION MAKING BY OTHER COMMITTEES ESTABLISHED BY THE COUNCIL**

19. When considering any matter other Council Committees will follow those parts of the Council Procedure Rules set out in this Constitution as apply to them.

#### **DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS**

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

#### **THE SCRUTINY COMMITTEES**

21. When considering any matter the Scrutiny Committees will follow the Scrutiny Procedure Rules set out in this Constitution.

## Council Procedure 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. **Motions**
8. **Rules of Debate**
9. **Speeches**
10. **Voting**
11. **Presentation of Petitions**
12. **Suspending Council Rules**
13. **Conduct**

### 1. **What is Council**

- 1.1. The Council (a meeting of all 54 Members of the Council, often referred to as “full 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
<b>The Annual General Meeting</b>	<b>Either after Council elections, within 21 days of the retirement of the outgoing councillors Or during March to May in non-election years</b>
<b>Ordinary Meetings</b>	<b>See the schedule of meetings</b>
<b>Extraordinary Meetings</b>	<b>Can be called by:</b> <ul style="list-style-type: none"> <li>• the Council by resolution</li> <li>• the Mayor</li> <li>• the Monitoring Officer</li> <li>• 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</li> </ul>

3. **Business to be transacted at Council meetings:-**

Business to be transacted	Type of Meeting		
	Annual Meeting	Ordinary Meeting	Extraordinary Meeting
<b>Elect a person to preside if the Speaker or Deputy Speaker are not present</b>	✓*	✓*	✓*
<b>Receive any apologies for absence</b>	✓*	✓*	✓*
<b>Business required by statute to be done before other business</b>		✓*	
<b>Receive any declarations of interest from Members</b>	✓*	✓*	✓*
<b>Elect the Mayor, Deputy Mayor, Speaker, Deputy Speaker and Leader<sup>1</sup></b>	✓		
<b>Approve the minutes of the previous meeting(s)<sup>2</sup></b>	✓*	✓*	
<b>Receive any announcements from the Mayor, the Leader or the Head of Paid Service</b>	✓	✓	
<b>Agree the size of the Cabinet and note the Leader's appointments to the Cabinet, including the Deputy Leader</b>	✓		
<b>Agree the Council's delegation scheme</b>	✓		
<b>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)</b>	✓	✓**	
<b>Receive the schedule of meetings</b>	✓		
<b>Receive the Leader's annual statement of policy priorities and the responses from the Leaders of the 2 largest opposition groups</b>	✓		

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

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

	Annual Meeting	Ordinary Meeting	Extraordinary Meeting
Consider the business set out in the agenda	✓	✓	✓
Receive reports from Committees, etc. and receive questions and answers on those reports and to determine recommendations made in those reports <sup>3</sup>		✓	
To consider questions raised by Members or members of the Public		✓	
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 detailing the business to be transacted and copies of available reports. Summonses may be delivered by post, by hand or electronically.

4.2. The Speaker may, if he/ she considers it appropriate and after consulting with the Mayor, 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 as soon as is reasonably practicable before the start of the meeting.

4.5. Current Council committees are:-

Type of meeting	Members	Substitutes	Quorum
<b>Council</b>	<b>54</b>	<b>n/a</b>	<b>14</b>
<b>Cabinet</b>	<b>9 (maximum)</b>	<b>n/a</b>	<b>4</b>
<b>Health &amp; Well-Being Board</b>	<b>6 (and 8 co-optees)</b>	<b>n/a</b>	<b>4</b>

<sup>3</sup> 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.

Type of meeting	Members	Substitutes	Quorum
Standards Committee	8	n/a	3
Council Constitution Committee	8	n/a	3
Scrutiny Management Board	8	n/a	3
Scrutiny Committees	8	n/a <sup>4</sup>	3
Planning Committee	9	9	3
Licensing Committee	10	10	3
Appeals Committee	8 <sup>5</sup>	8	3
Personnel Committee	8	n/a	3
Boundary Review Committee	8	n/a	3

## 5. The role of the Speaker

5.1. The person elected at Annual Council to run meetings of the Council on behalf of the Mayor 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. 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 3 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.

5.3. 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. Chair 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;

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.

6.1.4. The Mayor does not sit on any committees.

<sup>4</sup> except for call-in meetings where substitutes are allowed.

<sup>5</sup> individual appeals should be heard by a panel of 5 members from the pool of 8 (quorum remains 3).

- 6.1.5. The Deputy Mayor, also appointed at Annual Council, may exercise any of these powers or duties in the absence of the Mayor.

## **6.2. Questions at Ordinary meetings of the Council**

- 6.2.1. A member may ask any member of the Cabinet questions on a point of clarification only about key decisions made by Cabinet since Council last met or that have not previously been presented to Council.
- 6.2.2. A member may ask any member of the Cabinet or the Chairman of any Committee questions about any matter in relation to which the Council has powers or duties which affects the Borough.
- 6.2.3. Questions pursuant to 6.2.2 above must be submitted to the Proper Officer by 5:00pm at least 2 clear 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.
- 6.2.4. Questions received pursuant to 6.2.2 are tabled at the meeting, printed in the order in which they are received.
- 6.2.5. A member may ask a supplementary question arising from the reply to their original question.
- 6.2.6. A member of the public or organisation may only ask one question per meeting which cannot be more than 50 words long except with the approval of the Speaker.
- 6.2.7. All questions pursuant to 6.2.6 above must be submitted to the Proper Officer by 5:00pm at least 7 clear working days before the meeting and will be included in the Council Agenda in the order in which they are received.
- 6.2.8. The Speaker may, in consultation with the Managing Director or the Proper Officer, rule any question out of order if questions do not meet the requirements detailed in 6.2.2 or in his/her opinion it would risk the defamation of any individual, relates to confidential or exempt information, relates to an individual or personal dealings with the Council or is considered to be frivolous, vexatious or repetitious.
- 6.2.9. An answer will be provided by the person 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 relevant time period has expired (30 minutes for member questions raised in accordance with paragraph 6.2.1 and 30 minutes for member questions raised in accordance with paragraph 6.2.2 and 15 minutes for public questions), a written answer will be sent to the person who asked the question and circulated to all Members via the Council's intranet or e-mail within five clear working days.
- 6.2.10. A person may speak for no more than 2 minutes when either; asking a question/ supplementary question or providing an answer to a question.

## 7. **Motions**

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

### **Motions without notice**

- 7.2. The following motions can be moved without notice during the Council meeting:-
- 7.2.1. to appoint a Chairman
  - 7.2.2. in relation to the accuracy of the Minutes
  - 7.2.3. to change the order of business in the agenda
  - 7.2.4. to refer something to an appropriate body or individual
  - 7.2.5. to appoint a committee or member arising from an item on the agenda for the meeting
  - 7.2.6. to receive reports or adoption of recommendations of Committees or officers and any recommendations following from them
  - 7.2.7. to extend the time limit for speeches
  - 7.2.8. to suspend a particular Council meeting rule
  - 7.2.9. to adjourn the meeting
  - 7.2.10. to exclude the public and press
  - 7.2.11. to not hear further from a Member or to exclude them from the meeting
  - 7.2.12. to give the consent of the meeting where its consent is required by this Constitution to ask for a Recorded Vote
  - 7.2.13. to withdraw the motion
  - 7.2.14. to amend the motion
  - 7.2.15. to proceed to the next business
  - 7.2.16. that the question be now put
  - 7.2.17. to adjourn the debate
- 7.3. The Speaker may ask for a written version of a Motion or a proposed amendment to be provided to him before it is discussed.
- 7.4. A Member may alter a Motion without notice which he/ she has moved with the consent of the Seconder and the meeting. This shall be given without discussion.

### **Motions with notice**

- 7.5. Other Motions must be submitted to the Proper Officer by 5:00pm at least 7 clear working days before the meeting.
- 7.6. 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 and must be signed by at least 25% of all Members.
- 7.7. Motions received will be published the day after the closing date for receipt and will be included in the Council agenda in the order in which they are received.
- 7.8. Motions must relate to matters for which the Council has responsibility or which affect the Borough of Telford & Wrekin.
- 7.9. A Member may alter a Motion with notice which he/she has moved with the consent of the meeting. This shall be given without discussion.

**Special Motions with notice - Rescinding a previous decision**

- 7.10. A Motion or amendment to rescind a decision made at Council in the last 6 months can only be considered once in the 6 months immediately following the date of the original decision if the notice of motion is signed by at least 10 members.
- 7.11. 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.

**8. Rules of Debate**

- 8.1. Other than when asking questions or when these rules have been suspended Members can speak once 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
<b>Proposer</b>	✓	✗	Right of Reply only	✓
<b>Seconder</b>	✓	✗	✓	✗
<b>All other members except the Mayor/Speaker</b>	✓	✓	✓	✗

**Referring a Motion**

- 8.2. A motion about a matter that is the responsibility of the Leader/Cabinet Executive or any other Committee shall, upon being moved and seconded stand referred without discussion to the Leader/Cabinet Executive or other Committee as may be determined for discussion and report. The Speaker may consider it conducive to the despatch of business to allow the motion to be dealt with at the meeting at which it is first considered.

**Amendments to Motions or Recommendations**

- 8.3. Any proposed amendment to a motion or recommendation at Council should be submitted to the Proper Officer no later than 4 hours before the meeting starts. The Proper Officer will ensure that Group Leaders are notified by telephone or e-mail of any amendments received as soon as possible prior to the commencement of the Council meeting.
- 8.4. Unless the notice of motion has already been given the Speaker may require it to be written down and handed to him/ her before it is discussed.
- 8.5. Only one Motion can be moved and debated at any one time.
- 8.6. No more than one amendment can be proposed to either the substantive Motion or the amended Motion at any one time.
- 8.7. When seconding a motion or amendment a member may reserve their speech until later in the debate.

- 8.8. If an amendment is carried the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 8.9. After an amendment has been carried the Speaker may read out the amended motion before accepting any further amendments or, if there are one, continue the debate or put it to the vote.
- 8.10. Amendments can be proposed that:-
  - 8.10.1. Refer the matter to an appropriate body or individual for consideration or reconsideration.
  - 8.10.2. Any combination of leaving out words and/or adding others as long as this does not negate or substantially alter the Motion.

#### **Withdrawal of Motions**

- 8.11. 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.

#### **Alteration of motion**

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

#### **Closure motions**

- 8.15. A member may move, without comment, the following motions at the end of a speech of another member:
  - 8.15.1. to proceed to the next business;
  - 8.15.2. that the question be now put;
  - 8.15.3. to adjourn a debate; or
  - 8.15.4. to adjourn a meeting.
- 8.16. If a motion to proceed to next business is seconded and the Speaker thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- 8.17. If a motion that the question be now put is seconded and the Speaker thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- 8.18. If a motion to adjourn the debate or to adjourn the meeting is seconded and the Speaker thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

## Speeches

Purpose of speech	Who can make the speech	Duration
Presenting a report	Member presenting a report	5 minutes
Proposing a motion or moving an amendment to a motion	Any Member	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
Substantive motion	Any member	3 minutes
Point of Order	Any member	3 minutes
Personal Explanation	Any member	3 minutes
Right of Reply	Mover of Motion	3 minutes

- 8.19. No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.
- 8.20. The Proposer of the substantive motion (or his/ her nominee) has a right of reply at the end of the debate but the Proposer of an amendment has no right of reply at the end of the debate on the proposed amendment.

### Point of Order

- 8.21. 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

- 8.22. A Member can make a personal explanation at any time. It can only relate to a material part of an earlier speech made during the current debate 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

- 8.23. 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.
- 8.24. 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.
- 8.25. The Speaker may allow officers to give advice to Council as and when appropriate in which case the rules on speaking for Members apply.

## 9. **Voting**

- 9.3. Subject to rules 9.2 to 9.5 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.
- 9.4. 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.
- 9.5. Seven<sup>6</sup> 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.
- 9.6. After a vote is taken any Member can ask for the way that they voted to be recorded in the minutes.
- 9.7. Any vote taken at a budget decision meeting of the Council will be by way of a recorded vote.
- 9.8. 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.

## 10. **Presentation of Petitions**

- 10.3. A petition may be presented to a meeting of the Council by a member of the Council or a member of the public subject to four clear working days prior written notice being given to the Proper Officer.
- 10.4. There shall be no right of a petitioner to address members.
- 10.5. Consideration of a petition may take place at the meeting of the Council at which the petition is presented when the subject of the petition relates to an item which is already on the agenda for that meeting, or the petition shall be received without discussion and referred to the relevant Officer.

## 11. **Suspending Council Rules**

- 11.3. These Council Rules, except 9.4 and 10 can be suspended by Motion on notice or without notice if at least 50% of the members present agree. Any suspension under this rule will last only for the duration of that Council Meeting.

## 12. **Conduct**

### **Members**

- 12.3. 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.
- 12.4. 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.
- 12.5. 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/or to such a place as he/she considers appropriate. Any such Motion will, if seconded, be voted on without debate.

---

<sup>6</sup> 2 members for committees

**Public**

- 12.6. 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**

- 12.7. 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.

## **The Leader & Cabinet Rules**

- 1.0 The Leader**
- 2.0 The Deputy Leader**
- 3.0 The Cabinet and cabinet members**
- 4.0 Notice of meetings/ Attendance at meetings**
- 5.0 Business to be transacted at Cabinet meetings**
- 6.0 Decision-making**
- 7.0 Developing the Budget Framework**
- 8.0 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 developing and implementing the Budget & Policy Framework.
- 1.2. All functions of the Authority are vested in the Leader except in so far as they are reserved to the Council by legislation or they are functions identified as those which may be made either by Council or the Leader, (as amended from time to time), and a decision has been made by Council that they are Council functions<sup>7</sup>. 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, which 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. The Leader will designate a cabinet member to be the Lead Member for Children's Services.
- 1.7. Any changes to the delegations made by the Leader will be notified to the person or committee concerned<sup>8</sup> and to the Proper Officer who will report the changes to the next meeting of Council.
- 1.8. The Leader will continue in office unless he/she:-
  - 1.8.1. resigns from office
  - 1.8.2. is no longer a Councillor
  - 1.8.3. 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
  - 1.8.4. is removed from office by resolution of the Council in the event of a change in political control of the Council

---

<sup>7</sup> These Council functions may be delegated to a committee, a sub-committee, a joint-committee or an officer

<sup>8</sup> Notice to any committee, including a Joint Committee will be effective if it is given to the Chairman of that committee

## **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 3.7 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 Council<sup>9</sup> 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-committees<sup>10</sup> 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 no longer a Councillor
  - 3.7.3. is removed by the Leader, this removal will take effect when the Leader gives written notice of it to the Proper Officer
  - 3.7.4. 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
  - 3.7.5. 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

---

<sup>9</sup> 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.

<sup>10</sup> 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 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 at least 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 may make arrangements to provide briefings for non-cabinet members on agenda items prior to the cabinet at such times and in such places as may be agreed from time to time by the Managing Director and Group Leaders.



## 5. Business to be transacted at Cabinet meetings

Business to be transacted	
<b>Agree terms of reference at the first meeting after Annual Council</b>	✓
<b>Elect a person to preside if the Leader and Deputy Leader are not present</b>	✓ *
<b>Receive any apologies for absence</b>	✓ *
<b>Receive any declarations of interest from Members</b>	✓ *
<b>Consideration of the Record of Decisions of the last meeting <sup>11</sup></b>	✓ *
<b>Appoint such sub-committees, etc. as the Cabinet consider are required to enable it to efficiently conduct its business and, in respect of those sub-committees agree the size and terms of reference and appoint the Chairman, Vice-Chairman and Members</b>	✓ **
<b>Matters referred to the Leader from either Council<sup>12</sup> or any Scrutiny Committee<sup>13</sup>;</b>	✓

<sup>11</sup> 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.

<sup>12</sup> Any resolution of Council referred to Cabinet for consideration will be considered, at latest, at the next scheduled meeting of the Cabinet.

<sup>13</sup> These may be limited by the Proper Officer depending upon the business to be transacted at the meeting.

<b>Consideration of reports from individual members<sup>14</sup> of the Cabinet or any Statutory Officer;</b>	
<b>Matters set out in the agenda for the meeting (Key Decisions shall be identified).</b>	

\* 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. Or, in the alternative, the Leader may decide to exercise his strong leader powers and decide the matter.

## 7. **Attendance at Cabinet Meetings**

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

---

<sup>14</sup> These may only be submitted with the agreement of the Leader

## 8. Developing the Budget Framework

- 8.1. 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 <sup>st</sup> December or as soon as reasonably practicable thereafter
Consultation including referring proposals to the relevant Council Scrutiny Committee <sup>15</sup> and community and stakeholder groups	At least 4 weeks from publication of draft proposals
Action	Timing
The Leader considers the responses from the budget consultation, including reports from the relevant Council Scrutiny Committee and Opposition Groups and may amend his/ her proposals	Pre 11 <sup>th</sup> March
The Leader will submit his/her final proposals (including responses to consultation) to Council for adoption	Pre 11 <sup>th</sup> March

## 9. Conflict resolution

- 9.1. Where the Leader and Cabinet Executive has submitted the draft budget strategy to the authority for its consideration and, following consideration of that draft, the Council has any objections to it, the Council must take the action set out below.
- 9.2. The Council will consider the proposals of the Leader and Cabinet Executive and if the Council has any objections to the policy and budget proposals, the Council must inform the decision taker of any objections and instruct that the policy and budget proposals be reconsidered by the decision-taker within 5 working days (this is a minimum period set out in the Regulations and can be extended if Members so desire) beginning on the day after the date on which the Leader receives the instruction.
- 9.3. Within the 5 working days the Leader may:-
- 9.3.1. submit a revised draft plan of the policy and budget proposals to the Council and the decision-taker's reasons for any amendments;
  - or
  - 9.3.2. inform the Council of any disagreement the decision-taker has with any of the Council's objections and the reasons for any disagreement.
- 9.4. When the 5 working days has expired, the Council must take into account any amendments made by the decision-taker and reasons for those amendments any disagreement and reasons for the disagreement, when either amending, approving or adopting the policy and budget proposals.

---

<sup>15</sup> This committee must consider any budget proposals proposed by any Opposition Group before Cabinet present their final proposals to Council

- 9.5. The Council meeting must take place within 10 working days of the receipt of the decision-taker's proposals. At that Council meeting, the decision of the Council shall be reconsidered in the light of the decision-taker's comments, which will be available in writing for the Council.
- 9.6. The Council shall at that meeting make its final decision on the matter by way of recorded vote. The decision shall be made public, and shall be implemented immediately.
10. If before 8 February in any financial year the Leader and Cabinet executive submits to the Council for its consideration in relation to the following financial year:-
  - 10.1. estimates of the amounts to be aggregated in making a calculation (whether originally or by a substitute) in accordance with any of Sections 31A,31B,34 to 36A, 42A,42B,45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992;
  - 10.2. estimates of other amounts to be used for the purposes of such calculation;
  - 10.3. estimate of such a calculation; or
  - 10.4. amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992,
  - 10.5. and following consideration of those estimates, the Council has any objections to them, it must follow the same procedure as set out in paragraph 9.3 above.

<p><b>This provision shall not apply when the decision-taker submit their proposals to the Council after 8 February</b></p>
---

## **11. Developing the Policy Framework**

- 11.1. 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 (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).

## **Committee Procedure Rules**

### **CONDUCT OF BUSINESS**

- **GENERAL**

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

- **APPOINTMENT OF COMMITTEES & POLITICAL GROUPS**

- The Council shall at the Annual Meeting appoint such Committees as it is required to appoint by or under any statute or under Council Procedure Rule 3 and may at any time appoint such other Committees as are necessary to carry out the work of the Council but, subject to any statutory provision in that behalf:
    - shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting of the Council;
    - may at any time dissolve a Committee or alter its membership.
  - Members of the Council may notify the Managing Director of their intention to form a Political Group in accordance with the Local Government (Committees and Political Groups) Regulations 1990 (as amended), and who the Leader (and Deputy Leader, if any) of the Group shall be.
  - The Managing Director shall calculate the number of seats on each Committee to be allocated to each of the Political Groups of which he/she has received notice and the number of seats to be allocated to Members who do not form a Political Group (if any) (non-aligned Members) and shall notify the Leader(s) of each of the Political Groups of his/her decision.
  - If the Managing Director does not receive any notice relating to the formation of Political Groups then the allocation of seats on Committees and the appointment of Chairmen and Vice-Chairmen of the Committees shall be decided at the Annual Meeting of the Council.
  - Following the procedures mentioned in 2.2 above each Political Group shall nominate members of the Council to serve on Committees. Details of the nominations shall be contained in a report to be sent to each member not less than three working days OR AS SOON AS IS REASONABLY PRACTICABLE before the Annual Meeting.
  - The Leader of any of the Political Groups or a member nominated to the Chair before the beginning of the meeting may submit a written amendment comprising a list with alternative names subject to their being before the Chair prior to the commencement of the meeting.
- **CONSTITUTION OF COMMITTEES**
  - The Council may appoint such Committees, Boards etc. as it considers appropriate. Currently, these are:

- Appeals Committee
  - Audit Committee
  - Boundary Review Committee
  - Council Constitution Committee
  - Health & Wellbeing Board
  - Licensing Committee
  - Personnel Committee
  - Planning Committee
  - Scrutiny Committees
  - Scrutiny Management Board
  - Standards Committee
- The number of members specified for each Committee shall be determined at the Annual Meeting of the Council.
  - No member of the Council shall be Chairman of more than one Committee unless the Council shall otherwise determine.
  - The Mayor shall not sit on any Board or Committee of the Council during his/her year of office.
- **ELECTION OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES**
    - The Council shall at its Annual Meeting elect Members of the Council to be Chairmen and Vice-Chairmen of all Committees.
  - **VACANCY IN POSITION OF CHAIRMAN/VICE-CHAIRMAN OF COMMITTEE**
    - In the event of a vacancy arising in the office of Chairman or Vice-Chairman of any Committee during the municipal year the Committee shall at its first meeting following the occurrence of the vacancy appoint a new Chairman or Vice-Chairman as the case may be.
  - **VICE-CHAIRMAN OF COMMITTEE**
    - In these Committee Procedure Rules in the absence of the Chairman the Vice-Chairman of the Committee shall preside, where reference is made to the Chairman of a Committee the Vice-Chairman of the Committee shall deputise for him/her in the carrying out of any of his/her functions if not available.
  - **SPECIAL MEETINGS OF COMMITTEES**
    - The Chairman of a Committee may call a special meeting of a Committee at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the Committee delivered in writing to the Proper Officer. The Summons to the special meeting shall set out the business to be considered and no business other than set out in the Summons shall be considered at that meeting.
    - Unless especially called together at the request of the Chairman of the committee, for the purpose of considering urgent business or for nominating members to Committees, no Committee shall hold any unscheduled meetings in the month of August with the exception of the Planning and Licensing

Committees or, in a year when Council Elections are held, between the date of the Election of Councillors and the date of the Annual Meeting of the Council.

- **ALTERATION OF DATE/TIME OF MEETINGS**

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

- **ESTABLISHING TASK FORCES**

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

- **RESIGNATION FROM COMMITTEE**

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

- **QUORUM OF COMMITTEES**

- Except where authorised by statute or ordered by the Council, business shall not be transacted at a meeting of any Committee unless at least one quarter of the whole number of the Committee is present with the exception of the Standards Committee where the quorum shall be three. Specific committee membership and quorum numbers are set out at paragraph 4.5 of the Council Procedure Rules.

- **VOTING IN COMMITTEES**

- Voting at meetings of a Committee shall be by show of hands. If there is a requisition of any two members of the Committee made before the vote is taken, the voting on any question shall be by roll call and shall be recorded so as to show how each member present and voting gave his/her vote. The name of any member present and not voting shall also be recorded.
- Voting on appointments shall be by an exhaustive vote method. See paragraph 9.6 of the Council Procedure Rules.

- **RECORDING OF VOTES**

- Where immediately after a vote is taken at a meeting of a relevant body any member of that body so requires, there shall be recorded in the minutes of the

proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether he/she abstained from voting.

- **COUNCIL PROCEDURE RULES TO APPLY TO COMMITTEES**

- The Council Procedure Rules 8 - 9 (except those parts which relate to standing and to speaking more than once) shall, with any necessary modifications, apply to Committee meetings.
- As a general rule the Committee Procedure Rules govern the way that committees operate but these may be varied or suspended at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.

- **MEMBER ATTENDING MEETINGS OF A COMMITTEE OF WHICH HE/SHE IS NOT A MEMBER**

- Subject to Committee Procedure Rule 16, a member of the Council attending a meeting of a Committee other than as a member of the Committee has no right to speak, other than subject to the scheme for Public Speaking at the Planning Committee, but subject to general rules on conflicts of interests and the provisions of the Councillor Code of Conduct may remain after the Committee has resolved to exclude the public under Section 100A (2) or (4) of the Local Government Act 1972 (as amended).

- **MOVER OF MOTION MAY ATTEND COMMITTEE**

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

- **EXEMPT PROCEEDINGS IN COMMITTEES**

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

## ***Area Working Arrangements***

**The Council has discretion in deciding whether it wishes to introduce Area Working arrangements.**

- **AREA WORKING ARRANGEMENTS**
  - No formal decisions have yet been taken by the Council in respect of Area Working arrangements. The Council does recognise the need to engage with its communities through listening and communicating at the local level; engaging with Parish Councils and other community groups, identifying, reporting and representing the needs of the locality; community planning at the local level; and monitoring the local delivery of services. This is in accordance with the Council's Co-operative values and the Parish Charter.
  
- **TIMETABLE FOR AREA WORKING ARRANGEMENTS**
  - The Council may introduce Area Working arrangements in the future if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.
  
- **COMPOSITION AND FUNCTION**
  - Decisions will be made at a future date.

## **Joint Arrangements**

**This sections sets out how the Council will make use of joint arrangements with other authorities and delegate authority to other local authorities.**

### **JOINT ARRANGEMENTS**

- In accordance with Section 101 of the Local Government Act 1972, the Council may establish joint arrangements with one or more local authorities to exercise functions which are not Cabinet functions in any of the participating authorities.
- The Leader and Cabinet Executive may establish joint arrangements with one or more local authorities to exercise their functions. Such arrangements may involve the appointment of joint committees with these other local authorities or other arrangements for joint working with other groups, such as those required for the Local Enterprise Partnership, Joint Health Overview and Scrutiny Committee and regional fostering, adoption and probation services.
- The Leader and Cabinet Executive may only appoint Cabinet members to a joint committee exercising his/her functions (e.g. West Mercia Energy). There is a presumption that Joint Committees which exercise functions which are functions reserved to the Council will be politically balanced.
- Details of any joint arrangements including any delegations to joint committees or other joint arrangements will be found published on the Council's website.

### **ACCESS TO INFORMATION**

- The Access to Information Rules in this Constitution apply to functions of the Leader and Cabinet Executive and to functions of a joint committee provided all the Members of the joint committee are members of the Cabinet within each participating authority.
- If the joint committee contains members who are neither the Leader nor on the Cabinet of any participating authority, then the access to information rules in Part VA of the Local Government Act 1972 will apply.

### **DELEGATION TO AND FROM OTHER LOCAL AUTHORITIES**

- The Council may delegate non-Cabinet functions to another local authority or, in certain circumstances, to the Leader and Cabinet Executive of another local authority.
- The Leader and Cabinet Executive may delegate functions to another local authority or the Leader or Cabinet Executive of another local authority in certain circumstances.

### **CONTRACTING OUT**

- The Council, for functions which are not Cabinet functions, and the Leader and Cabinet Executive, for Cabinet functions, may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under any legislation which allows or requires contracting out Council functions such as section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making power.

## **Part 3 – Governance, Scrutiny, Oversight and Transparency**

### **Scrutiny**

#### **Scrutiny and Oversight Committees**

The Following Committees are created to provide oversight and review of decisions made by the Council using the powers identified in the ‘Decision-making’ section of the Constitution. The specific Terms of Reference, functions, powers and duties of these individual Committees are set out below.

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

#### **Committees**

#### **Functions**

Appeals Committee	<ul style="list-style-type: none"><li>• To hear and determine all appeals except those which by statute require to be determined by a separate body, e.g. social services appeals</li></ul>
Audit Committee	<ul style="list-style-type: none"><li>• Matters relating to governance, and overseeing the audit, risk management and financial statement process</li></ul>
Council Constitution Committee	<ul style="list-style-type: none"><li>• To review and recommend changes to the Constitution</li></ul>
Personnel Committee	<ul style="list-style-type: none"><li>• Appointment of Directors and Statutory Officers</li><li>• Local Government Pension Scheme</li><li>• To agree at a strategic level all matters relating to the Council’s employees</li></ul>
Standards Committee	<ul style="list-style-type: none"><li>• Matters relating to ethics, standards and governance</li></ul>
Scrutiny Committees	<ul style="list-style-type: none"><li>• To scrutinise the work of the Council, its Committees and the Cabinet</li><li>• To scrutinise the work of other organisations in accordance with national legislation and good practice</li><li>• To scrutinise NHS services including the power of referral to the Secretary of State for Health.</li></ul>

NOTE – The Committees referred to above may, in turn, delegate functions to Sub-Committees and/or officers where they consider appropriate. Any such delegations should be recorded in writing.

## **Scrutiny Rules**

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**

### **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 Health & Well-Being Board.
- 1.4. Scrutiny Committees can make reports and recommendations to the 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.

### **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.

## **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?**

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

## **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. Membership of any Joint HOSCs other than the Joint Health Overview and Scrutiny Committee with Shropshire will be the Chair of the Scrutiny Committee with health Scrutiny powers if all participating authorities agree to waive political balance. If political balance is not waived then the Scrutiny Committee with Health scrutiny powers will appoint the members of the Joint HOSC.

### **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.

## **Scrutiny Management Board and the role of individual Chairmen**

### **Who is on it?**

- 5.1. 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?**

- 5.2. The Scrutiny Management Board will:-
  - 5.2.1. co-ordinate, oversee and monitor the delivery of the Scrutiny work programme.
  - 5.2.2. oversee the allocation of scrutiny officer resources to the Scrutiny Committees.
  - 5.2.3. allocate Scrutiny suggestions to the relevant Scrutiny Committee and may make recommendations about priorities for the work programme and joint scrutiny of issues.
  - 5.2.4. 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.
  - 5.2.5. 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.
  - 5.2.6. 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.
  - 5.2.7. 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.
  - 5.2.8. 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.
  - 5.2.9. periodically review and make changes to the Policy for Co-opting Scrutiny Members.
  - 5.2.10. the Chairman will report annually to Council on the work of scrutiny in the previous year and priorities for the future.

### **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).

### **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.

#### **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 Committees 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.
- 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 is 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 or a Cabinet meeting convened in accordance with the constitution.

- 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
  - 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
  - 7.22.4. 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.

### **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.

<b>Appointment of Chairman/ Vice-Chairman</b>		
<b>Scrutiny Assembly</b>	<b>Scrutiny Committees</b>	<b>Scrutiny Management Board</b>
<b>The Chairman of the Scrutiny Management Board is automatically the Chairman of the Scrutiny Assembly</b>	<b>Council (in year vacancies appointed by group leaders) Vice-Chairmen may be appointed by majority decision of the Committee.</b>	<b>Council (in year vacancies appointed by majority decision of the Committee)</b>
<b>Politically balanced</b>		
<b>No</b>	<b>Yes</b>	
<b>Membership</b>		
<b>All non-cabinet members and all co-opted members</b>	<b>8 and all co-opted members. The Mayor may not sit on a Scrutiny Committee. Joint Shropshire and Telford and Wrekin HOSC 3 elected members and 3 voting co-optees from each local authority. Other joint HOSC arrangements to be determined as agreed by Council. If requirement for political balance is waived by all participating authorities then the chair of the relevant Scrutiny Committee with Health Scrutiny powers will be the Telford and Wrekin representative on the Joint HOSC. If the requirement for political balance is not waived then the membership of the Joint HOSC will be appointed by the relevant Scrutiny</b>	<b>8</b>

	<b>Committee with Health Scrutiny powers.</b>	
<b>Quorum</b>		
n/a	<b>3 Elected Members The quorum for the Joint HOSC is set out in the Terms of Reference for this Committee in the Scrutiny Handbook.</b>	<b>3 elected members</b>
<b>Substitutes</b>		
n/a	<b>no</b>	<b>No</b>
<b>Co-optees</b>		
<b>Yes – but with no voting rights</b>	<b>Yes – but with no voting rights except:- Special Rules children &amp; 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) Joint HOSC 3 co-optees with voting rights as approved by Council.</b>	<b>Yes – but with no voting rights</b>
<b>Co-optees can be appointed for a fixed term or as a standing member – there is a 1 month notice period on either side. Members of one Scrutiny Committee can be co-opted to work with another Scrutiny Committee.</b>		
<b>Meetings</b>		
<b>As and when required</b>	<b>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</b>	<b>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</b>

	<p><b>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.</b></p>	
<b>Meetings held in public</b>		
<p><b>Yes (subject to rules on exempt information and confidential information)</b></p>	<p><b>Yes (subject to rules on exempt information and confidential information)</b>  <b>Informal working groups may be held in private but if so notes/ minutes of that meeting will be considered in a public in a future public meeting</b></p>	
<b>Joint working/ working groups</b>		
	<p><b>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 meeting one Scrutiny Committee will be the lead Committee for this area of work.</b>  <b>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.</b></p>	
<b>Calling meetings</b>		
<p><b>The Chairman may ask the Proper Officer to call a meeting.</b></p>	<p><b>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</b></p>	
<b>Agenda items</b>		
<p><b>Agreed by the Chair of the Scrutiny Management Board</b></p>	<p><b>Agenda items are approved by the Scrutiny Committee Chairman as required to deliver the work programme agreed by the Scrutiny Committee.</b></p>	

<b>Scrutiny Reports</b>	
n/a	<b>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).</b>

## ***Appeals Committee – Terms of Reference and Procedure***

**The Committee has the responsibility and delegated powers to act on behalf of the Council to decide on the following matters.**

### **TERMS OF REFERENCE**

1. To consider and deal with any appeals arising out of the Council's functions as a housing authority.
2. To hear and determine any appeal by an employee of the Council against the decision of dismissal taken in accordance with the disciplinary procedure (except for those dismissals reserved to a meeting of the full Council).
3. To hear and determine matters in relation to employee grievances.
4. To consider appeals against decisions relating to the refusal of free home transport.

### **PROCEDURE**

5. The Committee will be conducted in accordance with the Council's Committee Procedure Rules. NOTE- Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions to ensure a fair hearing.
6. Individual appeals should be heard by a panel of five members taken from the full membership with a quorum of three.

## **Audit Committee – Terms of Reference and Procedure**

**The Committee has the responsibility and delegated powers to act on behalf of the Council to oversee the Council's audit, governance (including risk management) and financial processes and to decide on the following matters.**

### **TERMS OF REFERENCE**

#### **Internal Audit**

1. The approval (but not direction) of, and monitoring of, progress against, the internal audit charter 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 as 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:
  - 9.1. the Council's Code of Corporate Governance;
  - 9.2. the Council's information security framework;
  - 9.3. receipt of the Caldicott Guardian's Annual Report
  - 9.4. oversight of commercial projects;
  - 9.5. the management of opportunities and risks; and
  - 9.6. other corporate governance arrangements.
10. Be responsible for the review and approval of the authority's Annual Governance Statement ensuring that it properly reflects the governance, control and risk environment and any actions required to improve it. Following approval, it should accompany 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 it 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**

15. Recognising that Complaints/Compliments are a Cabinet function, the Committee should:-
16. Review the Annual Complaints Report and seek assurances that the Council is improving in response to complaints raised.

### **General**

17. 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.
18. To ensure that adequate training is received by the members of the committee on the areas covered by these terms of reference.
19. To ensure that any sensitive or confidential information obtained as a result of membership of the Committee is treated as confidential.
20. Annually review their effectiveness and their terms of reference.

### **PROCEDURE**

1. The Committee will be conducted in accordance with the Council's Committee Procedure Rules.

## **Constitution Committee - Terms of Reference and Procedure**

**The Committee has the responsibility and delegated powers to act on behalf of the Council to oversee the Council's Constitution and decide on the following matters.**

### **TERMS OF REFERENCE**

**The Constitution Committee will:-**

- (a) 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, to make minor administrative amendments or make changes to reflect changes in law 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.

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

**Note –** The Council via the Constitution Committee have delegated the following powers and functions to the Monitoring Officer in consultation with the Chairman of the Committee

1. To amend the Constitution to correct minor administrative errors,
2. To amend the Constitution to update job titles
3. To amend the Constitution where legislative changes result in any section of the Constitution being in conflict with any relevant legislation

Provided that the Chairman may decide for any proposed amendments as detailed in paragraphs 1 to 3 above that it be considered by Council Constitution Committee.

### **PROCEDURE**

- The Committee will be conducted in accordance with the Council's Committee Procedure Rules.

## ***Personnel Committee and The Panel - Terms of Reference and Procedure***

**The Committee has the responsibility and delegated powers to act on behalf of the Council to deal with the Council's personnel functions (except those that are reserved to Council) and decide on the following matters.**

**NOTE: For the purposes of these rules Statutory Officer means the Head of Paid Services, the Monitoring Officer and the Chief Financial Officer**

### **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. The invitation of Independent Persons to be considered for appointment to the Panel and the appointment of 2 Independent Persons to a Panel to advise full Council whether or not to approve a proposal to dismiss the Council's designated Head of Paid Service, Monitoring Officer or Chief Financial Officer.
9. Oversee the recruitment of, and make recommendations to Council to confirm the appointment of the officer designated as Head of Paid Service.
10. Oversee the recruitment of Directors, and officers designated as the Monitoring Officer and the Chief Finance Officer.
11. To consider Grievances of senior officers including the officer designated as the Head of Paid Service (Appeals stage), Directors,
12. Consider whether or not to suspend any statutory officer to enable investigations into allegations to take place, to consider disciplinary actions against statutory officers prior to the submission to the Independent Person appointed to the Council and recommendation to full Council.
13. Consider whether or not to recommend to Council the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer.
14. Annually at the first meeting after the Annual Council Meeting consider its terms of reference.

### **PROCEDURE**

The Committee will be conducted in accordance with the Council's Committee Procedure Rules. NOTE - Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions.

## **THE PANEL**

A Panel approve by Council in accordance with statutory requirements including 2 Independent Persons members for the purposes of giving advice, views or recommendations to full Council when considering whether or not to approve the dismissal of the Council's designated Head of Paid Service, Monitoring Officer or Chief Finance Officer.

## **TERMS OF REFERENCE**

### **The Panel will:-**

1. To give advice, views or recommendations to full Council when considering whether or not to approve the dismissal of the Council's designated Head of Paid Service, Monitoring Officer or Chief Finance Officer.
2. When considering whether or not to give any advice views or recommendations and what advice views or recommendations to give the Panel shall have regard to the decision of the Personnel Committee and the hearing and background papers and the notes of any such hearing.
3. The Panel will convene a meeting that will take place within 7 days of being appointed and they will be supported by representatives from Human Resources and Legal Services (or appropriately qualified external advisers if circumstances make it more appropriate).
4. The Panel must be appointed at least 20 days before a meeting of full Council to consider whether or not to approve a proposal to dismiss the Council's designated Head of Paid Service, Monitoring Officer or Chief Finance Officer.

## **MEMBERSHIP**

- ✓ Two Independent Persons as appointed by the Personnel Committee from time to time:-
- ✓ At least one Independent Person appointed by Council in accordance with the provisions of s28(7) of the Localism Act 2011 who is registered as a local government elector in the register of electors in Telford & Wrekin in accordance with the Representation of the People Acts – one of whom shall be appointed to be Chair of the Panel; and
- ✓ An Independent Person appointed by Council; and/ or
- ✓ An Independent Person who has been appointed by another authority or authorities

No allowances are payable for this role.

## ***Standards Committee – Terms of Reference, Functions, Powers and Duties*** **(including the Hearings Sub Committee)**

**The Committee has the responsibility and delegated powers to act on behalf of the Council in dealing with the oversight of the Council’s ethical governance and decide on the following matters.**

### **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 up to 2 reserves) and make recommendations to Council for their appointment.
7. To receive 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 it by the Monitoring Officer.  
To report its findings to the Borough Council, Town or Parish Council, as appropriate for information.
2. Where a breach is found, to make decisions about sanctions including:-
  - 2.1. To make recommendations to the relevant Group Leader regarding future membership of committees and sub committees;
  - 2.2. To make recommendations to Council regarding the removal of a non-aligned member from membership of committee and sub-committees;
  - 2.3. To make recommendations to the Leader of the Council regarding the removal of a member from Cabinet, or the removal of portfolio responsibilities;
  - 2.4. To instruct the Monitoring Officer to arrange training for a Borough Council member;

- 2.5. To remove a member from all outside appointments to which he/ she has been appointed or nominated by the Council; and
- 2.6. 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).
3. To consider applications for dispensations where:-
  - 3.1. The dispensation is in the interests of persons living in the Borough of Telford & Wrekin area; or
  - 3.2. It is otherwise appropriate to grant a dispensation.

Note – The Standards Committee have delegated the following powers and functions to the Monitoring Officer

- 1 The power to receive and make an initial assessment of formal Code of Conduct complaints made to the Standards Committee and decide whether further action or investigation is required.
- 2 The power to make arrangements for local settlement of complaints where the Monitoring Officer considers it appropriate including arranging mediation if required.
- 3 The power to consider and grant dispensations to Members where:
  - i. The number of Members precluded from transacting the business is so great that it would impede the business of the Council, committee or Executive
  - ii. The political balance is affected to the extent that it could affect the outcome of a vote relating to the business

## **PROCEDURE**

The Committee will be conducted in accordance with the Council's Committee Procedure Rules. NOTE - 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 [http://www.telford.gov.uk/info/20242/councillors\\_mps\\_and\\_meps/358/councillor\\_code\\_of\\_conduct](http://www.telford.gov.uk/info/20242/councillors_mps_and_meps/358/councillor_code_of_conduct) or by contacting the Monitoring Officer whose contact details are provided below.

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, Addenbrooke House, Ironmasters Way, Telford, TF3 4NT or alternatively by e-mail at [monitoring.officer@telford.gov.uk](mailto: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 <https://webforms.telford.gov.uk/form/189> 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, i.e. 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).

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
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.

## Oversight

This section details the rules that we use to govern our financial transactions and how members and officers should behave. It also details the rules governing the appointment and dismissal of officers

## Policy Framework and Budget Procedure Rules

### THE FRAMEWORK FOR CABINET DECISIONS

1. The Council will be responsible for the adoption of its budget and policy framework as set out in *the Leader and Cabinet Rules* section of this Constitution. Once a budget or a policy framework is in place, it will be the responsibility of the Leader and Cabinet Executive to implement it.

### PROCESS FOR DEVELOPING THE FRAMEWORK

2. The Council is responsible for the adoption of the budget and policy framework. The process by which the budget and policy framework shall be developed is:
3. Before the end of December each year or as soon as reasonably practicable thereafter the Leader and Cabinet Executive will publicise its policy and budget proposals, together with a timetable for taking final proposals to the Council and arrangements for consultation. There will be a minimum 4 week consultation period.
4. During the consultation period:
  - (a) the Leader and Cabinet Executive's proposals shall be referred to the relevant Scrutiny Committee for further consideration.
  - (b) a range of consultation activities will take place with the community and stakeholders so that they can feed their views into the process.
  - (c) it is the responsibility of Opposition Groups to plan their own work programme so that they are able to respond to the proposals within the consultation period.
5. Any budget proposals proposed by Opposition Groups must be presented to the relevant Scrutiny Committee and Chief Financial Officer prior to Cabinet presenting their proposals to Full Council. This may be during the consultation period.
6. Having considered the results of consultation and any reports of the Scrutiny Committee and Opposition Groups, the Cabinet, if it considers it appropriate, may amend its proposals.
7. The Cabinet will submit its final proposals to Council before the 11th March each year for adoption. It will also report to Council on how it has taken into account consultation feedback.
8. The Council will consider the proposals of the Leader and Cabinet Executive in accordance with its normal rules of procedure.
9. The Council shall at that meeting make its final decision on the matter by way of recorded vote. The decision shall be made public.
10. Any other changes to the budget and policy framework are reserved to the Council.

## **DECISIONS OUTSIDE THE POLICY FRAMEWORK OR BUDGET**

11. Subject to the provisions of paragraph 5 (virement) the Leader, Cabinet, other members of the Cabinet, and any officers, committees of the Council, area committees or joint arrangements discharging Cabinet functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 4 below.
12. If the Leader, Cabinet, other members of the Cabinet, and any officers, committees of the Council, area committees or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and the Chief Financial Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

## **URGENT DECISIONS OUTSIDE POLICY FRAMEWORK OR BUDGET**

13. The Leader, Cabinet, other members of the Cabinet, and any officers, committees of the Council, area committees or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
  - (a) if it is not practical to convene a quorate meeting of the full Council; and
  - (b) if the Chairman of the appropriate Scrutiny Committee agrees that the decision needs to be taken as a matter of urgency.
14. The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the Scrutiny Committee, the consent of the Mayor, and in the absence of both, the Deputy Mayor will be sufficient.
15. Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## **VIREMENT**

16. Virement between budget heads is an integral and important feature of budgetary control. It allows service providers to adapt to service changes within Council policy. The details of virement can be found in Financial Procedures Rules in Part 3 of the Constitution.

## **CALL-IN OF DECISIONS OUTSIDE THE POLICY FRAMEWORK OR BUDGET**

17. Where a Scrutiny Committee is of the opinion that a Leader and Cabinet Executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and Chief Financial Officer.
18. In respect of functions which are the responsibility of the Leader and Cabinet Executive, the Monitoring Officer's report and Chief Financial Officer's report shall be submitted to the decision-taker with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the decision-taker must meet to decide what action to take in respect of the Monitoring Officer's and the Chief Financial Officer's reports and to prepare a report to Council in the event that the Monitoring Officer and the Chief Financial Officer conclude that the decision was a departure, and to the Scrutiny Committee if the Monitoring Officer and the Chief Financial Officer conclude that the decision was not a departure.
19. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and the Chief Financial Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 working days of the request by the Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and the Chief Financial Officer. The Council may either:
  - (a) endorse a decision or proposal of the decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
  - (b) amend the Council's financial regulations, budget or policy concerned to encompass the decision or proposal of the decision taker and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
  - (c) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the decision-taker to reconsider the matter in accordance with the advice of the Monitoring Officer/Chief Financial Officer.

## **Financial Regulations**

### **Index**

<b>No.</b>	<b>Description</b>
<b>1</b>	<b>Status of Financial Regulations</b>
<b>2</b>	<b>Responsibilities</b>
<b>3</b>	<b>Financial Planning</b>
<b>4</b>	<b>Accounting Systems, Financial Records and Returns</b>
<b>5</b>	<b>Financial Management and Control – Revenue</b>
<b>6</b>	<b>Financial Management and Control – Capital</b>
<b>7</b>	<b>Taxation and Leasing</b>
<b>8</b>	<b>Controlled Stationery and Authorised Signatories</b>
<b>9</b>	<b>Internal Audit</b>
<b>10</b>	<b>Risk Management</b>
<b>11</b>	<b>Information Security</b>
<b>12</b>	<b>Public Accountability – Responsibilities</b>
<b>13</b>	<b>Purchasing Arrangements</b> <b>Works/Goods/Services – Requisitions, Authorisation, Goods</b> <b>Received and Payments</b>
<b>14</b>	<b>Corporate Credit Cards and the Government Procurement Card (GPC)</b>
<b>15</b>	<b>Income and Debtors</b>
<b>16</b>	<b>Banking Arrangements</b>
<b>17</b>	<b>Payments to Employees</b>
<b>18</b>	<b>Imprests</b>
<b>19</b>	<b>Insurance</b>
<b>20</b>	<b>Security and Control of Assets</b>
<b>21</b>	<b>Inventories</b>
<b>22</b>	<b>Land &amp; Buildings</b>
<b>23</b>	<b>Treasury Management</b>
<b>24</b>	<b>Unofficial and Voluntary Funds</b>

### **1. Status of Financial Regulations**

- 1.1 Financial Regulations are part of the Council's control environment providing a framework for managing the authority's financial affairs and contributing to good corporate governance, internal control and the management of risks.
- 1.2 The Financial Regulations apply to all officers and members of the Council and anyone acting on behalf of the Council. They also apply to any partnerships or bodies that the Council is a member of and for which the Council is the accountable body. Where the Council is not the accountable body then the lead Council officer is responsible for ensuring propriety and proper processes are followed so that the Council's reputation is not at risk.
- 1.3 It is the responsibility of Assistant Directors to ensure that all staff in their service areas are aware of their responsibilities according to the Financial Regulations and comply with them.

- 1.4 Specific positions and/or officers are named in the regulations and it is their responsibility to ensure compliance. However, named officers can delegate their authority to another appropriate officer as long as this delegation has been recorded.
- 1.5 Where the Leader and Cabinet Executive have been named in Regulations it will be their responsibility to ensure compliance. The Leader and Cabinet Executive can delegate such responsibility to one of its Cabinet members as set out in the Constitution.
- 1.6 All members and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised and provides value for money.
- 1.7 Financial Regulations are set out in self-contained sections, each covering a specific area of control. Each section provides a contact point for further information or clarification. Where appropriate the Regulations are supported by detailed procedure notes which can be accessed on the intranet.
- 1.8 These Financial Regulations cover all areas of Council activity with the exception of schools which have their own set of regulations as part of the Local Management of schools (LMS) Scheme.
- 1.9 Failure to comply with Financial Regulations, or procedures issued under them, may lead to disciplinary action for employees and an investigation by the Chief Financial Officer. For Members any issues will be investigated by the Monitoring Officer.

## **2. Responsibilities**

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

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

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

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

\* Chief Financial Officer (CFO) Responsibilities (s151/s114) – these have been allocated to the Assistant Director: Finance & Human Resources and include:

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

\* The Assistant Director Finance & Human Resources has delegated responsibility under the Accounts and Audit Regulations 2015 to maintain an adequate and effective Internal Audit service.

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

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

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

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

\* Delivery Managers (this definition includes Service Delivery Managers, Group Managers and/or Team Leader with budget and staff responsibilities) are responsible for the day to day provision of services and the management of the associated budget. This includes ensuring that all staff comply with Financial Regulations and Contract Procedure Rules in performance of their duties.

## **2.3 Financial Training**

2.3.1 CFO and Monitoring Officer (MO) to provide relevant training that is sufficient to enable Executive members and appropriate officers to fulfil their respective roles (recognising the resource constraints on finance/service area staff and members) in respect to:

- Financial planning and management;
- Information governance and information security; and
- Governance and fraud prevention.

## **3. Financial Planning**

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

3.2 Service & Financial Planning Strategy

The CFO shall, within the general direction of the Leader and Cabinet Executive produce a draft Service & Financial Planning Strategy taking into account the projected resources available.

**CONTACT: Assistant Director – Finance & Human Resources**

## **4. Accounting Systems, Financial Records and Returns**

4.1 Proper accounting records are one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare annual accounts which are subject to internal and external audit.

4.2 The CFO should ensure that there is a proper retention policy for financial documents which all officers must follow.

4.3 The CFO is responsible for determining the accounting systems and procedures adopted by the Council. No variations shall be made to accounting records and procedures without the written agreement of the CFO. In particular Assistant Directors should confer with the CFO before introducing or amending any books, forms, records, administrative procedures or computerised systems used in conjunction with accounting for cash, income, expenditure, stores and financial transactions generally.

4.4 Assistant Directors are responsible for ensuring the completion and submission of Grant applications and financial returns. The Chief Financial Officer/Managing Director/Audit, IG & Insurance SDM should have adequate notice to request appropriate explanations or information as may be required

prior to signing and the AD forwarding to the relevant government department or agency.

**CONTACT: Corporate & Capital Finance Manager**

**5. Financial Management and Control – Revenue**

**5.1 Preparation and Approval of Budget**

- 5.1.1 The Council will approve the overall spending plans of the Council.
- 5.1.2 The revenue estimates shall be determined by the CFO in consultation with Senior Management Team within the general guidelines of the Leader and Cabinet Executive and relevant professional requirements. Estimates shall be prepared annually before the start of the financial year and revised, if the CFO considers appropriate, during the course of the year.
- 5.1.3 Once the Council's budget for the year has been approved the Assistant Directors and Delivery Managers can authorise expenditure within the limits agreed subject to the separate rules on virement.
- 5.1.5 The Delivery Managers must exercise financial control including monitoring income and expenditure on a regular basis. Once approved, responsibility for budgets rests with the relevant Delivery Manager and Assistant Director.

**5.2 Budgetary Control**

- 5.2.1 The corporate finance information system determined by the CFO is the Council's prime accounting record. It provides the mechanism for Assistant Directors and Delivery Managers to monitor and control their budgets.
- 5.2.2 Assistant Directors and Delivery Managers are required to monitor their budgets regularly during the year and take immediate action as necessary. If it is considered that a particular budget head requires increasing, virement must be sought before any overspending occurs (see Virement section). Under no circumstances should expenditure be incurred without appropriate provision being put in place first.
- 5.2.3 Regular financial updates will be taken to the Leader and Cabinet Executive.
- 5.2.4 Generally all Council budgets are prepared on a cash limited (outturn) price base. This means that no supplementary estimates will be provided for inflation or other increases once budgets have been approved, except in exceptional circumstances.

- 5.2.5 All reports to Senior Management Team (SMT) or Members must be passed to Finance to identify any financial implications and should be made available to those staff in reasonable time before due for submission.

### **5.3 Supplementary Estimates**

- 5.3.1 The Council sets budgets for gross expenditure and income in the context of a cash limit. No additional expenditure or commitments are permitted once the budget has been approved without prior approval from the relevant Assistant Director and CFO. In exceptional circumstances this may not be possible and if this is the case, a report should be taken to Full Council outlining the reasons and seeking approval for additional spend and funding.

### **5.4 Grants**

- 5.4.1 Applications for grant bids must be approved and be considered by Senior Officers, as detailed below, to ensure they align with the Council's key priorities and that any financial implications, such as a requirement for match funding, are identified:

1. Where the value is £10,000 or less approval should be given by the relevant Assistant Director
2. Where the value exceeds £10,000 but is less than £50,000 approval should be by SMT
3. Where the value exceeds £50,000 the relevant Cabinet Member and Assistant Director should give approval

In all cases, grant bids must be approved by the relevant Finance Manager prior to submission.

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

- 5.4.3 All grant claims must be certified by a Finance Manager subject to the conditions of the grant awarding body. In addition where certification is required by Internal Audit adequate notice should be given to enable this work to be undertaken.

- 5.4.4 Assistant Directors are responsible for ensuring adequate records, financial and otherwise, have been maintained for all externally funded schemes subject to audit by the European Commission or grant awarding bodies.

### **5.5 Virement**

- 5.5.1 Virement between budget heads is an integral and important feature of budgetary control. It provides Senior Managers with the flexibility

to adapt expenditure patterns which they consider appropriate in meeting changing locally determined service needs and objectives consistent with Council policy.

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

- unforeseen cost increases,
- demand for a particular service, in line with existing policies, exceeding estimates,
- a local requirement to provide a different service from that anticipated when the budget was set, or
- utilising efficiency or other savings.

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

5.5.4 Approval is required where there is a proposed change to the use of budgets in terms of services being delivered, subject to the limits set out in the table below,

Limit	Approved By	
Virements less than £50,000	Service Delivery Manager and Finance Manager	All virements must 1. be within the overall policy framework; 2. not involve an increasing commitment in future years, which cannot be contained within existing approved budget allocations
Virements £50,000 or more but less than £250,000	Cabinet	
Over £250,000	Full Council	

5.5.5 Assistant Directors/Service Delivery Managers should notify the relevant Finance Manager of all proposed virements in their area so that the correct approvals are gained and the budget and financial system are updated.

**CONTACT: Corporate & Capital Finance Manager**

**5.6 Reserves & Balances and the Robustness of Estimates**

5.6.1 The budget report will contain a comment by the CFO (Chief Financial Officer) on the robustness of the estimates and the adequacy of reserves, in accordance with the requirements of the Local Government Act 2003 and CIPFA guidance. The CFO must also be satisfied that the decisions taken on balances and reserves represent proper stewardship of public funds.

- 5.6.2 Specifically, the budget report will include a statement on the adequacy of general reserves and provisions for the forthcoming year, linked to the medium term financial strategy.
- 5.6.3 An annual review of earmarked reserves will be undertaken as part of the budget preparation process and a statement will be presented to Council alongside the budget report.
- 5.6.4 The level and purpose of reserves and balances held must be clearly defined and justified by Assistant Directors. Further regular reviews should be undertaken to ensure continuing relevance and adequacy.
- 5.6.5 There is no statutory minimum level of reserves required. This will be a matter of local judgement determined by the CFO but taking into account relevant national guidance.

**CONTACT: Corporate & Capital Finance Manager**

**6. Financial Management and Control – Capital**

- 6.1 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings and major items of plant and equipment or vehicles. Capital assets shape the way services are delivered for the long-term and create financial commitments for the future in the form of financing costs and revenue running costs. Capital resources can only be used to fund capital expenditure, unless a specific capital direction has been granted by the Secretary of State.
- 6.2 The Council will comply with the requirements of CIPFA’s Prudential Code for Capital Finance in Local Authorities and will set and monitor a range of Prudential Indicators accordingly to ensure that borrowing is affordable, prudent and sustainable.
- 6.3 The Council will determine the capital programme for the Authority after considering:  
  
overall Corporate Priorities, the Council’s Asset Management Plan, the Transport Asset Management Plan, the Capital Strategy; availability of funding; affordability and ongoing revenue implications.
- 6.4 The capital programme shall focus on the medium term service & financial planning period; the total cost and phasing of each approved scheme shall be identified along with the proposed source(s) of funding. The overall Service & Financial Planning Strategy will reflect the revenue implications of the capital programme.
- 6.5 The CFO shall determine the method of funding for each capital scheme within the context of the various capital resources available.

- 6.6 All proposed investments should be subject to a financial appraisal which takes into account the full costs of using the capital resources.
- 6.7 The CFO shall ensure that an effective monitoring system is in place during the year to control capital expenditure and funding. Delivery Managers are responsible for the delivery of capital projects. Assistant Directors are responsible for notifying the CFO if it seems likely that there will be a significant variation in spending on a scheme and any changes to budgeted capital receipts.
- 6.8 Virements, can be approved by those designated below, subject to the limits shown, if there is no significant impact on the delivery of individual elements of the capital programme and/or on the overall capital strategy.
- (a) Up to £50,000 (LIMIT G) – CFO in consultation with the relevant Assistant Director
  - (b) Over £50,000 up to £250,000 (LIMIT K) – Leader and Cabinet Executive approval required
  - (c) Over £250,000 (LIMIT R) – full Council.

## **6.9 Supplementary Capital Estimates**

Any changes to the capital programme, including new capital approvals, must be approved by Full Council.

### **CONTACT: Corporate & Capital Finance Manager**

## **7. Taxation and Leasing**

### **Taxation**

- 7.1 Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers and members to be aware of their roles and responsibilities.
- 7.2 It is the responsibility of Assistant Directors to ensure compliance with all tax regulations relating to their Delivery Units. This will include Income Tax, National Insurance, V.A.T. and tax accounted for under C.I.S. If in doubt, Assistant Directors should consult with the CFO. Delivery Units will be liable for any costs, including any penalties and interest charged for incorrect tax treatment.
- 7.3 Each year the Council has to demonstrate that it has not breached the partially exempt VAT threshold. If the threshold is exceeded there are significant financial implications for the Council which include having to repay VAT previously claimed back from Revenues & Customs. It is therefore important that the tax implications of business decisions are fully understood and Assistant Directors and Delivery Managers must ensure that taxation is

considered as part of their everyday operations and in particular when service changes are proposed.

- 7.4 Assistant Directors and Service Delivery Managers must check the employment status of anyone engaged in their Service Area to ensure that tax is correctly calculated. This is particularly relevant to self-employed consultants or “contractors”. Where an individual is deemed to be an employee of the Council they must be paid through payroll.
- 7.5 All officers have a responsibility to ensure that tax is correctly accounted for so that the risk of financial penalty is minimised and tax paid to Revenues & Customs is correct.
- 7.6 The Council’s Taxation Officer will provide guidance in relation to taxation.

**Leasing**

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

**CONTACT: Corporate & Capital Finance Manager**

**8. Authorised Levels and Controlled Stationery**

- 8.1 The CFO will set (and review in consultation with the Monitoring officer) authorisation levels for officers in respect to expenditure. The current levels are:-

What	Who	Limits
Authorising Orders and invoices	Requisitioners	Up to £100
	Team Leaders/Group Managers/Specialists	
	SDMs	£100 - £19,999
	SDM plus Ads	£20,000 - £49,999
	ADs plus Director/MD or another specified	£50,000 - £99,999
		Over £100,000
Authorising use of the imprest account	CFO	All

Awarding and signing contracts	SDMs ADs AD: Governance, Procurement & Commissioning	Up to £50,000 £50,000 and over £ EU Procurement level and contracts under seal
Travel and subsistence claims Timesheets and Overtime Claims	Team Leader/Group Managers and below	SDM
	SDM	AD
	AD	Director
	Director	Managing Director
	Managing Director	Monitoring Officer CFO
	Members	CFO

8.2 All cheques and other controlled stationery, including receipt books, invoices, and Electronic Fund Transfer (E.F.T.) forms may only be ordered by the CFO or an authorised representative who shall make proper arrangements for their safekeeping.

8.3 Only authorised signatories may commit the Council to expenditure, including electronically, in line with relevant procedure notes by:

- Authorising Orders & Supplier Invoices
- Certifying expenses claims
- Authorising petty cash purchase
- Certifying timesheets and overtime claims
- Signing and awarding contracts (see also Section 7, Contract Procedure Rules)
- Over certain limits more than one officer should be involved in the authorising process.

8.4 Assistant Directors are responsible for informing the CFO of any changes to authorised signatories and the responsibilities of officers.

**CONTACT:**

For authorised signatories: Finance Officers.

For controlled stationery: Print & Post Team.

**9. Internal Audit**

9.1 The Chief Financial Officer (CFO) under section 114 of the LGFA 1988 and the Accounts and Audit Regulations 2015 has a statutory responsibility for the overall financial administration of the Council's affairs. Section 5(1) of the Accounts and Audit Regulations 2015, says that the authority "A *relevant authority must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance*". The Chief

Financial Officer shall, therefore, in accordance with relevant legislation arrange for a continuous and current internal audit of all areas of Council activities.

- 9.2 The relevant Internal Audit Standard setters for Local Government are CIPFA and they have endorsed the UK Public Sector Internal Audit Standards (The Public Sector Internal Audit Standards are based on the mandatory elements of the Institute of Internal Auditors (IIA) International Professional Practices Framework. Internal Audit will operate to these Standards and any other relevant guidance. The definition of Internal Auditing within the Standards is:

***Internal Auditing is an independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.***

- 9.3 As the definition outlines Internal Audit has a key role to play in independently reviewing the effectiveness of the Council's entire control environment in respect to the processes for governance, risk management and control. It contributes an objective opinion to the Council's Annual Governance Statement.
- 9.4 The existence of a continuous internal audit service does not in any way diminish the responsibility of SMT for the delivery of priorities and Assistant Directors for the management of the Delivery Units under their control and their responsibilities in respect to risk management and the systems of internal control.
- 9.5 The Internal Audit, Information Governance & Insurance Services SDM is the Council's Chief Audit Executive as defined under the Standards and is the Chief Internal Auditor as defined in CIPFA's Statement on the Role of the Chief Internal Auditor who reports to the CFO and should ensure that Internal Audit remains independent in its planning and operation. The Audit, IG & Insurance SDM should be responsible for maintaining periodic audit plans which have due regard to the key priorities and associated risks of the authority, the objectives and risks for each service area in delivering their services and the requirements of the external auditor. The plan will deliver work to provide reasonable assurance to the Council based on the resources available. The Audit, IG & Insurance SDM must report to the s151 officer or the Audit Committee if there are insufficient resources or limitations in the scope of their work to provide reasonable assurance or a service consistent with the definition of Internal Audit in paragraph 9.2.
- 9.6 **It is the responsibility of Audit & IG to review, evaluate and report**
- upon the soundness and adequacy of financial and other records and the processes for governance, risk management and control within the Council to provide their assurance for the Annual Governance Statement;

- the extent to which the Council's assets and interests are accounted for and safeguarded from losses of all kinds arising from:
  - fraud and other offences
  - waste and inefficient administration, poor value for money or other cause
  - the suitability and reliability of financial and other management data developed within the organisation.
- The soundness and adequacy of the data quality systems operating to collect and report on performance information

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

- enter at all reasonable times any Council premises or land.
- have access to all Council and partner records (includes business e-mail and internet records), documentation and correspondence relating to any financial and/or other transactions or other business of the Council, its employees or members, as considered necessary by the CFO, MO or Audit, IG & Insurance SDM.
- have access to records belonging to third parties such as contractors or partners when required.
- require and receive such explanations as are regarded necessary concerning any matter under examination from any employee, member, partner or third party.
- require any employee or member of the Council or any partner/third party to account for cash, stores or any other Council property which is under his/her control or possession on behalf of the Council.

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

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

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

9.11 Internal Audit has specific fraud related responsibilities which are set out in the corporate Anti-Fraud & Corruption Policy. It is the duty of any Officer or

Member to follow the corporate Anti-Fraud and Corruption Policy. Any officer or member who suspects that an irregularity involving cash, materials or any other property of the Council may have occurred must inform the Assistant Director or report the matter directly to the Audit, IG & Insurance SDM or Section 151 Officer. Confidentiality, wherever possible, will be respected in any dealings on such matters. The Section 151 Officer shall report to the Managing Director, the MO, the relevant Assistant Director, Director and Cabinet or a specific member of the Cabinet and the Leader, if appropriate, any matter of a significant nature.

9.12 Any decision to refer a matter as outlined in paragraph 9.11 to the Police is to be taken by the Audit, IG & Insurance SDM after informing the Council's Section 151 Officer or their representative and the MO. Where a Member is involved the Managing Director, MO and where appropriate, the External Auditor, will be consulted. Where Police advice is sought but it is not intended that any criminal prosecution shall take place, the Audit, IG & Insurance SDM shall ensure that the anonymity of the individual(s) concerned shall be maintained at all times.

9.13 Internal Audit will define and manage consultancy assignments as set out in the PSIAS.

9.14 The Audit, IG & Insurance SDM reports to the Audit Committee as defined in their terms of reference. This includes the following information:

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

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

## **CONTACT: Audit, IG & Insurance SDM**

## **10 Risk Management**

10.1 The Leader of the Council is the lead member for Governance for the Council, including risk management.

10.2 The Managing Director is the lead officer in respect to Governance which incorporates risk management. The Managing Director is responsible for the development, co-ordination and maintenance of the Council's Risk management processes which form part of the Service Planning process. However it is the responsibility of all employees and members to ensure that the Council's risks are properly managed.

10.3 SMT will:

- (a) regularly review the Council's strategic risks
- (b) report to the Cabinet on an exception basis when significant risk management issues arise
- (c) keep the Cabinet Member for Council Finance & Service Delivery updated on their reviews of strategic risks.

10.4 The Leader and Cabinet Executive will:

- (a) receive the exception reports on significant risk management issues arising during the year; and
- (b) agree the Annual Governance Statement.

10.5 The Audit, IG & Insurance SDM will keep the Audit Committee informed of any issues arising from the risk management activities of the Council and exception reports presented to Cabinet. This will enable the Audit Committee to independently review the Council's risk management processes as set out in their terms of reference.

10.6 SMT is responsible for the management of risks within the services, projects and priorities that they lead. Assistant Directors are also responsible for ensuring that a proper risk assessment is undertaken for all new activities, projects, changes to services or partnership arrangements and that where required controls are implemented or revised to manage these new/revised risks.

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

- **Information Security**

11.1 The MO is the Council's designated Senior Information Risk Owner (SIRO) and is responsible for ensuring that there is a proper information governance framework in place.

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

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

11.4 Assistant Directors are the owners of the information within their service areas and this information encompasses information stored on computers, transmitted across networks including the internet, printed out or written down or spoken in conversation.

11.5 SMT must ensure compliance with the Corporate Information Security Policy to ensure:

1. Confidentiality of information
2. Integrity of information
3. Availability of information
4. Proper retention of information
5. All software installed is appropriate for business use and is properly licensed.

11.6 Assistant Directors must ensure appropriate Data Protection Registrations are in place for their service areas. This includes compliance with the regulation of information relating to individuals including obtaining, holding, using and the disclosure of individual's information.

### **CONTACT: Audit, IG & Insurance SDM**

12. Public Accountability – Responsibilities.

12.1 Members and officers have a Code of Conduct and rules on Gifts and Hospitality which they must comply with.

12.2 Members and officers must not:

- Accept any bribe or personal inducement in connection with council business.
- Use Council property, assets, materials or information for other than the purposes of Council business.
- Subordinate their duty to the Council to their private interest or put themselves in a position where their duty and private interests conflict.

12.3 All members and officers must adhere to the Council's Anti-Fraud and Corruption Policy and report any suspected irregularities to the CFO.

12.4 SMT – the Managing Director, Directors and Assistant Directors are responsible for leading and demonstrating good governance and ensuring that the Council's Governance Statement is a true reflection of the Council's governance arrangements.

13. Purchasing Arrangements.

#### ***General:***

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

#### ***Financial Thresholds & Limits***

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

## **Works/Goods/Services**

### **Requisitions, Authorisation, Goods Received, Payments**

- 13.3 Every officer and member of the Council has a responsibility to declare any links or personal interests which they may have with purchasers or suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council. Officers should complete a Declarations of Interest Form and submit this to the Assistant Director or relevant Director as soon as they become aware of such an interest. Members are responsible for amending their own entries in the Register of Interests held by Member Services as soon as they become aware of such an interest.
- 13.4 Official Orders are to be issued only by officers authorised by Assistant Directors. Authorised officers are responsible for authorising orders within their control and in particular for ensuring that the expenditure is necessary, legal and within the approved estimates or covered by a special financial provision.
- 13.5 The CFO should be notified of all officers authorised by Assistant Directors to authorise official orders.
- 13.6 Official orders shall be issued for all work, goods or services to be supplied to the Council; this must be in the form of an electronic order generated by the approved Corporate Procurement System, unless the Government Procurement card is used (see section 14 below). Authorising officers must be able to demonstrate that the work, goods or services are required in order to provide Council Services. Orders should not be raised for supplies of utilities, periodic payments such as rent or rates, or for purchases made through imprest accounts. When ordering from an individual their status must be confirmed using the HMRC Employment Status Indicator and recorded on the financial system.
- 13.7 Telephone orders may be used in exceptional circumstances but when this happens they must be confirmed using an electronic emergency order.
- 13.8 All orders must be governed by the Authority's standard terms and conditions; these must not be varied without the prior approval of the Assistant Director: Governance, Procurement & Commissioning.
- 13.9 Official orders must not be raised for any personal or private purchases, nor should personal or private use be made of Council contracts.
- 13.10 Assistant Directors and Service Delivery Managers shall separate the responsibilities for raising requisitions, authorisation of requisitions and receipt of goods, so that 2 different officers are involved.
- 13.11 Goods and services should be checked on receipt to ensure they are in accordance with the order and a Goods Receipt Note raised on the Financial

Management System. Discrepancies should be dealt with as agreed procedures.

- 13.12 All payments, apart from the authorised use of imprest accounts (see Financial Regulation 18); due from Service Delivery Units and chargeable against their budgets shall be made in such manner as outlined by the CFO. Apart from payments from cheque imprest accounts the normal method of payment of money due from the Council shall be by BACS or other instrument drawn on the Council's bank account by the CFO. The use of direct debit and credit shall require the prior agreement of the CFO.
- 13.13 All invoices will be received by the Purchase Ledger team unless otherwise agreed. Once received the invoices will be scanned into the system and matched to the order and goods received note, where they exist. Mismatches will be resolved as per the agreed procedures.
- 13.14 Payments to construction contractors on account of contracts shall be made only on a certificate issued by a relevant member of SMT or other officer or external consultant nominated in writing for this purpose. This certificate shall show the total amount of the contract, the value of the work executed to date, retention money, amount paid to date and the amount now certified.
- 13.15 Any interest charged to the Council in respect of late payment under the Late Payment of Commercial Debts (Interest) Act 1998 will be passed on to the Delivery Unit that ordered the goods/services.
- 13.16 The Audit, IG & Insurance SDM and Employment Services Manager shall examine accounts to the extent considered necessary and shall be entitled to make such enquiries and to receive such explanations as may be required.
- 13.17 Detailed guidance on Requisitions, authorisation, orders, good received notes and payments can be found within specific procedure notes on the Intranet.

## **CONTACT: Procurement & Brokerage Manager or Employment Services Manager**

### **14. Corporate Credit Cards and the Government Procurement Card (GPC)**

#### **14.1 Usage is restricted to the following**

- Corporate Credit Cards: The Leader and Directors may have corporate credit cards. The CFO also has a card which can be used by other Council officers following strict guidance and authorisation procedures.
- Government Procurement-Cards – as part of the process operated by the Procurement Team.

- 14.2 Corporate Credit Cards: there are strict guidelines and procedures associated with the use of corporate credit cards which clearly state card

holder responsibilities and allowed expenditure. The cardholder is responsible to account for all expenditure that is incurred on their card. Expenditure must be for business purposes only and VAT receipts must be provided for each transaction. There are set limits for expenditure against the Corporate Credit Card Account which must not be exceeded. The CFO will approve any additional cardholders.

- 14.3 GPC – the GPC process is in place to enable purchases by telephone, face-to-face or via the internet to streamline the procurement of low value, high volume transactions. Users will be authorised by their Service Delivery Manager and the process controlled by the GPC coordinator in the Corporate Procurement Team. Each card will have set limits for expenditure which must not be exceeded. Each user and their manager receives specific guidance on usage and their responsibilities. The GPC process negates the need for a traditional order; instead the user maintains a monthly log of expenditure, which is validated against the statement issued by the supplying bank at the end of each accounting period. The cardholder is responsible for all expenditure on their card and the essential monthly reconciliation, which is set out in an acceptable use policy. The account will be settled by Direct Debit on a monthly basis. The GPC card spend will be published on the Council’s website on a monthly basis.

**CONTACT:**

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

**15. Income and debtors**

- 15.1 ADs and SDMs must ensure that all income due to the Council is identified, collected, receipted (and recorded and securely retained prior to banking) and properly banked. They should, wherever possible seek pre-payment for goods and services; otherwise income collection should be by the most cost effective procedures.
- 15.2 AD’s and SDM’s are responsible for ensuring that there are proper refund procedures and that appropriate approval is recorded.
- 15.3 ADs and SDMs must monitor outstanding debt on a regular basis and, as far as possible, ensure transparent separation between those responsible for the identification of debt and those responsible for its collection.
- 15.4 The Council does not accept the discharge of a debt other than by payment in full other than in respect of write-offs, as below:-

What	Who
Value up to the level of Revenues Court costs - £80	R&B Team Leader
Revenues Court Costs to £999.99	Revenues Group Manager
£1,000 to £9,999.99	Revenues SDM
£10,000 to £24,999.99	AD – Finance & HR

Where the debtor has been declared insolvent or bankrupt and all monies due in dividend has been received or, if the debtor is a company where it has ceased trading or is insolvent	AD – Finance & HR
A debt of more than £25,000 which is not subject to insolvency or bankruptcy proceedings	Leader/Cabinet

- 15.4 Money held on behalf of the Council shall not be used to cash cheques for members, employees or third parties.
- 15.5 All income over £100,000 coming in to the Council must be notified by the AD/ SDM to the CFO as must contracts and leases that involve the receipt of such sums.
- 15.6 ADs will review charges made for services provided within their service delivery areas at least annually.

**CONTACT: CFO**

**16. Banking Arrangements**

- 16.1 All arrangements with the Council's bankers must be made or approved by the CFO who shall be authorised to operate such bank accounts, including giro bank accounts as required.
- 16.2 Cheques drawn on the Council's banking account shall bear the facsimile signature of the CFO or be signed by him/her or such other identified senior officers as he/she may from time to time designate in writing.
- 16.3 The CFO shall maintain a list of identified senior officers who may on his/her behalf give instructions to the Council's banker and countersign cheques. These designated senior officers must countersign cheques for amounts of £50,000 or more (LIMIT G).
- 16.4 Standing order and direct debit payments may only be established by the CFO or such other identified senior officers as he/she may from time to time designate in writing.

**CONTACT: Corporate & Capital Finance Manager**

**17. Payments to Employees**

- 17.1 The Council's Pay Policy Statement must be adhered to in respect to all payments to employees.
- 17.2 ADs must ensure that the CFO is notified of all matters affecting the payment of employees and members as soon as possible after there has been a change made that will affect any employee/member.
- 17.3 Any pay records shall be in a form agreed by the CFO.

- 17.4 No payment will be made to a person deemed to be an employee other than through the normal payroll procedure. AD's and SDM's should confirm before engagement the employment status of self-employed consultants or "contractors" and clarify their payment mechanism with the CFO. Office Holders should also be engaged through payroll as they are subject to PAYE.
- 17.5 All claims (travel, subsistence, overtime, additional hours etc.) should be submitted within 3 months.
- 17.6 There are special rules on foreign travel available separately.

**CONTACT: Employment Services Manager or Human Resources Manager**

**18. Imprests**

- 18.1 The CFO in consultation with appropriate Assistant Directors may make imprest advances to officers for the purposes of paying minor items of expenditure and any other items as may be approved by him/her.
- 18.2 The CFO reserves the right to withdraw imprest facilities from officers if it is deemed that they are being used inappropriately, the expenditure limit is exceeded, or the facility is rarely used.
- 18.3 The accounts should be maintained on an imprest basis using standard Council imprest stationery and recording procedures for this purpose. All officers should maintain a record of their receipts and payments in a form and manner prescribed by the CFO.
- 18.4 No income received on behalf of the Council may be paid into an imprest account but must be banked or paid into the Council as in section 15 of these regulations.
- 18.5 The imprest account should be continually kept in balance and records submitted as required by the CFO at regular intervals for examination and the reimbursement of expenditure.
- 18.6 The officer responsible for an imprest account shall, if requested, give the CFO a certificate confirming the amount held. Upon leaving the Council or at the request of the CFO the responsible officer shall repay to the Council the balance of the imprest held.
- 18.7 Cheque imprest accounts should not be allowed to go overdrawn. The Delivery Unit concerned will be responsible for all bank charges, interest payments and administration charges if this occurs as a result of failure to submit reimbursement claims or if they are submitted too late in order that timely processing can take place.

- 18.8 Imprest should not be used to pay or reimburse employees, or to purchase items from which they will benefit.
- 18.9 Detailed guidance on Imprest and Petty Cash Accounts is incorporated within specific procedure notes which are included on the Intranet.

**CONTACT: Corporate & Capital Finance Manager**

**19. Insurance**

- 19.1 The MO will be responsible for the Council's insurance. Only the officer identified by the MO may obtain insurance cover on behalf of the Council.
- 19.2 Assistant Directors are responsible for ensuring that all new activities or assets that may introduce an insurable risk to the Council are notified to the Insurance Manager.
- 19.3 Assistant Directors must assess the risks associated with their services and notify the Insurance Team Leader of any changes to risk exposure.
- 19.4 As soon as officers are aware of any loss, liability or damage-causing event that may give rise to a claim of any kind against the Council they must notify the Insurance Manager who will take the appropriate action to safeguard the Council's position.
- 19.5 Appropriate officers will co-operate at all times with the investigations of the Insurance Manager into any claims and will supply all information upon request. It is imperative that officers comply with the timescales for investigating claims. Failure could directly affect the authority's ability to defend a claim or could result in financial penalties being imposed on the authority/Delivery Unit.
- 19.6 The appropriate officer will make an annual declaration of any claims or events likely to give rise to a claim not yet reported to the MD.
- 19.7 It is the responsibility of the Delivery Manager to ensure that all third parties using the Council's buildings are appropriately insured and that Contractors employed by the Council hold appropriate and valid insurance.
- 19.8 The MD will ensure that the CFO is regularly briefed on actual or pending insurance claims and in any event will notify the CFO of actual or pending claims when the potential liability is £50,000 or more.

**CONTACT: Insurance Team Leader**

**20. Security and Control of Assets**

**20.1 Stocks and Stores**

- 20.1.1 Assistant Directors are responsible for determining an efficient stock holding policy to ensure stock levels are not in excess of normal requirements.
- 20.1.2 The Assistant Director shall supply the CFO with such information relating to stores with a value exceeding £1,000 as may be required for the accounting, costing and financial records of the Council.
- 20.1.3 Assistant Directors shall ensure periodic test examinations of stocks and shall ensure that all stocks are checked at least twice a year, and that a return of stocks in hand at the 31st March is certified.
- 20.1.4 After each stock check a return should be completed indicating any differences between actual and recorded stock. Where, after thorough investigation, differences cannot be reconciled, then the necessary adjustment should be made to the stores accounts. Adjustments to the accounts should be clearly identified and appropriately authorised. Copies of all adjustments should be available for inspection by Audit Services. If the adjustments account exceeds £10,000 (LIMIT B) in any year, the CFO shall report the circumstances to the lead member on the Cabinet responsible for finance and enterprise, together with explanations for the surplus/deficit.
- 20.1.5 Assistant Directors should ensure that any material surpluses or obsolete stock are disposed of in line with agreed Council procedure. All disposals should be recorded and the records should be available for inspection.

## **21. Inventories**

- 21.1 Inventories shall be maintained by all Delivery Units of all Council assets, including ICT (see 21.2.2). The CFO shall define the extent to which the assets of the Council shall be recorded and the form in which inventories shall be kept.
- 21.2 A corporate inventory for all ICT assets shall be maintained by the Assistant Director: Commercial Services and as such all items will be clearly identified and labelled. Delivery Managers should not arrange relocation or disposal without appropriate notification to the Assistant Director: Commercial Services.
- 21.3 All leased equipment should be clearly identified and labelled. The labelling should indicate that the item should not be sold (as it does not belong to the authority).
- 21.4 The Council's assets shall not be removed from Council premises except in accordance with the ordinary course of the Council's business unless specifically approved by the Assistant Director. Council property shall only be used for the Council's purposes unless specific instructions are issued by the appropriate Assistant Director. The Assistant Director shall be responsible for ensuring that any such agreements are recorded. Attractive and portable items such as computers, cameras, TVs, video recorders and playback/recording equipment should be identified with security markings as belonging to the Council.

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

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

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

## **22. Land and Buildings**

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

22.2 The terrier should record:

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

## **CONTACTS**

**Stocks and Stores, Appropriate Finance Manager Inventories, Audit, IG & Insurance SDM**

**Land and Buildings, Assistant Director Business Development & Employment**

## **23. Treasury Management**

23.1 The CFO shall arrange all borrowing of monies, and make all arrangements concerning the investment or utilisation of capital monies or other funds.

23.2 In exercising the function, the CFO should comply with the contents of CIPFA's 'Code for Treasury Management in Local Authorities'.

23.3 The Council shall adopt a Treasury Policy Statement and an annual Treasury Management Strategy. The responsibility for their implementation and monitoring will be delegated to the Leader and Cabinet Executive.

23.4 The CFO shall report (at least half yearly) to the Audit Committee on the activities of the Treasury Management function and on the use of delegated Treasury Management powers.

23.5 The Audit Committee through their terms of reference (rather than the Budget & Finance Scrutiny Committee) will scrutinise the Councils Treasury management arrangements as set out in best practice guidance. The CFO will provide appropriate information to enable them to fulfil this role.

**CONTACT: Corporate & Capital Finance Manager**

#### **24. Unofficial and Voluntary Funds**

24.1 An unofficial or voluntary fund is defined as any fund, other than an official fund for the Council, which is controlled wholly or in part by an officer by reason of his or her employment by the Council.

24.2 Staff should seek approval from the appropriate Assistant Director before establishing an unofficial fund.

24.3 The Assistant Director shall maintain a register of all such funds. The register will include the following details for each fund:

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

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

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

**CONTACT: Corporate & Capital Finance Manager**

## APPENDIX A

### Financial Limits

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

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

## **The Contract Procedure Rules**

The Local Government Act 2000 (Constitutions) requires the Constitution to include rules, regulations and procedures relating to the Authority's procurement process. The rules are contained within this document. There is also a considerable amount of guidance and templates that underpin and facilitate these rules. Links to this guidance are shown as underlined [blue narrative](#)

### **Contents**

- **Purpose**
- **Scope**
- **Legal and Statutory Requirements**
- **Responsibilities**
- **General Requirements**
- **Key Decisions**
- **Contract classification and Forms of Contract**
- **In House Provision, Corporate Contracts and Frameworks**
- **Frameworks**
- **Joint and Collaborative Procurement and Schemes financed partly or wholly by another Public Sector Organisation,**
- **Appointing Experts and Consultants**
- **eProcurement**
- **Supporting the Economy**
- **ICT Facilities and Services**
- **Leasing Arrangements**
- **Transfer of Undertakings (Protection of Employment) Regulations 2006**
- **Grants**
- **Memorandum of Understanding and Service Level Agreements**
- **Parent Company Guarantee and Bonds,**
- **Keeping Written Records,**
- **Signing Contracts**
- **Contract management**
- **Contract Variations or Amendments**
- **Exemptions and Exceptions to the Contract Procedure Rules**
- **Sale of Services, Asset Disposal and Trading**

## Guidance Documents

1. [Guidance to the Contract Procedure Rules](#)
2. [Procurement Flow Chart](#)
3. [Guidance for Health and wellbeing, care, education and Support](#)
4. [Additional procurement guidance for Construction](#)
5. [Grant Decision Guide](#)
6. [Social Value Guide](#)

### 1. Purpose

- 1.1 The aims of the Contract Procedure Rules (“the Rules”) are to:
  - 1.1.1 achieve value for money
  - 1.1.2 ensure compliance with all legal requirements
  - 1.1.3 ensure transparency, openness, non-discrimination and fair competition
  - 1.1.4 support the Council’s corporate aims, values, priorities and good governance
  - 1.1.5 protect officers
  - 1.1.6 demonstrate probity, consistency, accountability and integrity
  - 1.1.7 assist in time management and planning for procurement
- 1.2 The Rules are supported by Guidance. Officers should have due regards to this Guidance when planning and carrying out procurement.

### 2. Scope

- 2.1 The Rules apply to all contracts with outside organisations, or people, including agreements with or on behalf of other public sector organisations & partner agencies, where there is an agreement to supply goods, works or services, in return for money or payments in kind, whether that agreement is formal or informal. This includes:
  - 2.1.1 purchasing of all goods and services or works
  - 2.1.2 loan or leasing arrangements
  - 2.1.3 instruction of outside experts or consultants under contracts for services
  - 2.1.4 tenders for sub-contracts
  - 2.1.5 grants and external funding arrangements
  - 2.1.6 Sale of services, goods and assets
- 2.2 These Contract Procedure Rules do not apply to contracts of employment or contracts relating to interests in land.

### 3. Legal and Statutory Requirements

- 3.1 The Council is obliged by virtue of section 135 of the Local Government Act 1972 to make contract procedure rules to ensure competition and regulate the procurement process.
- 3.2 Every contract above the relevant [EU Thresholds](#) whether made by, or on behalf of, the Council must comply with the relevant statutory requirements (known as the ‘EU Procurement Rules’).
- 3.3 Contracts must also comply with the Council’s Financial Regulations and protect the Councils’ interests fully.

- 3.4 The risks of non-compliance with the Regulations are significant and include awards of damages, a fine for the authority and contracts being cancelled. A breach of these contract procedure rules could constitute a disciplinary matter.
- 3.5 Where there is a conflict between these Contract Rules and EU Regulations, then EU Regulations will apply.

4. **Responsibilities**

- 4.1 Every officer and member of the Council has a responsibility to declare any links or personal interests which they may have with purchasers or suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council. Officers should complete a [Declaration of Interest Form](#) and submit this to the Assistant Director or relevant Director as soon as they become aware of such an interest. Members are responsible for amending their own entries in the Register of Interests held by Member Services as soon as they become aware of such an interest.

Designation	Responsibilities
Assistant Directors	<p>Ensure that their teams comply with these Contract Rules.</p> <p>Ensure that key strategic procurement projects are properly resourced and have legal, financial, procurement and where necessary HR input at the outset.</p> <p>Ensure that schemes of delegation are obtained as required.</p>
Service Delivery Managers	<p>Ensure that officers with sufficient training, experience and knowledge of the Rules carry out procurement.</p> <p>Ensure that resources are available to allow compliance with the Rules .</p> <p>Ensure contracts are signed at the appropriate level in accordance with the <a href="#">Finance Regulations</a> and the Rules</p> <p>Appoint a Procurement Champion for their Service Delivery Area.</p> <p>Attend Auctions to bid for items providing that funding is in accordance with approved budgetary estimates.</p> <p>Enter into leasing arrangements on behalf of the Council.</p>
Officers	<p>Comply with these Contract Rules, Financial Regulations, and the Code of Conduct for employees and with all UK and European Union legislation.</p> <p>Ensure they and any team members they are responsible for are suitably trained before they procure.</p> <p>Ensure that any agents, consultants and contractual partners acting on their behalf also comply with the Rules.</p> <p>Maintain an audit trail of all authorities given and decisions made to show how the Rules have been complied with in a fair and transparent process.</p> <p>Involve Procurement and Legal Services at the earliest opportunity and at all necessary stages of the procurement</p> <p>Store all documents in electronic form, including any correspondence in a restricted shared drive or eTeam site.</p>
Third Parties	<p>Must comply with the Rules and Officers instructing third parties to procure contracts must supply them with a copy</p>

Designation	Responsibilities
	Officers and third parties must ensure that any Conflict of Interest is avoided in the first instance or declared to the appropriate Assistant Director using the <a href="#">Declaration of Interest Form</a> . Legal advice must be obtained by Officers where any conflict has the potential to impact on a contractual relationship.

## 5. **General Requirements**

### 5.1 **The Public Services (Social Value) Act 2012**

5.1.1 The Act requires public bodies in England and Wales to consider:

how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area, and

how, in conducting the process of procurement, it might act with a view to securing that improvement.

#### **The Act must be considered at the pre – procurement stage of all contracts for services.**

For further information please refer to the [Social Value Guide](#) guidance.

### 5.2 **Equalities**

5.2.1 The general equality duty, set out in the Equality Act 2010, requires Councils to have due regard to the need to:

5.2.2 eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the act

5.2.3 advance equality of opportunity between people who share a [Protected Characteristic](#) and those who do not and

5.2.4 foster good relations between people who share a protected characteristic and those who do not.

5.3 The Council must consider the impact the procurement outcome may have on the people who live and work in their area, with regard to their age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

5.4 If the procurement:

5.4.2 may have a high negative impact,

5.4.3 had a previous impact assessment that identified a high negative impact,

5.4.4 impacts on a large number of people, or,

5.4.5 deals with particularly sensitive issues

You may need to carry out a Community Impact Assessment at the planning stage of your procurement. Further guidance can be found on the [Assessing Impact](#) page of the Council's intranet.

## 6 **Key Decisions**

6.1 Officers must consider whether the decision to procure is a [Key decision](#) and if so ensure that details are entered onto the [Notice of Key Decision](#) in good time for a decision to be properly made.

6.2 Where the procurement is a key decision, the Officer must obtain evidence of the key decision being approved such as the minutes from the relevant cabinet meeting, and store this for completeness with the tender and contract documentation.

## 7 **Contract Classification and Forms of Contract**

7.1 Officers should consider which type of contract they are procuring:-

7.1.1 A contract for works, including [construction and engineering](#)

7.1.2 A contract for services or

7.1.3 A contract for goods

7.2 If the procurement is for a “mixed” contract then the predominant purpose will prevail. The appropriate terms and conditions for that type of contract must be used as detailed below.

7.3 The Council's [Terms and Conditions](#) must be used for all tenders and contracts and the Council must avoid entering into contracts under provider's/contractor's terms and conditions.

7.4 On occasion, there may be a requirement for a specialised service which brings with it a need for non-standard Terms and Conditions. In this case the Terms and Condition must always be discussed with Procurement Team in advance and approved prior to any tender issue and contract award.

7.5 Officers should ensure that any Terms and Conditions indicated by use of a regional or national framework do not differ significantly the Council's own Terms and Conditions and if in doubt should have these reviewed by the Legal team.

7.6 Officers must consider the total value of the contract at the outset (see [guidance to contract procedure rules](#)) and follow the prescribed route below using the [Procurement flow chart](#) for guidance.

Total Value	Action
Under £10,000	Achieve best value through informal quotes
Between £10,001 and <a href="#">EU Threshold</a> Limits	Three Written Quotes obtained through the eTendering system
Over <a href="#">EU Threshold</a> limits	Formal Tender Using eTendering system

**7.7 For all construction procurement, the following will apply**

Total Value	Action
<b>Under £5,000</b>	<b>Direct contract or single quotation with supplier from supplier list – can compete if further Value for</b>

	<b>Money (VFM) is likely to be achieved.</b>
<b>Between £5,000 and £50,000</b>	<b>Three Written Quotes obtained from the supplier list.</b>
<b>Between £50,000 and <a href="#">EU Threshold</a></b>	<b>Formal Tender required from at least 4 suppliers for traditional contracts and at least 3 suppliers for Design and Build.</b>
<b>Over <a href="#">EU Threshold</a></b>	<b>A minimum of five suppliers must be invited to tender for traditional contracts and at least 4 suppliers for Design and Build (unless fewer suitable candidates have met the selection criteria and these are sufficient to ensure genuine competition).</b>

## **8. In House Provision and Corporate Contracts**

- 8.1 Officers must check if there is an option to access current in-house Services for example Facilities Management, Cleaning Services, Catering Services, Professional Services and Maintenance for Building and Construction, Communications, Energy Management, Training. Use of an in house resource should offer better overall value.
- 8.2 Officers must also check if there is an option to access an existing [Corporate Contract](#) Where a suitable Corporate Contract exists this must be used unless there is a justifiable reason not to. A list of corporate contracts can be found on the Procurement Intranet page.

## **9. Frameworks**

- 9.1 Officers must ensure that they follow the rules in the framework which set out how individual contracts can be called off. This may be direct award if prices are provided but more often this will involve a further procurement activity, referred to as a mini or further competition. Officers must ensure that the cost quality evaluation criteria used as part of the initial framework award is used to select suppliers through further competition but relevant extra sub criteria can be added. Officers must also check that all terms and conditions of the framework comply with and compliment the Council's own values and priorities.
- 9.2 Authority to establish a new framework agreement (as opposed to ordering from a framework) must be agreed by the relevant Assistant Director.
- 9.3 See [guidance to contract procedure rules](#) for further information

## **10. Joint and Collaborative Procurement and Schemes financed partly or wholly by another Public Sector Organisation,**

- 10.1 Where the Council acts as a Lead Authority to let contracts on behalf of a consortium of public sector bodies, these Contract Procedure Rules must be complied with and all records kept by the Council's nominated officer.
- 10.2 Officers leading or participating in multi-agency schemes where the key decision process applies must obtain approval from the CFO prior to committing the Council to participate in the scheme.
- 10.3 Officers leading multi-agency schemes must ensure that partnership working

agreements are in place before procurement activity for the scheme begins or the contract is let.

10.4 European Regional Development Funding (ERDF) requires specific procurement rules to be followed in addition to these rules.

10.5 See [guidance to contract procedure rules](#) for further information .

## **11. Appointing Experts and Consultants,**

11.1 A [Use of Consultants](#) Business Case must be completed for any procurement of a consultant or expert where the total value of their services will exceed £500.

11.2 Specific Council [Consultant terms and conditions](#) must be used for the appointment of a consultant. It is essential that an appointed Consultant has suitable Professional Indemnity Insurance and certificates should be checked before any contract commences and on an ongoing basis until all advice is completed.

11.3 See [guidance to contract procedure rules](#) for further information .

## **12. eProcurement**

12.1 The Council's eTendering system must be used for all procurement activity over £10,000. This will ensure a robust audit trail and is a cost saving to both the Council and potential suppliers. Full details on how this can be used are available via the Procurement intranet page.

12.2 Prior approval must be obtained from the Assistant Director; Governance, Procurement & Commissioning if you wish to procure without using the Council's eTendering system.

12.3 See [guidance to contract procedure rules](#) for further information .

## **13. Supporting the Economy and advertising,**

13.1 All requirements over £10,000 must be advertised through competition of an [Advert Form](#). Officers can advertise requirements below £10,000 if they feel that it may be of benefit, both for the Borough and the Council.

13.2 The Procurement Team will manage advertising of the requirement through social media and the Council's internet page.

13.3 See [guidance to contract procedure rules](#) for further information.

## **14. ICT Facilities & Services,**

14.1 Regardless of value, all purchases of ICT hardware, software, licenses, systems, services, or works must be through, or with the agreement of, the ICT team for the purposes of system integration, monitoring compliance with corporate standards and obtaining of Best Value. The ICT team should be consulted at the earliest stage when considering any IT related project or solution.

14.2 The requirement must initially be logged with the ICT Service Desk by the Service Area that requires it. The ICT Service Desk will then take appropriate action to make the purchase or provide stakeholder input to an [ICT Project Mandate](#), the specification and project plan.

14.3 ICT will also support negotiations regarding annual maintenance charges and system upgrades.

## **15. Leasing Arrangements,**

- 15.1 Leasing is a method of financing the acquisition of certain types of capital assets and allows the cost to be spread over several financial years through annual rentals. It is a specialised area of finance with complex legal and financial agreements. Leasing arrangements may only therefore, be entered into by the Assistant Director or his designated officer.
- 15.2 Please see the [Financial Regulations](#) for further information.

## **16. Transfer of Undertakings (Protection of Employment) Regulations 2006,**

- 16.1 Where a contract is to be re-procured and TUPE may apply, the contract manager must write to the existing supplier and request TUPE information to be supplied via a [TUPE template](#) well in advance of the tendering exercise commencing.
- 16.2 Officers must ensure that sufficient time is built into the procurement so that the costs and implications can be shared with potential bidders through standard TUPE provision within the tender documents.
- 16.3 The contract terms and conditions for any new service contract must contain an up to date TUPE clause to ensure that future TUPE details are shared well before any subsequent retendering.
- 16.4 See [guidance to contract procedure rules](#) for further information.

## **17. Grants**

- 17.1 Officers shall confirm with their Finance Manager that the monies that they wish to issue to a third party can be done so in the form of a grant. If the monies to be issued have been received into the Council as a grant initially the terms of the grant should be referenced in the legal agreement to the final recipient.
- 17.2 Officers must adhere to the approvals limits as detailed in section 8.1 of the Financial Regulations and use the [Grant Conditions](#) document when issuing a grant.
- 17.3 The Officer is responsible for recording the grant on the Grant register held on the Procurement e-team site.
- 17.4 See [guidance to contract procedure rules](#) for further information .

## **18. Memorandum of Understanding (MOU) and Service Level Agreements (SLA),**

- 18.1 SLAs and MOUs can only be used following agreement with Legal services
- 18.2 All Assistant Directors have authority to sign a MOU or a SLA provided that legal approval has been given.
- 18.3 See [guidance to contract procedure rules](#) for further information.

## **19. Parent Company Guarantee and Bonds,**

- 19.1 A performance bond or adequate security will be required where:
  - 19.1.1 the nature and length of the contract is such that the risk of failure is sufficiently high; or
  - 19.1.2 the estimated cost of re-establishing a service if the contract fails is relatively high; or
  - 19.1.3 the financial and technical standing of the contractor is such that the risk of the failure is sufficiently high.

19.2 The amount of the bond will be 10% of the total contract value unless otherwise agreed by the Assistant Director of Finance & Human Resources.

**20. Keeping Records,**

- 20.1 Each Service Area must keep proper electronic records of:
- 20.1.1 the different stages of the tendering process including all the quotes and letters received, and notes of phone calls and meetings about selecting suppliers in addition to all information already held on the eTendering system
  - 20.1.2 the awarding of the contract.
  - 20.1.3 any information provided to tenderers or contractors.
  - 20.1.4 any decisions made, together with the reasons for those decisions.
  - 20.1.5 any exemptions granted to the number of quotes/tenders sought.
  - 20.1.6 Officers must keep all procurement documents for specific periods of time as laid down in the [Council’s Corporate Retention and Disposal Scheme \(CRDS\)](#).
  - 20.1.7 all contracts over EU Threshold are to be passed to the Procurement Team who will record the contract on the Legal Services Deeds Database and pass to legal to arrange scanning
  - 20.1.8 original Sealed contracts must be stored in Legal Service’s deeds room
- 20.2 A [Procurement Report](#) must be completed for Procurement over EU thresholds to meet EU Directives. This report must be held in a shared drive as can subject to Freedom of Information Disclosure.

**21. Signing Contracts**

21.1 All contracts must be signed by an authorised officer as set out below:

Contract Value	Acceptance by
Up to EU Threshold	Appropriate Assistant Director or designated Officer One signature is required
EU Threshold to £500,000	Appropriate Assistant Director or Service Delivery Manager Two signatures required (At least one of whom must be the Assistant Director or Service Delivery Manager. The second signatory can be an officer of any seniority designated by the Assistant Director or Service Delivery Manager)
In excess of £500,000	KEY DECISION Appropriate Assistant Director and Service Delivery Manager Contracts must be sealed by the Assistant Director: Governance, Procurement & Commissioning instead of being signed and the contracts are enforceable for a period of 12 years

## **22. Contract management**

- 22.1 Once awarded, all contracts over £10,000 must be recorded on the Council's [Contract Monitoring Document](#). This document provides the data source for the Council's externally published Contracts Register.
- 22.2 The Contract must then be managed in accordance with the Council's [Contract Management Toolkit](#).
- 22.3 The Contract Monitoring Document must be updated after each contract monitoring meeting and any savings resulting from the meetings reported through to the Procurement team for recording.
- 22.4 See [guidance to contract procedure rules](#) for further information.

## **23. Contract Variations or Amendments**

- 23.1 Officers can enter into extensions or variations provided;
  - 23.1.1 there is provision within the contract to extend (and this has not already been utilised to its full extent)
  - 23.1.2 the provision is within scope and does not constitute a material change
  - 23.1.3 the budget has been confirmed in writing
  - 23.1.4 the variation is in accordance with the Public Contract Regulations 2015 where applicable. Where the contract is under the EU threshold the variation must not take the whole life costs over EU threshold
- 23.2 Standard [contract variation documentation](#) is to be used to enact the changes of the extension or variation. If the contract to be varied was sealed then a [deed of variation](#) notice is required.
- 23.3 Once signed or sealed, a copy of the variation should be sent to the Procurement team for scanning and filing in the Deeds Room linked to the original contract to enable change control.
- 23.4 Legal advice must be sought if proposed changes amount to a significant or material change such as the new requirement not being related to any part of the original advertisement or a value change in excess of the percentages stated in 23.1 but it is unlikely this will be permissible.

## **24. Exemptions and Exceptions to the Contract Procedure Rules**

- 24.1 Contracts that may be exempt from the application of the regulations and the Rules are:
  - 24.1.1 Contracts relating solely to the acquisition or disposal of an interest in land and buildings
  - 24.1.2 Call-offs under framework agreements, providing procedures broadly equivalent to the Rules and compliant with national and EU legislation
  - 24.1.3 transactions conducted by the Assistant Director of Finance & Human Resources in respect of dealing in the money market
  - 24.1.4 in the cases of Social Care contracts for an individual, when there is immediate risk to an Individual's health or wellbeing
  - 24.1.5 In the case of Social Care contracts where a change to a provider is not in the interests or needs of an Individual and such change would be detrimental to the Individual's outcomes
  - 24.1.6 In the case of Social Care contracts where an out of Borough placement is required to facilitate personal choice.

- 24.1.7 where goods, services or execution of works are obtainable only from one source or contractor and there is no reasonably satisfactory alternative from a weak market
- 24.1.8 In the case of circumstances beyond the Council's control requiring emergency Works, Supplies or Services when the best value for money option to remedy will apply as a temporary solution.

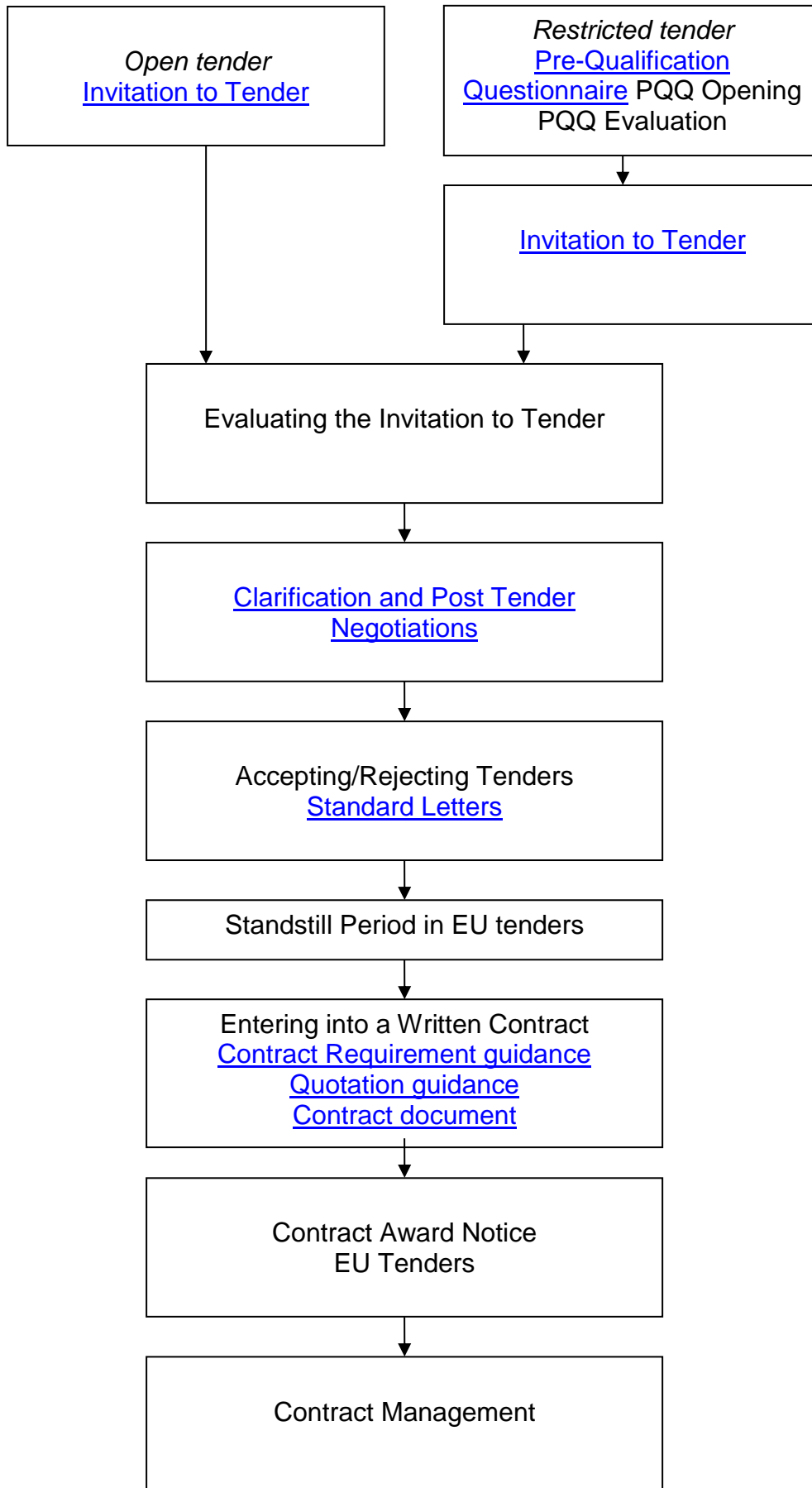
## **24.2 Exceptions to the rules may be:**

- 24.1.1 by the direction of the Council or (in relation to Cabinet functions) the Cabinet. The report to Council/Cabinet must clearly state the reasons why the exception is requested and the alternative contract letting method to be used to ensure best value.
- 24.1.2 there is a case for urgent decisions outside the budget or policy framework ;
- 24.1.3 compatibility issues such that procurement from another source would be uneconomic given the investment in previous infrastructure;
- 24.1.4 a waiver of the rules would be in the interests of the efficient management of the service;
- 24.1.5 where there is a legal requirement to contract with a particular supplier.
- 24.3 Where tendering has resulted in insufficient competition (i.e. only 1 supplier) after two attempts at open competitive tender.  
Where an Officer seeks an exemption or exception to the rules they must complete a [Waiver Request Form](#) and this will be reviewed by the Assistant Director: Governance, Procurement & Commissioning. Any such review should include consultation with the Chief Finance Officer (or his/her nominated deputy) and reference to the rules set out in this section of the Constitution. The Assistant Director has delegated powers to decide to approve, refuse or refer the request to the Cabinet (for the Cabinet to determine as set out at section 24.2 above).
- 24.4 Other than in exceptional circumstances Waivers will not be granted where poor time management and planning have resulted in insufficient time to carry out a compliant process.
- 24.5 No waivers can be granted for requirements over the EU Threshold.
- 24.6 Agreed waivers will be recorded by the Procurement Team on the Council's waiver register.
- 24.7 All exemption decisions must be kept by the originating officer along with the contract/quotation documents in accordance with the Council's Retention and Disposal Policy.

## **25. Sale of Services, Asset Disposal and Trading**

- 25.1 When selling Council goods or assets Officers must comply with the aims of the Rules specifically the need to achieve best value, ensure transparency, openness, non-discrimination, probity and accountability.
- 25.2 Surplus goods and materials belonging to the Council may be sold by agreement of the appropriate Service Delivery Manager or Assistant Director subject to compliance with Financial Procedure Rules.
- 25.3 Where sales are proposed the procedures set out in these Rules for the purchase of goods shall be followed, but "highest" shall be substituted for "lowest" in respect of best bids.

- 25.4 Officers can make use of the Council's eBay account to sell lower value items. More information can be obtained via the Procurement Intranet page.
- 25.5 Officers undertaking selling goods must be aware of product safety regulations and take reasonable steps to ensure equipment is fit for purpose and safe to use. If electrical, equipment it must bear a current valid electrical testing sticker. If there is any suggestion the product may be unsafe it should not be sold. Advice on product safety regulations is available from the Trading Standards section.
- 25.6 No IT related equipment or materials may be sold / disposed of by Officers. The Council's disposal policy specifies that all such equipment must be returned to ICT who will arrange disposal in accordance with EU Directives and the principles of Best Value. The principle should always apply that it should never cost more to dispose of an asset than its residual worth, except where this is governed by legislation. Officers should obtain a minimum of three offers for items up to £50,000 and obtain Legal Advice for sales of over £50,000.
- 25.7 Local authority services trading is a complex area. It is service dependent, some services being prevented by statute from charging/trading. Consideration must also be given to whether the service is a discretionary service or whether there are specific charging or trading powers, and whether there is an intention to either just recover costs or to make a profit. When supplying a service to a private sector body, there is a requirement for them to accept the additional liabilities that can apply as FOI. Should an Officer consider trading services advice must be sought from Legal Services in the first instance.



## Members' Code of Conduct

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

<ul style="list-style-type: none"> <li>Members should serve only the public interest and should treat everyone that they deal with equally and with respect.</li> </ul> <p><b><i>Link to co-operative value of Fairness and Respect</i></b></p>	<p><b>Selflessness</b></p>
<ul style="list-style-type: none"> <li>Members should not place themselves in a position where they either are or give the appearance that they are under any financial or other obligation to anyone that might seek to influence them in the performance of their duties as a Member.</li> <li>Members should not act or take decisions in order to gain financial or other material benefits for themselves, their family or their friends.</li> <li>Members should only use the resources of the Authority in accordance with reasonable requirements set out for their use from time to time.</li> <li>Members should declare and resolve their interests in accordance with the law and with the provisions of this Code of Conduct.</li> <li>Members should declare gifts and hospitality that they receive in accordance with the Council's Rules on Gifts and Hospitality.</li> </ul>	<p><b>Integrity</b></p>
<ul style="list-style-type: none"> <li>Members should act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.</li> </ul> <p><b><i>Link to co-operative value of Fairness and Respect</i></b></p>	<p><b>Objectivity</b></p>
<ul style="list-style-type: none"> <li>Members should be accountable to the public for their decisions and actions and should co-operate fully with any scrutiny appropriate to their particular role or office.</li> </ul> <p><b><i>Link to co-operative value of Ownership</i></b></p>	<p><b>Accountability</b></p>
<ul style="list-style-type: none"> <li>Members should be as open as possible about their decisions and actions and should give reasons for their decisions and actions. Information should not be withheld from the public unless there are clear and lawful reasons for doing so and which they can reasonably be expected to know is either exempt or confidential and is not to be disclosed to protect the wider public interest.</li> </ul> <p><b><i>Link to co-operative value of Openness and Involvement</i></b></p>	<p><b>Openness</b></p>
<ul style="list-style-type: none"> <li>Holders of public office should be truthful.</li> <li>Members have a duty to declare any private interests that relate to their duties as a Member and do whatever is necessary to resolve any such conflict in a way that protects the public interest.</li> </ul> <p><b><i>Link to co-operative value of Honesty</i></b></p>	<p><b>Honesty</b></p>

- Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

**Leadership**

### Disclosable Pecuniary Interests

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

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

### Dispensations

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

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

## Disclosable Pecuniary Interests

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

<b>Employment, office, trade or profession</b>	Any employment, office, trade, profession or vocation carried out for profit or gain
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a person in carrying out duties as a member, or towards the election expenses of that person
<b>Contracts</b>	Any contract which is made between the relevant person( or body in which the relevant person has a beneficial interest) and the relevant authority- <ol style="list-style-type: none"> <li>1. Under which goods or services are to be provided or works are to be executed; and</li> <li>2. Which has not been fully discharged</li> </ol>
<b>Land</b>	Any beneficial interest in land which is within the area of the relevant authority
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer
<b>Corporate tenancies</b>	Any tenancy where ( to the persons knowledge)- <ol style="list-style-type: none"> <li>1. The landlord is the relevant authority; and</li> <li>2. The tenant is a body in which the relevant person has a beneficial interest</li> </ol>
<b>Securities</b>	Any beneficial interest in securities of a body where- <ol style="list-style-type: none"> <li>1. That body (to the persons knowledge) has a place of business or land in the area of the relevant authority; and</li> <li>2. Either-  <ol style="list-style-type: none"> <li>2.1 The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li> <li>2.2 If the share capital of that body is of more than one class, the total nominal value of the shares in any one class in which the relevant person has a beneficial interest that exceeds one hundredth of the total issued share capital of that class</li> </ol> </li> </ol>

## **Members' Remuneration Scheme**

The Members Remuneration Scheme set out below is as approved by the Council in October 2010. The Council received a report from an Independent Remuneration and Allowances Panel which recommended a new Remuneration Scheme for the Authority.

### **REMUNERATION SCHEME**

The Members Remuneration Scheme for 2010/11 provided for:-

1. All Members to receive a basic allowance, currently £7,870
2. The following positions attract a special responsibility allowance (in addition to the basic allowance).

Chairman of Cabinet/Leader	£22,768.00
Deputy Leader	£15,898.00
Cabinet Member	£11,805.00
Chairman of Scrutiny Committees	£ 7,139.00
Main Opposition Group Leader	£ 9,837.00
Minority Opposition Group Leaders	£ 3,664.00
Chairman of Plans Board	£ 7,870.00
Chairman of Licensing Committee	£ 7,870.00
Chairman of Audit Committee	£ 7,870.00
Independent Chairman of Standards Committee	£ 3,935.00
Chairman of Appeals Committee	£ 2,361.00

3. The scheme provides for travel, subsistence, childcare and dependant carers allowances to also be claimed by Members.
4. It is a condition of the Scheme that a Member can receive no more than one Special Responsibility Allowance even if he/she occupies more than one position which had a Special Responsibility Allowance entitlement.
5. The Scheme allows for an annual uprating of the Basic Allowance and Special Responsibility Allowances in line with the pay award for local authority employees. The annual uprating will be applied at the start of the Municipal Year and backdated to the start of the civic year if the pay award has not been formalised by the date of Annual Council.
6. The Scheme is subject to analysis & review by the Independent Remuneration Panel. The Panel is required to meet and recommend a new scheme to the Council as per the terms of The Local Authorities (Members Allowance) (England) Regulations 2003 (as amended).

## 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

<b>Members</b>	<b>Officers</b>
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"> <li>• the policy direction of the Council and political leadership</li> </ul>	<ul style="list-style-type: none"> <li>• advising members on the development of policy</li> </ul>
<ul style="list-style-type: none"> <li>• representing the Council externally</li> </ul>	<ul style="list-style-type: none"> <li>• representing the Council externally</li> </ul>
<ul style="list-style-type: none"> <li>• representing their constituents</li> </ul>	<ul style="list-style-type: none"> <li>• implementing Council policy and day to day management of Council services</li> </ul>
<ul style="list-style-type: none"> <li>• 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</li> </ul>	<ul style="list-style-type: none"> <li>• Statutory officers have responsibilities over and above their obligations to the Council</li> </ul>

### 3. Expectations

	<b>Members</b>	<b>Officers</b>
<b>Co-operative working</b>	Members and officers:-	
	Recognise that we 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	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

	relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold	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
<b>Governance</b>	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
<b>Politics</b>	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.	Officers 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 Council’s Disciplinary Procedures and, for members, the Councillor’s Code of Conduct**

**4.4 Further advice**

Further advice and assistance is available from the Managing Director and the Assistant Director: Governance, Procurement & Commissioning.

## **Officer Employment Procedure Rules**

**These rules take account of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).**

### **1. APPOINTMENTS**

#### **1.1 Declarations**

1.2 The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the partner or close family relative of a serving Member or employee of the Council or the partner of such a person. This statement will be included in appropriate recruitment literature.

1.3 Where a candidate has declared such a relationship, any offer of employment shall be subject to approval by the appropriate Assistant Director, except where the Assistant Director is the officer to whom the candidate has declared a relationship, in which case the appropriate Director will approve any proposed offer of employment or, in the event that the Managing Director is the officer to whom the candidate has declared a relationship, in which case the Assistant Director: Governance, Procurement & Commissioning will approve any proposed offer of employment.

#### **1.4 Seeking support for appointment**

1.5 The Council will disqualify from consideration any candidate who directly or indirectly seeks the support of any Member or officer for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

1.6 No Member or officer will seek to support any candidate for appointment. Councillors must not stand as referees for officers or candidates for appointment as officers of the Council.

### **2. APPOINTMENT OF CHIEF OFFICERS**

2.1 For the purpose of these Rules, the term Chief Officer shall have the same meaning as in the Local Government and Housing Act 1989, and is referred to as the Managing Director and Director. The term Deputy Chief Officer in that Act means an Assistant Director.

2.2 Where the Council proposes to appoint a Director and it is not proposed that the appointment be made exclusively from among its existing officers, the Council will draw up a statement specifying:

2.2.1 the duties of the officer concerned: and

2.2.2 any qualifications or qualities to be sought in the person to be appointed

2.2.3 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.

### **3. APPOINTMENT OF HEAD OF PAID SERVICE**

3.1 The Managing Director will be designated as the Head of Paid Service. The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by Personnel Board that must include the Leader or at least one member of the Cabinet.

3.2 The offer of appointment as Head of Paid Service must not be made until the Personnel Board:-

3.2.1 notify the Proper Officer or, if the offer is to an Acting Head of Paid Service, the Assistant Director: Governance, Procurement & Commissioning shall take the place of the Proper Officer, of the name of the proposed appointee and any other particulars which are considered relevant to the appointment;

3.2.2 the Proper Officer has notified every member of the Leader and Cabinet Executive of:-

3.2.3 the name of the proposed appointee

3.2.4 any other relevant particulars as notified to him/her

3.2.5 the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Leader and Cabinet Executive to the Proper Officer

and either

3.2.6 the Leader, within the specified time period, notifies the Proper Officer that neither he nor any other member of the Leader and Cabinet Executive has any objection to the making of the offer;

3.2.7 the Proper Officer has notified the Panel no objection has been received; or

3.2.8 the Personnel Board is satisfied that any objection received from the Leader is not material or is not well founded.

### **4. APPOINTMENT OF DIRECTORS STATUTORY OFFICERS**

4.1 The appointment of a Director or Statutory Officer will be made by Personnel Board which must include the Leader or at least one member of the Cabinet Executive.

4.2 The offer of appointment as Director/ Statutory Officer must not be made until the Personnel Board:-

4.2.1 notify the Proper Officer of the name of the proposed appointee and any other particulars which are considered relevant to the appointment;

4.2.2 the Proper Officer has notified every member of the Leader and Cabinet Executive of:-

4.2.3 the name of the proposed appointee

4.2.4 any other relevant particulars as notified to him/her;

4.2.5 the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Leader and Cabinet Executive to the Proper Officer

and either

4.2.6 the Leader, within the specified time period, notifies the Proper Officer that neither he nor any other member of the Leader and Cabinet Executive has any objection to the making of the offer;

4.2.7 the Proper Officer has notified the Panel no objection has been received; or

4.2.8 the Panel is satisfied that any objection received from the Leader is not material or is not well founded.

## **5. OTHER APPOINTMENTS**

5.1 Appointments of officers below the level of Director are the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Members. All appointments will be made in accordance with the Council's recruitment and selection policy.

## **6. DISCIPLINARY ACTION IN RESPECT OF HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCE OFFICER**

### **6.1 Suspension**

6.1.1 The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended on full pay while an investigation takes place into alleged misconduct or incapability. Suspension does not itself constitute disciplinary action and does not imply guilt.

6.1.2 Suspension must terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

### **6.2 Independent Person**

6.2.1 No disciplinary action may be taken in respect of the Council's designated Head of Paid Service, Monitoring Officer or Chief Financial Officer except after consideration of any advice, views or recommendations from the Panel and after hearing representations, if any, from the officer who is the subject of the disciplinary process.

6.2.2 Members will not be involved in disciplinary action against any officer below Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct or incapability.

## **7. DISMISSAL**

7.1 The Full Council will decide whether or not to approve the dismissal of the Council's designated Head of Paid Service, Monitoring Officer or Chief Finance Officer only after taking into account recommendations from the Personnel Committee and any advice, views or recommendations from the Panel and after hearing representations, if any, from the officer who is the subject of the disciplinary process.

7.2 The dismissal of a Directors must not be made until the Personnel Committee notify the Proper Officer of:-

7.2.1 the name of the proposed dismissee;

7.2.2 any other particulars which are considered relevant to the dismissal;

7.2.3 the Proper Officer has notified every member of the Leader and Cabinet Executive of the name of the proposed dismissee and any other relevant particulars as notified to him/her;

7.2.4 the period within which any objection to the making of the decision is to be made by the Leader on behalf of the Leader and Cabinet Executive to the Proper Officer

and either

7.2.5 the Leader, within the specified time period, notifies the Panel that either he or any other member of the Leader and Cabinet Executive has any objection to the dismissal;

7.2.6 the Proper Officer has notified the Panel no objection has been received; or

7.2.7 the Panel is satisfied that any objection received from the Leader is not material or is not well founded.

Members will not be involved in the dismissal of any officer below Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct or incapability.

**Note: For the purpose of the Officer Employment Procedure Rules, the Proper Officer shall be the Head of Paid Service, except where the appointment/dismissal relates to the Head of Paid Service, in which case the Proper Officer shall be the Monitoring Officer.**

<b>Employment Status →</b>	<b>Head of Paid Service</b>	<b>Directors****</b>	<b>Monitoring Officer and Chief Finance Officer</b>	<b>Assistant Directors***</b>	<b>Service Delivery Manager</b>	<b>Below SDM</b>
<b>Employment Process ↓</b>						
<b>Recruitment</b>						
Appointment	Council on recommendation of Personnel Committee	Personnel Committee	Personnel Committee	HPS	AD	AD
Cabinet Notification	✓	✓	✓	✓	x	x
Relevant Policies	Recruitment & Selection Policy; JNC Conditions of Service for Local Authority Chief Executives	Recruitment and Selection Policy; JNC Conditions of Service for Chief Officers			Recruitment and Selection Policy. Various conditions of service.	
<b>Grievance</b>						
1st stage	Leader	HPS	D	D	AD	SDM / line manager
2nd stage	N/A	N/A	HPS	HPS	D	AD / SDM
Appeal	Appeals Committee					
Relevant Policies	Grievance Policy & JNC Conditions of Service for Local Authority Chief Executives	Grievance Policy and JNC Conditions of Service for Chief Officers			Grievance Policy	
<b>Disciplinary action**, Redundancy, Capability and Sickness dismissals.</b>						
Suspension	Personnel Committee*	HPS	Personnel Committee	D	AD	AD
Use of Panel	✓ Personnel Committee	x	✓ Personnel Committee	x	x	x
Decision maker	Full Council	HPS	Full Council	D	AD	AD
Cabinet Notification	✓	✓	✓	✓	x	x
Appeal	N/A	Appeals Committee	N/A	Appeals Committee		
Relevant Policies	Disciplinary Issues at Work, Sickness, Redundancy and Capability Management Procedures; JNC Conditions of Service for Local Authority Chief Executives	Disciplinary Issues at Work, Sickness, Redundancy and Capability Management Procedures; JNC Conditions of Service for Chief Officers			Disciplinary Issues at Work, Sickness, Redundancy and Capability Management Procedures	

## NOTES

Personnel Committee	a politically balanced committee of 8 members including the Leader or a cabinet member appointed by the Leader
Appeals Committee	a politically balanced committee of 8 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; <b>and either</b> 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, <b>or</b> the Proper Officer notifies the Personnel Committee or Head of Paid Services (as appropriate) that no objection has been received <b>or</b> 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;
***	There are special rules governing the appointment of the Director of Public health that are not covered in this summary
****	including the officer designated as the Director of Adults Social Services

## **Employee Code of Conduct**

### **1. What is the Code of Conduct?**

- 1.1 The Code of Conduct outlines the standards of behaviour that Telford & Wrekin, as a Cooperative Council, expects from you as an employee, as well as the Council's responsibilities as an employer towards you. It has at its core, the Council's Co-operative values and sets out the way we do things and what we stand for. The Code forms part of your overall contract of employment.

### **2. Who is the Code of Conduct for?**

- 2.1 The Code of Conduct applies to all employees. We also require anyone acting as our agent or working on our behalf to uphold the standards set out in the Code, therefore it applies to volunteers, work experience placements, agency workers, contractors, suppliers, consultants and partners<sup>16</sup>.

### **3. What can you expect from the Council?**

- 3.1 As an employee, you can expect:
- 3.2 Clarity about what is expected of you at work and, where relevant, outside work
- 3.3 A safe and healthy working environment
- 3.4 Support for your rights and recognition of diversity
- 3.5 Opportunities for learning, development and support
- 3.6 Open and honest communication and involvement
- 3.7 To be treated reasonably and fairly
- 3.8 Recognition and feedback on your performance

### **4. What can the Council expect from you?**

- 4.1 In return, the Council has the following expectations of you:
- 4.2 Commitment to the Co-operative Council's values of openness and honesty, ownership, fairness and respect and involvement
- 4.3 To carry out your role with the best interests of customers in mind
- 4.4 To protect the Council's well-earned reputation
- 4.5 To act in accordance with Council policies and procedures and terms and conditions of employment
- 4.6 To speak up promptly about any concerns you have

### **5. Our Principles:**

- 5.1 The following key principles should guide our decision-making, our behaviour and our actions on a daily basis.

### **6. Personal & Business Integrity**

- 6.1 Integrity is central to how we deliver services and we will lead by example, as follows:
- 6.2 We work for and serve the whole Council, recognising our duty as public sector employees to discharge public functions reasonably and within the law.
- 6.3 We are open and honest and transparent in all we do.

---

<sup>16</sup> The term employee is used in the Code to cover employees as well as all of the categories referred to in this paragraph.

- 6.4 We demonstrate high personal standards, treating others as we would expect to be treated ourselves, fairly and with respect.
- 6.5 We never ignore or condone wrongdoing.
- 6.6 We are accountable for what we do and take responsibility for our actions and decisions.

## **7. Bribery**

- 7.1 We do not offer or accept bribes or facilitation payments or engage in any form of corruption whether directly or through a third party. Gifts and hospitality will be operated within strict council guidelines.

## **8. Fraud, deception and dishonesty**

- 8.1 We will not engage in, condone or ignore any kind of fraud, false claim, deception or dishonest behaviour or allow someone else to do this on our behalf.

## **9. Conflicts of Interest**

- 9.1 We will avoid situations in which our personal circumstances could lead to a conflict of interest. Our focus is work which will lead to improvements for our community and individuals within it.

## **10. Political Interests**

- 10.1 We follow every policy of the Council and will not allow our own personal or political opinions to interfere with our work. We will comply with statutory restrictions on political activity both at work and in our personal lives. We will respond to people's needs in a fair and consistent way.

## **11. Working with third parties**

- 11.1 We will conduct due diligence on all prospective suppliers/agents and partners and will work with third parties whose policies and standards support ours.

## **12. Legality and Competition**

- 12.1 We operate lawfully at all times encouraging fair, open and honest competition to achieve value for money and refuse to engage in practices that try to achieve an unfair competitive advantage.

## **13. Further Information:**

- 13.1 Anti-Fraud & Corruption Policy
- 13.2 Gifts & Hospitality Guidance
- 13.3 Business Activities & Private Work
- 13.4 Contract Procedure Rules

## **14. Making Every Contact Count**

- 14.1 Our sole aim as an employer is to serve the public. Without them we have no main function or purpose. Our employees are critical in achieving our ambition to 'make every contact count'.
- 14.2 We will treat our customers and the community as we would want to be treated ourselves and make every contact they have with us count.
- 14.3 We will work together with our community, involving them in decisions which affect their lives and being prepared to listen and take on new ideas.

- 14.4 We will be ambassadors for the Council when dealing with the public, acting as its eyes and ears.
- 14.5 We will live and breathe our values when serving the public and will be willing to go the extra mile; nothing will be too much trouble for our customers.
- 14.6 We will create an environment which enables our customers to access the help and support they need not only about our own services but those of our partners as well.

**15. Further information:**

- 15.1 Customer Charter
- 15.2 Customer Service Strategy

**16. Open & Honest Working Relationships:**

- 16.1 We aim to be an organisation where we treat each other with honesty and respect and where everyone has the opportunity to reach their full potential. We believe that no one should be harmed as a result of any work we do.
- 16.2 We select, promote, develop and reward on the basis of skills and merit and are committed to removing barriers to equal opportunity.
- 16.3 We will be truthful and open about decisions affecting working lives.
- 16.4 We treat each other with respect and dignity and support employee's rights and diversity.
- 16.5 We value and respect those who work for and with us.
- 16.6 We are committed to providing a healthy, supportive and safe working environment.

**17. Health & Safety**

- 17.1 We will not compromise the safety of anyone involved in or affected by our services and recognise that safety is the responsibility of everyone.

**18. Drugs and alcohol**

- 18.1 We will not misuse any substance before or during working hours to the extent that:
  - 18.1.1 it impairs our performance and/or
  - 18.1.2 it potentially or actually puts our own or others health or safety at risk and/or
  - 18.1.3 it adversely affects the public image of the Council.

**19. Equalities**

- 19.1 We are committed to maintaining high standards of employment practice and undertake that all employees, and those who apply for employment, will be treated with fairness, respect and dignity.

**20. Harassment and bullying**

- 20.1 We will treat all colleagues and customers with respect and dignity and will not tolerate any form of harassment, discrimination, bullying or victimisation.

**21. Human rights**

- 21.1 We are committed to upholding the human rights of all those we serve, who work for us and with us.

## **22. Further Information:**

- 22.1 Health & Safety Policy
- 22.2 Substance Misuse Policy
- 22.3 Equality & Diversity Policy – Fairness for All
- 22.4 Equal Opportunities Charter
- 22.5 Dignity at Work
- 22.6 Protocol on Member/Officer Relations {Part 5, Section 3 of The Constitution}
- 22.7 Disciplinary Procedure & Disciplinary Rules
- 22.8 Grievance Procedure

## **23. Keeping assets and data safe**

- 23.1 When we are entrusted with personal information and Council data, we will keep it safe.
- 23.2 We respect and safeguard confidential and personal information.
- 23.3 We will use computer systems and communication devices appropriately.
- 23.4 We will be transparent and honest in our communications and our dealings with our community and stakeholders.
- 23.5 We record all financial transactions completely, accurately and honestly.

## **24. Protecting Personal information**

- 24.1 We respect individual's rights to privacy and will treat all personal information as confidential, complying with data protection and privacy laws.

## **25. Safeguarding confidential information**

- 25.1 We keep confidential information safe and protect it from unauthorised disclosure whether wilful or accidental.

## **26. Use of IT and communications systems**

- 26.1 We have secure IT and communications systems and use them responsibly to undertake our Council roles, with restricted personal use. We recognise that the improper use of social media sites, whether at work or in a personal capacity, can impact upon our employment relationship and responsibilities and commit to using these sites responsibly.

## **27. Financial controls and record keeping**

- 27.1 We ensure that the public funds entrusted to us are used responsibly, properly and in a lawful manner. We ensure we have suitable financial controls in place and that our records and reporting processes are complete, accurate and transparent.

## **28. Protecting the Council's assets**

- 28.1 We understand the value of all our assets and resources and will protect them from improper use. We will not utilise property, vehicles or other Council facilities for personal use unless authorised to do so.

## **29. Communications**

- 29.1 Our communications will be timely, honest, open and without misrepresentation. All external media communications will be managed through the Corporate Communications Team.

### **30. Further Information:**

- 30.1 Corporate Information Security Policy
- 30.2 Financial Regulations
- 30.3 Media Protocol
- 30.4 Social Media Policy

### **31. Protecting our community and environment**

- 31.1 We are committed to operating as a sustainable organisation by caring about our people, our communities and the environment we live in. We want to protect and improve our environment for the future.
- 31.2 We will operate proper and sustainable procurement policies to safeguard the environment.
- 31.3 We will ensure that our suppliers adopt similar environmental standards and controls.
- 31.4 We will be aware of our own role in promoting social responsibility and helping to keep our borough clean and safe and a borough to be proud of.

### **32. Why is it important to Speak Up?**

- 32.1 If you have any concerns that a breach of the Code of Conduct might be taking place, it is important to speak up about it. Speaking up early helps to protect you, makes investigation easier and could protect the Council's reputation. You can do this through the Council's Speak Up policy.

### **33. What if you are unsure?**

- 33.1 We all want to do the right thing. If you are unsure about whether a course of action is right or wrong just ask yourself the following questions:
- 33.2 Am I comfortable with it? Would I be happy if my colleagues or the press knew about it? Would I be proud to tell my friends and family about it? What would a reasonable member of the public think?
- 33.3 Is it in line with our values? The Council has clear values – openness & honesty, ownership, fairness & respect and involvement. Does this action sit well with these?
- 33.4 Does it seem honest? If something seems less than totally open and above board, it probably is.

### **34. Is it fair?**

- 34.1 Think carefully about whether the course of action gives someone unfair advantage over others, both internally or externally.

### **35. Could it damage our reputation?**

- 35.1 Reputations are hard earned. If you think our good reputation is at risk, seek appropriate advice.
- 35.2 If you are still unsure, or have any doubts, talk to someone. This could be your Line Manager, or if this is not appropriate, you can contact People Services or Audit & Information Governance.

## **Local Code of Good Governance**

### **Delivering Good Governance in Telford & Wrekin Council Local Code 2016**

**Definition:**

**Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved.**

In order for the Members and Employees<sup>17</sup> of Telford & Wrekin to deliver good governance whilst working to achieve the Council's objectives they must **act in the public interest at all times.**

***PUBLIC INTEREST PRINCIPLES - Acting in the public interest requires a commitment to and effective arrangements for:***

- A. Behaving with integrity, demonstrating strong commitment to ethical values (including the Council's values<sup>18</sup>), and respecting the rule of law.
- B. Ensuring openness and comprehensive stakeholder engagement (including with individual citizens, service users and institutional stakeholders).

**Achieving good governance also requires a commitment to and effective arrangements for:**

- C. Defining outcomes in terms of sustainable economic, social, and environmental benefits.
- D. Determining and planning the actions necessary to optimise the achievement of the intended outcomes.
- E. Developing the Council's capacity, including the capability of its leaders and the individuals within it. This includes ensuring effective relationships and a clear understanding of the roles and responsibilities of Member and officers.
- F. Managing risks, performance and data through robust internal control and strong public financial management.
- G. Implementing good practices in transparency, reporting, and assurance (including audit) to deliver effective accountability.

---

<sup>17</sup> Employees includes partners, joint arrangements and volunteers.

<sup>18</sup> Fairness & Respect: Ownership: Openness & Honesty; Involvement

## Transparency

### Citizens and the Council

This sets out what citizens can expect from the Council, what rights they have and their responsibilities in return.

#### CITIZENS' RIGHTS

1. The term "citizen", means everyone who lives and works in the Borough of Telford & Wrekin.
2. Citizen's rights, in terms of engaging with the democratic process, are set out below. Other rights for citizens such as making applications for housing benefit or making planning applications are not contained in this document but details are available on the Council's website [www.telford.gov.uk](http://www.telford.gov.uk)
  - 2.1 **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote for their local Councillor(s) and to sign a petition to request a referendum for an elected mayor form of Constitution. Citizens will have a right to vote for an elected mayor in the event of a referendum being held.
  - 2.2 **Information.** Citizens have the right to:
    - 2.2.1 attend as observers, meetings of the Council, Cabinet and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
    - 2.2.2 find out from the Notice of Key Decisions what key decisions will be taken by the Leader, the Cabinet Executive or by an officer under delegated authority
    - 2.2.3 inspect reports and background papers, and any records of decisions made by the Council and its committees and the Leader and Cabinet Executive; and
    - 2.2.4 inspect the Council's accounts and Audit Commission's Annual Audit and Inspection Letter and make their views known to the external auditor.
    - 2.2.5 such other information as may be specified in the Council's Freedom of Information publication scheme  
[http://www.telford.gov.uk/info/20117/data\\_protection\\_and\\_freedom\\_of\\_information/58/data\\_protection](http://www.telford.gov.uk/info/20117/data_protection_and_freedom_of_information/58/data_protection)
3. **Assembly Sessions.**
  - 3.1 The Council shall facilitate further participation by holding, as and when required, meetings of Assembly Sessions at which partner organisations may through nominated spokespersons attend and debate with elected members matters of public policy. As appropriate these Assembly Sessions may also invite for debate, reports from other public and private agencies and from the Borough's, Westminster, European and other representatives.
  - 3.2 Citizens will have the right to express views on all aspects of local government and the Council will take steps to consult effectively, and have the right to have those views considered.

4. **Complaints.** Citizens have the right to complain to:
- 4.1 the Council itself under its complaints scheme;  
[http://www.telford.gov.uk/info/200025/complaints/79/comments\\_compliments\\_and\\_complaints](http://www.telford.gov.uk/info/200025/complaints/79/comments_compliments_and_complaints)
  - 4.2 the Ombudsman after using the Council's own complaints scheme;  
<http://www.lgo.org.uk/>
  - 4.3 the local Standards Committee about a breach of the Councillor's Code of Conduct.  
[http://www.telford.gov.uk/info/20242/councillors\\_mps\\_and\\_meps/358/councillor\\_code\\_of\\_conduct](http://www.telford.gov.uk/info/20242/councillors_mps_and_meps/358/councillor_code_of_conduct)

**5. CITIZENS' RESPONSIBILITIES**

- 5.1 A healthy democracy depends upon active citizenship. Citizens are encouraged to make conscientious use of their roles as both voters and members of a wider community. In particular, by:
- 5.1.1 voting at every opportunity
  - 5.1.2 respecting the expression of differing opinions in public debate;
  - 5.1.3 promoting tolerance and respect between their fellow citizens, and
  - 5.1.4 individually and collectively seeking information about the decision-making role of Councillors and respecting the Council procedures which give effect to a representative democracy.

## **Access to Information - Publication of Agendas, Minutes and Decision Notices**

The Council is committed to open and democratic decision-making. This section sets out the process for publishing details of decisions, mainly Key Decisions that are going to be made, agendas and reports for meetings recording decisions taken at meetings or by individuals and public attendance at meetings.

### **1. Key decisions:-**

#### **1.1 Decisions which have a significant financial impact including:**

1.1.1 Decisions which will result in the authority incurring expenditure, or making savings, of more than £500,000 e.g. the letting of a contract;

1.1.2 Involve a virement between service budgets of more than £50,000; or

1.1.3 Involve a virement between service budgets of between £25,000 and £50,000 where the sum is more than 20% of the budget; or

1.1.4 Decisions to participate or lead in collaborative schemes funded (partly or wholly) from external sources, which may expose the Council to contractual risk exceeding £500,000, e.g. schemes carrying repayment penalties or schemes where the Council will carry contractual responsibility for execution of the contract.

**OR**

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

### **2. Limits to Key Decisions**

2.1 When considering whether or not a decision is a Key Decision the following guidance should be followed:-

2.1.1 Contracts of employment are to be treated as outside the scope of key decisions.

2.1.2 The aggregate value of multi-year contracts should be considered e.g. a contract for £500,000 p.a. for two years would be caught under the definition.

2.1.3 Reports allocating block capital budgets between specific schemes will be taken to Leader and Cabinet Executive and will be treated as Key Decisions. Changes to these allocations in excess of the virement limits will also be treated as Key Decisions. However the letting of individual contracts funded from these block capital approvals will not be treated as Key Decisions even if they affect more than one ward unless the total value of the contracts exceeds the approved budget for the particular schemes.

2.1.4 The letting of contacts for an individual child by Children & Young People or for a vulnerable adult by Adult Social Care in respect of personal care or “specialist placements” will not be treated as Key Decisions regardless of whether those

contracts would be covered by approved budgets, due to statutory requirements to ensure that appropriate provision is made for personal social services or education. The cumulative effects of such commitments will be subject to reporting requirements to Leader and Cabinet Executive where there is a proposed overspend against budget provision for the year.

- 2.1.5 The nature of Treasury Management decisions is such that decisions to borrow or invest are taken in response to interest rate movements and to the daily cash flow position. These factors cannot be accurately forecast in order to comply with the timetable for key decisions and therefore must be treated as an exclusion to the definition of key decisions.

### **3. Publication of Information**

- 3.1 The Council publishes:

### **4. Notices of Key Decisions**

- 4.1 The decision maker is required, at least 28 working days before the decision is made, to publish a document which sets out details of the key decision(s) to be taken that must be shall be published and be available for inspection by the public at the offices of the Council, Addenbrooke House and on the Council website.

### **5. Urgent decisions**

- 5.1 Where a Key Decision is required to be taken for which at least 28 days' notice has not been given, the Proper Officer must inform the Chairman of the appropriate Scrutiny Committee in writing of the details of the decision to be made and the reasons why it is impracticable to give 28 days' notice. Where the urgency of the decision is such that five clear days between the notice and the decision cannot be given, the decision-maker must obtain the agreement of the Chairman of the relevant Scrutiny Committee (or in their absence the Mayor or Deputy Mayor of the Council) that the decision does need to be taken as a matter of such urgency, and the reasons why it cannot be reasonably be deferred.

### **6. Notices of Exempt or confidential information**

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

### **7. Agendas and reports of Officers**

- 7.1 All agendas and reports (except those that are exempt/confidential) are published at least five working days before the date of the meeting unless the meeting is convened at shorter notice or where an item is added to the agenda at shorter notice in cases of urgency in accordance with the provisions of the Local Government Act 1972.

7.2 Members of Cabinet (and Opposition Group Leaders) and any Committee (and substitutes) may request a paper copy of the agenda and all reports. All other Members of the Council will be sent a hyperlink to the Council's website. Copies of these documents will be available from Democratic and Scrutiny Services upon request.

**8. Decision Notices/Minutes of Cabinet and Decision Notices relating to Key Decisions taken by Officers under delegated powers**

8.1 Within four working days after a Cabinet decision has been made by the Cabinet as a whole or by an individual member, or a Key Decision made by an officer, the Proper Officer shall make a written record of that decision. All Decision Notices, except those that are exempt/ confidential, shall be published and be available for inspection by the public at the offices of the Council, Addenbrooke House and on the Council website.

8.2 All Decision Notices will be co-ordinated by Democratic Services. Where an individual member of the Cabinet or an officer is taking a Key Decision they must advise Democratic Services in order that Decision Notices are published within the requisite timescale, ie within four working days and sent to all Members of the Council via email.

8.3 To support the call-in process Decision Notices will be e-mailed to all Members within four working days of the decision(s) being taken.

8.4 Decision Notices in respect of Key Decisions on matters that are exempt/confidential will not be available for public inspection.

8.5 A Decision Notice will include the reasons for decision, details of options considered, record of any conflict of interest, and record of any dispensation granted by the Standards Committee.

**9. Exceptions for Exempt and Confidential Information**

9.1 These rules do not apply where the publication of a report, or background paper or attendance at a meeting would be likely to disclose exempt or confidential information, as defined in the Local Government Act 1972, Schedule 12A (as amended). Such reports or background papers shall only be sent to Members of the Council.

**10. Meetings**

10.1 All meetings of the Cabinet and Committees are 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.

**SCHEME MADE UNDER PARAGRAPH 12 OF SCHEDULE 1  
LOCAL GOVERNMENT ACT 2000  
SCHEME TO GIVE VOTING RIGHTS TO CO-OPTED MEMBERS  
OF THE JOINT HEALTH SCRUTINY COMMITTEE**

In accordance with Paragraph 12 of Schedule 1 to the Local Government Act 2000 (as inserted by section 115 Local Government Act 2003) the Borough of Telford & Wrekin has determined that the three co-opted members of the Joint Health Scrutiny Committee (that is those members of the committee who are not members of the authority) shall have permission to vote in accordance with this Scheme.

The co-opted members can exercise their right to vote in respect of any matters relating to the work of the Joint Health Overview and Scrutiny Committee. The Scheme will be revoked after 3 years at which point Council can determine if it should be renewed.

Date:

# Scrutiny Annual Report 2015/16

## Contents

	Page
Chair's Foreword.....	3
The purpose of Scrutiny.....	4
Who carries out Scrutiny work.....	4
How Scrutiny work is carried out.....	4
How we monitor the effectiveness of Scrutiny.....	5
What issues we looked at in 2015/16 and what difference we made.....	6
How to get involved.....	13
Contacts.....	13

## Chair's Foreword

I am pleased to present the 2015/16 Scrutiny Annual Report.

The report describes the breadth of work scrutiny has carried out this year and shows how scrutiny can be a positive force for change.

Telford & Wrekin Council, as other authorities, continues to face ever more challenging financial pressures and never has Scrutiny played a more important role in ensuring decision making remains transparent and in the best interests of local residents.

We have met many people in the course of our work and would like to thank all those who have contributed to scrutiny during the year.

This year we reviewed our co-optee arrangements and welcomed a number of new scrutiny co-optees many of them from Town and Parish Councils. I am confident that scrutiny will benefit from their expertise.

I would like to highlight some of the key achievements from this year.

- 'Everyone's Business - Scrutiny Review of Multi-Agency Working Against Child Sexual Exploitation' by the Children & Young People Scrutiny Committee is the culmination of 18 month's work and shows how scrutiny can engage partners around a complex and sensitive issue and – critically – give people affected by exploitation a channel to be heard. The report makes 38 recommendations to a range of local and national organisations and has been widely commended for its depth and integrity.
- The Finance & Enterprise Scrutiny Committee this year focused on savings proposals that we felt would impact on local people. As a result of concerns raised by the committee, proposed cuts in transport to Age UK day centres were reconsidered in the final proposals put to Council.
- The Customer, Community & Enterprise Scrutiny Committee was called on by the Cabinet member to provide a view on part-time traffic lights which had become a hot issue for some members of the public. The Committee put safety first and reported back to the Cabinet member that the Council should not switch off any signals. This showed the value of scrutiny in providing an independent, cross-party view.
- The Health & Adult Care Scrutiny Committee has continued to monitor savings in adult care and the impact on local people and the Joint Health Overview & Scrutiny Committee continued its vital and difficult work in scrutinising the process for consulting on changes to local hospital services.

Looking ahead, we will continue our role in holding decision makers to account and acting as a voice for local residents to make a difference where ever we can. We welcome any suggestions for scrutiny and information about how to get involved is included in this report.

Cllr Shirley Reynolds  
Lead Scrutiny Member  
Chair Scrutiny Management Board and Finance & Enterprise Scrutiny Committee

## **What is Scrutiny?**

Scrutiny is a key part of the checks and balances necessary to hold the Council's Cabinet to account and to improve policies and performance. It can help ensure that services respond to the needs of the local community and are efficient, cost effective and easy to use.

Local authorities with a Cabinet system – where a relatively small number of elected members are responsible for day-to-day decision making – have a scrutiny function. Scrutiny enables elected members who are not on the Cabinet to have a greater influence in policy decisions and the work of the Council.

There are four nationally accepted principles set out by the Centre for Public Scrutiny:

- Providing "critical friend" challenge
- Reflecting the voice and concerns of the public
- Taking the lead and owning the scrutiny process
- Making an impact on the delivery of public services

## **Who carries out Scrutiny?**

Scrutiny is carried out by elected members who are not on the Council's Cabinet and members of the public co-opted for expertise in a particular area or to represent certain groups. They sit on Scrutiny Committees which carry out scrutiny work. The committees reflect the overall political balance of the Council.

In 2015/16 Telford & Wrekin had five scrutiny committees:

- Scrutiny Management Board
- Children & Young People Scrutiny Committee
- Customer, Community & Partnership Scrutiny Committee
- Finance & Enterprise Scrutiny Committee
- Health & Adult Care Scrutiny Committee – certain members of this committee also sit on the Shropshire and Telford & Wrekin Joint Health Overview & Scrutiny Committee.

## **How is Scrutiny carried out?**

Scrutiny is can be carried out in many different ways.

The Scrutiny Management Board takes the role of 'Holding the Executive to Account' and holds regular sessions to question Cabinet members in public.

The Scrutiny Committees carry out the majority of other scrutiny work. This usually involves reviewing issues, services or policies at Scrutiny Committee meetings. A review can be a one-off item discussed at a meeting or may be considered in detail over a series of meetings. Reviews may involve discussions with Cabinet members, officers at the Council, managers and officers from other organisations, organisations providing a service, service users or members of the public – whoever may be relevant to the topic being discussed.

At the end of a review the committee may make recommendations where they think things could be improved. Where possible the Scrutiny Committees meet in public but scrutiny members can also hold working group meetings to gather evidence for a review.

## How do we monitor the effectiveness of Scrutiny?

The priority for any piece of scrutiny work is that it has an impact and makes a difference for local people. There are many ways that scrutiny can make a difference – some are easier to measure than others. Some of the commonly used measures of effective scrutiny work are listed below but sometimes scrutiny can make a difference simply by raising an issue for public debate.

- **Holding the Executive to Account** - questioning Cabinet members in public about their policies and actions helps ensure decision making is open and transparent. Many people argue this is an end in itself.
- **Making recommendations to Cabinet** – a common measure of the impact of scrutiny is the number of recommendations made to and accepted by Cabinet. The majority of scrutiny recommendations in the past have been accepted.
- **Making recommendations to other organisations** – there are certain organisations with a statutory duty to respond to scrutiny reports but they do not have to accept scrutiny recommendations. Our approach is to engage partners positively in a scrutiny review so that recommendations are relevant, realistic and more likely to be acted on.
- **Contributing to policy development** – this is where scrutiny examines or tests out ideas and makes suggestions about what should be done before Cabinet makes a decision.
- **Consultation on health services and holding health commissioners and providers to account** – the NHS has a statutory duty to consult scrutiny committees on proposed changes to health services that would affect a substantial number of people in the area or have a substantial effect on some people. Scrutiny helps ensure decisions are made in accordance with statutory requirements and can challenge commissioners and providers on performance issues.

The number of meetings provides an indication of how resources were committed to scrutiny over the year.

## What issues did we look at in 2015/16 and what difference did we make?

<b>Children &amp; Young People Scrutiny Committee</b> Cllrs. Kevin Guy (Chair), Steve Barnes, Jayne Greenaway, Joy Francis, Janice Jones, Jackie Loveridge, Jane Pinter, Karen Tomlinson Co-optees: Austin Atkinson, Carolyn Healy, Sandra Osman, Steve Rayner, Mel Ward		<b>Meetings</b> 27
Issue	What we did	What difference we made
<b>Multi-Agency Working Against Child Sexual Exploitation (CSE)</b>	<p>Following high profile reports which had criticised local authorities in other areas, a priority for our committee was to review in detail how organisations in Telford and Wrekin are working together to prevent CSE, to protect and support victims and their families and to prosecute perpetrators</p> <p>This was a wide ranging and complex review involving senior managers and key workers from the Council, police, health services, education, criminal justice system, housing, voluntary and community groups, parents/carers and young people. Key to our review was evidence provided by victims and survivors of CSE and their families.</p>	<p><b>Recommendations to Cabinet and external organisations</b></p> <p>We concluded that on the basis of evidence presented organisations in Telford and Wrekin are working well to respond to known cases of CSE. Of particular note is the multi-agency hub at Family Connect and the work of the CATE team.</p> <p>However we made a total of 38 recommendations to Cabinet, key partners and national bodies where we felt things could be strengthened. Our recommendations focus on a number of key themes:</p> <ul style="list-style-type: none"> <li>• Data collection to understand the scale and nature of the issues locally to inform strategies and resourcing</li> <li>• Awareness raising, particularly by schools and colleges, to help keep children and young people safe</li> <li>• Awareness raising with parents</li> <li>• Support for victims/survivors and their families</li> <li>• Information sharing to help disrupt CSE activity and prosecute perpetrators.</li> </ul> <p>The Council's Cabinet and Local Children Safeguarding Board will respond to scrutiny's recommendations in June/July 2016.</p>

<b>Customer Community &amp; Partnership Scrutiny Committee</b>		<b>Meetings</b> 6
Cllrs. Nathan England (Chair), John Ashford, Graham Cook, Kevin Guy, Stephen Reynolds, Peter Scott, Jacqui Seymour, Barry Tillotson		
<b>Issue</b>	<b>What we did</b>	<b>What difference we made</b>
<b>Bus Subsidy Policy</b>	<p>The existing Bus Subsidy Policy had become out of date and was no longer fit-for-purpose for evaluating routes for subsidy ahead of contract renewals later in the year. We examined the proposed new Bus Subsidy Policy and assessment framework for evaluating routes for subsidy.</p> <p>We also considered how Arriva was consulting on proposed changes to their commercial network.</p>	<p><b>Recommendations to Cabinet</b></p> <p>By examining the draft Policy we were satisfied that the Policy and score weightings were as fair as possible for local people. Further, we recommended that:</p> <ul style="list-style-type: none"> <li>• Underpinning data is kept up to date to ensure the validity of the scoring process</li> <li>• Consider use of the Council's fleet to help deliver services</li> <li>• Continued national lobbying to strengthen the requirement for private operators to consult on changes to their networks</li> </ul> <p>All our recommendations were considered and responded to by Cabinet.</p>
<b>Engagement in the Local Plan</b>	<p>We examined the communication and engagement strategy for the Local Plan to ensure local people were given every chance to take part.</p>	<p><b>Recommendations to Cabinet</b></p> <p>The engagement strategy was comprehensive but we made recommendations to strengthen some areas so that people would have the best possible opportunity to get involved:</p> <ul style="list-style-type: none"> <li>• Town and Parish Councils should be engaged early on</li> <li>• More open sessions</li> <li>• Easy to read documentation</li> <li>• Cross-reference events so people in one area could attend sessions in neighbouring areas</li> </ul> <p>All our recommendations were fully implemented.</p>
<b>Housing Allocations Policy</b>	<p>We took part in consultation on the draft Housing Allocations Policy and Tenancy Strategy, drawing on previous scrutiny work.</p>	<p><b>Policy development</b></p> <p>We submitted a comprehensive response as part of the consultation with the aim of supporting and strengthening key elements of the Policy including:</p> <ul style="list-style-type: none"> <li>• Supporting the use of strong local connection as a priority for housing and the use of Local Lettings Plans</li> </ul>

		<ul style="list-style-type: none"> <li>Improving awareness about and accessibility of housing information and advice for local people</li> <li>Supported the development of the Overall Nominations Agreement with Registered Providers and expectations of providers Tenancy Strategies</li> </ul> <p>A recommendation to share the draft Policy with all elected members during the consultation was actioned immediately.</p>
<b>Council Tax Support Scheme</b>	We worked with the Finance & Enterprise Scrutiny Committee to examine the implications of the range of options for Council Tax Support put forward for consultation. We also considered the consultation process and how easy it was for members of the public to put forward their views.	<p><b>Policy development</b></p> <p>We examined the options in the consultation document and other options considered by Cabinet from the point of view of affected groups, other Council Tax payers and affordability for the Council to support the recommended option as the fairest and most balanced option.</p>
<b>Traffic Signals</b>	There had been strenuous calls from some members of the public to remove or operate part-time signals at some key interchanges in the borough. Scrutiny was asked to carry out an independent review of the issues and options and to make a recommendation to Cabinet. We examined in detail the options for managing traffic flow at junctions and roundabouts, the actions being taken to address issues, how other options had been considered and how the Council was planning the network to cope with the projected increase in road users.	<p><b>Recommendations to Cabinet</b></p> <p>We considered the issues and options and supported the Council's approach to traffic management at key interchanges, recommending:</p> <ul style="list-style-type: none"> <li>In the interests of the safety of all road users, existing signals should not be removed or switched to part time operation in contravention of national guidelines and best practice.</li> <li>More should be done to make the public aware of safety issues and the measures being put in place to manage traffic.</li> </ul> <p>Following our recommendations no proposals have come forward from Cabinet to change existing traffic signalling.</p>
<b>Customer services</b>	The Committee was concerned about long waiting times at the contact centre and about the risk of residents without smart phones or the internet being marginalised by the Council moving more services on-line. We considered a detailed presentation on the 'channel shift' strategy (how and where the	<p><b>Policy development (on-going)</b></p> <p>The committee was assured to hear that new digital channels were being developed to meet customer demand and expectation but that telephone and face-to-face services would still be available for people who do not or cannot use on-line technology. We were also assured</p>

	<p>council is moving towards digital technology), how issues with waiting times at the contact centre were being addressed and what performance data showed.</p>	<p>by the steps being taken to address waiting times at the contact centre. We will follow-up on this work by testing some of the new technology for ourselves and we will continue to monitor performance of the contact centre.</p>
<p><b>Business support and inward investment</b></p>	<p>We wanted to follow up on previous scrutiny recommendations made in reports Developing Skills for Business, First Point for Business and Tackling Youth Unemployment. Supporting economic growth and attracting investment is critical to ensuring the future prosperity and wellbeing of the borough, and to securing income as authorities become more reliant on income from business rates. We received a comprehensive presentation on the Council's business support and inward investment activity from 2013 to date and key strands of work for the future.</p>	<p><b>Policy review</b>  We supported the Council's approach to supporting businesses and attracting investment to the borough. We suggested that more should be done to raise awareness with residents of the good work the Council is doing in this area. We also made suggestions about how information on the website could be improved.</p>

<b>Finance &amp; Enterprise Scrutiny Committee</b> Cllrs. Shirley Reynolds, Stephen Bentley, Stephen Burrell, Nigel Dugmore, Rae Evans, Rob Sloan, Charles Smith, David Wright Co-optees: Cindy Mason-Morris, Roy Williams		<b>No. of meetings</b> 5
<b>Issue</b>	<b>What we did</b>	<b>What difference we made</b>
<b>Service &amp; Financial Planning 2016/17-2017/18 (budget proposals)</b>	<p>The Service &amp; Financial Planning strategy for the first time proposed to make savings from front line services. For this reason we focused our attention on individual savings proposals which would affect service users or the wider public.</p> <p>We questioned 5 Cabinet members and 9 senior managers and received a number of written reports.</p> <p>Key areas examined were the adult care budget and the introduction of the 2% Council Tax adult care precept; the proposals affecting library services; changes to the school transport policy; savings from public health; transport to Age UK day centres; the process for consulting with partners on the future of library and other services affected by the budget; the budget consultation process. We also considered how proposals to reduce staff would impact on the delivery of services for the public.</p>	<p><b>Recommendations to Cabinet</b></p> <p>We submitted a full response to Cabinet. Specifically, we recommended:</p> <ul style="list-style-type: none"> <li>• Co-location of libraries with other partners/services to help sustain services</li> <li>• Reconsideration of proposals to reduce the book fund and to end the mobile library</li> <li>• Specific efficiencies in public health</li> <li>• Reconsideration of savings from transport to Age UK day centres</li> <li>• Locality-based consultation with partners and local people to help sustain services affected by the cuts, including use of the Town Park.</li> </ul> <p>As a result of our recommendations, savings proposals for transport to Age UK day centres and the closure of the Town Park Visitor Centre over the winter were reconsidered and went on to be agreed by Full Council.</p> <p>Specific suggestions for efficiencies and savings in public health will be taken up by the Cabinet member and Assistant Director for further consideration.</p>

<b>Health &amp; Adult Care Scrutiny Committee</b>		<b>No. of meetings</b> <b>3</b>
<p>Cllrs. Andy Burford (Chair), Mark Boylan, Veronica Fletcher, Clive Mollett, Tim Nelson, Jane Pinter, Robert Sloan, Chris Turley            Co-optees: Jean Gulliver, Rajash Mehta, Barry Parnaby, Dag Saunders</p>		
<b>Issue</b>	<b>What we did</b>	<b>What difference we made</b>
<b>Adult Care Budget and Saving</b>	We have monitored the adult care budget and the delivery of savings through the new ways of working. We supported the implementation of the brokerage service which we were informed will increase independence and reduce costs.	<b>Holding to Account</b> The Cabinet Member and Senior managers have been held to account for the delivery of the savings target. It was agreed that the Committee will continue to scrutinise this delivery of the adult care savings.
<b>NHS Continuing Healthcare</b>	We have monitored the implementation of the recommendations from the Scrutiny Report in 2013.	<b>Holding to Account</b> The Committee received assurance that joint working between the local authority and CCG has improved and that an independent review of 49 cases would be carried out. The Committee will receive a report on the outcome of this review.
<b>NHS consultation on the future of Castle Lodge</b>	The Committee scrutinised the proposals to close the mental health facility at Castle Lodge and the Committee's response to the consultation was considered by the CCG Board.	<b>Statutory Consultation</b> Having considered all the issues the Committee agreed to support the recommendation made by the South Staffordshire and Shropshire Health Care NHS Foundation Trust to permanently close Castle Lodge and the disposal of this facility subject to a number of recommendations. These recommendations were subsequently incorporated into the Commissioning Review of Mental Health Services.
<b>Commissioning Review of Mental Health Services</b>	We have monitored the planning and implementation of the joint Mental Health Commission Review of Mental Health Services by the Local Authority and CCG at 2 Committee meetings.	<b>Holding to Account</b> Commissioners have been held to account for the planning of these services.
<b>Town Centre GP services and of NHS Walk in Centres in Telford and Wrekin</b>	We scrutinised the proposals to close the Town Centre Walk in Centre and transfer the capacity to the Walk in Centre located at the Princess Royal Hospital and also to close the GP practice provided by IMH Malling in the Town Centre.	<b>Consultation on NHS Services</b> We received assurance that the transfer of the Walk in Centre to the PRH site would reduce pressure on the A&E services and that the GP service in the Town Centre would no longer be viable. On this basis the Committee supported the proposals on the understanding that further consultation would be

		carried out on the future provision of the NHS Walk in Service in Telford and Wrekin
<b>Non-emergency Patient Transport Service</b>	We scrutinised the CCG's proposals to change the criteria for non-emergency patient transport services.	<b>Consultation on NHS Services</b> We supported the proposals as these were in line with NHS guidance and made recommendations to ensure that information about the new criteria was available on the CCG and Local authority website.

<b>Joint Health Overview and Scrutiny Committee for Shropshire and Telford &amp; Wrekin</b>		<b>No. of meetings</b> <b>4</b>
Cllrs. Andy Burford (Chair), Veronica Fletcher, Robert Sloan Co-optees: Rajash Mehta, Barry Parnaby, Dag Saunders		
<b>NHS Future Fit Programme</b>	We have questioned NHS executives about the planning for the Future Fit Programme.	NHS Executives have accounted to the planning of this programme. We have made recommendations regarding the need to communicate the reason for the programme to the public and ensure that the proposals are clinically led. We were informed that the Community Fit programme and the planning for the rural urgent care centres would take place outside the Future Fit Programme.
<b>Maintaining safe, effective and dignified A&amp;E services</b>	We were informed of the hospital trust's plans to consult on the provision of this service, the actions needed to continue the provision of this service across both hospital sites until the conclusion of the Future Fit programme and the identification of the 'tipping point' which would indicate that the service is no longer sustainable on both sites	We were assured that A&E services are currently safe recognised the need for the Trust to build this into the business continuity planning.
<b>NHS Deficit Reduction Plan and Strategic Transformation Plan (STP)</b>	We have been informed of the plans for local NHS organisations to manage the deficit in the local health economy and develop a 6 year plan to deliver sustainable health services and improve the quality of care.	The committee has been informed of the process across Telford and Wrekin and Shropshire for the STP. The NHS organisations were questioned regarding the involvement of both local authorities and non NHS providers in this process. The Committee will continue to scrutinise the development and delivery of this plan.
<b>Hospital Discharge</b>	We have scrutinised the working across the NHS and Adult Care	We recommended that organisations should agree a

	services to improve the discharge process from hospital.	common understanding of the terminology relating to hospital discharge and that organisations should continue to monitor the quality of hospital discharge and feedback from patients and carers.
<b>Child and Adolescent Mental Health Services</b>	We scrutinised the proposals to develop an Emotional Health and Wellbeing Strategy for 0-25 year olds and the proposed consultation on this work.	We supported the development of an emotional health and wellbeing service for 0-25 year olds and the improved access to this service that was proposed. It was agreed that following the consultation any substantial changes to the service would be brought back to the committee?
<b>NHS Out of Hours and 111 services</b>	We scrutinised the proposals for the future provision of the 111 service for Telford and Wrekin and how this would work with the existing out of hours service and the longer term commissioning arrangements.	The Committee supported the commissioning arrangements for the regional 111 service and the extension of the existing out of hours for Telford and Wrekin and Shropshire.

<b>Scrutiny Management Board</b>		<b>No. of meetings</b>
Cllrs. Shirley Reynolds (Chair), Stephen Bentley, Andy Burford, Nathan England, Veronica Fletcher, Jayne Greenaway, Kevin Guy, Jacqui Seymour		4
<b>Holding the Executive to Account</b>	<p>During 2015/16 we questioned in public:</p> <ul style="list-style-type: none"> <li>• Leader of the Council</li> <li>• Deputy Leader and Cabinet member for Housing, Public Health &amp; Protection</li> <li>• Cabinet member for Business, Neighbourhood &amp; Customer Services</li> <li>• Cabinet member for Children, Young People &amp; Families</li> <li>• Cabinet member for Employment &amp; Skills</li> <li>• Cabinet member for Leisure Services &amp; Culture</li> </ul>	<p><b>Executive held to account</b></p> <p>The sessions were also used to enable members of the scrutiny committees to ask questions about issues not included in the work programme</p>

## How to get involved

You can get involved by:

- Making a suggestion for scrutiny
- Coming to a Scrutiny Committee meeting to hear the debate
- Putting forward your views as part of a scrutiny review
- Becoming a co-optee on one of our Scrutiny Committees

For more information about how to get involved go to [www.telford.gov.uk/scrutiny](http://www.telford.gov.uk/scrutiny) or contact the scrutiny team at [scrutiny@telford.gov.uk](mailto:scrutiny@telford.gov.uk) or call 01952 383215.

## Contacts

Matthew Cumberbatch  
Democratic & Legal Services Manager  
01952 383233  
[Matthew.cumberbatch@telford.gov.uk](mailto:Matthew.cumberbatch@telford.gov.uk)

Deborah Moseley  
Democratic & Scrutiny Services Team Leader  
01952 383215  
[Deborah.moseley@telford.gov.uk](mailto:Deborah.moseley@telford.gov.uk)

Jessica Tangye  
Senior Democratic & Scrutiny Services Officer  
01952 382061  
[jessica.tangye@telford.gov.uk](mailto:jessica.tangye@telford.gov.uk)

Fiona Bottrill  
Scrutiny Specialist  
01952 383113  
[Fiona.bottrill@telford.gov.uk](mailto:Fiona.bottrill@telford.gov.uk)

Stephanie Jones  
Scrutiny Officer  
01952 383114  
[Stephanie.jones2@telford.gov.uk](mailto:Stephanie.jones2@telford.gov.uk)

**TELFORD & WREKIN COUNCIL - ANTI-FRAUD AND CORRUPTION POLICY 2016****1. INTRODUCTION**

- 1.1 The Council through this policy clearly demonstrates its zero tolerance commitment to dealing with fraud, bribery and corruption and will deal equally with perpetrators from inside (members<sup>1</sup> and employees<sup>2</sup>) and outside the Council.
- 1.2 The policy outlines measures designed to frustrate attempted fraud, bribes or corruption (defined in Appendix A) and the steps that will be taken if such action occurs. It is separated into four areas:-
1. Culture
  2. Prevention/Deterrence
  3. Detection and Investigation
  4. Training
- 1.3 The Council also recognises the high degree of external scrutiny of its affairs by a variety of external bodies. These bodies are important in highlighting any areas where improvements to anti-fraud, anti bribery and anti corruption activities can be made.

**2. CULTURE**

- 2.1 The Council's co-operative values include openness and honesty which supports the Council's commitment to zero tolerance in respect to fraud, bribery and corruption.
- 2.2 The prevention and detection of fraud, bribery or corruption and the protection of the public purse are responsibilities of everyone, both internal and external to the organisation. The anti-fraud, bribery and corruption culture and associated procedures assist the Council in its management of the risk of fraud, bribery and corruption against the Council and are an integral part of its governance framework.
- 2.3 The Council's members, employees, partners, volunteers and governors play an important role in creating and maintaining this culture. They are positively encouraged to raise concerns regarding fraud, bribery and corruption, regardless of seniority, rank or status, in the knowledge that such concerns will be investigated and wherever possible be treated in confidence<sup>3</sup>. Suppliers/contractors to the Council and the public also have roles to play in this process and should inform the Council if they feel that fraud, bribery or corruption may have occurred. Examples of types of concerns are listed in Annex 1.
- 2.4 The Council will deal firmly and take appropriate action against those who defraud the Council or who are corrupt. There is, of course, a need to ensure that any investigation process is not misused and, therefore, any abuse (such as

---

<sup>1</sup> The term "members" is used in the policy to include elected, co-opted and independent members.

<sup>2</sup> The term employees is used in the policy to include employees, temporary staff, volunteers, partners

<sup>3</sup> The Council's Speak Up policy sets out how concerns can be raised (including anonymous information) and how they will be dealt with, including allegations in respect to fraud and corruption.

employees/members raising malicious allegations) will also be dealt with appropriately.

- 2.5 When fraud, bribery or corruption has occurred due to a breakdown in the Council's systems or procedures, senior managers will ensure that appropriate improvements in systems of control are implemented within a reasonable timeframe to prevent a re-occurrence.

### **3. PREVENTION & DETERRENCE**

#### **3.1 MEMBERS**

3.1.1 All members of the Council have a duty to the citizens of the Borough to protect the Council and public money from any acts of fraud, bribery or corruption. This is achieved through the Anti-Fraud and Corruption Policy, compliance with the Code of Conduct for Members, the Council's Constitution<sup>4</sup>, relevant legislation and any other protocols and procedures adopted by the Council.

#### **3.2 EMPLOYEES**

3.2.1 The Role of the Chief Financial Officer – one of the Assistant Directors<sup>5</sup> has been designated the statutory responsibilities of the Chief Financial Officer as defined by s151 of the Local Government Act 1972. These responsibilities are set out in Annex 2.

3.2.2 Employees and their managers are responsible for controls and ensuring that adequate systems of internal control exist within their areas of responsibility, that these controls operate effectively and that they test them regularly to confirm this. They should also operate so as to prevent and detect fraud and implement appropriate controls into new/developed systems and new controls into existing systems to reduce the risk of fraud occurring or recurring.

3.2.3 Managers at all levels are responsible for managing the risk of fraud, bribery and corruption through:

- a) Recruitment – following the Council's recruitment policies and procedures
- b) Appropriate induction and training in order for their staff to do their job
- c) Their adherence to and promotion of the Council's Values and the Employee Code of Conduct
- d) Providing awareness of the Council's constitution, appropriate policies and procedures (key documents associated with this policy are listed in Annex 2)
- e) Regular reminders, updates and vigilance in respect to fraud, bribery & corruption
- f) Encouraging staff to raise concerns with them or through the Speak Up policy

#### **3.3 MEMBERS & EMPLOYEES**

---

<sup>4</sup> Including Financial Regulations and Standing Orders

<sup>5</sup> Assistant Director Finance & Human Resources

- 3.3.1 Both members and employees must ensure that they avoid situations where there is a potential for a conflict of interest<sup>6</sup>. Such situations can arise particularly with planning and land issues, procurement (especially tendering), recruitment etc. Effective role separation is essential to ensure decisions made are based upon impartial advice to maintain public confidence in the Council's decision-making processes and avoid questions about improper disclosure of confidential information.
- 3.3.2 All members and officers are expected to fully co-operate with whoever is conducting fraud, bribery and corruption investigations, proactive checks or data matching exercises.

### **3.4 INTERNAL AUDIT**

- 3.4.1 Internal Audit plays a vital preventative role in ensuring that systems and procedures are in place to prevent and deter fraud, bribery and corruption and has specific rights within the constitution (see Annex 2). Internal Audit investigates all employee cases of suspected financial irregularity, fraud, bribery or corruption<sup>7</sup>, except Benefit fraud investigations (see below), in accordance with agreed procedures. Internal Audit liaises with management to recommend changes in procedures to improve controls, reduce risks and prevent losses to the Authority.

### **3.5 INVESTIGATION TEAM (REVENUES)**

- 3.5.1 Benefits administration is recognised nationally as being complex and difficult to administer. This results in the scheme being prone to error and abuse. The Authority is committed to tackling poverty but it must also ensure that the administration of housing and council tax benefit is secure, fair and provides prompt help to those who need it. Equally, it must also be vigilant in tackling fraud and error to ensure value for taxpayers' money. The Investigation Team (Revenues) operates within legislation, government guidance and local procedures with the aim of improving the quality and accuracy of benefit determinations and to both prevent and reduce the incidence of fraud.
- 3.5.2 Since 1 June 2015 responsibility for investigating all instances of Housing Benefit fraud (and any Council Tax Benefit fraud prior to 1 April 2013) transferred to the Department for Work and Pension's Single Fraud Investigation Service (SFIS). The Council's Investigation Team continues to remain responsible for investigating Council Tax and Business Rates fraud. In cases where employees and/or members are involved the team will work with Internal Audit, Human Resources, the Monitoring Officer and appropriate senior management to ensure that correct procedures are followed.

### **3.6 DATA MATCHING**

- 3.6.1 The Council participates in all mandatory Data Matching exercises. In respect to Benefits there are also regular external exercises with HBMS (Housing Benefits Matching Service), DWP and most recently the introduction of PAYE Real

---

<sup>6</sup> Conflicts could also arise where employees have additional employment outside the Council but this is managed through the Private Works procedure.

<sup>7</sup> Except where they are referred to the Police when they may leave it to the Police or assist, as appropriate

Time Information (RTI) matches from HMRC. In addition internal data matching exercises are undertaken. All exercises adhere to Data Protection requirements.

### **3.7 EXTERNAL AUDIT**

3.7.1 Independent External Audit is an essential safeguard of the stewardship of public money. From 1<sup>st</sup> April 2015 external audit suppliers are being managed by the Public Sector Audit Appointments Ltd. External auditors continue to operate to a Code of Practice that is designed to test (amongst other things) the adequacy of the Council's financial systems, the arrangements for preventing/limiting the opportunity for fraud and the arrangements for the detection of fraud, bribery and corruption. It is not the external auditors' function to prevent fraud and irregularities, but the integrity of public funds is at all times a matter of general concern. External auditors are always alert to the possibility of fraud and irregularity, and will act without undue delay if grounds for suspicion come to their notice. Where External Audit is required to undertake an investigation they will operate within legislation and their codes of conduct.

### **3.8 OTHER AGENCIES**

3.8.1 Appropriate Council services have arranged (in compliance with the Data Protection Act 1998) the exchange of information on national and local fraud, bribery and corruption activity with appropriate external agencies.

### **3.9 CONTRACTORS/SUPPLIERS AND THE PUBLIC**

3.9.1 This policy, although primarily aimed at those within or associated with the Council, encourages contractors/suppliers and the public to assist in the Council's zero tolerance commitment to fraud, bribery and corruption.

### **3.10 PROSECUTION AND RECOMPENSE**

3.10.1 To support this policy the Council has a Corporate Prosecution Policy and the Revenues and Benefits Sanction and Penalty Policy. The corporate policy is designed to clarify and ensure consistency in the Council's action in specific cases and to deter others from committing offences against the Authority. The Revenues and Benefits Sanction Policy ensure that any Revenues and Benefits prosecutions are undertaken within the requirements of the relevant legislation.

3.10.2 In addition or instead of prosecution, the Council will seek to recover any money or assets fraudulently/corruptly obtained from the Council.

### **3.11 DISCIPLINARY OR OTHER ACTION**

3.11.1 Theft, fraud, bribery and corruption are serious offences against the Authority and employees will face disciplinary action if there is evidence that they have been involved in these activities, including Benefit fraud. Disciplinary action will be taken in addition to, or instead of, criminal proceedings depending on the circumstances of each individual case but in a consistent manner.

3.11.2 Members will face appropriate action under this policy if there is evidence that they have been involved in theft, fraud, bribery and corruption against the Authority. Action will be taken in addition to, or instead of criminal proceedings, depending on the circumstances of each individual case but in a consistent manner. If the matter is a potential breach of the Code of Conduct for Members then it will also be referred to the Standards Committee.

### **3.12 PUBLICITY**

3.12.1 The Council's Communications & Marketing Team will optimise the publicity opportunities associated with anti-fraud, anti bribery and anti corruption activity within the Council. Information will be publicised in respect to prosecutions and other appropriate cases as a deterrent.

3.12.2 In addition the Council's Everyday App has been extended to include fraud reporting to make it easier for the public to report suspected cases.

3.12.3 Internally where the Council can learn from incidents the relevant points will be communicated to members and employees.

3.12.4 Any notifications received by the Council of possible regional/national frauds, scams or alerts will be communicated to employees and members, as appropriate.

3.13.5 All anti-fraud, anti-bribery and anti-corruption activities, including the update of this policy<sup>8</sup>, will be publicised in order to make employees, members and the public aware of the Council's commitment to taking action on fraud, bribery and corruption, when it occurs.

## **4. DETECTION AND INVESTIGATION**

4.1 Internal Audit plays an important role in the detection of fraud. Included in their audit plan (informed by a fraud risk register) are specific fraud tests, spot checks and unannounced visits. However it is often the vigilance of employees, partners, volunteers, members, governors, suppliers/contractors and the public that aids detection.

4.2 All suspected fraud, bribery and corruption irregularities (except benefit fraud) are required to be reported (verbally or in writing) to the Audit, IG & Insurance Services Delivery Manager either by the person with whom the initial concern is raised or through the Council's Speak Up policy. (See paragraph 3.4.1).

## **5. AWARENESS AND TRAINING**

5.1 The Council recognises that the continuing success of this policy and its general credibility will depend in part on the effectiveness of training and awareness for Members, employees and affected external parties. The principles of this policy are integrated into the officer and member's induction programme and incorporated in the Member Development programme. Specialist training for certain employees is provided by their service area due to their specific roles.

---

<sup>8</sup> This policy will be reviewed annually and updated where necessary.

5.2 Regular awareness through corporate communication, staff news and Ollie will support the successful application of this policy. Full copies of the Anti-Fraud and Corruption and Speak Up policies are available on the intranet.

## DEFINITIONS OF FRAUD, BRIBERY & CORRUPTION

**Fraud** is defined by the Audit Commission as:-

Fraud – *“the intentional distortion of financial statements or other records by persons internal or external to the authority which is carried out to conceal the misappropriation of assets or otherwise for gain”*.

In addition, fraud can also be defined as *“the intentional distortion of financial statements or other records by persons internal or external to the authority which is carried out to mislead or misrepresent”*.

The Fraud Act 2006 which came into effect on 15<sup>th</sup> January 2007 created a new general offence of fraud with three ways of committing it:

- Fraud by false representation
- Fraud by failing to disclose information
- Fraud by abuse of position

It also created new offences:

- Obtaining services dishonestly
- Possessing, making and supplying articles for use in frauds
- Fraudulent trading applicable to non-corporate traders.

**Corruption** is defined by the Audit Commission as:-

Corruption – *“the offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person”*.

In addition, this policy also covers *“the failure to disclose an interest in order to gain financial or other pecuniary benefit.”*

**Bribery** is defined under the Act as:-

A bribe is a financial or other advantage that is offered or requested with the intention of inducing or rewarding the improper performance of a relevant function or activity, or with the knowledge or belief that the acceptance of such an advantage would constitute the improper performance of such a function or activity.

## EXAMPLES OF THE TYPES CONCERNS that should be raised:

- \* A criminal offence
- \* A failure to comply with a statutory or legal obligation
- \* Improper or unauthorised use of public or other official funds
- \* A miscarriage of justice
- \* Maladministration, misconduct or malpractice
- \* Discriminatory behaviour
- \* Endangering an individuals health and/or safety

- \* Damage to the environment
- \* Benefit Fraud
- \* That offers or requests have been made in respect to a promise, gift, financial or other advantage to or from a person that results in improper performance of a decision or action
- \* Deliberate concealment of any of the above

**Roles and Responsibilities of the Chief Financial Officer (CFO) in respect to Financial Affairs including Fraud & Corruption**

Section 151 of the Local Government Act (1972) sets out that in every local authority in England & Wales should:

“make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has the responsibility for the administration of those affairs”.

Section 114 of the Local Government Finance Act (LGFA) 1988 requires the Chief Financial Officer to report to the Council if the authority, one of its committees, the Leader and Cabinet Executive or one of its officers:

- Has made – or is about to make – a decision which has or would result in unlawful expenditure;
- Has taken, or is about to take, an unlawful action which has or would result in a loss or deficiency to the authority; or
- Is about to make an unlawful entry in the Council's accounts.

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

Under the Constitution the CFO responsibilities of proper administration encompasses all aspects of local authority financial management including:

- provision of financial advice for service delivery, strategic planning and policy making across the authority;
- provision of advice on the optimum use of available resources on the management of capital and revenue budgets;
- provision of financial management information;
- preparation of statutory and other accounts, associated grant claims and supporting records;
- provision of an effective internal audit function and assistance to management in providing safe and efficient financial arrangements;
- the proper exercise of a wide range of delegated powers both formal and informal;
- provision of effective financial management systems and procedures;
- provision of effective income collection and payments systems;
- advising on treasury, investment and cash-flow management;
- advising on the safe custody of assets and insurance; and
- The recognition of the fiduciary responsibility owed to local tax payers.

**KEY COUNCIL DOCUMENTS THAT SUPPORT THIS POLICY**

(This list contains examples but is not exhaustive)

- Constitution
- Financial Regulations and Standing Orders and associated detailed procedures
- Fraud Response Plan
- Employee Code of Conduct
- Health and Safety Policies
- Corporate Information Security Policy (which includes the E-mail and Internet Usage Policies and IT Strategy).
- Gifts and Hospitality Guidance
- Equalities policies
- Private Works Procedure

## **CONSTITUTION POWERS FOR REPRESENTATIVES OF INTERNAL AUDIT**

(Part 4 – Rules of Procedure: Section 6 – Financial Regulations paragraph 9.7)

9.7 The Chief Finance Officer's authorised Internal Audit representatives shall be empowered to:

- enter at all reasonable times any Council premises or land
- have access to all Council and partner records (includes business e-mails and internet records), documentation and correspondence relating to any financial and/or other transactions or other business of the Council, its employees or members, as considered necessary by the CFO, Monitoring Officer or Audit & Information Governance Manager.
- have access to records belonging to third parties such as contractors or partners when required
- require and receive such explanations as are regarded necessary concerning any matter under examination from any employee, member, partner or third party.
- require any employee or member of the Council or any partner/third party to account for cash, stores or any other Council property which is under his/her control or possession on behalf of the Council.

## BOUNDARY REVIEW COMMITTEE

### Minutes of a meeting of the Boundary Review Committee held on Wednesday, 13 April 2016 at 6.00pm in Meeting Rooms G3/4, Addenbrooke House, Telford

**Present:** Councillors R J Sloan (Chairman), R A Overton (Vice Chairman), K T Blundell, N A Dugmore, A J Eade, I T W Fletcher, K R Guy, and G C W Reynolds

**In Attendance:** J Eatough (Assistant Director: Governance, Procurement & Commissioning), P Griffiths (Elections Specialist) and D Moseley (Democratic & Scrutiny Services Team Leader)

**BRC-06**      Apologies for Absence

None.

**BRC-07**      Declarations of Interest

None.

**BRC-08**      Minutes

**Resolved** – that the minutes of the meeting of the Boundary Review Committee held on 30 November 2015 be confirmed and signed by the Chairman

**BRC-09**      Phil Griffiths

The Chairman reported that this would be the last meeting to be attended by Phil Griffiths, who would be leaving the Council in June. He thanked him for all his work for the Council and particularly for the support he had provided to the Boundary Review Committee.

**BRC-10**      Parliamentary Boundary Review

The Elections Specialist gave a verbal update on the arrangements for the Review of Parliamentary Boundaries. He informed the Committee that the Boundary Commission expected to produce detailed guidance over the summer with the initial proposals for new boundaries published in the Autumn of 2016. In order to inform the proposals, the Boundary Commission would refer to the electorate numbers taken from the electoral register data supplied by each authority; these figures had been circulated as part of the agenda paperwork. At this stage it was unclear which authority areas would be included in the relevant sub-region but the Boundary Review was unfettered by political constraints and elector numbers would be a driving factor with the numbers for each constituency falling within 5% of the stated electoral quota. The figures supplied did not demonstrate a significant difference since the abandoned review in 2013 and it was, therefore, likely that the proposals would be similar. It was difficult to see what alternatives there were based on the statistics and the implication was that some Borough Wards could be divided across constituencies, which was not ideal for electors. Members were asked to note the target figures of 78,507 for the largest constituency electorate permissible and

71,031 for the smallest and that Telford fell short of this at 64,816. The electoral specialist confirmed that there would be no allowance for growth in the initial stages with the Review being based upon figures from December 2015.

The Chairman confirmed that he had discussed the potential timeline with the Leader of the Main Opposition and the Committee would need to meet again in October or November in order to make a recommendation to the Full Council meeting on 24 November 2016. The Chairman also noted that Individual Electoral Registration had hit electoral numbers in some areas, like Birmingham, quite hard whereas this Authority and Shropshire had maintained their numbers. He noted that local Wards had been split in the past and Members would need to be kept informed.

It was **AGREED** that

- (a) the Boundary Commission's detailed guidance will be circulated to Committee Members following publication; and
- (b) potential dates for the next meeting will be circulated before the summer recess.

**BRC-11      Community Governance Reviews**

The Chairman reported that himself and the Elections Specialist had met with representatives of Donnington & Muxton Parish Council and Newport Town Council and engaged in email correspondence with Chetwynd Aston Parish Council to ascertain their position on Community Governance Reviews and to explain the Council's position with regard to resources and timing. The Chair advised that a petition would be forthcoming from Donnington & Muxton Parish Council but the position for Newport Town Council and Chetwynd Aston Parish Council was more complicated as it related to a proposed housing development on a triangle of land at the boundary of Chetwynd Aston which Newport Town Council argued would be served by Newport. The Chair expressed the opinion that it was important that any proposals were led by the residents' wishes and changes were not imposed upon them unnecessarily. Councillor Eade asked for details of the precept value of the houses being built in the area under contention.

Members welcomed the opportunity to improve boundaries around St Georges Sports & Social Club and Humber Lane, Donnington.

The Assistant Director: Governance, Procurement and Commissioning reminded the Members that Reviews were subject to guidelines based upon three main principles, including community identity. Discussion took place on whether the guidelines and statutory guidance were sufficient to inform the potential forthcoming Reviews or whether a Policy would have more weight. The Assistant Director: Governance, Procurement and Commissioning impressed upon Members that it was important that any Reviews were managed during 2017 to take effect in May 2019, due to resource implications.

The meeting ended at 6.35pm

**Chairman:** .....

**Date:** .....

**█**

**COUNCIL CONSTITUTION COMMITTEE**

**Minutes of a meeting of the Council Constitution Committee held on Monday,  
25 April 2016 at 6.00pm at Addenbrooke House, Ironmasters Way, Telford**

**Present:** Councillors M J Smith (Chair), A J Eade, I T W Fletcher, R J Sloan, C F Smith, B D Tillotson and W L Tomlinson

**In Attendance:** M Cumberbatch, Democratic & Legal Services Manager; J Eatough, Assistant Director: Governance, Procurement & Commissioning; and D Moseley, Democratic & Scrutiny Services Team Leader.

**CCC-01      Apologies for Absence**

Councillor R A Overton.

**CCC-02      Declarations of Interest**

None.

**CCC-03      Minutes**

**Resolved** – that the minutes of the meeting of the Council Constitution Committee held on 7 July 2014 be confirmed and signed by the Chair.

**CCC-04      Update to the Constitution**

The Assistant Director: Governance, Procurement & Commissioning presented the revised and updated draft Constitution. The updated version had been restructured into a more user-friendly document. Members had previously been advised by email of the main changes to the content. The Assistant Director: Governance, Procurement & Commissioning acknowledged that some suggested amendments to officer employment rules in relation to the remit of the Appeals Committee required further consultation with Members. It was, therefore, suggested that the next meeting on 11 May 2016 be cancelled and rearranged to a date in early July to enable further discussions to take place with the aim of presenting a final draft to Council for approval on 14 July 2016.

Members commented on the wide remit of Appeals Committee, appropriate training requirements and panel numbers for employee hearings (five Members from a pool of eight, with a quorum of three). Consideration was also given to the number of Council meetings in each municipal year and the conduct of business. The Committee asked for a timetable of when Council meetings were required.

**RESOLVED** – that the next meeting on 11 May 2016 be cancelled and rearranged to a date in early July to enable further consultation on the draft Constitution to take place.

The meeting ended at 6.26pm

**Chairman:** .....  
**Date:** .....

## **CUSTOMER, COMMUNITY & PARTNERSHIP SCRUTINY COMMITTEE**

### **Minutes of a meeting of the Customer, Community & Partnership Scrutiny Committee held on Tuesday, 25 April 2016 at 6.00pm in Meeting Room G4, Addenbrook House, Ironmasters Way, Telford, TF3 4NT 7**

**Present:** Councillors N England, J Ashford, G Cook, S J Reynolds, P Scott, J Seymour, B Tillotson.

**Also Present:** A Astley, Assistant Director Customer & Neighbourhood Services (CCP-19); L Higgins, Customer, Benefits, Registration & Library Services Manager (CCP-19); S Jones, Scrutiny Officer.

#### **CCP-13      Apologies for Absence**

Cllr. K Guy

Cllr S Davies Cabinet member Business, Neighbourhood & Customer Services

#### **CCP-14      Declarations of Interest**

None

#### **CCP-15      Minutes**

**Resolved** – that the minutes of the meeting of the Customer, Community & Partnership Scrutiny Committee held on 9 November 2015 be confirmed and signed by the Chairman.

#### **CCP-16      Customer Services**

The Chair introduced the item with a reminder that there were two issues the committee wished to address, namely how the needs of people without smart phones or the internet were being taken into account as the Council developed more digital and online services and how issues with waiting times at the contact centre were being addressed.

##### **1. Channel shift**

The Assistant Director (AD) outlined the Council's 'channel shift' strategy making the following points:

- Channel shift was defined as 'the creation of effective and efficient channels that are most appropriate for the customer and the organisation'. Traditional methods of contact included telephone, face-to-face, letter, email and website.
- The Society of Information Technology Management had costed different types of customer contact with local authorities (face to face = £14.00; post = £12.10; telephone = £5.00; Intelligent Voice Recognition (IVR) = £0.20; online/App = £0.17) which clearly showed that online contacts were the cheapest. The Council

needed to save a further £30m and there was a recognition that significant savings could be made through channel shift. It was also recognised that many residents preferred to use digital channels and had an increasing expectation of digital access 24/7. The channel shift strategy had therefore been developed to meet two objectives; to save money and to meet demand from customers.

- Examples were provided of different types of channel shift tools and how they had been used, or were being developed, to improve access to services for customers and to reduce costs.
  - **Web forms** were used across 88 services to enable customers to contact services, make transactions and to pay Council Tax. Web forms were routed directly to the relevant service to process or complete the transaction.
  - **Web chat** was about to go live. This would enable customers to receive help via a SMS conversation with a customer services advisor.
  - **Website content** – a significant amount of work had been done to improve the quality and usefulness of information on the website to reduce the need for customers to make telephone enquiries, for example, the use of user-friendly explanatory notes on a sample benefits letter. There had also been increasing use of videos to promote Council services or consultations as used to good effect during the budget consultation.
  - **E-Gov / News for You online subscription** – customers could register online to receive e-bulletins on topics of interest. Registrations were increasing which helped to save money on sending out leaflets.
  - **Everyday Telford App** was used for residents to report issues in their local area such as abandoned trollies, fly tipping, drainage problems, benefit fraud etc. It had been improved by running Google maps for residents to pin point problems easily. Reports go straight to the relevant operative which had improved response times.
  - **Online appointments** had been introduced at First Point at Southwater 1 (SW1) to reduce waiting times and improve staff planning. Customers with an appointment were guaranteed to be seen within 5-10 minutes. Customers could still drop in at SW1 and would not be turned away, but if no advisors were free they would be given the choice of waiting or making an appointment for another time.
  - **SMS (text messaging)** was used to send reminders of appointments or other alerts. Texts tended to generate a better response from customers than letters, and were faster, more direct and cheaper.
  - **Intelligent Voice Recognition (IVR)** was being developed as another channel. The technology had improved in recent years and was being developed for simple transactions. IVR was live as a 'Bin Day finder' and was being developed to report Missed Bins to reduce the number of calls to the contact centre from people checking their bin day.
  - **My Telford** was a key innovation which would enable customers to create a personal Council account for reporting and tracking issues and to access information and alerts relevant to their local area. My Telford would be integrated with systems used by services across the Council. The product was being developed in-house to save costs and to create more tailored

package for customers. A soft launch was planned for late June/July and it was suggested Members of the Committee could be involved in testing.

- **My Council Tax** went live in January 2016 as an online portal enabling customers to view bills online, set up a direct debit, report changes of circumstance and view a summary of Council Tax Support and housing benefit details, with potential savings of £2.50 per person signing up.
- There were already 80 live digital services. A list of the services was provided to demonstrate the range of the offer.
- A diagram was provided to show the IT infrastructure behind the online services. A Client Relationship Management (CRM) system would hold the individual citizen records and link to systems used by individual service areas. A significant amount of work was involved in integrating the systems and creating a single record for each customer. The other critical issue was to ensure staff have equipment to work remotely as mobile working could improve response times and save on accommodation costs.
- A key issue in channel shift was to recognise different customer needs. Not everyone could, or wanted to, use digital technology. Some authorities had taken a hard line and only provided services online. Telford & Wrekin had taken a different approach and would provide different channels to meet different customer needs. Customers fell into four broad categories:
  - ‘Ready to shift’ were people for whom digital was a lifestyle choice and who have an expectation of online services – the new channels needed to be promoted to them.
  - ‘Not aware of online services’ were people capable of using the technology but perhaps lacking trust in online services and preferring to talk to someone – this group needed to be encouraged, supported and given confidence in the online response.
  - ‘Do not have the skills, technology, confidence to channel shift’ – were people who have not used digital technology but may use it if they were supported.
  - ‘Unable to channel shift / self-serve’ – were people who would never use online services and will continue to use face-to-face and telephone contactThe aim was to ‘nudge’ the majority of customers online and to target resources at people who could be helped and supported to make the transition.
- In terms of how people would be helped to make the shift, staff in libraries, community centres or other Council buildings would be critical to offering access and helping people develop skills. A new training programme had been developed ‘ICT training for the terrified!’ for delivery in libraries. Staff at SW1 promoted online services to customers and asked if the customer would like to be shown how to use the technology. The strategy was evolving and any ideas from the committee would be welcomed.
- Channel shift was about ‘nudging’ people, i.e. encouraging people to change behaviour through psychology and not about telling people what to do or coercion. A practical example of ‘nudging’ was provided using a sample benefits letter requesting further information from the customer. Previously, customers

had been advised to send information by post (top option), by email (middle option) or visit SW1 (bottom option). The new format advised customers to return information by email (the top option), asked customers to tell us their mobile number so they could be texted in future, advised customers they could report changes in circumstance online and then provided details for posting information or visiting SW1 explaining that they have to wait at busy times. The information was structured to 'nudge' people to the cheapest channel of communication. Telephone numbers were only removed from contact information where it was absolutely appropriate. Direct debit was the oldest form of channel shift and 77% of residents pay Council Tax by direct debit. If everyone were to use direct debit there would be a big saving to the Council. The Council was signed up to a national campaign which offered £5,000 prizes for people switching (the prize was not funded by the Council).

- The next steps in the strategy included:
  - A refresh and development of the channel shift strategy and action plan for the next 3 years
  - A small channel shift team (of two) would work with service areas to help them put in place service action plans to ensure the tools were deployed.
  - My Telford would be launched in June or July
  - A document management system would be developed to cope with the increase in online documents and reduce the use of paper
  - Further development of the single citizen record and deployment of CRM across the Council. 50% of services had been incorporated and adult care would be next.

The following additional information was provided in response to questions:

- The risks of IVR not recognising what the customer was saying had been reduced by using the technology for simple and uncomplicated transactions. As a back-up, the caller would be given the option of speaking to an operator.
- The contact history in My Telford would log each new enquiry and responses from staff informing the customer how the issue had been resolved. The contact history would start from the date the customer registered and would not be backdated with historic enquiries.
- Customers who need to provide documents to the benefits or Council Tax team could photograph them on their smartphone and send them online. If a customer did not know how to send documents by email they could be shown by an advisor at SW1. There was a three day guaranteed response time for online contacts so customers could be assured there would be no delay.
- Research showed around 85% of residents in Telford and Wrekin had smartphones. Users tended to be younger people and people of working age.
- Young people turning 18 today would be the first generation to grow up with the internet and over the next 2-3 years as they start to use Council services they would expect to do business with the Council online. Young people of school age were unlikely to have any desire to contact the Council and promoting the new channels through schools may not be effective in engaging young people.
- The introduction of the new channels meant that the First Point Saturday service at SW1 had ceased. It was thought that customers who work during the week would be likely to be able to use the online and digital channels.

- Customer email addresses and text numbers were being collected by the contact centre as a matter of routine to build up the database but it was early days.
- Customers' mobile numbers were used mainly for text purposes as calls to mobiles were more expensive than text or landline.
- The contact centre system could remember numbers and had caller display.
- A telephone number was not promoted as one of the channels of contact on the new benefits letter but the telephone number still appeared on the letterhead and customers tended to use the main switchboard number if they wanted to call.
- Channel shift was likely to lessen the number of calls to the contact centre by nudging people away from the telephone.
- It was hoped the information provided at this meeting would reassure members about the benefits of channels shift, but that there would still be channels for people who do not or cannot use digital channels to contact the Council. A report on the strategy would be presented to Cabinet.

Members put forward several ideas for the channel shift communications strategy:

- Work with Town and Parish Councils to provide internet access points and support / training for customers to use the new channels;
- Explore the option of collecting email information from the elections team as people registered online;
- Offering incentives to register online e.g. voucher for skating taster session;
- Promotion through partners such as GP surgeries, Age Concern UK, luncheon clubs or groups which would cascade information through their networks;
- There were mixed views on setting a date to introduce paperless Council meetings as tablets were rolled out to Members.

## **2. Contact centre**

The Manager gave an overview of performance at the contact centre and how issues with waiting times were being addressed, highlighting the following points:

- The contact centre received an average of 26,000 calls every week. Several steps had been taken to address issues with waiting times. New management had been put in place which was grasping the issues. A new system had been put in place to enable calls to be recorded for quality monitoring and training purposes and support was being provided to the agents in the team. A call-back system had been introduced for customers waiting over three minutes which gave customers the option of requesting a call back within 30 minutes. Customer satisfaction monitoring had been introduced. Agent performance was reviewed each day based on five random calls. From May, a number of benefits assessors would move into the contact centre to increase capacity to deal with benefits enquiries.
- Data was provided to compare performance in June 2015 with January 2016 showing improvement across all indicators. The maximum call waiting time in June 2015 was 1 hour, 9 minutes and 20 seconds and in January 2016 was 19 minutes and 33 seconds. The number of callers waiting over 20 minutes was 1,769 in June 2015 and 50 in January 2016 (i.e. 50 calls out of 25,000). The call abandonment rate had fallen from 24% to 9.5% over the same period with a

target to reduce to 8%. Since the introduction of channel shift, the number of customers visiting First Point at Southwater 1 (SW1) had reduced from 1,430 in June 2015 to 681 in January 2016. The amount of work for back office staff dealing with the enquiries was the same, but there were far fewer people queuing for the service. The introduction of the appointment system meant that in January 2016 no visitors had waited longer than 5 minutes to see an advisor, compared to the maximum wait of 1 hour 24 minutes recorded for June 2015. Customers dropping in were given the option of waiting until an advisor was available or making an appointment for later or another day.

- March 2016 had been the busiest month at the contact centre ever with 30,000 calls. Performance had remained strong with 94.4% of all calls being answered within ten minutes.

The following information was provided in response to members' questions:

- Calls about benefits were currently routed to the benefits team but moving benefits assessors into the contact centre would increase capacity within the centre and create opportunities for up-skilling and re-skilling.
- Recorded messages on the call-waiting system were used to promote alternative channels for the customer to make an enquiry or payment, and to provide routine information about common enquires so the customer may receive an answer without needing to speak to an agent. For example, the message may confirm the date of housing benefit payments which hundreds of customers call to check each month.
- It was difficult to benchmark performance with other authorities as each authority had its own channels for customers to access different services. Organisations tended to benchmark against what were deemed acceptable standards applied to their own circumstances.
- A query about 20+ minute call waiting time figures for January 2016 would be investigated and clarification provided to the committee after the meeting.
- The call-back option was triggered after three minutes to give customers the choice of waiting or being called back within 30 minutes.
- More transactions had been transferred, or would be transferred, to the contact centre for services to benefit from the infrastructure and to bring economies of scale. As new services were absorbed into the contact centre some staff were migrated from the service area to the contact centre where staff were up-skilled and re-skilled to deal with other types of calls to increase overall capacity. This meant that even though more services would be accessed via the contact centre it would still be possible to meet performance targets.
- The contact centre was aimed at residents and the Council provided alternative channels for businesses to access Council services including through First Point at Wellington. Business support strategies were being developed with the launch of the Growth Hub and Enterprise Telford. The committee would be looking at support for businesses at the next meeting on 10 May.
- Issues with waiting times at the contact centre had long been recognised but the opportunity had been seized to address the issues through the recent restructure. New management, new technology and new performance monitoring been introduced to tackle embedded issues. The team was being supported and the merger of benefits assessors into the contact centre would bring further benefits.

- Web chats were not live yet but would be introduced. Requests would be assigned to an operator and each operator could manage up to five chats. If all assigned operators were busy the service would go off line until an operator became available.
- As part of the Council's IT upgrade, Office 360 would be installed which would enable support to be offered via Skype, potentially be linked to access points in Town or Parish Council offices, libraries etc.
- If a customer rated the service very poor the recording of the conversation would be reviewed to find out what had happened and to identify any staff training needs. If an advisor had given the wrong or poor advice, the customer would be called with an apology and the correct information. If a staff training need was identified, the focus would be on up-skilling the officer.
- Opportunities to sell products commercially were considered and some Apps had already been sold to other authorities. However, the priority for 'My Telford' was to get it right for the Council before any thought could be given to marketing it as a commercial product. A key issue would be having the resources to support external clients especially as the specialist skills were in short supply. If it were possible, a business case would be worked up.

There was a discussion about the further work the committee would carry out.

- Members requested a performance update to come to a meeting in July.
- It was agreed that the committee would be involved in testing My Telford prior to it going live and in testing the Missed Bins IVR system.
- It was suggested that members needing to call the contact centre could take the opportunity to 'mystery shop' the service.

**Resolved- that**

- a) That an update on performance at the contact centre be brought to a meeting in July**
- b) That the committee be involved in the testing of 'My Telford' and the Intelligent Voice Recognition system for Missing Bins**

**CCP-17      WORK PROGRAMME**

The Chair opened a discussion about issues to explore at the meeting on 10 May about business support. Members were asked to email any specific issues to the Scrutiny Officer so that information could be requested for the meeting. The Chair suggested that members try searching for business support information on the internet to test out how information could be accessed, and bring their comments to the meeting. There was then a further discussion about other items for the work programme. Customer services, waste services and traffic management were agreed as items for future meetings, but a suggestion to consider the supply of housing land in the Local Plan was rejected as scrutiny had considered the engagement strategy but the content of the Local Plan had not been deemed appropriate for scrutiny and scrutiny could not consider decisions of the Planning Committee.

**Resolved – that**

**Reports on the impact of the traffic signal technology (SCOOT and MOVA), and performance monitoring of the waste services contract, be brought to a future meeting.**

In response to a question from the Committee about the appointment of co-optees, the Chair explained that there were two candidates under consideration and that interviews would be carried out shortly as it was anticipated that the Committee would have a greater allocation of resources for the next municipal year which would create a greater role for the co-optees.

The meeting ended at 7.55pm

**Chairman:** .....

**Date:** .....

## HEALTH AND WELLBEING BOARD



### Minutes of a meeting of the Health & Wellbeing Board held on Wednesday, 9 March 2016 at 2.00pm in Meeting Rooms G3 and G4, Ground Floor, Addenbrooke House, Ironmasters Way, Telford, TF3 4NT

**PRESENT:** Cllr R Overton (Chair) (Telford and Wrekin Council), Dr M Innes (Vice-Chair) (Clinical Commissioning Group), Cllr K Blundell (Telford and Wrekin Council), J Chaplin (Healthwatch Telford and Wrekin), Cllr E Clare (Telford and Wrekin Council), Cllr A England (Telford and Wrekin Council), D Evans (Chief Operating Officer, Telford & Wrekin CCG), C Jones (Director Children's & Adult Services), L Noakes (Telford and Wrekin Council), Cllr J Seymour (Telford and Wrekin Council), R Smith (Interim Assistant Director: Early Help & Support) and Cllr P Watling (Telford and Wrekin Council).

#### **ALSO PRESENT:**

C Harland (Public Health Commissioner), A Mason (Independent Chair, TWSAB & TWLSCB), L Mills (Service Delivery Manager Health Improvement)

**OFFICERS:** J Eatough (Assistant Director: Legal, Procurement & Commissioning), J Power (Delivery & Planning Manager) and J Clarke (Democratic Services Support Officer)

The Chair informed the Board that this would be the last meeting attended by Dr Mike Innes (Vice-Chair), as he was stepping down as the Chair of the Telford & Wrekin CCG. The Chair, on behalf of the HWBB, thanked the Vice-Chair for all of his time, effort and dedication during his time on the Board.

#### **HWB-35      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Health and Wellbeing Board held on 9 December 2015 be confirmed and signed by the Chairman.

#### **HWB-36      APOLOGIES FOR ABSENCE**

J Tozer (Community Safety Partnership)

#### **HWB-37      DECLARATIONS OF INTEREST**

None

#### **HWB-38      PUBLIC SPEAKING**

No Members of the public had registered to speak.

## **HWB-39      HEALTH AND WELLBEING STRATEGY UPDATE**

The Assistant Director: Health and Wellbeing presented the update report on the Health and Wellbeing Strategy.

The purpose of the Health and Wellbeing Board (HWBB) was to bring together key partner organisations to improve the health and wellbeing of the Borough's population. The key vehicle for achieving this aim was to set the HWS with key priorities and ensure partners make progress against these.

The Strategy demonstrated a shared vision which would enable residents to have healthier, happier, longer lives and better mental health and wellbeing.

The Delivery & Planning Manager gave a presentation with key feedback from the consultation including:

- Consultation approach with the public
- Consultation approach with partners and stakeholders
- Responses to the consultation
- Key issues on:
  - Strengthening our communities
  - Encourage healthier lifestyles
  - Improving mental wellbeing
- Key themes from both public and stakeholder feedback
- Next Steps

The final Health and Wellbeing Board Strategy was before the Board for approval.

A discussion took place including:

- The replacement of the BCF Board with the Stronger Communities Board and its governance arrangements
- Cross-cutting priorities
- Emotional wellbeing of the community

On being put to the vote it was:

### **RESOLVED – that:**

- a) the final Health and Wellbeing Strategy be approved;**
- b) the proposed Governance arrangement as set out at section 1.3.5 of the report be approved; and**
- c) the timetable for the publication of the final strategy be approved.**

## **HWB-40      COMMISSIONING PRIORITIES 2016/17**

The Service Delivery Manager Health Improvement presented the Commissioning Priorities 2016/17 for the Council and the CCG.

The purpose of the report was to describe how commissioning programmes for both the Council and the CCG supported the delivery of the Health and Wellbeing Strategy and promoted an integrated approach to improving health and wellbeing.

The CCG, Public Health and Vulnerable People Commissioning Teams had worked with Lead Officers to bring together details of their commissioning intentions together with a summary of the progress in order to align the intentions of the Council and the CCG, which would be consistent with the HWBB's approach.

The Commissioning activity also set out the approach to improving health and wellbeing including:

- empowering people to take control of their own health
- supporting communities to grow in order they can better support people
- creating a place that enables people to make healthier choices
- adopting the principle that home is normal
- promoting wellbeing and independence across the communities whatever their level of need
- working in a systemic way to manage demand away from high cost health and social care and promote independence
- make good use of all resources available across the whole system
- using outcome based commissioning

During the discussion it was concluded that this was the closest alignment of the Local Authority and the CCG's commissioning intentions to date and it set out really clear grounds which could be used to deliver the prevention agenda and build a stronger community and would enable self-care and self-help and deliver right care, right place.

Discussion took place that agreed that working together and co-aligning priorities will achieve better outcomes.

Getting a joint vision right was very important and this meant that subsequent strategies would also share a very powerful alignment. Further work, however, to deepen the alignments was needed.

Following the discussion it was:

**RESOLVED – that the report be noted.**

**HWB-41      MENTAL HEALTH COMMISSIONING STRATEGY 2016-19 ACTION PLAN**

The Public Health Commissioner presented the Mental Health Commissioning Strategy 2016-2019 – Action Plan.

The HWBB approved the Mental Health Strategy for Telford & Wrekin in December 2015 as part of a three stage review. Since the last meeting of the HWBB commissioners from Health & Social Care had met with stakeholders to develop

governance arrangements and a forum on which to develop the actions plan and monitor its implementation.

The Strategy was based on 3 key ambitions:

- Supportive Communities
- To ensure early intervention
- To commission Quality Services

The report highlighted some of the key actions that were being undertaken which included:

- A Mental Health Summit in April 2016
- Mental Health Challenge
- Mental Health Champions

The Mental Health Stakeholders Group would continue to meet on a monthly basis at present in order to further develop and update the action plan.

Cllr A England had been asked to sign up as a Mental Health Champion on behalf of the Council.

There was still work to be undertaken around formalising reporting templates and delivering the model and a further report would be brought to the September 2016 HWBB meeting.

Cllr A England confirmed that he had been keen to adopt and take on the role of Mental Health Champion. He reported that he had already attended 1 meeting and a further meeting had been arranged. The role of the Mental Health Champion could be found at Appendix 2 (Page 2) to the report. It was hoped that work could be focussed around 1 priority. Meetings took place quarterly but in the meantime Cllr England hoped to get out into the community in order to meet and greet members of the public and signpost people to the correct service area.

A discussion took place including:

- Right help at the right time approach
- The Action Plan was moving in the right direction but the challenge was to get delivery on the ground
- Better dialogue across the CCG/Partners/Council
- Children's Mental Health/Early Help

Following the discussion it was:

**RESOLVED – that:**

- a) **Members comments on the draft of the Mental Health Action Plan be noted; and**

## **b) Members support the Mental Health Challenge.**

### **HWB-42      PUBLIC HEALTH ANNUAL REPORT 2015/16: LIVING WELL FOR LONGER IN TELFORD AND WREKIN**

The Statutory Director of Public Health gave the HWBB a presentation on the Public Health Annual Report 2015/16: Living well for Longer in Telford and Wrekin. A short video was also played which would be available on YouTube in the coming weeks.

The report focussed on ageing well to improve health and wellbeing for people in their mid-life ie 50s, 60s and 70s in the following areas:

- Looking after Yourself – Healthier Lifestyles
- Recognising and Supporting those in Difficulty
- Valuing Contributions
- Staying Well

The report, which was available to the public, was interactive in style and included video clips and infographic links which could be accessed from the document.

The recommendations contained within the report would, if approved, be used to shape the Living Well and Ageing Well programme that would support the delivery of the new Health & Wellbeing Strategy.

The population of adults living well into their 70s and 80s in Telford & Wrekin was growing and would continue to grow with the average life expectancy for males being 79 and for females 82. By 2020 people over the age of 50 would comprise almost 32% (a third) of the working age population and 48% (almost half) of the adult population.

The focus of the Annual Public Health Report for 2016/17 was improving health in mid-life with the aim of challenging myths associated with ageing and recognising that ill-health can be prevented or delayed and that everyone could take steps to stay well for as long as possible.

A discussion took place including:

- The Public Health outcomes Framework included in Appendix E included a summary of changes such as early death from heart disease and stroke had fallen was now at the national average
- Concern around cancer death rates still being high
- Importance of living in good health for longer
- Working better together
- Changing behaviour in order for life expectancy rates to improve and reduce periods of poor health
- Hip fractures in women
- Promoting the messages
- Video to be used by partners in various settings

Following the discussion it was:

**RESOLVED** – that the Board support the recommendations of the Director of Public Health contained in her 2015/2016 Annual Report and as detailed below:

- a) Action should be taken by the Council and partners to encourage and support people over 50 to adopt healthy lifestyle behaviours, which incorporate opportunities to volunteer and ensure advice, signposting into services by health and social care professionals is systematic;
- b) The Council's Public Health Team should work with key partners to develop the wider public health workforce to expand our local capacity and capability to improve the health and wellbeing for our ageing population;
- c) Action should be taken by the Council, NHS Telford and Wrekin Clinical Commissioning Group and partners to ensure good access to healthy lifestyle support for the most vulnerable adults, such as those with long term conditions or mental health illness;
- d) The Council, its partners and communities should support and promote a range of group, one-to-one and volunteering activities that meet the needs and interests of local older people;
- e) Building on work already underway, the Council and partners should take a community-centred approach to improving the health and wellbeing of our ageing population;
- f) Action should be undertaken by the Council with local employers to raise awareness of the links between work, healthy lifestyles and wellbeing and the action employers can take to increasing employment opportunities and retention for older people; and
- g) Action should be taken, by NHS Telford & Wrekin CCG with the Council and other partners to maximise every opportunity for awareness raising and early detection of risk factors and symptoms, ensuring early diagnosis and treatment for cancer, cardiovascular disease (heart disease and stroke) and Type 2 Diabetes.

## **HWB-43      SUSTAINABILITY AND TRANSFORMATION PLAN**

The Chief Officer, Telford & Wrekin CCG presented the report on the Sustainability Transformation Plan (STP).

The report gave an update on the planning guidance for the NHS up to 2020/21 and set out the requirement for partners across the system to deliver against one jointly owned plan.

The current plan was for 1 year and it was to be used as a footprint and planning for a 5 year plan following a comprehensive spending review that would be based around the “Five Year Forward View”.

STPs were to be submitted by 30<sup>th</sup> June 2016 and would be formally assessed in July 2016. The Transformation agenda would deliver against core standards and constitution rights around Health and Social Care.

Work had been undertaken to identify a local footprint of Shropshire and Telford & Wrekin for the planning of health for a minimum population of 500,000. Both CCGs were in agreement with this being taken forward and would build on and be complementary to work that was already underway, ie:

- Future Fit
- Community Fit
- Deficit Reduction Plan
- Primary Care Strategies
- Rural Urgent Care Services

Part of the CCG’s core strategy was the health economy’s debt recovery plan and this was the basis for the STP and addressing the debt was very important. The chance of getting funding would be influenced by the quality of the STP.

A further draft of the STP would be brought back to the HWBB at the June meeting.

A discussion took place including:

- Need to use the T&W Health & Wellbeing Strategy to inform STP
- GP Practices
- The development of Primary Care Estates Strategies
- Significant workforce challenge
- STP Footprint and prevention planning
- Commissioning to reduce the impact of loneliness – ie “buddy system”
- Commissioning of local Pharmacy services
- Prevention agenda in older people
- Patient representation on Future Fit
- Governance
- Changing public perception on using services
- Need to ensure T&W place-based narrative and work is built upon

- Being imaginative with the services already provided rather than inventing new services

**RESOLVED** – that the Board note the planning guidance and take it into consideration in future business for the Board and its partners.

#### **HWB-44      EARLY HELP UPDATE REPORT**

The Service Delivery Manager Health Improvement presented the Early Help Update Report.

The report summarised the progress of implementing the Early Help Strategy and set out the work programme that would be undertaken locally in order to provide early help to children and their families.

Following a consultation exercise six priorities had been identified for immediate action in order to improve outcomes for children, young people and families. These priorities could be found on Page 1 of the report. Performance against the outcomes was monitored by the Early Help Partnership Board and the current performance outcomes could be found at Appendix A to the report. There were still concerns regarding overweight children and self-harm rates in children and young people.

An Early Help Impact Assessment had been completed by lead professionals and this was an Ofsted requirement. A good service was currently on offer but there was further work to be done with regards to recording and monitoring impact. This work would be undertaken along with partners.

Looking back at what had been achieved, this was a positive story, such as falling smoking in pregnancy and excess weight rates, showing that the Early Help offer was working well with good multi-agency engagement which would be sustained and continue to look at new priorities.

A discussion took place including:

- Good news stories
- CM644 (P87 of the Agenda) % of children (u16) living in poverty
- Recognising the importance of Universal Services
- Promotion of CAMHS
- The role of schools
- Upskilling of the workforce
- Self-harm figures / national best practice
- Cross-cutting themes
- Youth Unemployment rates
- NEET rates

**RESOLVED** – that:

- a) progress made by Early Help Partnership organisations towards improving outcomes for children and families be acknowledged; and

- b) the challenges in measuring and monitoring the impact of our Early Help Offer be acknowledged.

**HWB-45      ANNUAL UPDATE OF THE TELFORD AND WREKIN  
SAFEGUARDING ADULT BOARD (TWSAB) & LOCAL  
SAFEGUARDING CHILDREN BOARD (TWLSCB)**

The Independent Chair presented the annual update of the Telford and Wrekin Safeguarding Adult Board (TWSAB) and Local Safeguarding Children Board (TWLSCB).

He informed the Board that the Adult Safeguarding Board was less than 1 year old and was set up to comply with statutory requirements.

The Children's Board was more established, although this could be changed following a review by Government. The LSCB was concentrating more on challenging and giving assurance rather than publication and promotion.

Work was being undertaken to look at how the 2 Boards could work better together and a priority sub-group had been formed to look at domestic abuse with a further 2 sub groups being set up to undertake other areas of work.

NICE Guidance had been issued regarding children in transition and this was currently being looked at to see if transition arrangements could be improved.

Some 20 schools had now signed up to help develop Safeguarding services and there had been a good response from parents, children and carers with regard to neglect.

A discussion took place including:

- LSCB – positive multi-agency Board which picked up issues quickly when needed
- Funding
- Inclusive Board which needed to be kept focussed and “lean”

**RESOLVED – that:**

- a) **progress of the TWSAB and TWSCB over the last 12 months be noted;**
- b) **information be cascaded via the respective Commissioning and Transformation Partnership (CATP) Chairs to ensure linkages and consistency in approach;**
- c) **individuals who are representatives on both the HWBB and TWSAB and/or TWSCB ensure that they provide regular updates to the respective Boards as and when appropriate.**

The meeting ended at 3.47pm

**Chairman:** .....

**Date:** .....



## SHROPSHIRE COUNCIL/TELFORD & WREKIN COUNCIL

### JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE

**Minutes of a meeting of the Joint Health Overview and Scrutiny Committee held on Wednesday 2 March 2016 at Shirehall, Shrewsbury  
1.00 pm – 3.30 pm**

**PRESENT** – Cllr G Dakin (SC Health Scrutiny Chair) (Chairman) Cllr A Burford (TWC Health Scrutiny Chair), Mr D Beechey (SC Co-optee), Cllr V Fletcher (TWC), Mr I Hulme (SC Co-optee) Cllr H Kidd (SC), Mr B Parnaby (TWC Co-optee), Mr D Saunders (TWC Co-optee), Cllr R Sloan (TWC) Mrs T Thorn (SC Co-optee)

#### **Also Present –**

A Begley (Director of Adult Services, SC)  
Cllr L Chapman (Portfolio Holder for Adults, SC)  
Cllr A England (Portfolio Holder Adult Social Care, TWC)  
F Bottrill (Scrutiny Group Specialist, TWC)  
D Evans (Accountable Officer, Telford & Wrekin CCG)  
S Gregory (Shropshire Community Health Trust)  
A Hammond (Deputy Executive, Telford & Wrekin CCG)  
A Holyoak (Committee Officer, Shropshire Council)  
N Holding (Head of Improvement and Transformation, SaTH)  
P Tulley, (Chief Operating Officer, Shropshire CCG)  
D Vogler (Future Fit Programme Director)  
S Wright (Chief Executive, SaTH)

#### **1. Apologies for Absence**

Apologies were received from Cllr J Cadwallader (SC) and Mr R Mehta (T&W co-optee)

#### **2. Disclosable Pecuniary Interests**

Members were reminded that they must not participate in the discussion or voting on any matter in which they had a Disclosable Pecuniary Interest and should leave the room prior to the commencement of the debate.

Mandy Thorn declared that she was a provider of services commissioned by Shropshire CCG and Shropshire Council.

#### **3. Minutes**

**RESOLVED:** that the minutes of the meeting of the Joint Health Overview and Scrutiny Committee held on 5 February 2016 be confirmed as a correct record and signed by the Chairman.

Page 2 - Mr Parnaby clarified that it was Telford and Wrekin Healthwatch that was carrying out a survey with children and young people. Page 8 - Mr Saunders said he had asked the Chief Executive of SaTH at the meeting whether the Trust was providing a safe and appropriate service and the Chief Executive had agreed that this was the case.

#### **4. Future Fit and Community Fit**

Debbie Vogler, introduced herself as the new Future Fit Programme Director. She referred to the timeline in the report circulated with the agenda (copy attached to signed minutes).

Members heard that a revised Strategic Outline Case was due to go to the Shrewsbury and Telford Hospital Trust Board within the next week. This report set out proposals for two vibrant hospitals with services balances across the two sites.

The Programme Director also reported that:

- The deficit reduction plan was on track and would be concluded in the next 2 weeks. The draft report had been validated by PricewaterhouseCoopers.
- Workshops were due early April in relation to the Rural Urgent Care offer
- Interpretation of data in relation to Community Fit, including Adult Care data, was due end April
- Consideration of the final decision making process was due to be agreed on 23<sup>rd</sup> March
- The engagement and communications for the Future Fit Programme was continuous – pop up events and community events have been held.
- Engagement sessions would be held to share the Strategic outline Case.
- A Joint Board decision making workshop would be held on the 23<sup>rd</sup> March to discuss the challenges around the decision making process.

In response to questions from the Committee, members heard that:

- The timescale for Future Fit and the Sustainable Transformation Plan had been aligned and was consistent.
  - Patient experience was being taken into account for Future Fit and STP with all workstreams engaging Healthwatch, Health and Wellbeing Boards and patients. The Committee questioned the extent to which very rural areas were represented on each workstream and stressed the importance of ensuring better engagement in rural areas.
- West Midlands Ambulance Service and the Welsh Ambulance Service had membership of the Future Fit Programme Board. WMAS also had membership of the STP partnership board and operational board.

The Committee identified that social care providers, eg Shropshire Partners in Care, were not represented on the Programme Board. The Senior Responsible Officer undertook to consider this issue.

The Committee questioned progress on Community Fit, when outcomes of the data gathering work would be forthcoming and when a description of what would actually happen on the ground would be made available. Members heard that the next phase of Community Fit would describe a shift of activity from the acute sector to the community sector. They were concerned that adequate capacity in the community was ascertained before the Future Fit options were identified. The Chief Executive of SaTH emphasised that work needed to start immediately to ensure that community provision was able to manage the health of the population differently.

Members emphasised the need to treat the voluntary sector, private sector and local authorities as equal partners going forward and recognition of the importance of support from carers, family and friends. The SRO acknowledged that the voluntary sector was very important to the transformation of services moving forward. He was committed to working with the voluntary sector on that basis and some two year grants had been offered to help stabilise the voluntary sector.

The Chief Operating Officer, Shropshire CCG, reported that he was chairing the Rural Urgent Care Group within the Future Fit Programme. The work underway included identifying where gaps would be, and how the opportunity to deliver in rural settings could be maximised. It could be that services already located in rural areas would be utilised to work together differently. He reported that there were two patient representatives from South West Shropshire on the Group. There would not be a fixed final answer but opportunities to try things out. The Chairman asked if the Strategic Outline case would put rural and urban urgent care in perspective. He felt it was important to be clear about what an Urgent Care Centre could offer. The Chief Executive of SATH said there would be more collections of and an extended range of services in vibrant hubs possibly complemented by mobile services.

He referred to the need for a different relationship with the public regarding how they were going to manage their health in future, and the need to talk about a wellness and health service rather than an illness service, in order to support communities to live healthier lives. He said work was underway with colleagues in both local authorities to support communities in this respect.

With regard to potential risks, members particularly asked about risk 38 – Commissioner Affordability. They also asked about potential estate failure and whether SATH had been able to maintain the maintenance budget.

The Chief Executive of SATH explained that the quality of estate was variable between the two hospital sites and the solution lay in the long term. The deficit recovery plan recognised the need to address this within the costs of

delivering Future Fit. With regard to risk appetite against risk, a balance needed to be struck and an ambitious and transformational approach was needed to achieve what was necessary, eg using technology to minimise travel for planned activity. Innovation was needed across the system along with less duplication. All stakeholders were committed.

A question was asked about the local NHS acceptance of the Total Control Offer and if this had been without reservation. The Accountable Officer, Telford & Wrekin CCG replied that it had been accepted but not without reservation. It was reasonable within the financial climate and the local NHS was working with colleagues in NHS England to recognise the issues. This is not without challenge but it was as good a settlement as the local NHS could get.

The Cabinet Member for Adult Services for Telford & Wrekin Council commented that the Community Fit Programme had been taken over by fact finding and data sets. He recognised that this was necessary but had not resulted in any decisions about services and in his view this programme has become subservient to Future Fit.

The Accountable Officer, Telford & Wrekin CCG reported that both CCGs had a clear vision for the urgent care centres, particularly in urban areas. This was based on a notion of developing primary and community care based around GP practices, with some acute teams moving out into the community. He cited one practice in Telford which also offered social care alongside primary care. He explained that one programme was not driving the other but that the two programmes were intertwined.

The Chair commented on the importance of staff in community and urgent care centres having the correct skills to treat patients and reduce demand on urgent care services.

Members also asked about Risk 23 and the care of people requiring elective surgery, how the risk was being mitigated and how it would be resolved.

The Chief Executive of SATH apologised to anyone who had had an appointment cancelled. He explained that the whole health and care system was challenged and the Trust will continue to work with the CCG to manage this risk. The Future Fit model for a single emergency site would further reduce the risk. In response to a comment that patients do not know where to go and that signage at the hospital site is confusing he acknowledged that it was confusing to have an urgent care and A&E on the same site but this would not be the case in the Future Fit model. Patients requiring emergency care would go by ambulance, all other patients would go to an urgent care centre.

In referring to the governance structures around the STP and Future Fit, the Committee highlighted the need for all to be clear about the function of the Scrutiny Committee particularly as the governance structure diagram currently showed no place for Scrutiny. The SRO said this was not intended to convey

that there was no role for scrutiny. He also stated that STP and Future Fit would be subject to Assurance by NHS regulators as well as by Scrutiny.

## **5. Maintaining Safe, Effective and Dignified Urgent and Emergency Care**

Members were reminded of discussion at the Committee's December 2105 meeting on the 'Maintaining Safe, Effective and Dignified Urgent and Emergency Care Services – Developing our service continuity plan'. The challenges that prompted initiation of the Future Fit work continued to grow, the most significant of these being the availability of sufficient workforce to continue to provide two 24 hour emergency departments and associated clinical services. There continued to be a risk that a situation could be reached where maintaining two was unsafe and emergency measures would need to be taken.

The Chief Executive of SATH emphasised that development of emergency measures would categorically not pre-judge the essential work through Future Fit to develop an agreed vision, but would only be taken to mitigate clear and present risks to the safety of services provided.

Another stakeholder workshop had been held on 22 February, involving members of the public and health professionals. The review and conclusions would be going to Full Trust Board at the end of March.

The Portfolio Holder for Adult Social Care, Telford and Wrekin Council drew attention to a slide in the circulated presentation outlining scenario D which stated that an overnight closure of RSH would not be possible due to the complexity of service moves for trauma and acute/emergency surgery. The Chief Executive again reiterated that this absolutely did not presuppose any outcome for Future Fit. Developing a Business Continuity Plan was routine practice for any Trust but as this was so sensitive in the Future Fit context, the decision had been made to involve the public in the stakeholder workshops and for it to be as transparent and iterative process as possible.

If a tipping point scenario were to occur, SaTH would have to maintain safe emergency care. The clinical view was that an overnight closure would be the ultimate fallback position, and a range of mitigation plans would be in place to ensure that this would not happen

He also reported that the return of an A&E consultant recently had made the service more resilient.

The review and conclusions would be going to the Full Trust Board at the end of March 2016.

Members of the Joint HOSC said they had been impressed by the openness, honesty and transparency of SATH during this process.

## **6. Winter Pressures and Hospital Discharge**

Nick Holding, Head of Improvement and Transformation, SATH, shared the detail of process improvement work around discharge and To Take Out Medication (TTO) which had used methodologies learnt from Virginia Mason Hospital.

His presentation covered: how the problem to solve had been identified; how the methodology had been implemented; a summary of progress made in reducing To Take Out Medication lead time and delays.

This had reduced TTO by 67% over 3 hours and potential release of approximately 300 hours per day of bed usage time across inpatient areas.

A deep understanding had been developed through working with clinical teams and pharmacy, ideas had been implemented, adapted as necessary and tried again. There was confidence that change would be sustained as teams themselves had come up with the solutions and owned them. The methodology of trying things out on a small scale and then expanding them had been shared by Virginia Mason.

The Committee commented on very impressive time savings and asked if a risk assessment had been carried out with regard to the speeding up of these processes. The Committee were reassured that the process itself had not changed and that appropriate quality checks remained. The focus of the process had been on removing elements that had added no value.

The Portfolio Holder for Adult Social Care, Shropshire Council, asked if any work had been scoped with regard to improving patient discharge. Members noted that the same sort of approach had been initiated around the discharge of respiratory patients who made up around 40% of all emergency admissions.

Frail elderly patients were also being managed differently so that the shortest possible time was spent in hospital, to minimise loss of function. Packages were needed for when frail elderly patients left hospital and work would be taking place involving primary care to minimise admissions.

The Chief Executive referred to around 40 initiatives rolling out which had been developed by clinicians. The hospital was on a journey and one of the most challenging areas was making change stick. Allowing staff who were delivering the care to find their own solutions was the best chance of this.

The SRO, Telford and Wrekin went on to talk about winter pressures. The demand for services and the complexity of needs of patients and communities had remained high and at 10 February, system performance had been 12% below trajectory. There had been 210 attendances at PRH on one day in the previous week, these numbers were not unusual and meant A&E performance had dropped. As a consequence, patients had been located in

areas that SATH would have preferred them not to be in. The SATH team had been performing heroically in these circumstances.

The Emergency Care Improvement Programme had recently undertaken a diagnostic report (copy attached to the signed minutes). This had identified five areas for the Strategic Resilience Group to prioritise. Members discussed these areas, particularly the acute frailty pathway and heard that most beds in SATH were occupied by over 75s.

Members asked about working with local authorities on discharging to assess into a safe environment and planning of post-acute care in the community as soon as an acute episode was complete rather than in hospital before discharge. A solution needed to be found to ensure domiciliary care was responsive to avoid hospital deconditioning.

The Chief Executive of SATH said the report reflected a direction of travel 'home is best' but referred to the challenge in recruiting domestic care workers, both in Shropshire and Telford and Wrekin, especially as the needs of patients were becoming more complex. There was a backlog of patients due to lack of domiciliary care and this was impacting on management of emergency patients safely. He said large employers needed to look at how to make domiciliary care roles more attractive.

The Director of Adult Services, Shropshire Council, commented on a complex picture with many variables. Organisations needed to work together as one system he felt that there was more appetite for this now than at any time previously and it was essential to take advantage of local freedoms.

Mrs Thorn reported on an increased number of people working in social care but the need for more, particularly in rural areas. It was very difficult to find people who were available at the right time who were also able to travel. A blended approach was needed and she said that Shropshire Partners In Care would welcome the chance to work with health colleagues on this. She also pointed out the issues around free care coming to an end on leaving hospital

The SRO said it was essential that the public were helped to understand that home was best, and that care homes and hospital beds were not the place to be unless in an emergency.

A Member referred to isolation experienced by some people at home on their own for 23 hours a day and the deterioration that could lead to. He pointed out that Age UK had waiting list for Day Centres. The SRO said that he recognised that as a commissioner he needed to re-direct resources and commission services in a different way to prevent frail elderly people becoming isolated at home, and not eating, drinking enough or taking medication.

Another Member referred to work needed especially in rural areas where issues were more complex. She said significant work needed to be undertaken, not just on health and social care but also housing. The Chief

Exec of SATH reported that there was to be a national symposium on rurality which SATH would be chairing. There were other rural locations Shropshire could learn from and it was important to get these issues on the agenda at a national level. He said he would confirm the dates once this had been arranged. Mrs Thorn also referred to work underway through the Local Enterprise Partnership, BIS and CCG.

Another Member reiterated the need to talk to local communities to help them find solutions themselves, e.g. through establishing a local transport scheme, day centre, or visitor scheme.

The Committee hoped that there had been a step change in tackling these problems across all organisations.

## **7. Deficit Reduction Plan for the Local Health Economy**

The SRO, Telford and Wrekin Council explained that it was clear that the deficit reduction plan could not be addressed in isolation and active engagement with partners including local authorities was sought. Guidance had been issued in September 2015 and a Sustainability and Transformation Plan (including the deficit reduction plan) needed to be delivered by June 2016.

It was essential to submit the Sustainability Transformation Plan on time otherwise ability to access further funding would be severely limited.

In the past, the deficit had been passed around from one organisation to another but maturity of discussion in the last six months had helped moved on from that – it was a health and social care economy and the only way to solve this was by working together.

Members went on to discuss the GP age profile and sustainability in Shropshire and Telford and Wrekin, the need for changes to the way primary care worked, opportunities to deliver primary care, community care and social care from the same locations, and dementia diagnosis rates and prevention.

Members noted that a first draft of the STP was required by 11 April 2016 and the sign off date was 30 June 2016.

## **8. Chairs's Updates**

The Committee was informed on the decisions taken by the CCG Boards in relation to the procurement of 111/Out of Hours services for Telford & Wrekin and Shropshire

**Chair:** ..... **Date:** .....

## LICENSING COMMITTEE

### Minutes of a meeting of the Licensing Committee held on Wednesday 23 March 2016 at 6.00 pm at Addenbrooke House, Ironmasters Way, Telford

#### PRESENT

Councillors H Rhodes (Chair), M Boylan, G Cook, J Francis, M Hosken, R T Kiernan (substitute for I Fletcher), C Mason, S J Reynolds, J Seymour and M Smith

Officers in attendance: I Ross (Solicitor), H Rea (Legal Assistant) and P Smith (Democratic Services Team Leader)

#### **LC-29      APOLOGIES FOR ABSENCE**

Councillor I Fletcher

#### **LC-30      DECLARATIONS OF INTEREST**

No disclosable pecuniary interests were declared. Councillor Boylan stated that his parents lived at Priorslee, but had no direct involvement in agenda item 4 – Village Green Application at Priorslee

#### **LC-31      MINUTES**

**RESOLVED** – that the minutes of the meeting held on 4 February 2016 be confirmed and signed by the Chair.

#### **LC-32      VILLAGE GREEN APPLICATION AT PRIORSLEE**

The Legal Assistant presented the report of the Assistant Director: Legal, Procurement & Commissioning concerning an application made by St Georges & Priorslee Parish Council to register land between Priorslee Avenue and Derwent Drive, Priorslee as a Village Green.

The application was originally submitted in February 2010 prior to the introduction of new rules brought in as part of the Growth & Infrastructure Act 2013. The application was appended to the report, and met the requirements of the Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007. The applicants subsequently decided to alter the boundary of the land being claimed as a village green, and a map showing the reduced application site area was appended to the report. There had been a delay in processing the application, partly due to locating the owner of the application site. The majority of the site was unregistered, but was believed to be owned either by the Homes & Communities Agency (HCA) or Telford & Wrekin Council. A small area of the site was registered to HCA. It was stressed that the lack of ownership did not prevent the Council from registering the land as a village green.

Consultation was carried out with various parties including the possible landowners, and notices were erected on the site. No objections to the application had been received, and it was therefore being considered as an uncontested application. The Committee were asked to consider the evidence that had been submitted and determine on the balance of probabilities whether the case had been proven for registration of the land as a Village Green. This included the requirement that there should be satisfactory evidence that a significant number of local inhabitants had indulged as or right in lawful sports and pastimes on the land for a period of at least 20 years and they continued to do so at the time of the application.

During the ensuing discussion, some concern was expressed that the ownership of the majority of the land in question was not known. The Legal Assistant stated that the HCA had indicated that they had transferred the majority of the land to Telford & Wrekin Council, but could not produce a deed or any other evidence to prove that. This was an unusual situation, but did not prevent determination of the application.

Having considered all the evidence provided with the application, Members were satisfied that the criteria for a village green had been met. It was also noted that there had been no objections to the application.

**RESOLVED – that sufficient evidence has been provided by the applicants, and that the case has been proved for registration of the land between Priorslee Avenue and Derwent Drive, Priorslee as a Village Green.**

The meeting closed at 6.12pm.

Chairman: .....

Date: .....

## PLANNING COMMITTEE

### Minutes of a meeting of the Planning Committee held on Wednesday, 24 February 2016 at 6.00pm in the Haybridge Restaurant at Telford College of Arts and Technology (TCAT), Haybridge Road, Wellington, Telford TF1 2NP

**PRESENT:** Councillors J C Minor (Chair), N A Dugmore, I T W Fletcher,  
J Loveridge, N C Lowery, P J Scott, M J Smith and C R Turley.

**ALSO PRESENT:** Councillors S Burrell (for planning application TWC/2015/0950)  
and J M Seymour (for planning applications TWC/2015/0505)

#### **PC-085      APOLOGIES FOR ABSENCE**

None

#### **PC-086      DECLARATIONS OF INTEREST**

Councillor J Loveridge declared that in respect of planning application TWC/2016/0033, she was the Ward Councillor for Brookside and was a member of Stirchley and Brookside Parish Council but she indicate that she had not engaged in any prior discussions and, therefore, she would not be withdrawing from the meeting for that item.

Councillor C Turley declared that in respect of planning application TWC/2016/0033, he was a member of Stirchley and Brookside Parish Council but he indicate that he was not on the Planning Committee and had not engaged in any prior discussions and, therefore, he would not be withdrawing from the meeting for that item.

#### **PC-087      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Planning Committee held on 3 February 2016 be confirmed and signed by the Chairman.

#### **PC-088      DEFERRED/WITHDRAWN APPLICATIONS**

TWC/2015/0694 - Halfway House, The Wrekin, Telford, Shropshire, TF6 5AL

The Planning Officer reported to Members that although progress had been made on this application, it had been very slow. This being the case, the amendments to the application would not be ready in time for the next meeting on the 16<sup>th</sup> March and Members were asked to defer this application for one further cycle.

Upon being put to the vote it was unanimously:

**AGREED** – that in respect to TWC/2015/0694 that this application be deferred for one further cycle.

**PC-089**      **SITE VISITS**

None

**PB-090**      **PLANNING APPLICATIONS FOR DETERMINATION**

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report and the supplementary information tabled at the meeting regarding planning application TWC/2015/0950, Site of Honey House, Tibberton, Newport, Shropshire.

(a) TWC/2015/0505 – Lower Huntington Farm, Little Wenlock, Telford, Shropshire TF6 5AP

This was an application seeking a change of use from agricultural and caravan park to plant hire storage (sui generis), conversion of 2no brick barns to storage (building B) and offices (building D) and the erection of 2no buildings (E and C) following demolition of existing derelict agricultural buildings and associated 2.0m high fencing.

Councillor J Esp, Little Wenlock Parish Council, raised concerns regarding the increase of movements by low loader vehicles. The development was situated in a rural area and accessed by narrow lanes. The Parish Council requested that the routing agreement be widened to include the village of Little Wenlock.

Councillor J Seymour, Ward Member, asked Members to note that she was related to the objector who lived at Damson Tree Cottage, and that he was her brother but she was not there to represent her brother, but solely to represent her Ward as Ward Councillor for New Works and Little Wenlock. Councillor Seymour did not object in principle to the development but raised concerns with regard to the use of low loader vehicles along the narrow lanes to this site. The previous use as a caravan site and brownfield land was inaccurate and misleading as caravans had only been on the site between 1986 and 1990 and there had been no caravans on the site for 25 years. The state of the farm was dilapidated, but it was not classed as brownfield land. The area was just recovering from land fill and open cast mining. Councillor Seymour requested that the low loaders were kept to the main roads and the M54 but she was concerned that drivers using sat navs may fall into difficulties with the route if they were unaware of the roads. She requested that the sum of £1,000 for signage be increased back to £5,500 in order to include Little Wenlock. Councillor Seymour further requested that the operation hours be changed to 7.00 am to 7.00pm Monday to Friday and 7.00am to 1.00pm on Saturdays.

Ms E Attwood, Applicant's Agent, explained to Members that following her Client's notice to vacate their yard in Doseley that the masterplan for the application was to renovate the listed farmhouse and locate the business within the development. The objections had been noted, however, there was a principle for development supported by national and local policies. There would be fewer vehicular movements than if the farm was a working farm due to the machinery remaining on site and only being returned to the base for repairs or prolonged holidays ie Christmas. The Applicant had supplied invoices to the Planning Officers which

showed 86 two way vehicular movements in 1 year. The machinery raised no income whilst in the yard so it made no economic sense to keep the machinery on the development but this was out on site as much as possible. A sum of £1,000 had been agreed for signs and road lining. The Applicant would live on the site and consideration had been given to the neighbours who had not objected to the second consultation and it was assumed that the concerns had now been overcome. The proposed development conformed to national and local policy and was a sustainable development on a brownfield site. The development would enable the business to remain in Telford and continue its current employment levels. It would also allow the application to have a live/work investment which would remove the derelict buildings and tidy up the site.

The Planning Officer confirmed that the development conformed with the NPPF and CS7 together with the emerging local plan which supported the creation of employment and the use of brownfield land. The vacant Grade II listed farmhouse would become work/live accommodation. Negotiations had taken place for a zoning plan which would zone equipment to an area with a 2.5m high bund and hedging to screen the larger equipment. The Officers were satisfied with the scale of the development and there were no technical or highway safety issues. With regard to the concerns raised around low loader movements, further information had been requested from the Applicant regarding the movements of such vehicles and there had been 86 two way movements in one year compared to the movements surrounding Upper and Lower Huntington Farms which were dairy units and would have had 365 HGV movements per year, together with vehicular traffic from the food supplies, together with tractors, livestock movements and general farm duties which would be 7 days a week any time 24 hours a day. Officers considered the significant harm and highway safety and weighed this against the existing usage as farm land and concluded that this was an acceptable use subject to conditions. A condition for a scheme for road signs and lining had been agreed with the Applicant and limited to £1,000 following planning condition and CIL tests taking account of the existing movements associated with the site and the proposed which would be lower than the existing movements. Further consideration was given to the management of employment and concerns raised regarding the living conditions and as the nearest neighbouring property was 200m away the Officers concluded there would be no significant impact and any concerns could be addressed by the use of conditions. The Planning Officer requested that the application be approved subject to the conditions.

Members raised concerns regarding the operation hours and the vehicular movements through the Village of New Works. Although Members were not against seeing the business expand they wished to protect the local area. It was suggested that both New Works and Little Wenlock be included on the routing plan and signage to prevent large vehicles travelling through the villages and the hours of operation for HGVs entering and exiting the site be revised to 7.00am to 7.00pm Monday to Friday and 7.00am to 1.00pm Saturdays.

It was confirmed that the Applicant was happy for the hours of operation to be amended to meet these concerns.

Upon being put to the vote it was:

**RESOLVED** – that with respect to planning application TWC/2015/0505 planning permission be granted subject to the conditions set out in the report (with authority to finalise conditions and reasons for approval to be delegated to the Development Management Service Delivery Manager) and subject to the change to the operation times being 0700-1900 Monday to Friday and 0700-1300 Saturday.

(b) TWC/2015/0950 Site of Honey House, Tibberton, Newport, Shropshire

The Planning Officer asked to consider an outline application for the erection of 2no detached dwellings with all matters reserved. The indicative plan illustrated two detached, two storey dwellings with Plot 1 to the front of the site and Plot 2 further into the site to the side of Honey House. A Section 106 Agreement for highways contributions of £500 per house towards Traffic and Speed Management Scheme on the B5062 would be entered into if the application was approved. The main issues were considered to be suitability and character due to the preservation of Duke of Sutherland cottages and officers were satisfied that the impact on the setting and character of Honey House could be accommodated on the site without having an unduly harmful impact and therefore there were no technical reasons to refuse the application. The final design of the dwellings was not known at this stage as this would be dealt with at the reserved matters stage. Members were asked to approve the application.

Councillor J Berry, Parish Councillor for Tibberton and Cherrington, spoke in opposition to the application. Honey House was one of the best examples of the 22 Duke of Sutherland houses within the village and had been extended very tastefully. The proposed development on land south east of the property was of a very misleading scale. Photographs were displayed on the screen to show the area of the proposed development around the 50ft hedge. The Parish Council felt that this house was enormous and bigger than the existing Honey House and that the development to the south west also had a much greater footprint. They considered this development to be contrary to NPPF 53 and also questioned policy HE26 and H10.

Councillor S Burrell, Ward Member for Edgmond and Ercall Magna, spoke in opposition of the application and questioned whether the development could be classed as an infill site. He suggested that this application was more of a ribbon development due to the line of the development which extended to the road but had no continuous line, the gaps between the properties were staggered but were linked when viewed from the road. This application failed to benefit the street scene and Councillor Burrell questioned whether there was a need for 4 and 5 bedroomed houses within the village as there were already houses of this size on the market and he could see no community benefit for these large unaffordable houses. There were another 6 active planning applications for a further 40 homes within the village, together with 35 houses in various other parts of the village as well as the Planning Appeal for a further 24 homes, doubling the size of the Village by over 100 houses.

Mr N Eyles, Local Resident, raised concerns with regard to the Duke of Sutherland cottages within the village and concerns with this particular application around the amount of space either side of the property which would house the development. Honey House was an unspoilt Duke of Sutherland Cottage and he considered that the development would go against Policy HE26. He further considered that the development was of a dramatic and disproportionate scale and would jeopardise Honey House and intrude on an unusual example of the legacy of Duke of Sutherland Houses within the village and would affect the visual and historic environment.

Ms E Attwood, Applicant's Agent, spoke in favour of the application which complied with policies CS1, CS7 and paragraph 14 of the NPPF. The development was within garden land, not open countryside, and there was no environmental or technical impact. It was an attractive development and provided adequate separation distance. A financial contribution of £1,000 towards improvement of junctions would be paid by the applicants via a Section 106 Agreement. Ms Attwood considered that policies HE26 and H10 were not relevant as they were out of date and asked that the application be approved.

The Planning Officer informed Members that this plot was a bit of an anomaly as it was set back from the road and confined the residential buildings to the domestic curtilage and did not encroach into the countryside. With regard to the design, this would be dealt with at the reserved matters stage. The plot could accommodate 2 dwellings allowing adequate space and officers were satisfied that it complied with the Core Strategy Policy and the Telford and Wrekin Local Plan. The Planning Officer recommended that the application be approved.

A discussion took place and members raised concerns regarding overdevelopment of the site, together with the size and scale of the dwellings, the impact the development would have on Honey House, the impact on the street scheme following the removal of the hedge. Discussion also took place regarding whether the development was considered to be infill housing and whether it would create a visual encroachment.

The Chair asked Members if they considered it necessary to attend a site visit in order for them to better understand the development and look at the visual impact. Members did not consider this was necessary.

Upon being put to the vote, the vote was tied. The Chair therefore used his casting vote and it was:

**RESOLVED – that delegated authority be granted to the Development Management Service Delivery Manager to grant outline planning permission subject to the following:**

- a) **The applicant/landowners entering into a Section 106 agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relating to:**

- (i) Highways contribution of £500 per dwelling towards a Traffic & Speed Management Scheme on the B5062 in the vicinity its junction with the access roads into Tibberton. The monies are to be paid upon commencement of the development, indexed and any unspent monies after 5 years refunded to the applicant.**
- b) The conditions and informatives set out in the Report and update Report.**
- (c) TWC/2016/0033 – Telford Town Park, Hinkshay Road, Dawley**

The Planning Officer addressed the Members that this application sought a change of use of former coal yard to a wood storage compound and erection of 2.4m high fence (part retrospective) on Council land within the Town Park. A 2.4m high fence and gates were required to secure the site and the current footpath re-routed around the site to join the Silkin Way. The site was to be used for a tree felling and maintenance depot operated and run by the Council. Due to the continuous use of operation on this site for 20 years the Officer requested that the application be recommended for approval.

Councillor G Sinclair spoken on behalf of Stirchley and Brookside Parish Council who were opposed to the application. The Parish Council raised a number of concerns regarding the nature and the historic station platform within the Town Park and its LNR Status. The fence was very large and although the fence was to stop theft a question was raised as to whether the income generated from the sale of the wood would balance the cost of the fence and the loss of visual amenity. Further concerns were raised regarding the use of articulated lorries, timber hoarders and pick up trailers along Stirchley Lane which was a narrow residential lane with speed bumps and the possible damage this may cause together with the blocking of the lane whilst delivery/pick up took place. The Parish Council considered that this retrospective application was 20 years too late as the operation had been ongoing for over 20 years. Cllr Sinclair considered that officers deciding Local Authority Applications did not sit well with him.

The Planning Officer addressed the Members and explained that the value of the fence was not a consideration for the Planning Committee. She also reassured Members that local authorities determining their own planning applications happened regularly as it was the only body that was able to approve such applications in the first instance.

During the discussion concerns were raised regarding the retrospective application that had taken some 20 years to come forward, access to the site which was along a narrow lane, protecting the bridge and the re-routing of the footpath. Further concerns were raised regarding the protection of the historic station platform and the loss of visual amenity. A question was raised as to why the fence was only now being erected.

The Development Manager Service Delivery Manager addressed member concerns informing Members that this application could have come forward as a Lawful Development Certificate and if this was the case officers could not impose conditions

on a Lawful Development Certificate. As planning permission had been sought for the fence conditions could be imposed.

The Planning Officer explained to Members that due to recent thefts the fence was required in order to secure the site. The fence would be set down and the visual amenity would be protected. With regard to the concerns regarding the narrow lane and the bridge, the Highways Authority had not objected to the application and it was expected that the existing situation would continue, but that this could be conditioned not to intensify. The alternative footpath was considered to be a safer route. She reminded Members that this site had been used as a coal yard prior to becoming the wood yard and the original objections had now been withdrawn. If this site was not fenced off there was the potential of danger to the public due to the continuance of wood being removed from the site.

A further comment was made regarding the colour of the fence and a member asked if this could be green to complement the surrounding area and school fence.

**RESOLVED – that with respect to planning application TWC/2016/0033 planning permission be granted subject to the conditions and informatives set out in the report.**

The meeting ended at 7.09pm

**Chairman:** .....

**Date:** .....

## PLANNING COMMITTEE

**Minutes of a meeting of the Planning Committee held on  
Wednesday, 16 March 2016 at 6.00pm in the Telford Suite at  
Shropshire College Hotel School Ltd (The Telford Whitehouse Hotel),  
Watling Street, Wellington, Telford TF1 2NJ**

**PRESENT:** Councillors C R Turley (Vice-Chair), N A Dugmore, I T W Fletcher, J Loveridge, N C Lowery, S J Reynolds (as substitute for J Minor), P J Scott, and M J Smith.

**ALSO PRESENT:** Councillors S Bentley (for planning application TWC/2015/0999), S P Burrell (for planning application TWC/2015/1059), A J Eade (for planning application TWC/2015/1105), and J M Seymour (for planning application TWC/2015/0438).

**PC-091      MINUTES**

**RESOLVED** – that the minutes of the meeting of the Planning Committee held on 24 February 2016 be confirmed and signed by the Chairman

**PC-092      APOLOGIES FOR ABSENCE**

Cllr J Minor

**PC-093      DECLARATIONS OF INTEREST**

None

**PC-094      DEFERRED/WITHDRAWN APPLICATIONS**

None

**PC-095      SITE VISITS**

There were no officer recommendations for a site visit.

Cllr M Smith requested that a site visit took place on planning application TWC/2015/1064 Land east of Queensway HLC, Queensway, Hortonwood, Telford following representations from Hadley & Leegomery Parish Council and the Head of Queensway HLC regarding the access and egress through one route.

The Planning Officers confirmed that there had been no objections from the Highway Authority and the Highways England objections had been withdrawn and that the application as acceptable in its current form. Photographs had been supplied showing the site and issues regarding access. The timing of the application was important due to the application being tied to LEP funding which needed to be spent and occupiers of units had already expressed an interest in coming to the site.

Following the discussion it was put to a vote. Due to a tied vote the Chair used his casting vote and it was:

**RESOLVED – that a request for a site visit was refused.**

Prior to the next item of business the Planning Officer gave Members a brief update on the recent Appeals Decisions made by the Planning Inspectorate the previous week. The Appeal for 22 dwellings at Mill Lane, Tibberton had been lost. The Appeal against 110 houses in Muxton Lane had been won. A Public Inquiry had been undertaken on this application which included cross-examination and a thorough debate. This being the case it was considered that a steer would be taken from this outcome as it was up-to-date and robust and showed the Council to have in excess of 10 years housing land supply. Policy CS7 was up-to-date and compliant with the NPPF. With regard to Policy H10a this was not NPPF compliant and it was considered that Policy H9 of the Wrekin Local Plan, relating to rural settlements, was also out of date. Policy CS7 was considered less restrictive and was found to be compliant with the NPPF. The Council were in a good position with regards to the housing land supply and the Inspector found that there was no need to amend development boundaries on an ad hoc basis. The Planning Officer felt that the Planning Inspector's recent decision on the Muxton Lane Application following the public inquiry was helpful to the Council.

**PC-096      PLANNING APPLICATIONS FOR DETERMINATION**

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report and the supplementary information tabled at the meeting regarding planning applications TWC/2015/1064, TWC/2015/0999, TWC/2015/1059 and TWC/2015/1105.

- (a)            TWC/2015/0438 - Land North of Dunelm, Rodington Heath, Telford, Shropshire

This proposal sought Reserved Matters consent for the erection of six dwellings on land sited north of Dunelm in the village of Rodington Heath. Councillor J M Seymour, Ward Member, had requested that the application be determined by the Planning Committee. An outline application had previously been approved by Members for 2 semi-detached and 4 detached dwellings. The principle had been approved prior to the Council establishing a 5 year housing land supply and the reserved matters application had come forward within the relevant time period and therefore the Committee were unable to reconsider the principle.

Councillor D Johnson, Rodington Parish Council, spoke in opposition of the application which had received numerous objections due to lack of amenities and public transport, the state of the roads when it was passed at the committee at the outline stage. The application had a provision for 2 affordable homes and concern was raised that due to an application that had already been granted for 5 affordable homes on application TWC/2014/0484 that this would cause an over provision of affordable housing. Cllr Johnson suggested that if the 2 affordable plots were

removed from the application that only 4 dwellings were built of higher specification that this would alleviate the concerns of local residents.

Councillor Seymour spoke to oppose the proposal that had regrettably been approved in March 2015 only a few days prior to the Council confirming they had a 5 year housing land supply. Cllr Seymour thanked all parties for their negotiations to try and reach a compromise prior to the reserved matters stage on the layout and the design of the scheme. Residents were still concerned about the complete disregard for the impact of the development on Dunelm with Plot 4 being to the front which would dominate the bedroom and the sun lounge of Dunelm and affect its privacy. Rodington Parish Council had undertaken a Housing Needs Survey on application TWC/2014/0484 which was for 14 dwellings near to the centre of the village and had an element of affordable housing and there was concern that these two applications would undermine the local letting plan and prevent it from working properly. If the affordable housing element was withdrawn from this application then the remaining 4 dwellings could be spaced along the building line and improve the design of the site.

Mr R Evans, local resident, who opposed the application, addressed the Members regarding concerns of residents who felt that they had not been consulted and listened to. Concerns were raised regarding drainage as the garden land was lower than the field, the new soakaway and the impact the extra houses would have. It was felt that Dunelm would lose its view and its privacy. A compromise had tried to be reached and if plots were removed a better layout could be achieved with individual houses being larger and more in keeping with the buildings in the countryside and the building line and the privacy for Dunelm being returned. Concerns with regard to the traffic were also raised with 30-40 contractors trucks per day that would need to drive in the middle of the road to secure access. Mr Evans asked that Members refuse the application on the grounds of privacy, drainage and density.

The applicant, Mr P Sankey, addressed the Committee in support of the proposals and explained to Members that this was an important small development of attractive high quality dwellings which would benefit the village. Mr Sankey had worked with the Planning Officer and held meetings with residents and had fulfilled the planning requirements. Local concerns were of paramount importance and the layout reached was the best use of the land whilst allowing for the tree protection zones and the building lines which followed the main road and maximised the site within the constraints. The distance had increased in size to 3-4 metres within the site and the drainage and ground seepage was not an issue as there was adequate land drainage to take away surplus water on the property which drained into the river Roden. The dwellings had been designed and amended to take on a more rural appearance and had broken up the large walls facing the highway with additional windows. Two affordable houses were part of the application and affordable renting within the village was important for local people who could not afford to buy.

The Planning Officer confirmed to Members that the outline application for 6 units had already been approved and that they only needed to consider the layout, scale, appearance and landscaping of the development which was on the edge of the open countryside but reinforced the rural area. Discussions had taken place with neighbours and the officers were satisfied that there was adequate separation of the properties. The proposed layout did respect the building line as there was no distinct

building line and minor amendments to the development included additional windows, a reduction to the height of the garages, inclusion of chimneys and attractive gable ends. There was a mix of properties and Tree Officers and Highways safety had no objections. This was a reserved matters application and the affordable housing had been approved as part of the outline permission and members were informed that the development was acceptable and met the criteria of the Local Plan and was of good design.

A discussion took place and concerns were raised whether the buildings were out of character and if this was a ribbon style development. The effect of Plot 4 on Dunelm was also a concern together with the design and layout. Consideration was also given to whether the application was overdevelopment of the site. Outline permission had already been granted and Members were reluctant to reduce the allocation of affordable housing.

Following the discussion it was:

**RESOLVED – that with respect to planning application TWC/2015/0438 authority be delegated to the Development Management Service Delivery Manager to Grant Reserved Matters Consent subject to the conditions and informatives set out in the report.**

(b) TWC/2015/0999 - Land adjacent Crown Farm & Swift Barn, Kynnersley, Telford, Shropshire

This was an outline application for including details of access for the erection of two two-storey detached dwellings and detached garages on land adjacent to Crown Farm Barns and Swift Barn, Kynnersley. All other matters relating to appearance, layout, landscaping and scale were reserved for future determination. Kynnersley Parish Council had requested that the application be determined by the Planning Committee.

The Planning Officer confirmed to Members that this application was not a rural settlement under the Wrekin Local Plan, or in the core strategy and was not in the emerging Local Plan as it lacked basic services. The Parish Council were in support of the application, 8 letters of objection had been received and 1 letter of support. An update report was tabled at the meeting giving a point of clarification from the Parish Council, but the Officer recommendation remained the same to refuse the application in accordance with rural housing policies and the character and setting of the village.

Cllr S Bentley spoke in support of the application which he considered was a sound outline application. The concerns of residents ie about the access would be addressed. On a previous application the Inspector had stated that Policies H9 and H10 were not sound reasons for refusal and Policy CS7 did not preclude dwellings in a settlement. There were 3 key elements for settlements within the NPPF which were a sustainable development, on a brownfield site and in the centre of a village. With regards to sustainability, a village needed a Church, a school and a shop. Although this village did not have a school, it did have a church and a shop and the Members were asked to consider the points in paragraph 7.2 of the committee report

(that appropriate designed dwellings could be achieved and the site was able to accommodate two dwellings) and to use the Policy correctly.

Mrs H Mitchell, local resident, spoke against the application on behalf of the neighbours who had given objections on the design and access statement of the plans. The Council now had a 10 year housing land supply. The proposed development was on the edge of the boundary and a bus service was limited to a Tuesday, Wednesday and Friday which meant a car was required daily. A total of 6 on-site parking spaces had been proposed and which would put additional pressure on the access and add additional traffic to the roads. The village shop held a temporary permission and was housed in a shed. The future of the village hall was uncertain and the Church only had 4 Parishioners and held shared services during the summer months. Mrs Mitchell welcomed the 10 year housing land supply and asked member to refuse the application.

The applicant's agent, Mr G Davies, addressed the Committee in support of the proposals for 2 dwellings on a brownfield site in the centre of the village. Mr Davies considered that the reasons for refusal were contrary to policy and that Telford and Wrekin Local Plan had limited weight to determining the application. Policy CS7 focussed around main settlements and allowed for limited housing within this site. A similar application had been approved in 2014 and this had been considered acceptable and justified as the Council did not have a 5 year housing land supply. One dwelling was considered to be in a sustainable location through the NPPF. Although the Council now had a 5 year housing land supply, this did not change the precedent set previously. This development was suitable as an infill application under Policy CS7 and gave a visual improvement on the land and had the full support of the Parish Council.

The Planning Officers addressed Members that this area had never been a chosen settlement within the Wrekin Local Plan and Core Strategy and was not deemed a suitable sustainable settlement in the emerging Telford & Wrekin Local Plan and it was not listed in Policy HO10. This development would not boost the economy or be sustainable.

A discussion took place and Members felt that the Local Plan should be used as guidance as much as possible whilst considering applications. This was not a key settlement and was not in a sustainable location and the shop was on a temporary basis. The Council now had a 10 year housing land supply and this development went against Policy. Although Members wished to see the site improved, there were no exceptional circumstances on which to go against policy.

The Planning Officer asked, following the announcement at the start of the meeting, that the reasons for refusal as set out in the report be approved with the deletion of references to Policy H9.

Following the discussion it was:

**RESOLVED – that with respect to planning application TWC/2015/0999 that outline planning permission be unanimously refused for the following reason:**

**The Local Planning Authority considers that Kynnersley is not a suitable settlement identified to receive housing in Policies, CS7 of the Core Strategy or HO10 of the Telford and Wrekin Local Plan. The proposed site is not considered to be in a sustainable location for residential development; given it is not located in one of the identified settlements and there is a lack of convenient access to services, facilities and employment. The proposal also fails to address the three tests of sustainable development as set out in national policy. The proposed development does not represent an exceptional circumstance to warrant a departure from policy. Accordingly the proposal is contrary to the National Planning Policy Framework, Policies CS7 and CS9 of the Core Strategy, and Policies SP 3, SP 4 and HO10 of the Telford and Wrekin Local Plan.**

(c) TWC/2015/1059 - Wellbank Villa, Pickstock, Newport, Shropshire, TF10 8AH

This was an application seeking full planning permission for the erection of a single storey building for use as an educational facility (use class D1) together with retrospective consent for the siting of three Shepherds Huts for overnight accommodation and the extension and conversion of an existing stable block to provide showers, toilets and facilities such as a lounge and kitchen. Councillor S P Burrell, Ward Member, had requested that the application be determined by the Planning Committee. An update report was tabled at the meeting which gave clarification on the use of the buildings, a better location plan and photographs which had been taken by a neighbour. To the rear of the shepherds units a toilet had been installed and as this was not part of the application this would need to be removed. Officers were recommending a 2 year temporary permission to allow development to operate and be assessed.

Councillor Burrell spoke against the application and asked Members to consider a site visit prior to determination of this application. There was no regular bus service to this development and a car would need to be used. The lane was a single track of approximately 2 miles length and a refusal on an earlier application, TWC/2015/0925, had been given due to the parking arrangements and there being no on-street parking. This was not just an application for an Education facility but for events, weddings, parties and glamping part of which was under construction or had been completed. Cllr Burrell was concerned regarding the inconsistencies outlined within the application and the lack of a comprehensive base of evidence.

The Applicant, Mr D Eggerton, addressed the Committee in support of the proposals. He had been fortunate to have been living and embracing country living and had worked on his smallholding for almost 10 years. This smallholding was also Mr Eggerton's home and he wanted likeminded people to be able to enjoy the countryside. The aim was for small groups of people to learn about the and better understand and respect the countryside. It was not Mr Eggerton's intention to upset his neighbours and the events would be tasteful and would be policed by him personally and anybody causing trouble would not be welcomed back. Mr Eggerton welcomed a site visit, restrictions and a temporary period of time.

The Planning Officer confirmed that there were no highway objections regarding the on-site parking. The location and proposed development would be self-regulating to some extent and there were no issues regarding the siting of the structures which were next to existing buildings. There was no encroachment into the countryside and no visual blight. Main issues to be considered were the unknown elements, although some could be undertaken for 28 days under permitted development. Conditions such as a 2 year temporary permission, restrictions on use, hours of operation ie 9pm finish could make the development more acceptable.

Members discussed the application and its admirable aims as they considered new ventures deserved to have a chance and although there were some reservations regarding the events, the number of students, the parking and the inconsistencies within the application. Members raised whether a site visit should take place and a vote took place. Following the vote it was agreed that no site visit should take place.

Following the discussion it was:

**RESOLVED** – that with respect to planning application TWC/2015/1059 that planning permission be granted for a temporary two year period, subject to the conditions and informatives set out in the report.

(d) TWC/2015/1064 - Land east of Queensway HLC, Queensway, Hortonwood, Telford, Shropshire

This was a joint application by the Council and the Homes and Communities Agency in two parts:-

- Part A was an outline proposal for the construction of an employment park comprising of up to 54,404 sq m of general industrial / warehouse and distribution floorspace (Use Classes B2 and B8) with ancillary floorspace comprising offices, retail, restaurant/café and hot food take away (Use Classes B1, A1, A3 and A5) with all matters reserved except for the means of access to the site. A variety of uses had been applied for to provide flexibility for the marketing and future detailed development of the site.
- Part B was a full application for the construction of two general industrial / warehouse and distribution units with ancillary office accommodation (Use Classes B2, B8 and B1) along with infrastructure works including access and the internal estate road, drainage, earthworks and strategic landscaping for the whole of the site. The two units that were included within this part of the application were Unit 9 (that would measure 6,400 sq m) and Unit 10 (that would measure 3,156 sq m). As occupiers had been identified for these units which was why this part of the application was submitted in full.

The Planning Officer informed Members that this application formed part of a larger proposal by the Marches LEP and funded through the Local Growth Fund which included new homes and jobs for Telford and Wrekin and improvements to junctions to and the dualling of the A442. A total of 23 letters of objection had been received and included subjects such as increased traffic, lack of information, size of the building and the separation distances, loss of agricultural land and the impact on the

traffic bottle-neck. There were no technical issues to withhold planning permission. Highways England had now withdrawn their objection with conditions which included an imposed transport assessment, limit to the floor space of units 9 and 10 and a traffic and travel plan. An update report was tabled which included a last minute letter from the Queensway HLC Centre around the traffic route, access, signage, traffic calming measures and secured school gates. Contributions of £540,919 for part A of the application and £10,000 for the implementation of the Travel Plan would need to be submitted as part of the proposed development. The key issues for Members to consider were the principle of development and the policy conflict, the strategic allocation, the boost to the local economy, the layout and design of the development, access and S106 contributions.

Mr D Hyde spoke on behalf of Horton Action Group to oppose the proposals on the grounds that this development was outside of the Local Plan and the environmental impact on the wildlife. Further concerns were the size of the buildings and missing critical information, the possible 200-400 vehicle movements per day per unit, the entrance to the development near to the HLC Queensway School entrance, road safety and access on the A442. Mr Hyde considered that the existing traffic lights were a well-known congestion site and that further traffic control may create “rat runs” and increase the number of accidents by 4 fold. He also felt that the application was being “rushed” and that there had been no great concern or sensitivity given to local residents and that this was not in keeping with the ethos of Telford. Telford was a great place to live and do business and had good transport links and concerns were raised on the impact that this development would have.

The applicant’s agent, Mr P Ellingham, Agent, addressed the Committee in support of the proposals which sought consent for the business park at Hortonwood which involved a portfolio of sites between the HCA and Telford and Wrekin Council. The application had been through a pre-application process and a formal public consultation exercise had taken place on the site master plan and the School had been fully engaged. There had been a series of changes made to the basis of the application including an increase set-off distance from the northern boundary and a reduction in the height of the buildings. A bund and acoustic fencing to the west of the site near to the School had also been introduced. There were now occupiers expressing an interest in the first phase of development of units 9 and 10. A dialogue had taken place with Highways regarding the reworking the access at Queensway who had proposed a condition that the movements be monitored and controlled. The development of Unit 10 was being funded utilising the Council approved capital fund of £20m and would safeguard 28 jobs and create a further 17 jobs and for Unit 9, a private development, would safeguard 68 jobs and create a further 25 more. There were no technical matters to refuse the application and there were relevant planning conditions proposed. Mr Ellingham asked Members to grant permission on the application.

The Planning Officer reminded Members that the application was outline permission for part A of the application was sought and the indicative layout would not be finalised until the subsequent reserved matters application. Part B which referred to Units 9 and 10 was for full permission and members were asked to consider the design and appearance of the development and the access and impact on the A442. There had been initial concerns with regards to the design of Unit 9 in particular as

this lacked visual interest. An improved design had been submitted which included glazing and contrasting cladding and this was now considered satisfactory. With regard to height parameters, Units 1 and 2 would be no more than 8 metres, the sites at the centre of the development would be conditioned between 15-18 metres. The plans had been amended to include a 40 metre distance separation with a 3 metre high bund with landscaping and acoustic fencing to the western boundary. Conditions would be imposed requiring noise details of known occupiers for subsequent reserved matters in due course. A noise assessment, together with other parameters were planned such as distance separation, conditions and the bund and as the site was flat and there were mature hedgerows this would ensure that residential properties were not adversely affected. As this was currently a large area of employment land this application would not be a new feature but an extension of that which already existed nearby. The Weald Moors was over 1 kilometre away so distance separation was not an issue and the presence of an additional site was not felt would be of detrimental visual impact on the surrounding area. This development was considered to be of strategic need through the LEP and in conjunction with the Telford and Wrekin Local Plan as an employment allocation and on planning balance was of social and economic benefit. The Planning Officer asked Members to approve the application subject to the conditions contained in the report and the update report and the S106.

Members discussed the application and although this application should have been good inward investment and an extension to the industrial estate and the creation of up to 1,000 jobs, which was welcomed, through public consultation and residents views various concerns were highlighted which included:

- No pedestrian access
- No laybys for stationery traffic
- Proposed improvements for the junctions ie Pools Island
- Volume of traffic / bottle-neck
- Control of noise
- Loss of high quality agricultural land
- Detrimental effect on the local area
- Alternative employment sites
- The figures within the report

Members raised further concerns with regard to the introduction of another junction along the A442 with 2 access ways, one in close proximity to the Queensway HLC School. The Members asked if there would be scope to change the plans for a single access which would take the traffic and large lorries away from the school.

The Planning Officer explained to Members that the Highways Officers and Highways England had no objections to the application and that this development would be linked with highway improvements and the widening and dualling of the A442 together with signalised junctions and that there was no technical justification to refuse the application or to seek to get this access changed. The access off the A442 would be shared but the school complex was a gated complex. The Highways Officers had looked at traffic modelling and traffic movement at their worst case scenarios together with an analysis of the highway network and traffic and the

access arrangement was considered to be acceptable. Proposed conditions to the development would include widening of the road, traffic calming and signage.

The Development Manager Service Delivery Manager addressed the Members and explained that the LEP funding bid was to improve the whole of this highway corridor as part of a wider scheme to improve the A442 and that the Highways Engineers had requested 2 separate accesses. It would be difficult to substantiate a refusal on highway grounds if this application went to appeal and the Council could be at risks of costs being awarded against them.

Following the discussion it was formally moved and seconded that the application be deferred. Upon being put to the vote it was

**RESOLVED – that with respect to planning application TWC/2015/1064 that the application be deferred in order to look at access options that avoid use of the access road off the A442 that passes the Queensway HLC school.**

(e) TWC/2015/1105 - Former Builders Yard, Barrack Lane, Lilleshall, Newport, Shropshire

This was an outline application for the erection of one dwelling and garage with all matters reserved for future determination. The application was a resubmission of an application previously refused by the Committee on 16 September 2015.

The Planning Officer addressed the members that Lilleshall was not identified on the Core Strategy. The development was within an area with a good range of facilities in a sustainable location. It was a discreet and screened parcel of land that did not encroach into the countryside and was within a rural area. The site was suitably accessed but was currently in an untidy state and a single dwelling would improve its appearance.

Councillor A J Eade, Ward Member, spoke to oppose the application on the grounds similar to the last refusal which were it was an extension into the open countryside, there would be an unsightly bund and acoustic fence, damage to flora and fauna and was contrary to Policy CS7 of the Core Strategy which was considered up-to-date. This was not a key settlement and the application was not suitable as an infill site. Policy H9 and H10 had been used to justify the development, but Policy H9 had been replaced by CS7 and this was clearly not an infill plot under Policy H10 or did not protect the Lilleshall Gap which was protected countryside within the Telford and Wrekin Local Plan. Cllr Eade considered that the Planning Inspector's decision relating to Application W95/0644 tabled within the update report was not applicable due to the length of that had elapsed since the decision over 20 years ago and that farming was most likely to be different now. Cllr Eade felt that Policy OL6 was there to protect the countryside and this Policy had not been considered within the report.

Mr P Hill, a neighbouring resident, also spoke in opposition to the application as the development would still be situated next to a farm which would be affected by noise and smell and would not be protected by the use of a vegetative buffer. This was not a brownfield site and did not fulfil criteria. The area was not considered to be countryside but within woods to the north and fields and a footpath running along

open gates to the south of Haughton Canal. Mr Hill raised concerns regarding the building and the unsociable hours, the cost of infilling mines which would be uneconomic and could cost up to half a million pounds, the effect of flies, muck and noxious smells on a property which was located so close to a farm together with antisocial hours of work and any residents being unable to use the garden during the day.

The applicant's agent, Mr A Williams, addressed the Committee in support of the proposals which were outline with all matters reserved for 1 dwelling. This development was much further away from the previous application and it needed to be carefully reviewed on its merits. Mr Williams recommended to Members that this application be approved and brought Members attention to paragraphs 6.8-6.11 of the report. Policy CS7 focussed on names settlements although this did not preclude "limited" development within the local plan on a small and acceptable scale. The development was a former builders yard and it was not greenfield and not screened and not in woodland, separate from the agricultural land beyond and not an extension into the countryside. An odour and pest assessment had been endorsed by the Council's Environmental Health Officers and there was an indicative layout. There were no justifiable reasons to refuse. The right of way was a private matter and did not form part of the application.

The Planning Officer suggested to Members that following the Muxton Lane appeal that Policies H9 and H10 at paragraph 7.2 to the report be deleted and removed from the officer recommendations. The development site was on a commercial site and was not in open countryside, so Policy OL6 was not applicable and as it was only a single dwelling it was not a detrimental change to the landscape in the Lilleshall Gap. There were a number of other dwellings were in close proximity to the farm.

A discussion took place and Members raised concerns regarding the large sinkhole that had appeared near to the site and what lay beneath the development land. Other concerns raised were with regard to strong odour from the farm and whether this development was at a suitable distance away. The development had previously been refused as being contrary to CS1, CS3, CS7, CS15 and UD2 and Members could see no reason why this application should be granted.

The Planning officer advised Members that there were conditions requiring further intrusive ground investigation works before a reserved matters application could be submitted. The legal advisor and the Development Manager Service Delivery Manager explained to Members that, where a concern could be addressed by an appropriate planning condition, that concern could not be a reasonable ground for refusal. Extra conditioning work would need to be undertaken prior to any development taking place on the site.

Following the discussion it was

**RESOLVED** – that with respect to planning application TWC.2015/1105 that outline planning permission be unanimously refused for the following reason:

The Local Planning Authority considers that the proposal is outside the settlements of High Ercall, Tibberton and Waters Upton where new development is to be focussed. The proposal would not be suitable infill development so would result in unacceptable extension of the village into countryside. Furthermore, the close proximity of New House Farm would have a harmful impact on the amenity of the occupiers of the proposed dwellings. Accordingly, the proposal was contrary to Core Strategy policies CS1, CS3, CS7, CS15 and Wrekin Local Plan saved policy UD2.

The meeting ended at 8.19 pm

**Chairman:** .....

**Date:** .....

## PLANNING COMMITTEE

### Minutes of a meeting of the Planning Committee held on Wednesday, 6 April 2016 at 6.00pm in the Telford Suite at Shropshire College Hotel School Ltd (The Telford Whitehouse Hotel), Watling Street, Wellington, Telford TF1 2NJ

**Present:** Councillors C R Turley (Vice Chair in the Chair), K T Blundell (as substitute for Councillor P J Scott), N A Dugmore, R T Kiernan (as substitute for Councillor I T W Fletcher), J Loveridge, N C Lowery, S J Reynolds (as substitute for Councillor J C Minor), M J Smith and C R Turley.

**Also Present:** Councillors S P Burrell (for planning application TWC/2015/1115), A D McClements (for planning application TWC/2015/0836), T J Nelson (for planning application TWC/2016/0154), J M Seymour (for planning application TWC/2015/0694)

#### **PC-097**      Minutes

**RESOLVED** – that the minutes of the meeting of the Planning Committee held on 16 March 2016 be confirmed and signed by the Chairman.

#### **PC-098**      Apologies for Absence

Councillor J C Minor, I T W Fletcher and P J Scott

#### **PC-099**      Declarations of Interest

In respect of planning applications TWC/2016/0058 and TWC/2016/0159, Councillor N A Dugmore advised that he was a member of Donnington and Muxton Parish Council but had not been involved in any discussions on this application.

#### **PC-100**      Deferred/Withdrawn Applications

With regard to Planning Application TWC/2015/1064 the Development Management Service Delivery Manager reminded the Committee that at the Planning Committee meeting on the 16 March 2016, Members had raised concerns with the proposal and deferred the application for further consideration to the proposed access arrangements, and in particular to the relationship of the development with the adjacent Queensway HLC School.

Following discussions, both the Principal of the School and the Parish Council had confirmed that they no longer raised any objections to the application subject to a number of minor alterations and points of clarification, all of which had been agreed by the applicant and would be secured by Conditions should the application be approved.

However Members had also requested that further consideration be given to alternative access arrangements to the site. Whilst the Council's Highways Officers raised no objection to the development as proposed, discussions had been held with

the applicant to investigate whether any alternative means of access to the site could be provided. Unfortunately, it had not been possible to conclude further assessment in time for this meeting and a further deferment until the meeting on 27 April 2016 was sought.

**RESOLVED** – that planning application TWC/2015/1064 be deferred until the meeting of the Committee on 27 April 2016 to allow continued investigations regarding the means of access and for Members to make a Site Visit.

**PC-101**      **Site Visits**

**RESOLVED** – that the following applications be deferred for Site Visits to take place on Wednesday, 27 April 2016:

- (a) TWC/2015/1064 – 3.00pm - Land east of Queensway HLC, Queensway, Hortonwood, Telford, Shropshire; and
- (b) TWC/2016/0058 - 4.10pm - 8 Ash Lea Drive, Donnington, Telford, Shropshire, TF2 7NS

**PC-102**      **Planning Applications for Determination**

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report and the supplementary information tabled at the meeting regarding planning applications TWC/2015/1115, TWC/2016/0058 and TWC/2016/0154.

- (a)      TWC/2015/0694 - Halfway House, The Wrekin, Telford, Shropshire, TF6 5AL

This part-retrospective application had previously been considered and deferred by the Planning Committee on 3 February 2016, to allow further discussions to take place between the Local Planning Authority and the applicant. Following discussions with the Local Planning Authority, the applicant had submitted a revised proposal and provided details regarding the stability of the site. The revisions to the application, which addressed the aspects of the application which were deemed unacceptable in the Officer's last report were comprehensively detailed in the report and related to :

- Revision to the proposed timber cladding of the property;
- Revision to the dormer extensions;
- Installation of 4no. roof lights and 3no. windows;
- Relocation of an outbuilding erected to house a vending machine;
- Provision of a completed stability declaration form and drawings to illustrate the levels and ground conditions of the site in relation to the erection of a car port.

Councillor J M Seymour, Ward Member, spoke in support of the application. She welcomed the agreement between the Applicant and the Planning Officer which she felt would prevent further deterioration of the building and allow for provision of

refreshment for walkers. Councillor Seymour also gave the applicant's apologies for not being able to attend the meeting as he was out of the country on business.

Members welcomed the amendments to the application. Some concerns remained regarding the lower level dormer windows but, on balance, Members considered that the proposals were of less harm to the dwelling than the original proposed alterations and the amendments made some attempt to respect and reinforce the architectural characteristics of such a prominent and prestigious dwelling.

Upon being put to the vote, it was unanimously:-

**RESOLVED – that with respect to planning application TWC/2015/0694 full planning permission be granted subject to the conditions set out in the report.**

(b) TWC/2015/0836 - Land between Arleston Lane & Dawley Road, Arleston, Telford, Shropshire

This was a Reserved Matters application relating to the layout, scale, appearance and landscaping for the erection of an Extra Care Facility and 95 dwellings. The proposal had been amended from the original submission and this proposal now proposed a reduction of 8 dwellings from the 103 initially sought, amendment to boundary treatments, and elevational treatment of both the residential dwellings and extra care facility. These changes were set out in full in the report.

Councillor A D McClements, Ward Member, had requested that the application be determined by the Planning Committee. Councillor McClements spoke to oppose the application on the grounds that the Council now had a five year housing land supply, building on green network, layout, dominance of the Extra Care facility on the landscape, traffic flows and highways. Councillor McClements requested a deferral.

Mr G Devey, a local resident, also spoke in opposition to the application on the grounds of building on green network, existence of a five year housing land supply, lack of provider for the facility, sustainability, dominance of the Extra Care facility on the roofline, traffic, ecology, drainage, loss of privacy and the need for further consultation to clarify the proposals. Mr Devey requested a deferral.

Mr M Sitch, the applicant's agent, spoke in support of the application referring to the established principle of development including loss of green network and traffic generation. He referred to consultation with officers, reduction in the number of dwellings, access, highways and drainage, affordable housing, provision of Extra Care facility, job creation, provision of allotments, retention of public green space, lack of objection from statutory consultees and building heights and separation distances.

The Planning Officer drew Members' attention to aspects of the application regarding the principle of development and the application being in accordance with the parameters plan, highways, parking, the LEAP and location of the Extra Care facility all of which were fully outlined in the comprehensive report.

Members expressed a number of concerns regarding the application:-

- Space standards were below the Housing Learning and Improvement Network (LIN) guidelines in some areas.
- Although the Planning Officer advised that a travel plan would be submitted and the proposal was for a 24 hour operation which meant that not all employees would be on site at the same time, Members were concerned that 6 staff parking spaces were insufficient for the proposed 30 employees. It was noted that the proposal was considered sustainable due to the close proximity of the shops on Dawley Road but Members considered that the overall parking provision, taking into account allocated, unallocated and garage spaces, was still low and did not meet parking standards. Furthermore, there did not seem to be adequate provision for the proposed ancillary uses, particularly commercial delivery vehicles.
- The report indicated the proposed LEAP may not meet the appropriate standards and Members considered that the LEAP would be in near complete shade . Members felt the proposed location was unsuitable.
- There were coal mining legacy issues around the site and the Coal Authority had indicated that the site fell within the defined Development High Risk Area but the Reserved Matters application was exempt from the requirement for consultation. Further information regarding coal mining legacy issues was required.
- It was unclear how the developer proposed to deal with the public right of way and the advice of the Senior Rights of Way Officer was requested.
- Further details about the attenuation ponds was sought, particularly regarding whether these would be fenced.
- The loss of Green Network was lamented
- Overdevelopment and the detrimental impact on the character of Arlestone Village due to the dominant appearance of the Extra Care facility.
- Traffic movements.

In light of these concerns, Members feared that a provider to operate the facility would not be identified and that further negotiation was required. The Development Management Service Delivery Manager advised Members that the application was made within the parameters plan agreed at the outline stage and, whilst further negotiation could be attempted, the applicant may choose to appeal for non-determination.

It was proposed and seconded that the application should be deferred for further negotiation and upon being put to the vote it was unanimously:-

**RESOLVED – that planning application TWC/2015/0836 be deferred to allow the Planning Officer to negotiate with the applicant regarding:**

- **Space standards for the apartments to meet the Housing Learning and Improvement Network (LIN) guidelines;**
- **Increased parking for staff;**
- **Facilities for commercial deliveries;**
- **Natural play facilities should meet LEAP standard and the requirements of the outline application, including a shading survey to take place if necessary;**

- **The Coal Authority's comments regarding the development being in a high risk area;**
- **Update from the Senior Rights of Way Officer;**
- **Safety of the proposed attenuation ponds;**
- **Reconsider the design of the Extra Care facility which is proposed to dominate the landscape; and**
- **Overdevelopment.**

(c) TWC/2015/1064 - Land east of Queensway HLC, Queensway, Hortonwood, Telford, Shropshire

As set out at minute number PC-100 this application was deferred for consideration on 27 April 2016.

(d) TWC/2015/1115 - Site of Deepdale Farm, Chester Road, Chetwynd, Newport, Shropshire

The application sought full planning permission for the erection of four poultry buildings, a service building, a lean-to extension to house a biomass boiler, ten feed bins and associated infrastructure works. Chetwynd Parish Council had requested that the application be determined by the Planning Committee. An update report was tabled at the meeting which set out the support of the National Farmers Union and the requirement for a Manure Management Plan.

Councillor S P Burrell, Ward Member, spoke to oppose the application on the grounds of manure management, highway safety and increasing S106 contributions to improve safety on the A41 and associated junction.

Councillor P Humphreys, representing Chetwynd Parish Council, also spoke in opposition to the application on the grounds of limited consultation, scale, lack of employment benefit and impact on local businesses. If granted, he hoped that conditions would be policed and adhered to.

Ms V Harvey, the owner of the adjacent Boarding Kennels and Cattery, spoke against the application on the grounds of odour control and the impact on local businesses, manure management and highway safety.

Mr S Thomas, the applicant's agent, spoke in support of the application in terms of sustainability and the local economy, landscaping, highways, rights of way, noise odour and air quality assessment, manure management and policy compliance.

The Planning Officer referred to aspects of the report regarding access, traffic and highways, environmental impact, drainage, landscaping and the conditioning of the submission of a manure management plan. The Planning Officer noted the Ward Member's suggestion that S106 contributions be increased to improve highway safety but advised that the need for this could not be evidenced sufficiently to meet the requirements of the Community Infrastructure Levy Regulations.

During the course of the ensuing debate, Members particularly noted concerns regarding odour and welcomed the submission of a manure management plan.

However, some Members were concerned about monitoring the management plan since the flock size fell short of the number required for regulation by the Environment Agency. The Planning Officer confirmed that as well as submitting a manure management plan, the applicant should also carry out any mitigation measures identified therein. Some Members were also concerned about highway safety and questioned the projected vehicle movements and potential to install traffic calming measures. The Planning Officer responded that the highways officer had studied the transport statement, which was summarised in the report, but did not consider there was evidence to suggest the need for specific calming measures or S106 contributions. Members ascertained that the land was currently arable farmland and, although some reservations were expressed about the loss of agricultural land, it was noted that the NPPF supported growth in the rural area.

Upon being put to the vote, it was by a majority:-

**RESOLVED – that with respect to planning application TWC/2015/1115 planning permission be granted subject to the conditions set out in the update report tabled at the meeting.**

(e) TWC/2016/0058 - 8 Ash Lea Drive, Donnington, Telford, Shropshire, TF2 7NS

This was a full planning application for the erection of a detached building to be used as an annexe ancillary to 8 Ash Lea Drive, Donnington following the demolition of an existing detached garage and upvc lean-to. Donnington and Muxton Parish Council had requested that the application be determined by the Planning Committee. An update report, consisting of a proposed floor plan, was tabled at the meeting.

Cllr J Lavery, representing Donnington & Muxton Parish Council, spoke in opposition to the application on the grounds of access and parking, out of character within cul-de-sac, overdevelopment and lack of sufficient information regarding the use of the annexe.

The Planning Officer reminded Members that the proposal was to demolish an existing building and rebuild on the same site, which meant that there would be no loss of parking and that, if the applicant desired, the front garden space could be used for parking. She advised Members that this application was only slightly larger than could be achieved under permitted development rights and referred to the conditions which restricted use of the proposed annexe. Members queried the footprint of the existing garage and lean-to in comparison to the proposed annexe but measurements were not available and an approximation was made based upon the displayed plans.

During the debate, Members considered issues regarding parking, overdevelopment and the lack of detail in the application regarding materials and design. Councillor Dugmore indicated that he had informally visited the site prior to the meeting and he proposed that a formal site visit would assist in the assessment of the application. The proposal for a site visit was seconded and upon being put to the vote it was unanimously:-

**RESOLVED – that determination of planning application TWC/2016/0058 be deferred to allow the Committee Members to make a Site Visit.**

(f) TWC/2016/0154 - Site of The Bays, 69 Forton Road, Newport, Shropshire

This was a full planning application for the erection of two detached dwellings and alterations to the existing vehicular accesses following demolition of the existing bungalow and detached garage. Councillor T J Nelson, Ward Member, had requested that the application be determined by the Planning Committee. An update report was tabled at the meeting which set out the Habitat Regulation Assessment matrix.

Councillor Nelson, spoke to oppose the application on the grounds of overshadowing, overlooking, loss of outlook, visual appearance, layout, density, overdevelopment, loss of a bungalow, lack of affordable housing or S106 contributions and garden grabbing. He opined that the application represented a private enterprise which would significantly benefit the applicant.

Mr C Grant, the applicant spoke in support of the application. He objected to the street scene photographs being displayed at the meeting although the Planning Officer clarified that they were provided to demonstrate the mix of dwelling styles in the street. Mr Grant commented upon the existing bungalow's dilapidated condition, street scene, lack of technical objection and lack of objection from immediate neighbours. He intended to move into one of the properties and did not believe that any profit made from the development was a material planning consideration.

Members carefully considered the application in terms of infill development, the eclectic street scene and character of neighbouring dwellings and the building line. Following questions from Members, the Planning Officer clarified the building line in terms of the available plans and indicated that there was no objection from 67 or 71 Forton Road but that objections had been received from 71A Forton Road.

Upon being put to the vote, it was by a majority:-

**RESOLVED – that with respect to planning application TWC/2016/0154 planning permission be granted subject to the conditions set out in the report.**

(g) TWC/2016/0159 - Land adjacent Caravan Site, Lodge Road, Donnington Wood, Telford, Shropshire

This was a Council application seeking full planning permission for the change of use of the site from grazing land to a Gypsy and Traveller site with a toilet block, access road and landscaping.

Some Members expressed frustration that the Lodge Road site was being further extended and opined that, as this site was now close to capacity, sites elsewhere in the borough should be sought for development as Gypsy and Traveller sites. It was noted that some hedgerows and trees had been lost following the last application to extend the site which had resulted in a loss of privacy for users of the site and

Members were keen to ensure that this site did not result in a further loss of landscaping. Upon being put to the vote, it was unanimously:-

**RESOLVED** – that with respect to planning application TWC/2016/0159  
planning permission be granted subject to the conditions set out in the report.

The meeting ended at 7.59pm

**Chairman:** .....

**Date:** .....

## PLANNING COMMITTEE

### Minutes of a meeting of the Planning Committee held on Wednesday, 27 April 2016 at 6.00pm in the Telford Suite at Shropshire College Hotel School Ltd (The Telford Whitehouse Hotel), Watling Street, Wellington, Telford TF1 2NJ

**Present:** Councillors J C Minor (Chair), N A Dugmore, I T W Fletcher, N C Lowery, S J Reynolds (as substitute for Councillor J Loveridge), Councillor P J Scott, M J Smith and C R Turley.

#### **PC-103      Minutes**

**RESOLVED** – that the minutes of the meeting of the Planning Committee held on 6 April 2016 be confirmed and signed by the Chairman.

#### **PC-104      Apologies for Absence**

Councillor J Loveridge

#### **PC-105      Declarations of Interest**

In respect of planning application TWC/2016/0058 Councillor N A Dugmore advised that he was a member of Donnington and Muxton Parish Council but had not been involved in any discussions on this application.

Councillor S J Reynolds declared an interest in planning application TWC/2016/0197 as he would be speaking against the application on behalf of Oakengates Town Council and indicated that he would withdraw from the meeting during determination thereof.

In respect of planning application TWC/2016/0090 Councillor C R Turley advised that he was a member of Great Dawley Town Council but had not been involved in any discussions on this application.

#### **PC-106      Deferred/Withdrawn Applications**

The Development Management Service Delivery Manager updated Members on the recent Appeal Decisions with regard to Haygate Road (TWC/2013/1003) and Muxton Lane (TWC/2014/0612) and the High Court Challenge issued by Gladmans in respect of the Muxton decision.

In light of this, with regard to Planning Applications TWC/2016/0121 and TWC/2016/0124 the Development Management Service Delivery Manager requested that the Committee defer these applications to a future meeting in order that further consideration could be given to the applications prior to their presentation to the Committee.

**RESOLVED** – that planning application TWC/2016/0121 and TWC/2016/0124 be deferred until a future meeting.

## **PC-107      Site Visits**

The Service Delivery Manager for Development Management requested a site visit take place with regard to planning application TWC/2015/0359 the Angel Centre, Osbaston.

**RESOLVED** – that a Site Visit takes place on Wednesday, 18<sup>th</sup> May 2016 at 3.30pm in respect of planning application TWC/2015/0359 The Angel Centre, Osbaston.

## **PC-108      Planning Applications for Determination**

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report and the supplementary information tabled at the meeting regarding planning applications TWC/2015/1064 and TWC/2016/0197

- (a)      TWC/2015/1064 – Land East of Queensway HLC, Queensway, Hortonwood, Telford, Shropshire

This was a hybrid application made up of the following elements:

Part A: Outline planning application for the construction of an employment park comprising of up to 54,404 sq.m of general/industrial warehouse and distribution floorspace (Use Classes B8 and B2) with ancillary floorspace comprising offices, retail, restaurant/café and hot food takeaway (Use Classes B1, A1, A3 and A5) with all matters reserved except for the means of access to the site.

Part B: Full planning application for the construction of two general industrial/warehouse and distribution units (Unit 9: 6,400 sq.m and Unit 10: 3,156 sq.m) with ancillary office accommodation (Use Classes B2, B8 and B1) along with site-wide infrastructure works (access, drainage, earthworks and strategic landscaping).

This application had been deferred for two meetings in order for further discussions regarding the access and a site visit to take place. The update report tabled at the meeting detailed objections from Queensway HLC School and the Parish Council and their suggestions for another access option, together with the further access option suggested by Officers (Access Option 4a). Members had considered the access options during the site visit which had taken place that afternoon. The Planning Officer referred Members to the key issues set out in the report which were the principal of development, the boost to the local economy, highways and access, layout and design and the s106 contributions.

Mr D Hyde, on behalf of Horton Action Group, spoke against the application. Local residents were still concerned with regard to the planning process, the creation of rat runs through Wheat Leasowes, the drop off point on the lane and the increased traffic, employment figures and the figures from the traffic report, safe access, the location next to the school, the dual carriageway and the access to the existing Hortonwood site which had been sold.

Mr P Ellingham, Applicant, addressed Members regarding the alternative access arrangements and the active engagement with the School and the Highway Authority. Improvements to the application were bunding, acoustic fencing, a reduction in height and setting back of Unit 10 and the overspill car park, security gates, traffic calming and highways signage. Mr Ellingham considered the principal of access arrangements were now fit for purpose and would avoid excessive use of the access near to the School. The dualling of the road had been incorporated into the highway design.

The Planning Officer drew Members' attention to the landscape and the layout and design of Units 9 and 10. The design appearance and exact location of the units in the outline application were unknown at the present time but height parameters had been set. Separation distances had been improved together with the introduction of a 3m high landscaping bund. Traffic and Highways Officers had no objections to the application. The drop off point and pedestrian access could be omitted from the application. Officers were satisfied with Access Option 4a as detailed in the update report but Members were asked to note that there would be some noise and disturbance and use of the access road past the HLC School during the construction of the site for about the first twelve months, until the signalised junction had been constructed.

During the ensuing debate some Members raised concerns regarding the staff car park and the footpath link, access to the site during school drop off and pick up times especially with construction traffic, the pedestrian access and drop off point on Horton Lane. Overall Members considered that previous concerns regarding the safety surrounding the access to the School had been addressed by the revised access option, which had been explained on site, and the development would be good for the borough.

Upon being put to the vote, it was unanimously:-

**RESOLVED – that with respect to planning application TWC/2015/1064 delegated authority be granted to the Development Management Service Delivery Manager to grant full planning permission subject to:**

- A) The applicant submitting to the local planning authority a signed Memorandum of Understanding relating to:
  - (i) A financial contribution of up to £540,919.24 towards improvements to the local highway network in the vicinity of the application site, with indexation and**
  - (ii) A financial contribution of £10,000 for the monitoring of the Travel Plans.****
- B) Receipt of a set of any revised plans showing the access changes and the site layout.**
- C) subject to the incorporation of access option 4a into the recommendations, the removal of the pedestrian access onto Horton Lane together with a condition to restrict construction traffic at school drop off and pick up times together with the conditions and informatives**

**set out in the report and the update report (and any necessary changes to reflect the amended access scheme).**

(b) TWC/2016/0058 – 8 Ash Lea Drive, Donnington, Telford, Shropshire TF2 7NS

This application was for the erection of an ancillary annexe accommodation following the demolition of an existing garage. Donnington & Muxton Parish Council had requested that the application be determined by the Planning Committee. At the meeting on 6 April 2016 the committee had deferred consideration of the application in order for a site visit to take place, which was undertaken prior to the meeting.

The Planning Officer confirmed that this application was for a single bed unit with part pitched and part flat roof for a family member and would be a detached garden annexe and conditions relating to use and the ability to sell on the annexe would be required.

A debate took place and some Members raised concerns regarding parking and overdevelopment of the site and whether this application would set a precedent for the future.

Upon being put to the vote, it was by a majority:-

**RESOLVED – that planning application TWC/2016/0058 be granted subject to the conditions and informatives set out in the report.**

(c) TWC/2016/0090 – Former Bus Station, King Street, Dawley, Telford, Shropshire

This was a full application for the creation of a 59 space car park with associated alterations and was part of the wider regeneration work being undertaken within Dawley. The application had a new dedicated access and was close to the High Street.

During the ensuing debate it was noted that the Right of Way had been retained and Members could see no reason to refuse the application.

Upon being put to the vote, it was unanimously:-

**RESOLVED – that planning application TWC/2016/0090 be granted subject to the conditions and informatives set out in the report.**

(d) TWC/2016/0121 – Site of Tessant House, Dark Lane, Church Aston, Newport, Shropshire

As set out at minute number PC-106 this application was deferred for consideration at a future meeting.

(e) TWC/2016/0124 – Land at Tessant House, Dark Lane, Church Aston, Newport, Shropshire

As set out at minute number PC-106 this application was deferred for consideration at a future meeting.

- (f) TWC/2016/0197 – Site of The Stafford Arms, Main Road, Ketley Bank, Telford, Shropshire

This was a full planning application for the conversion of a public house to 6no. residential apartments with associated external alterations and creation of 6no. parking spaces. Oakengates Town Council had requested that the application be determined by the Planning Committee. An update report was tabled at the meeting which included amendments to the car parking arrangements.

Councillor S Reynolds spoke on behalf of Oakengates Town Council and residents of Ketley Bank who had raised concerns with regard to car parking, highway safety, the nearby bus stop and visibility issues.

The Planning Officer explained to Members that Highways Officers had been fully engaged with the application and due to the type and nature of the development it was not expected that there would be a high demand for parking.

During the ensuing debate Members raised concerns regarding the impact on the highway, parking and bin collections, but the improvements to the semi-derelict building were welcomed

Upon being put to the vote, it was unanimously:-

**RESOLVED – that with respect to planning application TWC/2016/0154 planning permission be granted subject to the conditions set out in the report and the update report.**

The meeting ended at 7.09pm

**Chairman:** .....

**Date:** .....

## PLANNING COMMITTEE

### Minutes of a meeting of the Planning Committee held on Wednesday, 18 May 2016 at 6.00pm in the Telford Suite at Shropshire College Hotel School Ltd (The Telford Whitehouse Hotel), Watling Street, Wellington, Telford TF1 2NJ

**Present:** Councillors J C Minor (Chair), I T W Fletcher, R T Kiernan (as substitute for Councillor N A Dugmore) J Loveridge N C Lowery, P J Scott, M J Smith and C R Turley.

#### **PC-109      Apologies for Absence**

Councillor N A Dugmore

#### **PC-110      Minutes**

**RESOLVED** – that the minutes of the meeting of the Planning Committee held on 27 April 2016 be confirmed and signed by the Chairman.

#### **PC-111      Declarations of Interest**

In respect of planning applications TWC/2015/0862, TWC/2015/0863 and TWC/2015/0864 Councillor C R Turley advised that he was a member of Hollinswood and Randlay Parish Council but had not been involved in any discussions on these applications.

In respect of minute number PC-115 Cllr P J Scott advised that he was a member of Newport Town Council but had not been involved in any discussion on planning applications TWC/2015/1003 and TWC/2015/1024.

In respect of minute number PC-115 Councillor I T W Fletcher declared an interest due to his wife owning shares in Redrow and withdrew from the meeting during determination thereof.

#### **PC-112      Deferred/Withdrawn Applications**

None.

#### **PC-113      Site Visits**

None recommended.

#### **PC-114      Planning Applications for Determination**

Prior to consideration of this item, the Development Management Service Delivery Manager updated Members on the current position with regards to certain High Court challenges. The Council intended to challenge the Planning Inspector's decision in relation to planning application TWC/2013/1003 Haygate. The Inspector's decision in respect of the larger planning application at Muxton Lane had

been successfully challenged by the applicants and was likely to be re-heard as a single Public Inquiry along with the smaller application on the same site.

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report and the supplementary information tabled at the meeting regarding planning applications TWC/2015/0359 and TWC/2016/0147

(a) TWC/2011/0575 – Land to the South of St Michaels Church, Waters Upton, Shropshire TF6 6NP

This application was for an amendment to the existing S106 Agreement which had been approved during the outline application in March 2013 for the erection of 8 no dwellings with associated access and amenity space and the provision of 40% affordable housing, the provision of community car parking facilities and the contribution of £5,000 towards a Traffic Regulation Order.

A reserved matters application had now come forward and following a viability assessment it was considered that the proposed scheme would be undeliverable and negotiations had taken place which had led to the proposed Deed of Variation which was comprehensively detailed in the report.

Councillor S Bentley, Ward Councillor for Edgmond and Ercall Magna spoke in support of the application on behalf of the Parish Council and the wider community, who recognised the effort that had been made to achieve the agreement on this application.

During the ensuing debate Members recognised that the negotiations had gone a long way to protect the sandstone wall, to secure £45,000 towards the maintenance of the car park and to protect the £5,000 allocated for the Traffic Regulation Order.

Upon being put to the vote, it was unanimously:-

**RESOLVED** – that with respect to planning application TWC/2011/0575 delegated authority be granted to the Development Management Service Delivery Manager to vary the S106 agreement signed by the parties on 12<sup>th</sup> August 2013, to:

- a. remove the requirement to provide affordable housing; and
- b. pay £45,000 to the Parish Council on the transfer of land for the maintenance of the community car park, associated pathways, walls and verge

**NB for the avoidance of doubt the clause for the provision of £5000 towards the Traffic Regulation Order remains unaltered; and indexation for point (b) above is taken from the date of this resolution.**

(b) TWC/2015/0359 – Angel Centre, Osbaston, Telford, Shropshire  
TF6 6RB

This application was for change of use from a residential training facility (use class C2) to land and buildings for the storage and distribution of vehicles (use class 8) prior to their onward sale and had been through three rounds of consultation. The development would be undertaken on a phased basis and this application, which was part retrospective, related to Phase 1 to establish storage and distribution focussed on the western and southern areas of the site. The Planning Officer drew particular attention to aspect of the report relating to on site facilities, highways and hours of operation.

A site visit had taken place in the afternoon prior to the meeting and had considered the roads, the routes to the south and north, Walton bend, issues and arrangements regarding the size of the road and the width of the verges and the information contained in the S106 Agreement.

An update report was tabled at the meeting which set out further consultation responses and the representations received regarding a deferment of the application, the highway infrastructure and the hours of operation

Councillor R Wickson spoke on behalf of Ercall Magna Parish Council on the grounds that whilst the Parish Council encouraged business and recognised the site as brownfield, this development would be detrimental to the area and the environment in its present form. He raised concerns regarding traffic movements, hours of operation, pinch point along the access routes, passing places and the lack of maintenance of the roads.

Councillor S Bentley spoke as Ward Councillor for Edgmond and Ercall Magna. Whilst he accepted the historic use of the site and noted the negotiations which had taken, he remained concerned about the traffic management plan, highways, loss of hedgerow and the protection of the natural habitat.

Mrs E Bates spoke on behalf of the Local Residents who were concerned about the cumulative impact on the community particularly regarding access, ecology, employment, the S106 Agreement and planning conditions. She considered that there was insufficient information before the Committee for them to make a decision.

Mr S Buckley, the Applicant's Agent, informed Members that the Company had outgrown its current provision and had insufficient storage space which was impacting on growth. A limited amount of cars were being stored on site which had been brought in individually. The site had been previously developed the proposals were compliant with the NPPF. A new access had been agreed with Highway Officers. He concluded that the application would create new local jobs and support a successful business.

The Planning Officer referred Members to aspects of the report including consultation responses, site and surroundings, principle of change of use, highways and impact of infrastructure, air quality, drainage and impact on the character and appearance of the area.

During the debate some Members suggested a deferment of the application to allow further consideration to be given to concerns raised regarding hours of operation, the route through Longdon on Tern, the number of vehicle journeys within Phase 1 and Phase 2, speed of traffic, width of passing points, hedgerows, flood risk, the structural integrity of the listed bridge and general highway maintenance, access and safety concerns. Other Members supported the re-development of a brownfield site as the site needed to be used.

In response to some Members' comments the Group Manager, Development Team advised Members regarding the structural integrity of the bridge and confirmed that regular inspections were undertaken. The Engineer was satisfied that the bridge was more than adequate as a public highway and was currently used by agricultural vehicles and the maintenance of public highways was a statutory duty. Financial contributions from the S106 Agreement would be used to improve the current signage.

The Development Management Service Delivery Manager agreed to speak to colleagues and ask them to consider a further inspection of the bridge.

Upon being put to the vote, it was by a majority:-

**RESOLVED** – that with respect to planning application TWC/2015/0359 delegated authority be granted to the Development Management Service Delivery Manager to grant planning permission subject to the applicant entering into a Section 106 Agreement with the local planning authority (terms to be agreed by the Development Management Service Delivery Manager) relating to:

**a) (i) A Routing Agreement:**

**The routing of all vehicle transporters associated with the movement of cars to and from the site shall be in accordance with those routes indicated on submitted drawing number M14074-C-025 Rev A [please note plan no. revision from Planning Committee Report, in line with latest information cited elsewhere in the report]; in that no transporters are permitted to travel through the Walton Bend on the B5063 and therefore all transporters may only turn left out of Crabtree Lane onto the B5063 and right into Crabtree Lane from the B5063.**

**(ii) £5,000 towards the monitoring of this routing agreement.**

**(iii) Measures for the provision of the sum of £100,000 to be called upon to install shuttle operation traffic signals on the Walton Bend if there are three proven instances of transporters defaulting on the routing agreement within a 6 month period. Upon any installation of traffic signals on the bend the routing agreement from the junction of Crabtree Lane/B5063 shall become null and void.**

**(iv) Control of existing access for usage by office staff and as a welcome**

**type facility for visitors only.**

- (v) £7,500 towards signing and lining improvements on the B5062 Cotwall Lane at New Cottages bend (Grid Ref. 361106, 317721) and the stone bridge 240 metres to the west of the A442 (Grid Ref. 362821, 318019)**
- (vi) £10,000 towards a speed review on the B5063 between High Ercall and Walton with a view to reduce the speed limit from 60mph to 40mph. Works will include all associated lining, signing and legal orders**

**NB. Any indexation shall be taken from the date of this resolution.**

- b) The conditions and informatives set out in the report and the update report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).**
- (c) TWC/2015/0836 – Land between Arleston Lane & Dawley Road, Arleston, Telford, Shropshire**

This was a reserved matters application for layout, scale, appearance and landscaping for the erection of an Extra Care Facility containing 50no self-contained flats and associated communal/public facilities including a shop, restaurant, café, hair & beauty salon and hobbies/meeting room and for the erection of 95 no residential dwellings. Consideration of the application had been deferred by the Committee at the meeting on the 27 April 2016 to enable further negotiation to take place with the applicant in relation to a number of concerns as set out in the report.

The application had been referred to Planning Committee for determination by the local Ward Member, Councillor A McClements, who spoke against the application. Whilst she welcomed the deferral on the 27<sup>th</sup> April and subsequent negotiations, she remained concerned regarding parking for the facilities and accommodation, the continued over-development on the western boundary, the impact of the design on the unique character of the village, the impact of the Extra Care Facility on the skyline and the location of the LEAP.

Mr G Devey, local resident raised concerns regarding lack of consultation, the outline permission which had been granted prior to the Council having a 5 year housing land supply, the ridge level of the dormer towers, the bright colours of the Extra Care Facility and the housing layout, the extra traffic, car parking and space for deliveries, the LEAP situated next to the M54 the rights of way and that this application did not fit within the setting of the village.

Mr M Sitch, the Applicant's Agent, informed Members that they had responded positively to the concerns raised and worked hard with Officers in order to produce an acceptable scheme.

The Planning Officer reminded Members that they were considering the reserved matters application. Outline permission had already been approved for the three

storey Extra Care Facility, the LEAP, pre-commencement conditions and the number of units.

During the ensuing discussion some Members had concerns regarding the lack of parking, the position of the LEAP, the application not being in keeping with the residential area, overdevelopment, the roofline and the space standards. Other Members considered that at the outline planning stage Members had asked the applicant to re-consider aspects of the development and there was no reason to refuse the application.

Upon being put to the vote, it was by a majority:-

**RESOLVED – that with respect to planning application TWC/2015/0836 delegated authority be granted to the Development Management Service Delivery Manager to grant planning permission subject to the conditions and informatives set out in the report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).**

(d) TWC/2015/0862 – Plot 2, T54, The Naird, Telford, Shropshire

Following a unanimous decision by the Committee, this application was considered in conjunction with planning applications TWC/2015/0862, TWC/2015/0863 and TWC/2015/0864 due to them being on the same site and being similar in nature. Each application was voted on separately.

These full applications were for the erection of three industrial buildings with use class B1, B2 and B8 and associated parking, access and landscaping on Plots 2, 3 and 5, Telford 54, Nedge Hill, Telford and were before Members as a Section 106 Agreement was required on each application. The Planning Officer referred Members to aspects of the reports which set out the proposals in full, detailed the site and surroundings and highlighted the Ecological Impact Assessment.

During the ensuing debate, a question was raised with regard to Condition A3, monies to be indexed, and when this would start. The Legal Officer confirmed this would begin on the date of payment. Members welcomed the applications and hoped these Units would be in use as soon as possible.

Upton being put to the vote, it was unanimously:-

**RESOLVED - that with respect to planning application TWC/2015/0862 planning permission be granted subject to:**

**A) The applicant/landowners entering into a Section 106 agreement with the Local Planning Authority relating to:**

- (i) A financial contribution of £87,880 towards improvements to the local highway network in the vicinity of the application site, and**
- (ii) A financial contribution of £10,000 towards improvements to the existing bus stops within the vicinity of the application site be**

paid by which ever plot (2, 3 or 5) is implemented first and the S106 would be worded accordingly.

- (iii) The monies are to be indexed to start from the date of this Planning Committee and any unspent monies after 5 years from the date(s) of payment refunded to the applicant.

**B) The conditions and informatives set out in the report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).**

- (e) TWC/2015/0863 – Plot 3, Telford 54, Nedge Hill, Telford, Shropshire

As set out at (d) above this application was heard in conjunction with planning applications TWC/2015/0862 and TWC/2015/0864.

Upon being put to the vote, it was unanimously:-

**RESOLVED – That with respect to planning application TWC/2015/0863 that planning permission be granted subject to:**

**A) The applicant/landowners entering into a Section 106 agreement with the Local Planning Authority relating to:**

- (i) A financial contribution of £27,200 towards improvements to the local highway network in the vicinity of the application site;
- (ii) A financial contribution of £10,000 towards improvements to the existing bus stops within the vicinity of the application site be paid by which ever plot (2, 3 or 5) is implemented first and the S106 would be worded accordingly.
- (iii) The monies are to be indexed to start from the date of this Planning Committee and any unspent monies after 5 years from the date(s) of payment refunded to the applicant.

**B) The conditions and informatives set out in the report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).**

- (f) TWC/2015/0864 – Plot 5, Telford 54, Nedge Hill, Telford, Shropshire

As set out at (d) above this application was heard in conjunction with planning applications TWC/2015/0862 and TWC/2015/0863.

Upon being put to the vote, it was unanimously:-

**RESOLVED – that with respect to planning application TWC/2015/0864 planning permission be granted subject to:**

**A) The applicant/landowners entering into a Section 106 agreement with the Local Planning Authority relating to:**

- (i) A financial contribution of £43,520 towards improvements to the local highway network in the vicinity of the application site;**
- (ii) A financial contribution of £10,000 towards improvements to the existing bus stops within the vicinity of the application site be paid by which ever plot (2, 3 or 5) is implemented first and the S106 would be worded accordingly; and**
- (iii) The monies are to be indexed to start from the date of this Planning Committee and any unspent monies after 5 years refunded to the applicant.**

**B) The conditions and informatives set out in the report (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager).**

**(g) TWC/2015/0928 – Land East of 21A St Michaels Close, Madeley, Telford**

This was an outline application for the erection of 1 no dwelling with associated double garage and access with all matters reserved and sought the creation of vehicular access off St Michaels Close. Councillor J Jones had requested that this application be determined at Planning Committee.

The Planning Officer drew Members' attention to the background to this application set out in the report and recent grant of planning application TWC/2014/0178 on appeal. The Planning Officer referred to the lower density of this application in comparison with TWC/2014/0178 and commented on the sustainable location employment opportunity, Policy compliance and the established principle of development.

During the ensuing debate, some Members felt that this application sent a negative message, conflicted with policy and had an impact on its surroundings due to being visible from Coalport Road. However, it was considered that it was difficult to refuse in light of the decision of the Planning Inspector.

Upon being put to the vote, it was unanimously:-

**RESOLVED – that with respect to planning application TWC/2015/0928 that planning permission be granted subject to the conditions and informatives set out in the report.**

**(h) TWC/2016/0147 – Land North of Grove Road, Overdale, Telford, Shropshire**

This application was an outline application for a residential development with associated access and all other matters reserved. An indicative layout plan demonstrated that the site could achieve 80 units.

An update report was tabled at the meeting which set out further consultation responses and representations received regarding noise, drainage and crime during the building phase with regard to site offices, storage areas and plant and machinery.

Councillor J Greenaway spoke against the application on behalf of Lawley & Overdale Parish Council on the grounds of the lack of playing facilities, the increase of traffic and the use of short cuts by cars and HGVs, highway safety, the public rights of way, the stability of the embankment, opencast mines, the viability of the scheme and the acoustic barrier for 45 new dwellings close to the M54.

Councillor M Boylan, Ward Councillor, opposed the application on the grounds that he considered further investigation was needed on the mine shafts, the acoustic barrier and viability issues, the location and the loss of open space, the impact on the highway, limited amenities, the application would be detrimental to the area and along the M54 corridor and the lack of affordable housing which was contrary to Council Policy.

Ms H Barker, local resident, also raised concerns regarding the increase of traffic and highway safety, the short cuts by taxis and HGVs and the speed of traffic and the need for traffic calming measures and the safety of the proposed living conditions.

Mr P Harris, Applicant's Agent, addressed Members that the viability of the site had been difficult due to the high technical issues that ran along the embankment of the M54 but the revised S106 agreement now made the site viable with an acceptable layout and density as shown on the illustrative plan. He considered that the open space and green network was in private land so did not affect the application and hoped that a reserved matters application would come forward shortly.

The Planning Officer reminded Members that the principle of the development had already been accepted and that this application was subject to the S106 which had lapsed and consideration needed to be given to the application being within the green network but had no defendable boundary, the layout, noise, air quality, stability and the viability issues which were set out in the report and update report.

During the ensuing debate, some Members raised concerns regarding suitability of the site, the stability of the development, noise and air pollution. Other Members considered that if the application was refused, it would be difficult to defend at appeal and could see no material reasons to refuse the application.

Upon being put to the vote, it was by a majority:

**RESOLVED - that with respect to planning application TWC/2016/0147 that planning permission be granted subject to:**

- a) **The applicants entering into a Section 106 agreement with the Council (terms to be agreed by the Development Management Service Delivery Manager) that includes the provision of:**

- i. **£62,000 towards primary education facilities, towards the expansion of Old Park;**
- ii. **£24,000 towards offsite Leisure and recreation facilities, to be spent in the nearby play area sites – Overdale Playing Field and Riding Close:**
- iii. **£10,000 towards offsite highway works, to fund rights of way improvements from Grove Road to Waterloo Road**

**NB. Indexation shall be taken from the date of the resolution to grant**

- b) **the conditions and informatives set out in the report and update report (with authority to finalise conditions and reasons for approval to be delegated to the Development Management Service Delivery Manager)**
- (i) TWC/2016/0263 – Ketley Community Recycling Centre (CRC), Whitchurch Drive, Telford, Shropshire TF1 5AB

This application was for a change of use of the existing recycling centre to a gypsy and travellers site and provision of 1 no toilet block following the closure of the CRC after the completion of the new purpose built facility at Hortonwood and improvements to the Halesfield had been undertaken.

This application had been brought before the Planning Committee following requests from Councillors Mark Boylan and Joy Francis and a site visit had taken place prior to the meeting.

The Planning Officer referred Members to the report with regard to the principle of development, the loss of the existing recycling facility, the design and layout of the scheme, the impact on neighbours and the highway infrastructure.

Councillor J Francis, Ward Councillor, spoke against the application and raised concerns from local residents regarding fly tipping, the lack of consultation, the site which was elevated and not effectively screened and which backed onto gardens off Western Rise, how the conditions would be regulated and policed and why the site had not been considered for small business units or bungalows.

The Service Delivery Manager, Cohesion, who managed Traveller Liaison advised Members regarding the Council's legal obligations to provide suitable accommodation for travellers and the current need for further transient sites. He commented on the site layout, proposed management by the Gypsy/Traveller Officer from within the Community Cohesion Team and the terms of occupation.

During the ensuing debate some Members felt that putting this development in what they believed was an elevated and insufficiently screened site in the middle of the town and close to nearby houses was not an acceptable use and suggested that other uses for the site were explored. Other Members felt that this was an excellent use of the former CRC, there would be less traffic and it would not impact on the nearby houses due to the 130m separation distance, it gave good access to the M54

and the maximum stay was for 28 days and they could see no reason to refuse the application.

Upon being put to the vote, it was by a majority:-

**RESOLVED - that with respect to planning application TWC/2016/0263 that planning permission be granted subject to the conditions and the informatives set out in the report.**

#### **PC-115 Planning Applications for Consideration**

Following a unanimous decision by the Committee, applications for consideration, TWC/2015/1003 and TWC/2015/1024 would be heard together due to them being on similar in nature. Each application was voted on separately.

Councillor I Fletcher took no part in this item and left the room.

The Planning Officer informed Members that the purpose of the reports was for Members to decide on a position for the Council to maintain at appeal in relation to an application by Redrow Homes for outline planning permission for the sites for 110 homes to the North end of Newport and a new access for Forton Road and a further 170 homes to the South of Newport on Kestrel Close which would involve demolishing 2 no 4 bedroomed homes within Kestrel Close. Full details of the applications could be found in the report which were tabled at the meeting and raised concerns with regard to the loss of green network, trees and hedgerows, drainage, noise, impact on the highways, parks and opens spaces, education, ecology, urban design, planning policy and affordable housing.

During the ensuing debate Members raised concerns regarding the loss of green space and the effect on the local wildlife, the large amount of houses that were already being built or due to come forward, knocking down of 2 x 4 bedroomed houses to accommodate the highway, Forton Road not suitable for extra traffic and concerns regarding the right turn at the junction of the A41 and the lack of public transport. Members considered the reason for refusal set out in each report and decided that both of these applications should be refused for the reasons stated.

- a) TWC/2015/1003 – Land east of Kestrel Close/Beechfields Way, Newport, Shropshire

Upon being put to the vote, it was unanimously:-

**RESOLVED - that had an appeal against non-determination not been submitted that PLANNING PERMISSION would have been REFUSED for the following reasons:**

1. **The site lies in countryside outside the built up area of Newport, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The site also lies outside the settlements of High Ercall, Tibberton and Waters Upton, where new development within the rural area is expected to be focused. The**

**Council has in excess of a five year housing land supply and there are no exceptional circumstances to justify the provision of new housing in this location. As such the development proposal is contrary to the NPPF, saved Wrekin Local Plan policies OL6 and Core Strategy policies CS6, CS7 and CS11 and Policy SP2 of the Telford & Wrekin Local Plan (Publication Version).**

- 2. The proposal would result in the likely loss of two protected veteran oak trees that have a high ecological and amenity value. In addition the proposals do not accord with paragraph 99 of ODPM Circular 06/2005, or Standing Advice from Natural England nor do they provide necessary survey information relating to bats. The proposals do not contain sufficient information in order for the Local Planning Authority to be satisfied that their duty under regulation 9(5) of the Conservation of Habitats Regulations 2010 has been discharged, in that the use or otherwise of the dwellings to be demolished as bat roosts has not been established nor the extent to which any bat population may be affected by the proposals. Survey information is envisaged and no exceptional circumstances exist for the grant of permission in the absence of survey information. Nor has it been shown that any necessary disturbance caused by precautionary mitigation could not be avoided based upon survey information. Alternatives have not been explored. As such the proposal falls short of policy expectations set out in Policy CS12 of the Telford & Wrekin Core Strategy and national planning policy including the National Planning Policy Framework.**
- 3. Insufficient information has been submitted to demonstrate that the development can be accommodated within the existing highway network without the need for mitigation. In addition the proposal would result in approximately 170 dwellings being accessed from a single point of access which would represent an unacceptable form of development. As such the development proposal is contrary to the NPPF and saved Wrekin Local Plan Policy UD2.**
- 4. Insufficient information has been submitted to demonstrate that the quantity of development proposed can be accommodated on the site without it having a detrimental impact on the character and appearance of the wider landscape. As such the development proposal is contrary to the NPPF, to saved Wrekin Local Plan policy UD2 and to Core Strategy CS15.**
- 5. Insufficient information has been submitted to demonstrate that the development can provide acceptable living standards for potential future occupiers with regard to noise pollution from traffic travelling along the A41. As such the development is contrary to the NPPF.**
- 6. In order to give officers flexibility during the progress of this appeal, that the Development Manager: Development , Business and Employment (or any other officer authorised by him), be authorised**

to add to, change or amend the reasons for refusal and add to, change or amend the above-mentioned heads of terms for the Section 106 planning obligations

- b) TWC/2015/1024 – Site of Plough Farm Nursery, Plough Lane, Newport, Shropshire

Upon being put to the vote, it was unanimously:-

**RESOLVED** - that had an appeal against non-determination not been submitted that **PLANNING PERMISSION** would have been **REFUSED** for the following reasons:

1. The site lies in countryside outside the built up area of Newport, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The site also lies outside the settlements of High Ercall, Tibberton and Waters Upton, where new development within the rural area is expected to be focused. The Council has in excess of a five year housing land supply and there are no exceptional circumstances to justify the provision of new housing in this location. As such the development proposal is contrary to the NPPF, saved Wrekin Local Plan policy OL6 and Core Strategy policies CS6, CS7 and CS11 and Policy SP2 of the Telford & Wrekin Local Plan (Publication Version).
2. Insufficient information has been provided to demonstrate that the proposal will not cause an offence under the Conservation of Habitats and Species Regulations (2010) and the Protection of Badgers Act 1992. As such the development proposal is contrary to the NPPF and Core Strategy Policy CS12.
3. Insufficient information has been submitted to demonstrate that the development can be accommodated within the existing highway network without the need for mitigation. In addition the proposal would result in approximately 110 dwellings being accessed from a single point of access which would represent an unacceptable form of development. As such the development proposal is contrary the NPPF and saved Wrekin Local Plan Policy UD2.
4. Insufficient information has been submitted to demonstrate that the quantity of development proposed can be accommodated on the site without it having a detrimental impact on the character and appearance of the wider landscape. As such the development proposal is contrary to the NPPF, to saved Wrekin Local Plan policy UD2 and to Core Strategy CS15.
5. Insufficient information has been submitted to establish the principle of surface water drainage for the site. As such the development is contrary to the NPPF and to Core Strategy Policy CS13.

6. **Insufficient information has been submitted to demonstrate that the development can provide acceptable living standards for potential future occupiers with regard to noise pollution from traffic travelling along the A41. As such the development is contrary to the NPPF.**
- 7 **In order to give officers flexibility during the progress of this appeal, that the Development Manager: Development , Business and Employment (or any other officer authorised by him), be authorised to add to, change or amend the reasons for refusal and add to, change or amend the above-mentioned heads of terms for the Section 106 planning obligations.**

PC-116 Endorsement of an Article 4 Direction (non-immediate) to remove permitted development rights for the conversion of offices, storage and distribution centres to residential in the Borough's primary employment areas namely Central Park/Town Centre, Halesfield, Hortonwood, Stafford Park and Tweedale as identified on the plan and edged red.

The Planning Officer presented the report of the Assistant Director Business, Development and Employment, which set out the resolution by Cabinet to seek an Article 4 Direction and the Committee were asked to endorse this approach.

The proposed Article 4 Direction prevented the change of use of an office building and land within its curtilage or storage or distribution centres from being converted to residential units without planning consent within Central Park/Town Centre, Halesfield, Hortonwood, Stafford Park and Tweedale, in order to retain the integrity of existing large employment areas and encourage jobs and businesses into the Borough, whilst safeguarding the living conditions of residential occupiers due to the lack of community facilities, issues with highways and drainage and through contamination of land within these employment sites.

The report proposed that an application be made to the Secretary of State for a Non-Immediate Article 4 Direction which would then be subject to a six week consultation. Following consultation, if the Non-Immediate Article 4 Direction was adopted, permitted development rights would be removed without compensation being payable, but it would take one year and eight weeks to come into effect.

Members questioned whether Newport could be added to the list of sites within the Article 4 Direction and the Planning Officer explained that the employment site within Newport did not have suitable credentials to be submitted to the Secretary of State and was unlikely to be approved.

Upon being put to the vote, it was unanimously:

**RESOLVED - that:**

1. **Following the resolution by Cabinet to delegate authority to Assistant Director: Business Development and Employment to make a Non-Immediate Direction with immediate effect under Article 4 (1) of the Town and Country Planning (General Permitted Development Order)**

**2015 to remove permitted development rights under Schedule 2 Part 3 Class (O) changes of use from offices to dwellinghouses and Schedule 2 Part 3 Class (P) changes of use from storage or distribution centre to dwellinghouses from the employment areas of Central Park/Town Centre, Halesfield, Hortonwood , Stafford Park and Tweedale as identified on the attached local plans; and**

- 2. that Cabinet further resolved to delegate authority to Assistant Director: Business Development and Employment in consultation with the Lead Cabinet Member to exercise all the powers conferred on the Council regarding the making, processing and confirmation of the Direction referred to in paragraph 1.**

The meeting ended at 8.46pm

**Chairman:** .....

**Date:** .....

## PLANNING COMMITTEE

### Minutes of a meeting of the Planning Committee held on Wednesday, 8 June 2016 at 6.00pm in the Walker Room, Meeting Point House, Southwater Square, Telford TF3 4HS

**Present:** Councillors J C Minor (Chair), N A Dugmore, I T W Fletcher, J Loveridge, N C Lowery, S J Reynolds (as substitute for L A Murray) and C R Turley.

#### **PC-001      Apologies for Absence**

Councillor L A Murray and P Scott

#### **PC-002      Minutes**

**RESOLVED** – that the minutes of the meeting of the Planning Committee held on 18 May 2016 be confirmed and signed by the Chairman.

#### **PC-003      Declarations of Interest**

Councillor S J Reynolds declared an interest in planning application TWC/2016/0125 but that application was subsequently deferred for a site visit in any event

In respect of planning applications TWC/2016/232 and TWC/2016/0284 Councillor N A Dugmore advised that he was a member of Muxton and Donnington Parish Council but had not been involved in any discussions on these applications.

#### **PC-004      Deferred/Withdrawn Applications**

None.

#### **PC-005      Site Visits**

**RESOLVED** – that the following applications be deferred for Site Visits to take place on Wednesday, 29<sup>th</sup> June 2016:

**TWC/2016/0121 and TWC/2016/0124 – 3.30pm - at Tessant House, Dark Lane, Church Aston, Newport, Shropshire**

**TWC/2016/0125 - 4.15pm - Moss Road/Rookery Road, Wrockwardine Wood, Telford, Shropshire**

#### **PC-006      Planning Applications for Determination**

Members had received a schedule of planning applications to be determined by the Committee and fully considered each report.

(a) TWC/2016/0232 – Reviive, Wellington Road, Donnington, Telford, Shropshire TF2 8AA

This was a retrospective application for the retention of three storage containers to be used for storage in connection with the authorised use of the site for the sale, storage and refurbishment of furniture which would be re-located within the site together with the removal of unit B.

The Planning Officer explained to Members that the containers were not used often and that moving of the containers would lessen the visual impact on nearby residents subject to conditions regarding operating hours, two year temporary permission and an additional condition to remove container B within one month.

Cllr E Clare, Ward Councillor for Donnington, raised concerns regarding the impact on the adjoining residents, the smashing up of furniture on the site, and noise levels if the container was opened regularly and the contents to be stored within the containers.

During the ensuing debate Members recognised the history and the sensitivity of the site and raised concerns regarding the use of the containers and asked that the site be closely monitoring and enforcement action be taken if necessary. Members suggested that a one year temporary permission be agreed.

The Planning Officer suggested that condition 2 be amended to clarify that the containers only be used for the storage of re-usable furniture. Members requested that the enforcement officer monitored the site on a regular basis in view of the site's history to ensure that all conditions were being complied with

Upon being put to the vote, it was unanimously:-

**RESOLVED – that with respect to planning application TWC/2016/0232 that planning permission be granted subject to:**

- a) Temporary consent – 1 year**
- b) Containers to be used for the storage of re-usable furniture only**
- c) The removal of unit B within one month**
- d) The hours of operation – Monday to Friday 9am to 5pm**

**and the informatives set out in the report.**

(b) TWC/2016/0249 – Land adjacent Grangefields, Hay Street, Tibberton, Newport

This was a reserved matters application for the erection of 1no detached dwelling with integral garage to include access, appearance, layout, scale and landscaping and had been subject to amendments at the request of officers.

Councillor J Berry spoke on behalf of Tibberton and Cherrington Parish Council who appreciated the amendments that had been made to the application but continued to raise concerns regarding the height of the development and the impact on the Duke

of Sutherland houses within the village. Councillor Berry suggested that the application be deferred for further negotiations to take place.

Mrs G Parkes, Applicant, addressed Members regarding the changes that had been made to the application, the diverse housing stock within the village, the height of the development which would not have an impact on the neighbouring houses.

The Planning Officer advised Members that there were taller buildings within the village and there were no planning reasons for a deferment to take place.

During the debate some Members raised concerns regarding the height of the development and the impact on the Duke of Sutherland houses. Other Members considered that the applicant had worked with officers to produce an acceptable 2½ storey scheme similar to others within the village and could see no reason to refuse the application.

Upon being put to the vote, it was by a majority:-

**RESOLVED** – that with respect to planning application TWC/2016/0249 that planning permission be granted subject to the conditions and informatives set out in the report.

(c) TWC/2016/0284 – Land rear of 10-21 Frome Way, Donnington, Telford

This application sought a variation of condition No 14 following the grant of planning permission W2008/0705 in November 2014 and was to remove the requirement for the provision of a footpath from the site off Frome Way, Donnington to St Georges Road due to work being required on third party land.

Councillor V Fletcher, Ward Councillor for Priorslee, spoke against the proposals on the grounds that residents would be prevented from accessing the local bus service, it went against the Council's Transport Policies, and she considered the measurements and calculations were inaccurate.

The Planning Officer explained to Members that the distances were within acceptable guidelines and that not every property could be within the ideal walking distance. Implementation of the condition would be difficult due to it being on third party land and that this would not be enforceable.

During the ensuing debate, some Members raised concerns regarding highway safety, walking guidelines, and questioned why the condition had been included within the original application if it was not enforceable, what discussions had taken place with the owner and the accuracy of bus stop distances. The problems of enforcement and the test to be applied in considering the application to vary were highlighted. Members expressed the opinion that this was a lesson to be learnt for the future

However, upon being put to the vote, it was by a majority:-

**RESOLVED** – that with respect to planning application TWC/2016/0284 that the variation of Condition 14 of Planning Approval W2008/0705 be approved.

The meeting ended at 6.47pm

**Chairman:** .....

**Date:** .....

**SCRUTINY MANAGEMENT BOARD****Minutes of a meeting of the Scrutiny Management Board held on Thursday 17  
March 2016 at 6.00pm in Meeting Room G4, Addenbrook House,  
Ironmasters Way, Telford, TF3 4NT**

**PRESENT:** Councillors S A W Reynolds (Chair), A Burford, N A M England, V A Fletcher, J Greenaway, K Guy, J M Seymour.

**ALSO PRESENT:** Councillor S Davies, Cabinet Member Business, Neighbourhood & Customer Services; Councillor E Clare, Cabinet Member Leisure Services & Culture; A Astley, Assistant Director Customer & Neighbourhood Services; J Eatough, Assistant Director Legal, Procurement & Commissioning; F Mercer, Assistant Director Commercial Services; K Kynaston, Assistant Director Business, Development & Employment; P Hudson, Arts & Culture Manager; F Bottrill, Scrutiny Group Specialist; D Moseley, Democratic Services Officer; S Jones, Scrutiny Officer.

**IN ATTENDANCE:** Councillors G Cook, P Scott, B Tillotson.

**SMB-14      APOLOGIES FOR ABSENCE**

Cllrs. S Bentley (Scrutiny Management Board) and J Ashford (Customer, Community & Partnership Scrutiny Committee)

**SMB-15      DECLARATIONS OF INTEREST**

Cllr. Fletcher declared an interest as a member of St George's and Priorslee Parish Council.

**SMB-16      MINUTES**

**RESOLVED – that the minutes of the meeting of the Scrutiny Management Board held on 4 November 2015 be confirmed and signed by the Chair.**

**SMB-17      HOLDING THE EXECUTIVE TO ACCOUNT: CLLR. S DAVIES,  
CABINET MEMBER BUSINESS, NEIGHBOURHOOD & CUSTOMER  
SERVICES**

After welcome and introductions, the Chair set out that one of the roles of scrutiny is to hold the Executive to account. The Scrutiny Management Board carries out this role but the sessions also enable scrutiny members to consider matters of importance that are not covered by the work programme. Members of the Customer, Community & Partnership Scrutiny Committee had been invited to ask questions about issues within the committee's remit.

Cllr Davies thanked the Board for inviting him and then responded to questions.

*What are your main achievements as Cabinet member in the first 9 months of the administration?*

Cllr Davies summarised achievements in key areas as:

- Business – Telford & Wrekin has become recognised nationally as a ‘Business Supporting, Business Winning’ Council. Telford is an Enterprise Town and the Telford Business Growth Hub has been launched to provide tailored business support packages to rival the Enterprise Zones. The £25m investment in the Property Investment Portfolio would further improve the offer. Businesses are being drawn into the borough and are committed to staying.
- Neighbourhood services –the Pride programme is delivering some excellent projects. In terms of highways, there has been a focus on ‘pothole busting’ but the priority should be to get things right first time and the £2m additional funding agreed in the budget for planned maintenance should reduce the need for reactive repairs. The Council has a good track record of securing funding from the LEP and would be working to achieve a fair share of investment through the West Midlands Combined Authority. The Veolia waste contract has delivered significant savings, recycling rates have increased and there is good feedback from residents.
- Customer services – a priority had been to address wait times at the contact centre and there have been tangible improvements in wait times and call abandonment rates. The longest wait in June 2013 had been 1 hour 10 minutes and in January 2016 was down to 19 minutes. Corporate communications has been transformed with the use of Twitter, Facebook, other social media and the introduction of video technology enabling the Council to interact daily with residents. The Council has over 3,000 followers on Twitter.
- Commercial services (overseen by the Commercial Board) include the housing investment in Nuplace where the first tenants had moved into Randlay and half the houses in Madeley, which would be complete by the end of the year, were already reserved; the solar farm had generated a profit of £185k which has been invested in adult care packages and services for children in care; Services for Schools have generated record amounts of income from schools in Telford and Wrekin and increasingly out of the borough.

*Have you formed any views on the implications of the Chancellor’s budget for services in your area?*

Cllr Davies said he welcomed the increase of the cap on business rates as good for the many small businesses in the borough but was concerned about the cost to the Council in lost income and how the loss from the discount would be made up. The Council currently retains 50% of business rates set to rise to 100% by 2020 as government grant is phased out.

*What do you see as the main challenges for the Council over the next 4 years?*

Income will be the key challenge. Of the main funding streams -

- Government grant will be phased out by 2020
- Income from business rates will be affected by the business rate reform although details are not clear. The UK growth forecast has been downgraded which would

potentially impact on income from business rates. Telford has relatively few large businesses and the loss of even one business would have an impact.

- Council Tax – Telford & Wrekin has the second lowest level of Council Tax in the West Midlands and a low Council Tax base with the majority of properties in Bands B/C. By the government's calculation this means that Telford & Wrekin has the equivalent of £11m p.a. less spending power than the national average.
- Commercial income is important but there are risks and limitations for local authorities raising commercial income and it will not be enough to bridge the gap.

In terms of budget pressures:

- The majority of expenditure is on adult social care and services for children in care. The introduction of the living wage will impact on care provider costs and demand will continue to increase with the ageing population.
- The borough has pockets of above average levels of deprivation which puts pressure and expectations on public services.
- Telford is a New Town and infrastructure and assets are failing at the same time.

The uncertainty of income and increased pressure on expenditure will mean that more difficult decisions will need to be taken.

*Why do you think it is important for the Council to invest in commercial projects like Nuplace or the solar farm?*

The solar farm generated £500k revenue in its first year of which £185k was net profit which went towards supporting adult care and children in care. The land is Council owned and at the end of the project will still be owned by the Council. As a legacy of Telford Development Corporation, the Council is asset poor. Nuplace will create 400 homes owned by the Council as assets to pass on. Each home will generate rental income and Council Tax for the authority as well as raising the bar in standards in the private rented sector. The houses are built on Council owned brown-field sites that had been dormant for 15 years and had not attracted private developers.

If the Council does not make these investments it would mean making further cuts to services. Other authorities have approached Telford & Wrekin to find out more about the commercial approach including Shropshire Council which is exploring solar.

In response to further questions about Nuplace Cllr Davies clarified that:

- The model is based on ownership and there are no plans to sell the properties;
- As private lets there is no Right to Buy provision for tenants.
- Registered Providers (RPs) have not expressed concerns about Nuplace either with Phase 1 or Phase 2. RPs have a different product – they provide discounted social housing and Nuplace rents at market rates - and as such private landlords are more likely to feel the impact. Nuplace is building on Council owned land which RPs had chosen not to develop.
- Cllr Davies disagreed that Nuplace, by letting at market rents, is not meeting a social need. The first tenant at Randlay had previously rented in the private sector and had welcomed the opportunity to rent from the Council as a trusted landlord, to have good quality accommodation with a simple registration and

occupation process. Nuplace is therefore meeting a social need. 100% of the Phase 2 houses in Newport would be let at affordable rents.

- No income assumptions from New Homes Bonus had been built into the financial model and Nuplace would not be affected by changes to NHB. The government has consulted on reducing NHB from 6 to 4 years but the details are as yet unclear.

*Given the uncertainty around income, from your position on the Commercial Board, are you looking to expand the portfolio of commercial projects?*

Nuplace Phase 2 would continue to develop the housing stock, the solar farm would continue and Services for Schools would be working to retain and develop new business – there are challenges and opportunities around ‘academisation’ – and the Commercial Board would consider other ventures. All propositions take into account the cost of borrowing and the potential to generate a surplus.

*There were a number of questions about Pride in Your High Street.*

Cllr Davies clarified that:

- There had been a robust bidding process and not all bids had been successful.
- Some areas were over-subscribed and others were under-subscribed.
- The underspend of the fund would be ring-fenced for projects in Wellington, Donnington and Oakengates which had been under-subscribed. Options for using the money were being considered such as a retail challenge.
- There were no plans to re-run the programme.

*Are you considering any different ways of working when the remaining elements of the waste services contract are handed over to Veolia?*

The remaining contracts with TWS (residual and green waste collection, green waste disposal and community recycling centres) are due to expire in 2019 and will be managed by Veolia as part of the new contract. The plans for the community recycling centres have been brought forward to move from 4 centres to 2, one in the north and one in the south, managed by Veolia. The possibility of bringing forward the red-top collection service is being looked at.

In terms of environmental services, the Parish Environmental Teams (PETs) have transformed local services such as litter picking and leaf clearing and will be a factor in specifying the environmental services contract when it is put out to competitive tender. In response to further questions about the PETs Cllr Davies clarified that:

- In terms of roll-out, 3 new PETs had just been agreed taking the total to 13 (out of 33 parishes) which cover the majority of the population.
- PETs were set up to enhance the basic contracted service. The basic service has reduced over recent years and will be reduced further when the contract is re-tendered. The issue for small parishes is that they lack capacity to set up their own PET but the Council would support a joined-up model where parishes could work together.
- Parish Councils valued the PET and had made them a priority for funding.
- PETs had created apprenticeship opportunities, some of whom had progressed to full time employment.

- The PETs provide an enhanced local service and offer value for money. Members of the Board commented on the good work of the PETs.

In response to further questions about recycling rates Cllr Davies responded:

- There is no evidence to suggest that a reduction in the number of recycling centres will impact on recycling rates. The two new centres will have extended opening hours compared to the existing centres so there will be better access.
- Compared to ten years ago residents can now recycle most waste at the kerbside and recycling has been made simpler with the mingled recycling containers.
- Recycling rates are increasing. Telford & Wrekin is 116 in the table of 352 local authorities and is improving. Figures could be provided to show the increase in recycling rates, savings on operating costs of the new contract and associated reduction in landfill charges. Veolia are contractually obliged to show a year on year improvement in recycling rates.
- Cllr Davies would look into the disposal of plastic compost bags.

*What is the scope of the funding for the St Georges and Gower Street regeneration, what is the Council's role and when will work be completed?*

Cllr Davies explained that £650k had been earmarked in the 2015 budget for the regeneration of St Georges including the refurbishment of the old youth centre building on Gower Street. Further money was then allocated under the Pride In Your Community programme for the improvements to the Square and the Timbers Roundabout leaving the £650k available for the refurbishment of the Gower Street building. The funding is held by the Council and a Gower Street Project Board has been set up including local stakeholders and community groups to oversee the project. In the meantime a lottery bid has been submitted for £2m and a condition of lottery funding is that it cannot be allocated to projects which are significantly underway. If the lottery bid is successful, the project will move full steam ahead, or if unsuccessful the Project Board will consider how the money can best be allocated but progress would be evolutionary as additional funding is identified and secured for different phases of work. Cllr Davies assured members that the project was in control and on track.

*Members asked further questions about how issues with waiting times at the contact centre were being addressed.*

A significant amount of work had been done to reducing call waiting times. Working patterns and staff terms and conditions had been changed. A call-back facility had been introduced after five minutes giving customers the option of a call-back within half an hour and use of call-back was increasing. Alternative ways for customers to contact the Council are being developed such as Apps, on-line services and the introduction of an appointment system at First Point to reduce the number of calls to the contact centre. The key is to get things right first time, e.g. making sure waste is collected at the right time, to avoid the need for customers to contact the Council. The contact centre is relatively small for the volume of calls, handling 26,000 calls in January.

The Assistant Director clarified that the waiting times discussed earlier in the meeting were the longest recorded waits and not the average waiting time. Data showed that

in January, 15 customers had waited 15-19 minutes which was an improving trend but still not acceptable for those customers. The call-back service had been beneficial and customers were learning to trust that they would be called back within 30 minutes. The contact centre and benefits teams were joining up to create additional capacity and would drive on-going improvements through efficiencies of scale and sharing of skills.

*The borough has key assets like the Town Park and Ironbridge. What commitment is there to promoting Telford, and will you keep T-Live?*

Tourism is crucial. Destination Telford now has a dedicated team who actively promote Telford at trade shows and link into the tourist industry. The borough does not have many fiscal assets but it has a lot of community assets and punches above its weight as an events town. With regard to T-Live, if an act is available at an affordable price that the residents want to see it will be considered but if we are not confident of demand then it would not be recommended. The Council is putting on many other events to attract visitors such as the Spring into the Park programme.

*What sort of organisation will the Council be at the end of the administration and what will success look like?*

The organisation will be smaller. The Combined Authority and LEP will play a greater role; Telford & Wrekin has been good at securing money from the LEP and is well placed to benefit. There will be a greater role for Town and Parish Councils and they will be asked to do more. Local democracy will prevail and it will be up to voters to decide if they want to pay more to keep Council services.

When there were no further questions the Chair thanked Cllr Davies and he left the meeting.

**SMB-18      HOLDING THE EXECUTIVE TO ACCOUNT: CLLR E CLARE,  
CABINET MEMBER LEISURE SERVICES & CULTURE**

The Chair welcomed Cllr Clare to the meeting and opened the questioning.

With regard to key achievements in the first 9 months of the administration Cllr Clare highlighted key achievements as:

- Developing the relationship with Energize had been key to increasing their level of activity in Telford and Wrekin. Recent activities had been held in Brookside and Donnington, and the Telford Trust is looking at a small awards programme for community sports projects backed by Energize.
- A key event was the Rugby World Cup visit to Telford at the T-Party in July
- Supporting local groups and clubs to develop provision, including gym and tennis clubs for the over 50s
- Improvements to facilities including the new gyms at Stirchley Recreation Centre and Horsehay Village Golf Centre including activities for the over 50s
- A leisure services portal had been set up to provide information and make it easier for customers to book and pay on-line and to set up direct debits

- The impact of the decision to end free swimming for the over 50s had been reconsidered and a new scheme would be introduced to allow over 50s with a Telford Loyalty Card to swim for £1
- The income strategy has continued with many successful bids
- The Council's First Aid training (brought to bear recently in Newport when leisure staff used CPR and the defibrillator to resuscitate a customer) has been developed as a commercial service and money has been raised locally in Newport for three new defibrillators
- There has been a focus on developing football provision including the need for 3G pitches and enhanced facilities. This has included a task and finish group looking at football provision in Newport, and discussions with AFC Telford about developing a football hub at the ski slope.

Cllr Clare then addressed a number of detailed questions:

- With regard to progress on a new football pitch in Newport, the Playing Pitch Strategy had been developed as recommended by Sports England to assess provision across the borough – what pitches and playing fields there are, where, who owns them and which have secured community use. Newport had been identified as having limited capacity for football. The discussions with Newport would continue over the possible sites but nothing had been agreed yet. Cllr Clare would discuss the problem of the moles on one of the potential sites with the Town Council.
- In response questions about the future of the libraries, the reduced budget for the book fund and the cessation of the mobile library services, Cllr Clare responded:
  - There have been positive discussions with Town and Parish Councils about taking over library services. Opportunities for co-location, self-service libraries and the use of trained volunteers were being looked at as ways of increasing capacity and sustaining the service. Cllr Clare was proud that the Council had continued to fund the libraries until now and it was right for Town and Parish Councils to play a greater role if local people wish the service to be sustained.
  - The budget for the book fund had been reduced but other ways of generating income – one idea was a pulping contract for old books – and ways of increasing donations were being explored to invest back into the service.
  - The use of the mobile library would be looked at once decisions have been made about the libraries so that any gaps in service can be identified. However, the financial viability of the mobile library needs to be considered and if there are alternative ways of filling gaps such as a home 'book buddy' volunteer service.
- On the question of the Council's role in encouraging girls and women into sport, especially under-represented sports, Cllr Clare replied that there is a role for the Council. The Council has worked with Energize who were responsible for delivering the national This Girl Can campaign locally, and rounders and hockey had been developed to attract more people into sport particularly targeting women. (Over 100 women now play rounders in Telford.) Other issues were being looked at, for example ensuring car parks at venues are well lit. The Playing Pitch Strategy identifies specific actions to increase participation of girls

and women in under-represented sports and work is being done with cricket and football clubs to encourage girls into the sports. The Council is also working with partners and clubs to help access external funding for segregated facilities. Volunteers play a key role and Energize provides training for volunteer coaches. Many people want to give back to the community, for example Kelly Holmes had attended the Shropshire Homes Sports day at Shrewsbury and was enthusiastic about giving back to the community who had supported her over the years. However, schools had to qualify to be invited and Cllr Clare wanted to explore who tried and were unsuccessful and if the same schools were there every year. It is important for all schools to have an equal opportunity.

- There was a question about how serious the discussions with ACF Telford about the football hub were and how they are being pushed forward. The question was put in the context of increasing childhood obesity and the lack of provision in some areas. Cllr Clare replied that the discussions were very serious and they were working closely with AFC but were linked to the sale of the Buck's Head. It is key to invest in all-weather 3G pitches for the future.
- In terms of assessing demand and extending provision for over-subscribed activities, concerns about public access to facilities in academies and the cost of joint use agreements where facilities are already fully booked, Cllr Clare said that the fact that activities are over-subscribed showed that the right provision is in the right place and it would be more worrying if activities were under-subscribed. Before expanding provision, the reason for the popularity of an activity is considered to assess whether there is a sustainable demand or if the activity is a passing 'fad'. With regard to community use agreements, there are currently negotiations with the new school in Priorslee about shared access and better access had been negotiated with the tennis centre provider. Other establishments with facilities - such as Harper Adams or New College - could be approached to potentially negotiate access on a paid basis.
- Members were pleased to hear that £40k had been allocated from an underspend in the Public Health budget to update the Definitive Map for Rights of Way. Work would be done with the Access Forum, the Ramblers Association and local partners to update the map. It was noted during the discussion that the Definitive Map had been lacking for a number of years and that the footpaths which provide connectivity across the borough must be registered by 2026 to keep their historic Rights of Way.
- With regard to developing the Town Park Visitor Centre, including as a commercial asset, Cllr Clare replied that the centre was used for various activities by parties of school children, for example an archaeological dig. Officers added that there is an education officer as a funded post to develop the programme of activities to offer to schools as a traded service and they were looking at how the use of the centre could be broadened.
- Cllr Clare was asked, given the link between sport and public health, if a return to free swimming for the over 50s would be considered. Cllr Clare said free swimming would not be reintroduced but from 1 April over 50s with a Telford

Loyalty Card would be able to swim for £1. TLC customers over 50 would be informed in writing and Members could help in making people aware.

- In terms of arts and culture events coming up, there will be a full programme of events though to Christmas including the Spring into the Park event, a new world picnic, a carnival and events on the river at Ironbridge using Arts Council funding
- Members were informed that a fund raising strategy would be developed once the restructure had been completed and the Board requested this to come back to a future meeting.
- In terms of what kind of organisation the Council would be and what success would look like at the end of the administration, Cllr Clare replied that:
  - The Council would be a leaner organisation with a more commercial approach
  - There will be a focus on maximising income (for example increasing gym membership) to sustain and reinvest in services (such as the new gym at Horsehay Village)
  - New products will be developed to trade commercially e.g. First Aid training
  - It was important to recognise the needs of individual communities and ensure provision meets the needs of the whole community and all age groups
  - A priority is consultation on libraries to ensure the sustainability of the service
  - A key success would be to have an equitable playing field provision

When there were no further questions the Chair thanked Cllr Clare and she left the meeting with the officers.

## **SMB-19      REVIEW OF SCRUTINY CO-OPTees**

The Board noted the appointment of scrutiny co-optees since the last meeting as Carolyn Healy (Children & Young People Scrutiny Committee) and Roy Williams and Cindy Mason-Morris (Finance & Enterprise Scrutiny Committee).

## **SMB-20      SCRUTINY WORK PROGRAMME**

The Board noted the update report circulated as Appendix B and discussed matters arising from the report.

### **RESOLVED –**

- **That the Scrutiny Suggestion to consider the work of the Ironbridge Gorge Museum Trust was not appropriate for scrutiny and that the person making the suggestion would be notified accordingly**
- **That Cllrs Overton and A England be invited to the next meeting for the Holding to Account session (date to be agreed by email)**

## **SMB-21      CHAIRS' UPDATES**

The Scrutiny Chairs updated the meeting on the work of the Scrutiny Committees since November. Key items were the Children & Young People scrutiny review of

CSE which was on track to be finalised in May and presented to Cabinet and the Local Safeguarding Children Board, and the work of the Finance & Enterprise Scrutiny Committee on the budget scrutiny.

**SMB-22      UPDATE ON SERVICE RESTRUCTURE**

The Assistant Director Legal, Procurement and Commissioning was in attendance to update the Board on the restructure of the service. However the Chair recommended that the discussion be held in exempt session as it would involve discussing individual members of staff.

**RESOLVED** – that the public and press be excluded from the meeting for this item of business on the grounds that it may involve the disclosure of exempt information relating to the financial or business affairs of any particular person (including the authority holding that information) as defined in paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

The meeting ended at 8.10pm

**Chairman:** .....

**Date:** .....

**SCRUTINY MANAGEMENT BOARD****Minutes of a meeting of the Scrutiny Management Board held on Wednesday,  
4 May 2016 at 6.00pm in Meeting Rooms G3/4, Addenbrooke House,  
Ironmasters Way, Telford**

**Present:** Councillors S A W Reynolds (Chair), S Bentley, A J Burford, N A M England, V A Fletcher and J M Seymour

**Also Present:** Councillors R A Overton (Deputy Leader & Cabinet Member for Housing, Public Health & Protection), G C W Reynolds (Cabinet Member for Employment & Skills) and B Tillotson (member of Customer, Community & Partnerships Scrutiny Committee)

**In Attendance:** K Hodgetts (Programme Manager - Youth Unemployment), Katherine Kynaston (Assistant Director: Business, Development & Employment), D Moseley (Democratic & Scrutiny Services Team Leader), L Noakes (Assistant Director: Health, Well Being and Public Protection) and N Rushton (Group Manager Structures and Geotechnics)

**SMB-023 Apologies for Absence**

Councillors E J Greenaway and K R Guy.

Apologies were also received from Councillor P Scott of the Customer, Community and Partnership Scrutiny Committee.

**SMB-024 Declarations of Interest**

With regard to minute number SMB-026, Councillor S A W Reynolds advised that she was employed by Telford College of Arts and Technology and Councillor S Bentley advised that he was a private landlord.

**SMB-025 Minutes**

**Resolved** – that the minutes of the meeting of the Scrutiny Management Board held on 17 March 2016 be confirmed and signed by the Chair.

**SMB-026 Holding the Executive to Account**

The Chair reminded the Board of its role in holding the Executive to account and noted that members of the Customer, Community & Partnership Scrutiny Committee had been invited to ask questions about issues within the Committee's remit.

a) **Cllr Richard Overton, Deputy Leader and Cabinet Member for Housing, Public Health & Protection;**

The Deputy Leader noted his achievements over the last nine months as:-

- Introduction of the Green Guarantee;

- Securing the MOD logistics Depot;
- Madeley Neighbourhood Plan;
- Waters Upton Neighbourhood Plan;
- Local Plan consultation;
- Establishment of NuPlace;
- Stabilisation of the Gorge within budget;
- Reduction in the percentage of mothers smoking;
- Increased commissioning responsibilities;
- Smoke Free Telford & Wrekin resulting in increased quit rates;
- Improvements to the Drug and Alcohol service;
- Improvement of the Sexual Health offer through the relocation of the Sexual Health clinic to Bishton Court;
- Successful recruitment of Health Champions;
- Roll out of making every contact count; and
- The Live Well for Longer report which had reached over 23,000 people.

He noted the challenges for the Council in relation to his remit as:-

- Responding to Government changes to the planning process and adoption of the Local Plan;
- Supporting Parish visions for growth;
- Managing change in the borough (eg at the Gorge);
- Managing housing needs in light of government policy;
- In terms of Public Health, early death rates had fallen and he believed that the government's cuts to the Public Health grant had been short-sighted; and
- The impact of welfare benefit changes on homelessness.

*Members asked the Cabinet Member about the current relationship between the Local Authority, Registered Social Landlords (RSLs) and Housing Authorities and how this related to the allocation of land for development for social housing and the regeneration of the Radburn design estates.*

The Cabinet Member responded that good relationships existed with RSLs and commented upon the success of the Find Your Own Home scheme, which was operated in-house, and the Landlord Accreditation Scheme.

The Assistant Director: Business, Development & Employment reported that the Project Team were developing close working relationships with registered providers. With regard to land allocation, Housing Authorities were able to access land and figures for the provision of affordable housing were rising. Opportunities to jointly deliver affordable schemes would be explored where they existed and the Authority continued to work closely with registered providers and the Homes and Communities Agency to identify appropriate development opportunities. The Assistant Director: Business, Development & Employment advised that there had been a total of 40% affordable housing completions in the previous year and that Wrekin Housing Trust had been the largest social landlord developer.

With regard to existing properties requiring improvement, the Cabinet Member noted that Social Landlords were investing in improving their properties, particularly

pointing to the work of Sanctuary Housing in Sutton Hill. However, private landlords could not be forced to invest in improvements. The Assistant Director: Business, Development & Employment commented that the accreditation scheme assisted with bringing properties to a higher standard and that landlords could be pointed to grant programmes for support as a part of this. She noted that capital funding for regeneration projects, such as that which took place at Woodside, no longer existed.

With regard to a query regarding replenishment of lost housing stock by RSLs as a result of right to buy schemes, the Cabinet Member pointed to the Local Plan for the strategic delivery of housing.

The Cabinet Member pointed out to the Committee that rates of homelessness among the 18-24 age group had been increasing and 194 people had been declared homeless in the borough since January. He stated that this was not due to housing supply but was a result of Welfare Benefit Reforms and people not being able to access the funding to live.

The Committee felt that it would be helpful to receive statistical data for building by Housing Trusts over the last five years, figures for vacant properties and the percentage of landlords signed up to the Landlords Accreditation Scheme.

*Members asked how the Council could monitor Houses in Multiple Occupancy (HMOs).*

The Cabinet Member noted that it was challenging to provide statistical data for HMOs as they did not necessarily require a licence, although it was hoped that many would be identified through the Landlord Accreditation Scheme and contact with Ward Members. An Officer Task Group was currently considering the issue of licensing HMOs following legislative changes and further activities would be taking place to this end.

*Members asked what consideration had been given to the viability of introducing the Community Infrastructure Levy (CIL)*

The Cabinet Member noted that it was not a statutory requirement to adopt the CIL and that the Section 106 Agreement process was working well at this authority. The benefits of one against the other could not be assessed until the Local Plan had been introduced. He appreciated further work was required and that it was important not to damage growth, therefore, based on current circumstances, his feeling was that the authority was better placed not to adopt the CIL. The Assistant Director: Business, Development & Employment noted that the Customer, Community and Partnership Scrutiny Committee had done a lot of work on the Local Plan and would receive a report on this issue in due course.

*Members asked about the review of pharmacy provision.*

The Cabinet Member responded that the Health and Wellbeing Board had considered this issue in depth. Access to a pharmacy was vital for residents and any reduction in provision would have an impact on patients and increase numbers visiting the GP.

*Members asked about teenage pregnancy and young people's health.*

The Assistant Director: Health, Well Being and Public Protection noted that the authority did not have sophisticated equipment to monitor health outcomes for young people and it was therefore necessary to rely upon national datasets. Teenage pregnancy was high in comparison to national figures but not high against the rates for statistical neighbours. Efforts to address rates included the commissioning of a new Sexual Health Service which would open in Bishton Court in May 2016 and offer a more accessible and user-friendly experience than that available at the current premises. The Public Health Team had varied levels of success working with schools in terms of health implications and, following a recent survey, it had been noted that young people's mental health was a key issue of concern. The Assistant Director: Health, Well Being and Public Protection also noted that the Scrutiny Review of Child Sexual Exploitation had assisted with developing an understanding of sexual health and healthy relationship education in schools. The Cabinet Member added that rates of smoking in pregnancy had reduced.

*The meeting adjourned at 6.40pm until 6.50pm.*

*Members asked for an update on stabilisation works in The Gorge.*

The Cabinet Member advised that stabilisation works in Jackfield had been completed. Monitoring of the wider Gorge continued alongside monitoring within the Jackfield project area and results illustrated a significant reduction in movement as the stabilisation works took effect. Members praised the Group Manager Structures and Geotechnics for his work on the project.

Members were advised that DCLG had been approached to release funding for the work but the bid had been declined. The local MP and MEP had visited and had been asked to support an intervention for funding. Members recognised that the Council had undertaken to fund the project to ensure the safety of residents and the protection of the World Heritage Site.

*The Cabinet Member was asked what he envisaged the organisation would look like at the end of the current administration and what future successes he anticipated.*

The Cabinet Member considered the organisation would be leaner, more business-focussed and less reliant of government grants due to successful income generation projects. He counted the adoption of the Local Plan and increasing health benefits in the sphere of Public Health as future successes.

*Cllr J M Seymour left the meeting at 6.57pm.*

**b) Cllr Gilly Reynolds, Cabinet Member for Employment & Skills.**

The Cabinet Member noted her achievements over the last nine months as:-

- Decreased unemployment over the previous 12 months;
- Focus on the "Life Ready, Work Ready" project which would create mutually beneficial links between schools and local businesses;

- The conduct of a skills audit in primary and secondary schools in order to assess gaps in local skills requirements;
- OfSTED inspection of the Community Learning Team: graded as good with some outstanding features and the Job Box model had been put forward as a model of national excellence;
- Apprenticeship Grant Scheme had seen seven local businesses sign up to receive support in providing apprenticeships;
- Increased income from the National Careers contract;
- Apprenticeship Training Grant provided funding opportunities for Council apprenticeships to undertake specific training relevant to their placement (eg specialist driving licence); and
- Job Junctions continued to provide support to the unemployed.

She noted the challenges for the Council in relation to her remit as:-

- Budget pressures;
- Slight increase in youth unemployment against the previous quarter; although this could be in part due to refocus on over-50s unemployment;
- Figures to NEETs remained stubbornly high;
- Financial stability of New College and TCAT;
- Lack of information from government on the Apprenticeship Levy;
- Pressures caused in the post-16 workforce by employers retaining older workers for longer; and
- Diversification of the population resulting increasing ESOL providers which provided both a challenge and an opportunity;

*Members asked to what extent it would be possible to buck national trends with regard to young people not in education, employment or training (NEETs).*

The Cabinet Member explained a pilot scheme whereby individuals expected to be future NEETs were identified for early intervention. The Job Box had seen some success in this area: the projects were run by local people who knew the area and there was some potential to devolve funding in future. The refocus of support to over-50s had caused an increase in youth unemployment and a balance in support needed to be found. The Cabinet Member suggested that the Children and Young People Scrutiny Committee might want to consider this issue for their future work programme.

*Members asked what strategies and support was available to parents and what impact this had on NEETS and what support was available to those who worked with NEETS.*

The Future Focus service was offered through the Job Box; the service provided impartial information, advice and guidance on careers and future planning for 13 – 19 year olds or up to 25 years with additional needs.

The Cabinet Member acknowledged that parents were a big influence and the Job Box website had been rebranded to include areas for parents, social media (Facebook and Twitter) was used to highlight opportunities and the offer of Family

Learning Courses provided wider impacts in terms of help for parents as well as increased attainment levels.

The Council had also embarked on a project with **Tin Smart Media (?)** to engage with young people on regular or modified educational timetables. This was just one avenue being tested as the main difficulty with NEETs was engagement and this project sought to build a programme around their interests.

*Members asked about funding opportunities in the educational support arena, particularly for Post-16s.*

Members were disappointed to hear from the Programme Manager - Youth Unemployment advised that ESF funding had been applied for to support NEETs through the Turnaround Teams by bidding to provide a national project but that the bid had been unsuccessful and awarded to a national body. She felt that it was important to focus on the needs of local businesses and encourage STEM careers.

The Cabinet Member noted that the position with regard to the Apprenticeship Levy was unclear.

*Members recalled that the Conservative Administration had previously considered introducing a technical college to the borough and asked the Cabinet Member if she saw any advantages in such a scheme.*

The Cabinet Member noted that Telford College of Arts and Technology (TCAT) served the borough as its vocational college and included a wide variety of courses including landscaping, catering etc.

Due to her own personal circumstances, the Chair was able to confirm that TCAT accepted students as young as 14 on travel to learn vocational programmes. The Cabinet Member and Assistant Director: Business, Development & Employment noted ongoing work to engage schools in the travel to learn programme and commented that further engagement with schools was required to map out demand. No correlation between demand and whether a school had academy status or not had been identified.

*Members noted support for youth unemployment and the over-50s and asked if there were any other specific groups which would benefit from support from the job box, for example where local businesses were closing at Clive Barracks and about the morale of over-50s job seekers. Members asked what work took place with the Job Centre.*

The Cabinet Member noted that a redundancy support package was available to businesses which sought to match existing skills with new employment opportunities. The Programme Manager - Youth Unemployment advised that Job Box Mentors worked with all individuals regardless of age. Anecdotally she felt that it was easier to get over-50s into work as they tended to be more proactive and engaged and employers welcomed their skill sets. She had no feedback that morale was an issue with this group. The Cabinet Member indicated that it was the long-term

unemployed who tended to suffer with morale and these people were offered 1:1 confidence building support.

The Programme Manager - Youth Unemployment stated that good working relationships existed with the Job Centre due to the Council being the contract holder for the National Careers Service.

The Cabinet Member noted that some Parish Councils offered support for the Job Box scheme in terms of providing office space.

*Members asked what inducements were offered to businesses looking to relocate into Telford.*

The Cabinet Member noted that there was limited overlap with her role but she was able to confirm that engagement with businesses at an early stage enabled the Council to ascertain skills needs and point local people towards appropriate opportunities. There were good relationships with local businesses.

The Assistant Director: Business, Development & Employment added that Enterprise Telford offered a bespoke package for businesses; financial incentives were not included but there was support regarding business rates, rent, land packages, apprenticeships and recruitment. The recruitment offer meant that opportunities could be identified, through the Job Box, to work with young and older people to prepare them for the types of jobs which would come up and, if the individuals met the relevant person specification, they were offered a guaranteed interview.

*Members asked whether it was anticipated that the result of the EU Referendum would have an impact on local jobs.*

The Cabinet Member considered that, depending on the outcome, the EU Referendum may pose a serious challenge. The Assistant Director: Business, Development & Employment clarified that, whilst she was not aware of any high level of concern locally, foreign direct investment companies from China and India sought access to European markets by locating within the European landscape.

*The Cabinet Member was asked what she envisaged the organisation would look like at the end of the current administration and what future successes she anticipated.*

The Cabinet Member hoped to see sustained low levels of unemployment, increasing skills sets and access to opportunities. She felt that statistical data backed up her position with regard to the Council being best placed to serve local people and she would continue to seek funding opportunities despite the disappointments of bid-awards being made to private companies.

**SMB-027     Update on Scrutiny Co-optees**

The Democratic & Scrutiny Services Team Leader informed the Board that, since the last meeting, the Children & Young People Scrutiny Committee had made two appointments to be formally confirmed at its meeting on 16 May 2016.

**RESOLVED** – that the appointment of Lyn Fowler and Sue Hudson as co-optees to the Children and Young People Scrutiny Committee be endorsed.

**SMB-027     2015/16 End of Year Scrutiny Work Programme Report and Scrutiny Annual Report**

The Committee considered the end of year report of the Scrutiny Team and recorded their thanks to staff for supporting a greater number of meetings than benchmarked for 2015/16. The Chair noted that this was the last meeting of the municipal year and work programming for 2016/17 would now begin. In accordance with the Scrutiny Handbook, suggestions for the work programme would now be sought from Cabinet Members, Scrutiny Assembly, senior managers and partner organisations for consideration early in the new municipal year.

The Chair asked Members to submit their comments on the Annual Report 2015/16 by email to herself and the Democratic & Scrutiny Services Team Leader.

The meeting ended at 7.48pm

**Chairman:** .....

**Date:** .....