

COUNCIL CONSTITUTION COMMITTEE

Minutes of a meeting of the Council Constitution Committee held on Monday, 10 November, 2008 at 5.45 p.m. p.m. at the Civic Offices, Telford, Shropshire

PRESENT: Councillors M.B. Hosken, (Chairman), R.K. Austin, A.J. Eade, G.M. Green, W.L. Tomlinson, V. Tonks and D.R.W. White

CCC-05 MINUTES

RESOLVED – that the minutes of the Council Constitution Committee held on 29th September, 2008 be confirmed and signed by the Chairman,

CCC-06 APOLOGY FOR ABSENCE

Councillor J.M. Seymour

CCC-07 DECLARATIONS OF INTEREST

None.

CCC-08 PROPOSED CHANGES TO THE OVERVIEW & SCRUTINY PROCEDURE RULES

The report of the Head of Audit & Democracy proposed changes to the Council's Constitution in respect of Article 6 (Overview & Scrutiny Commissions) and Part 4, Section 5 (Overview & Scrutiny Procedure Rules) in order to reflect the proposed changes to the Council's Scrutiny function.

The proposals sought to change the structure of the scrutiny function in order to shift its focus from Council Portfolios to the seven community priorities by ceasing to operate the current Scrutiny Commissions and replacing them with a Scrutiny Leadership Board and a Scrutiny Assembly. The Scrutiny Leadership Board would be made up of six elected Members (three Conservatives, two Labour and one from the three smaller groups to provide political balance) and would provide strategic leadership and co-ordination of scrutiny activity. The Lead Scrutiny Members would be expected to lead scrutiny activity for one each of the Community Priorities, to develop closer working relationships with the respective Cabinet Members and would usually chair Scrutiny Reviews. The Scrutiny Leadership Board would take collective responsibility for scrutinising the overarching Community Priority of Transforming Telford & Wrekin and would hear Call-Ins and Councillor Calls for Action.

Whilst the four existing Scrutiny Commissions would be disbanded, the four existing sub-groups, i.e. the Corporate Parenting, Campus Telford & Wrekin, the Value for Money Scrutiny Monitoring Group and the Joint Health Scrutiny Committee would continue. The former would be renamed the Health Scrutiny Monitoring Group and would include within its remit the scrutiny of all

NHS consultations and of the performance of Health and Adult Social Care services. The Scrutiny Assembly would meet three times per year for the purposes as set out in the report. The report also set out the anticipated benefits of the proposed changes to the Council's Scrutiny function.

The Scrutiny Management Board had discussed these proposals and consulted both Group Leaders and Members from each of the political groups. In addition, Professor Steve Leach, Professor of Local Government at De Montford University, who had undertaken a number of reviews of the scrutiny arrangements in local authorities, had been consulted and was in agreement with the proposals.

The detailed changes proposed to the parts of the Constitution relating to the Scrutiny function were set out in Appendix A of the report with other consequent changes to the Constitution being listed in Appendix B of the report for information.

The recommendations of this Committee would be submitted to Full Council in November and, if approved, the new arrangements would come into effect from 1st January 2009.

RESOLVED - THAT COUNCIL BE RECOMMENDED TO APPROVE- the adoption of the proposed changes to the Constitution summarised in the report and detailed in Appendices A and B of the report

CCC-09 PROPOSED CHANGES TO THE POLICY FRAMEWORK AND BUDGET PROCEDURE RULES

The report of the Head of Finance set out the proposed changes to the Council's Constitution which related to the Policy Framework and Budget Procedure Rules, as set out in Part 4, Section 3. The proposals would allow for the updating of the process for setting the Budget and Policy Framework to bring the timescales into line with current practices and clarify the relevant roles and responsibilities in order to ensure the effective operation of the budget process.

The process for developing and setting the budget and policy framework was heavily geared around the annual local government finance settlement. In December 2007 the Government had made its first three year grant announcements and the Council had received Revenue Support Grant allocations for 2008/09 and provisional figures for 2009/10 and 2010/11. It was proposed that the current process detailed in the Constitution be updated to reflect this change, as set out in the report and detailed in Appendix A of the report.

The proposal mirrored the actual 2008/09 budget setting process. The consultation period was key to gaining feedback from the Community, Stakeholders and Opposition Groups as was the role of the Value for Money Scrutiny Group. It was, therefore, proposed that any Opposition Group

budget proposals were taken to the Value For Money Scrutiny Group to allow sufficient time for their consideration.

For clarity, the mandatory Standing Orders required by the Local Authority (Standing Orders) Regulations 2001, which dealt with conflict resolution, had been separated into a new section within the Constitution.

RESOLVED – THAT COUNCIL BE RECOMMENDED TO APPROVE the adoption of the proposed changes to the Constitution as summarised in the report and detailed in Appendix A of the report.

The meeting ended at 5.50 p.m.

Chairman:

Date:

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE – 3 SEPTEMBER, 2009

REVIEW OF COUNCIL CONSTITUTION

REPORT OF THE HEAD OF LEGAL SERVICES

1.0 PURPOSE

- 1.1 To request the Committee to recommend that Council, at its meeting on 30 September 2009, approves the changes to the Council's current Constitution, as detailed in the report.

2.0 RECOMMENDATIONS

That the Committee recommend Council to:

- 2.1 **Approve the introduction of a Public Speaking Scheme for the Plans Board, as set out in Annex A, and an amendment to Part 4 (Rules of Procedure), Section 10 (Committee Procedure Rules), paragraph 16 to permit public speaking at meetings of the Plans Board, as set out in Annex B;**
- 2.2 **Approve the introduction of a Scheme for Dealing with Petitions, as set out in Annex C and an amendment to Part 4 (Rules of Procedure), Section 10 (Committee Procedure Rules), paragraph 19, as set out in Annex D, to allow the Council to respond to local petitions in line with The Local Democracy, Economic Development and Construction Bill 2008-09;**
- 2.3 **Approve the changes to Article 12 – Officers of the Constitution, as set out in Appendix F;**
- 2.4 **Approve changes to Part 4 (Rules of Procedure), Section 6 (Financial Regulations), sub-section 2 (Responsibilities) and sub-section 9 (Internal Audit), as set out in Appendices G1 & 2;**
- 2.5 **Approve the inclusion within Part 4 (Rules of Procedure), Section 5 (Overview and Scrutiny Procedure Rules) of a Protocol for Councillor Call for Action, as set out in Appendix H;**
- 2.6 **Approve changes to the Terms of Reference of the Audit Committee, as set out in Appendix I, and of the Scrutiny Leadership Board, as set out in Appendix J;**

- 2.7 Approve the addition to the Functions, Powers and Duties of the Plans Board, the Licensing Committee, the Standards Committee, the Personnel Board, the Scrutiny Leadership Board and the Council Constitution Committee of a duty to annually review their effectiveness and their Terms of Reference;**
- 2.8 That the minor amendments, as set out in Appendix K, made to the Constitution by the Head of Legal Services under delegated authority be noted;**
- 2.9 Grant approval for the Head of Legal Services to review the current 100g(2) List of Delegations Granted to Officers and for the inclusion of appropriate wording in the 100g(2) List to cover the restructuring of the Council until such time as the review has been completed.**

3.0 SUMMARY

- 3.1 This report details proposed changes to Part 4 (Rules of Procedure) of the Council's Constitution relating to the following:
- (a) Approval of a Public Speaking Scheme within the Constitution and an amendment to Section 10 (Committee Procedure Rules), paragraph 16 to permit public speaking at meetings of the Plans Board.
 - (b) Approval of a Scheme within the Constitution to allow the Council to respond to local petitions in line with The Local Democracy, Economic Development and Construction Bill 2008-09 and an amendment to Section 10 (Committee Procedure Rules), paragraph 19 relating to the process for dealing with petitions.
 - (c) Section 6 (Financial Regulations), sub-section 2 (Responsibilities) and sub-section 9 (Internal Audit);
 - (d) Section 5 (Overview and Scrutiny Procedure Rules) to include a Protocol for Councillor Call for Action.
 - (e) The Terms of Reference of the Audit Committee and of the Scrutiny Leadership Board and an addition to the Functions, Powers and Duties of the Plans Board, the Licensing Committee, the Standards Committee, the Personnel Board, the Scrutiny Leadership Board and the Council Constitution Committee.
- 3.2 The report asks Members to note the minor administrative amendments made to the Constitution by the Head of Legal Services under delegated authority since the last meeting of the Council Constitution Committee.

- 3.3 To consider the recommendation that the Head of Legal Services review the current format of the 100g(2) (List of Delegations Granted to Officers) and to grant interim approval for the inclusion of appropriate wording to cover the restructuring of the Council until such time as the review has been completed.

4.0 PREVIOUS MINUTES

Council Constitution Committee – 29 October 2007 (CCC-11)
Council Constitution Committee – 14 April, 2008 (CCC-19)
Council – 29 November 2007 (Min. No. 55)
Council – 24 April 2008 (Min. No. 89)
Council Constitution Committee – 29 September 2008 (CCC-04)
Council Constitution Committee – 10 November 2008 (CCC-08 & 09)
Council – 11 December 2008 (Min. No. 56)

5.0 PUBLIC SPEAKING AT PLANS BOARD

- 5.1 Many Councils have adopted schemes to allow public speaking at their Plans Board meetings. Research conducted with other Councils suggests that this Council is now one of a small minority of authorities who do not allow public speaking at Plans Board.

Many authorities have public speaking schemes in place to allow the public, Borough Ward councillors and Parish/Town Council representatives to speak at Planning meetings.

Allowing public speaking at Plans Board meetings has a number of clear benefits:

- Increases public confidence in the openness and fairness of the process
- Allows direct access to the process for members of the public
- Allows the public, Parish and Borough representatives the opportunity to make their views known in person to the Plans Board.
- The determination process is better informed.

A suggested Scheme for Public Speaking at Plans Board that allows for representation from the public, Parish/Town Councils and the Borough Ward Councillor is attached at Annex A. The revised wording of paragraph 16 of the Committee Procedure Rules to reflect the introduction of such a Scheme is attached at Appendix B.

6.0 LOCAL PETITIONS

The Local Democracy, Economic Development and Construction Bill [HL] Bill, introduced in the House of Lords in December 2008, includes provisions to establish a duty to respond to local petitions. Local petitions were discussed alongside other proposals to 're-invigorate democracy' in the Governance of Britain Green Paper published in July 2007. Further proposals were published in the local government White Paper Communities in Control: Real People, Real Power. This Bill has

yet to become law but the Council recognises that a procedure should be adopted for dealing with the receipt of petitions. Accordingly, a suggested Scheme for Dealing with Petitions is attached as Annex C and the revised wording of paragraph 16 of the Committee Procedure Rules to reflect the introduction of Local Petitions is attached as Annex D. A flow diagram summarising the process in outline for dealing with petitions is attached as Annex E.

7.0 ARTICLE 12 - OFFICERS

This Article has been amended, as set out in Annex F, in order to simplify the article and delete duplication within the Article and across the Constitution.

8.0 PART 4 (RULES OF PROCEDURE)

Section 6 - Financial Regulations

- 8.1 Sub-section 9 in respect of Internal Audit has been updated to clarify the extent and nature of the access and requests for explanations available to Internal Audit staff in order for them to undertake their statutory responsibilities on behalf of the Chief Financial Officer (s151 officer). A new paragraph 2.2 has been added to outline that the Chief Financial Officer will operate within professional standards and best practice referenced as the CIPFA Statement on the role of the Chief Financial Officer in public service organisations. Revised paragraph 2.4 (previously 2.3) Financial Training has been updated to recognise the duty of the Chief Financial Officer to ensure that the Cabinet and Corporate Management Team have the appropriate financial skills to undertake their duties. The changes are set out in Annexes G1 & 2.

Section 5 – Overview & Scrutiny Procedure Rules

- 8.2 Councillor Call for Action (CCfA) is a process introduced under the sections of the Local Government and Public Involvement in Health Act 2007 that will allow individual Ward Councillors a way to secure action from the Council or, in particular circumstances its partners, if they have been unable to address a particularly persistent problem in their area. If convinced of the merit of a Councillor Call for Action, the Ward Member would refer the issue to the Scrutiny Leadership Board for review. The Scrutiny Leadership Board will have a duty to gather evidence and decide whether the issue is one which requires resolution and then make recommendations for action to the Council's Cabinet, or in particular circumstances, to the Safer and Stronger Communities Partnership. These bodies will have a duty to respond. The essential principle of a CCfA is that all cases should be resolved at the earliest possible stage in the process. It is expected that the vast majority of cases should not reach the Scrutiny Leadership Board, as the expectation is that the Ward Member will be resolving them before they get to that point. The CCfA is designed to complement existing methods of complaint and service enquiry, not to replace them. In order to ensure that there is a clear process in place and guidance for

Ward Members it is suggested that a Protocol for Councillor Call for Action is added to Part 4, Section 5 to provide guidance to Ward Members on how the process will work, a proforma for them to fill out to initiate a Councillor Call for Action and a flow diagram summarising the process. This is attached as Annex H.

9.0 CHANGES TO TERMS OF REFERENCE

9.1 General

The Functions, Powers and duties of the Audit Committee includes a duty to annually review its effectiveness and its Terms of Reference and it is considered that it would be appropriate for consistency to add this duty to the Terms of Reference of the Plans Board, the Licensing Committee, the Standards Committee, the Personnel Board, the Scrutiny Leadership Board and this Committee.

9.2 Audit Committee

The Audit Commission issued at the end of March 2009 a report “Risk and Return – English local authorities and Icelandic Banks”. The report reviewed the issues arising for local authorities when the Icelandic Banks crashed last September. They have made recommendations for Central Government, CIPFA, local authorities and themselves and their auditors

All councils have been advised to assess their current operations against the recommendations made and implement changes as appropriate. The external auditor will review this assessment and any action plans for implementing change, where appropriate.

The Council’s assessment has identified that there should be increased Member knowledge and involvement in treasury management. The Cabinet has responsibility for approving the Treasury Management strategy and framework but the report recommends that Treasury management policies “are scrutinised in detail by a specialist committee, usually the audit committee, before being accepted by the authority.”

The changes to the terms of reference for the Audit Committee, as set out in Annex I, are to enable the Council to implement this recommendation. Members of the Audit Committee and the Cabinet Member Resources and Assistant will also be offered training to enable them to undertake their roles.

9.3 Scrutiny Leadership Board

Currently, under the Health & Social Care Act 2001, Health Overview and Scrutiny Committees of local authorities with social care functions are able to undertake joint scrutiny of health issues that cut across more than one local authority boundary. However, Department of Health guidance suggests that Council Constitutions should be

amended to specify how the appointment of Joint Health Scrutiny Committees should be made. Although the Council's Constitution outlines that the Scrutiny Leadership Board has the power to undertake health scrutiny and this implies that it also has the ability to appoint to a Joint Health Scrutiny Committee, it is considered that this should be made more explicit. Following enactment of the Local Government and Public Involvement in Health Act 2007, which amended sections of the Local Government Act 2000, references to legislation in the Terms of Reference of the Scrutiny Leadership Board in Part 4 - Section 5 – overview & Scrutiny Procedure Rules of the Constitution, require amendment as set out in Annex J.

10.0 MINOR AMENDMENTS

The Head of Legal Services was granted delegated authority by Council at its meeting on 11 December, 2008 to make future administrative amendments to the Constitution and those changes made under this authority are set out in Annex K.

11.0 LIST OF POWERS EXERCISABLE BY OFFICERS UNDER SECTION 100G(2) OF THE LOCAL GOVERNMENT ACT 2000

11.1 The current 100g(2) List contains all the delegations of functions granted to officers. In its current detailed format the List is time consuming to maintain and update and there is a risk of inaccurate delegations being included. It is, therefore, requested that delegated authority is granted to the Head of Legal Services to review the List and to submit a proposal to a future meeting of the Committee for a general, less specific scheme of delegation for Members' consideration.

11.2 The 100g(2) List also requires amendment to take account of the current restructuring of the Council but, given the recommendation at 10.1 above, Members are requested to approve the inclusion of the following words on the heading of the List:

“As a result of the significant re-structure taking place, the delegations rest with the Chief Executive and the responsible Corporate Director and Head of Service rather than as necessarily identified in the Scheme.”

12.0 OTHER INFORMATION

Equality & Diversity	The business of the Committee considers equality and diversity in an appropriate manner.
Environmental Impact	None arising directly from this report.
Legal Comment	The Local Government Act 2000 requires the Council to have a Constitution. This Committee has been established to review the Constitution and to provide advice and guidance to

	the Council on any proposed changes.
Links with Corporate Priorities	The Council seeks to deliver its objectives of providing leadership, accountability and high standards in local democracy.
Opportunities & Risks	The opportunities and risks associated with these proposals have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.
Financial Implications	There are no financial impact implications arising from this report and any changes can be met from within existing budgets.
Ward Implications	Borough wide

13.0 BACKGROUND PAPERS

Council Constitution
 Relevant legislation
 Audit Commission report - Risk and Return – English local authorities and Icelandic Banks

Report prepared by Phil Griffiths (Democratic Services Manager – 01952-383210), Jenny Marriott (Audit & Risk Manager -01952-383101) and Alison Smith (Scrutiny Manager – 01952-393113)

SCHEME FOR PUBLIC SPEAKING AT PLANS BOARD MEETINGS

1. Introduction

The Council is responsible for determining applications for planning permission. Some of the applications are decided by the Council's Plans Board, these are usually major applications, those that are contrary to policy or applications from the Council itself. Other applications may be determined by an officer of the Council, the Head of Planning & Environmental Services under 'delegated powers'.

How do I arrange to speak at Plans Board?

A person wishing to speak must contact the Democratic Services team by no later than 12 noon on the day before the meeting, by e mail to publicspeaking@telford.gov.uk, by telephone on 01952 383214, or by letter to:

Democratic Services
Telford & Wrekin Council
Civic Offices
Po Box 215
Telford
TF3 4LD

Speakers must register to speak. Speakers can not attend the meeting to speak without giving the due notice shown above.

2. Who can speak at Plans Board Meetings

Any of the following can speak:

- The person applying for planning permission (or his or her agent or other representative) is entitled to speak in support of their application.
- Any other member of the public (or his or her agent or other representative) who has **already submitted their comments to the Planning Officer in writing** during the consultation process is entitled to speak either in favour or against the application.
- A representative of a Parish or Town Council which has **already submitted its comments to the Planning Officer in writing** is entitled to speak either in favour or against the application, providing that the property is situated within that Parish or Town Council area.
- Borough Ward councillors, providing that the property is located within their ward.

3. How long is allowed for speaking?

A maximum of 3 minutes is allocated for:

- All those wishing to speak in favour of the application
- All those wishing to oppose the application

- The Parish or Town Council Representative *
- The Borough Ward Councillor (if not a member of Plans Board).

These time limits will be strictly adhered to and only in exceptional circumstances will the Chairman agree to extend these time limits. An applicant in favour of the application can speak even though an objector does not and vice-versa.

* The Parish or Town Council representative must be authorised by the Parish or Town Council, the Parish/Town Clerk or the Parish/Town Planning Committee. They should speak on behalf of the Parish and not as an individual. A Parish or Town Council representative can only speak in relation to an application within the Parish/Town Council boundary.

4. What if more than one person wishes to speak?

If more than one person wishes to speak, either in favour or against a proposal there are two options:

- A spokesman may be appointed on behalf of all those either in favour or against a proposal
- The speakers can agree to share the 3 minutes between them

5. What is the Procedure for Speaking?

The Chairman will announce the application and a Planning Officer will give a brief presentation of the application. Speakers will then be invited to address the Board in the following order:

1. Objector (or agent/spokesperson on behalf of objectors)
2. Applicant or their agent/spokesperson
3. Parish/Town Council representative
4. Borough Ward councillor

The Chairman will have the discretion to halt the Speaker should they begin to stray from the discussion of planning grounds or make inappropriate or offensive comments. Speakers may read from prepared statements, but can not distribute or display material. Once speakers have finished they will be asked to retake their seats in the public gallery and will take no further part in the meeting.

6. What can I say?

Comments must be based on planning issues.

Speakers must not:

- Make statements of a personal or slanderous nature
- Be abusive; or
- Interrupt other Speakers or the debate of the Plans Board

Speakers should explain or elaborate on the issues raised in their written comments but must not raise new planning or other issues which were Not included in their written comments. Additional material such as plans or photographs can not be handed out at the meeting.

**AMENDMENT TO PART 4 –RULES OF PROCEDURE – SECTION 10 –
COMMITTEE PROCEDURE RULES**

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

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

The only exception to (1) is

(2) The Scheme for Public Speaking at Plans Board, as included in the Constitution, under which Ward Members have the right to speak for three minutes at such meetings.

SCHEME FOR DEALING WITH PETITIONS

What constitutes a valid petition?

A valid petition includes the following:

Any petition must contain 50 or more valid signatures of people who live, work or study in the Borough.

Details and contact information for the person designated as the petition organiser or lead petitioner.

The signatures of each petitioner should be followed by the date of signature and their name and address (in capitals).

The petition must include a request for some form of action to be taken.

A valid petition must:

Relate to a function of the Council or a Partner organisation

A valid petition must not:

Relate to a Planning or Licensing decision

Relate to a matter where a right of recourse or right of appeal is already provided for in law.

A petition will not be accepted as valid in the following circumstances:

In the opinion of the Monitoring Officer, the petition is vexatious, abusive or otherwise inappropriate to be dealt with;

A petition to the same or substantially similar effect has been made to the Council within the previous 12 months of the petition being received;

To whom should the Petition be addressed?

The Petition should be sent to the Customer Quality Team, Telford and Wrekin Council, Civic Offices, PO Box 59, Telford, TF3 4WZ.

Petitions can also be submitted in person to an officer of the Council, via a local councillor, or by e mail.

How will the Council respond to the petition?

You will receive an acknowledgement of receipt within 5 working days and within a further 10 working days the Lead Petitioner will be informed by the

relevant Corporate Director or Head of Service how the Council intends to deal with the petition. This will be in one of the following ways:

- To comply with the request in the petition
- To consider the petition at a Cabinet meeting of the Council, at which the lead petitioner will be able to speak for 3 minutes in support of the petition.
- To commission further research in to the matter, hold an inquiry, or in some cases hold a public meeting to seek further information.
- To provide a written response to the petition setting out the Council's policy or views
- To refer the petition to the Council's Scrutiny Leadership Board for investigation.

*If a petition is received with the signatures of more than 5% of the population of the Borough this will automatically be debated at a meeting of the Full Council.

**AMENDMENT TO PART 4 – RULES OF PROCEDURE, SECTION 10 –
COMMITTEE PROCEDURE RULES**

19. PRESENTATION OF PETITIONS

~~(1) A petition may be presented to a meeting of the relevant Committee by a member of the Council or a member of the public subject to four clear working days prior written notice being given to the Head of Audit & Democracy.~~

~~(2) There shall be no right by a petitioner to address members.~~

Consideration of a petitions will be dealt with by the Council's Petitions Scheme, a copy of which is included in the Constitution.

Article 12– Officers

Explanatory Comment

This Article describes the structure of the ~~Senior Management~~ Council and the roles of the Head of Paid Service, Monitoring Officer and Chief Financial Officer.

12.01 Management structure

- ~~(a)~~ **(a) Structure.** The Head of Paid Service will determine and publicise a description of the overall officer structure of the Council. This is set out at Part 7 of this Constitution.
- ~~(b)~~ The Corporate Management Team is made up of the Chief Executive, Corporate Directors and any other officer as determined by the Chief Executive. The Senior Management structure of the Council comprises the Chief Executive, Corporate Directors and Heads of Service. Each Corporate Director has a portfolio of responsibilities which may include statutory responsibilities, service areas, corporate themes and strategies and specific projects. The duties of the Corporate 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. Each Corporate Director has a portfolio of responsibilities which may include statutory responsibilities, service areas, corporate themes and strategies, partnerships and specific projects.
- ~~(b)~~ The composition of each portfolio may change from time to time to reflect statutory requirements and the needs of the Council and the skills and experience of individual Corporate Directors.
- ~~(c)~~ The number of Corporate Directors and Heads of Service may vary from time to time.
- ~~(cd)~~ The Council is required to designate the following statutory posts: Head of Paid Service, Chief Financial Officer, and Monitoring Officer who will act in accordance with their professional standards and best practice guidance.

~~For the purposes of illustration, the distribution of portfolios and statutory responsibilities at December 2008 is as follows:~~

Post	Functions and areas of responsibility
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Post	Functions and areas of responsibility
Chief Executive	<p>Head of Paid Service. Overall corporate management and operational responsibility (including overall management responsibility for all officers).</p> <p>Provision of professional advice to all parties in the decision making process.</p> <p>Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council). These roles are underpinned by the political neutrality and service to the whole Council.</p> <p>Policy, Performance & Partnership</p>
Corporate Director: Resources	<p>Finance, Human Resources, Information & Communication Technology, Audit & Democracy, Risk Management, Legal Services. The Corporate Director or the Head of Finance may hold the role of statutory Chief Financial Officer. The Head of Legal Services is the Monitoring Officer</p>
Corporate Director: Community Services[F1];	<p>Community & Neighbourhoods including Equalities & Diversity, Safer Communities, Locality Management and work with Parish Councils, etc. Leisure & Cultural Services including Arts & Culture, Libraries & Lifelong Learning, Leisure & Physical Activities, Sports & Recreation, Customer Services including Reception, Web Services & Business Transformation, Support & Improvement including Registration Services.</p>
Corporate Director: Children & Young People	<p>Schools Standards & Effectiveness, School Inclusion, Planning & Resources, Children's Social Services, Corporate Parenting, Looked After Children, School Attendance, Childcare, Early Years, Children's Centres, Behaviour Strategy & Management, Pupil Referral Units, Schools Multi-cultural Development Services, Involving & Consulting Services for C&YP, Education Psychology, Sensory Inclusion Service, School & Community Clusters Service Delivery, Outdoor Education, Youth & Connexions Services, Building Schools for the Future, Capital and Facilities Management, School Admissions, Children Workforce Development, Living Services, Youth Offending Service, Disabled Children. The Corporate Director is Director of Children's Services.</p>
Corporate Director: Adult & Consumer Care	<p>Adult Social Services, Community & Health, Housing, Environmental Health, Trading Standards, Licensing, Civil Resilience, Joint Commissioning, Performance & Standards. The Corporate Director is Director of Adult Social Services.</p>

Post	Functions and areas of responsibility
Corporate Director: Environment and Regeneration	Planning and Environment, Mobility and Development, Strategic Regeneration, Asset & Property Management and Economic Development

~~The above table is descriptive only and full details of delegations are available as referred to in Part 11 of this Constitution (100g(2) List). The duties of the Corporate Directors include the delivery of effective governance and corporate and strategic management of the Council through collaborative working with elected members, the corporate management team and partners, including the pursuit of the Council's vision, goals and core values.~~

The statutory posts referred to above will have the functions described in paragraph 12.02–12.04 below.

~~**Structure.** The Head of Paid Service will determine and publicise a description of the overall officer structure of the Council. This is set out at Part 7 of this Constitution.~~

12.02 Functions of the Head of Paid Service

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 Chief Executive he/she may delegate other functions which are not included in Section 4.

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **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.

12.03 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by members, employees and the public.
<http://www.telford.gov.uk/Council+democracy/Democracy+elections/Council+Constitution.htm>
- (b) **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 Cabinet 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.

- (c) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper Officer for access to information.** The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **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.
- (h) **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.
- (i) **Appointment of a Deputy.** The Monitoring Officer shall appoint a deputy 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.**
- (j) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

12.04 **Functions of the Chief Financial Officer**

- (a) **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 to the Cabinet 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.
- (~~b~~) **Administration of financial affairs.** The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.
- (~~c~~) **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.
- (~~d~~) **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.

(ee) **Give financial information.** The Chief Financial Officer will provide financial information to the media, members of the public and the community.

(f)} **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.

12.05 **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.

12.06 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.07 **Employment**

(a) The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

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

Part 4 – Rules of Procedure

~~Section 1~~ **Section 6** – Financial Regulations

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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. In addition they assist sound administration, reduce the risk of irregularities and support delivery of effective, efficient and economical services.
- 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 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 Corporate Directors and Heads of Service to ensure that all staff in their portfolios are aware of their responsibilities according to the Financial Regulations and other internal regulatory documents (e.g. the Anti-Fraud and Corruption Policy) 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, if the named officer wishes for reasons of practicality to delegate their authority to another appropriate officer in their area this is permissible as long as it has been documented.
- 1.5 Where the Cabinet has been named in Regulations it will be their responsibility to ensure compliance. The Cabinet can delegate such responsibility to one of its Cabinet members as set out in the Constitution procedures.

- 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 To help assist members and officers, the 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 are included on the Intranet in the section 'Policies Affecting your Job'. These procedures, though printed under separate cover, must be treated as an integral part of the Regulations.
- 1.8 Any financial values are summarised in **Appendix A** to allow ease of update.
- 1.9 These Financial Regulations cover all areas of Council activity with the exception of schools which have their own set of regulations as part of the Local Management of schools (LMS) Scheme.
- 1.10 Failure to comply with Financial Regulations, or procedures issued under them, may lead to disciplinary action for employees and an investigation by the section 151/Monitoring Officer for Members and if necessary referral to the local Standards Committee.

2 Responsibilities

2.1 Any major organisation requires a set of clearly understood rules and regulations for the management of its financial affairs. 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 (CFO).

2. ~~3.22~~ Section 114 of the Local Government Finance Act (LGFA) 1988 requires the Chief Finance Officer to report to the Council if the authority, one of its committees, the Cabinet or one of its officers:

- Has made – or is about to make – a decision which has or would result in unlawful expenditure;
- Has taken, or is about to take, an unlawful action which has or would result in a loss or deficiency to the authority; or
- Is about to make an unlawful entry in the Council's accounts.

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

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

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

* **Chief Finance Officer Responsibilities (s151/s114) – these have been allocated to the Corporate Director: 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.
 - Co-ordination of the corporate risk management systems
- * **The Head of Audit & Democracy** has delegated responsibility under the Accounts and Audit Regulations 2003¹ to maintain an adequate and effective Internal Audit service and has direct responsibility for the operation and support of the Council's Scrutiny function. The Head of Audit & Democracy has the ability to report directly, without fear or favour, to any level within the organisation or to the External Auditor~~Audit Commission~~.
- * **Corporate Directors** are responsible for ensuring that Heads of Service provide services that meet the Council's overall policy objectives. This includes ensuring compliance with Financial Regulations by Heads of Service in meeting such objectives.
- * **The Corporate Director: Resources** is responsible for leading on corporate governance issues throughout the Council.
- * **The Head of Finance** will act as deputy Section 151 Officer
- * **Heads of Service** are responsible for ensuring the delivery of services by their respective Business Units. This includes ensuring compliance by Business Managers with Financial Regulations within their service areas.
- * **Business Managers** are responsible for the day to day provision of services and the management of the associated budget. This includes ensuring that staff comply with Financial Regulations in performance of their duties.

Note: 'Business Managers' also includes managers and/or team leaders with budget and staff responsibilities.

2.433 **Financial Training**

The CFO should assess the financial skills required by members of the Cabinet and Corporate Management Team commit to develop the specific skills to enable their roles to be carried out effectively.

The Head of Finance ~~Senior Officers~~ should through senior finance staff identify financial competencies for managers and members and provide adequate financial training to enable them ~~employees and Members to so that they can~~ undertake their roles effectively and understand the financial requirements of the Constitution and associated financial policies and procedures.

¹ As updated by the Accounts and Audit (Amendment) (England) Regulations 2006 (SI 2006/564)

9 Internal Audit

9.1 The Chief Financial Officer under section 114 of the LGFA 1988 and the Accounts and Audit Regulations 2003 (as amended 2006) has a statutory responsibility for the overall financial administration of the Council's affairs. Section 6 of the Accounts and Audit Regulations 2003 (as amended 2006), says that the authority "shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper practices in relation to internal control,..". The Chief Financial Officer shall, therefore, in accordance with relevant legislation arrange for a continuous and current internal audit of all areas of Council activities.

9.2 "Proper internal control practices" are defined in the guidance on the Accounts and Audit Regulations 2003 (as amended 2006)¹ as the CIPFA publication – "Code of Practice for Internal Audit in Local Government in the United Kingdom". Internal Audit will operate to this Code and any other relevant guidance. The definition of Internal Audit within the Code is:

Internal Audit is an assurance function that provides an independent and objective opinion to the organisation on the control environment² by evaluating its effectiveness in achieving the organisation's objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.

9.3 As the definition outlines Internal Audit has a key role to play in independently reviewing the Council's³ arrangements for corporate governance, risk management and internal control. It contributes an objective opinion to the Council's Annual Governance Statement (including the Statement on Internal Control).

9.4 The existence of a continuous internal audit service does not in any way diminish the responsibility of Corporate Directors and Heads of Service for the management of Business Units under their control and their responsibilities in respect to risk management and the systems of internal control.

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

9.6 It is the responsibility of Internal Audit to review, evaluate and report upon

¹ Department for Communities and Local Government Circular 03/2006 dated 18/08/06

² The control environment comprises the systems of governance, risk management and internal control.

³ Internal Audit's remit extends to the entire control environment of the Council

- the soundness and adequacy of accounting records and the system of internal controls to provide their assurance for the Annual Governance Statement;
 - the extent to which the Council's assets and interests are accounted for and safeguarded from losses of all kinds arising from:
 - fraud and other offences
 - waste extravagance and inefficient administration, poor value for money or other cause
 - the suitability and reliability of financial and other management data developed within the organisation.
 - The soundness and adequacy of the data quality systems operating to collect and report on performance information
 - The corporate governance arrangements of the Council
 - The risk management processes of the Council both at Corporate and Service Level
- 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 records⁴, 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 Corporate Director: Resources, Head of Audit & Democracy or Audit & Risk Manager.
 - have access to records belonging to third parties such as contractors or partners when required⁵
 - 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-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, ~~the Data Protection Act 1998, Freedom of Information Act 2000~~together with any 0 and other legislation current at the time of the audit.

⁴ Records include business e-mail and internet records

⁵ As defined in the articles of association/memorandum, SLA, grant conditions or contract

- 9.9 Corporate Directors, Heads of Service and Business Managers are responsible for responding to Internal Audit reports and the implementation of agreed recommendations within an appropriate timescale. Business Managers should indicate the actions they propose within one month of agreeing the draft report.
- 9.10 Failure to implement statutory, policy or financial regulation recommendations within the agreed timetables may be referred to the Chief Finance Officer and the appropriate members, following consultation with the appropriate Head of Service.
- 9.11 Internal Audit has specific fraud related responsibilities which are set out in the corporate Anti-Fraud & Corruption Policy. Within the scope of their work Internal Audit also provide advice and consultancy in respect to issues around controls and governance, based on their professional knowledge and expertise.
- 9.12 It is the duty of any Officer or Member to follow the corporate Anti-Fraud and Corruption Policy. Any officer or member who suspects that an irregularity involving cash, materials or any other property of the Council may have occurred must inform the Head of Service or report the matter directly to the Audit & Risk Manager or Section 151 Officer. Confidentiality, wherever possible, will be respected in any dealings ~~on such matters with Audit Services.~~
- 9.13 The Section 151 Officer shall report to the Chief Executive, the relevant Corporate Director and Cabinet, if appropriate, any matter of a significant nature.
- 9.14 Where Audit Services inform the Section 151 Officer of any such matter outlined in paragraph 9.12, the Section 151 Officer will inform the appropriate Corporate Director and the Chief Executive/Cabinet, if appropriate.
- 9.15 Any decision to refer a matter as outlined in paragraph 9.12 to the Police is to be taken by the Audit & Risk Manager after informing the Council's Section 151 Officer or their representative. Where a Member is involved the Chief Executive, Monitoring Officer and where appropriate, the External Auditor, will be consulted. Where Police advice is sought but it is not intended that any criminal prosecution shall take place, the Audit & Risk Manager shall ensure that the anonymity of the individual(s) concerned shall be maintained at all times.
- 9.16 Internal Audit should report to a body of members the following information:
- a) the Internal Audit plan and strategy;
 - b) quarterly reports summarising the internal audit work undertaken and any key findings;
 - c) an Annual Report which provides Internal Audit assurance for the Annual Governance Statement.
- 9.17 The Audit & Risk Manager and Head of Audit & Democracy 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 Chief Executive, the Leader, Cabinet Member Resources, Chairman of the Audit Committee, s151 Officer, Corporate Directors, the Monitoring Officer or the Council's External Auditors.

CONTACT: Audit & Risk Manager

PROTOCOL FOR THE OPERATION OF COUNCILLOR CALL FOR ACTION

1. Introduction

1.1 Under the Council's Constitution, the Scrutiny Leadership Board may be requested to review ward issues by a Ward Member as a Councillor Call for Action. This protocol seeks to set out the process for Councillor Calls for Action, guidance for Ward Members and the proforma to fill out to request a Councillor Call for Action.

1.2 Councillor Call for Action (CCfA) has been introduced to support elected members in achieving improvements for their local areas. It is envisaged that it would help those Ward Councillors who have been unable to resolve problems in their particular wards by talking to the local authority and its partners, by allowing the Ward Councillor to refer the matter to the Scrutiny Leadership Board for consideration.

1.3 Key Principles:

The successful operation of CCfA will rely on several principles:

- CCfA will be a means of "last resort"; with issues being raised with the Scrutiny Leadership Board after all other avenues have been exhausted.
- CCfA can only be used in matters affecting a particular Ward area.
- It is a technique for helping to resolve issues, but it is not a panacea. Simply bringing issues to scrutiny through the CCfA process will not automatically produce a solution.

2. Operation

2.1 The Ward Councillor will come across a problem in their area; this may be through their own experience or via the experience of residents in their area who may approach them for help. The ward councillor will examine the issue and signpost on for:

- Requests for service;
- An individual complaint for an issue specific to an individual's experience of a specific service;
- Advise of bringing a petition.

2.2 If the issue cannot be solved using the methods above, the Ward Councillor will then, dependent on the issue, try to resolve the issue through a number of different avenues:

- Checking that the relevant complaints procedures have been complied with. If the resident's issue appears to be that of a standard service has not been provided, or not to a sufficient

standard, then the Councillor should check that the relevant complaints procedure has been used, and that the service provider has responded to the complaint.

- Approaching the local service manager. The issue may at its core be that residents feel that the standard service is not the right one for local conditions and, therefore, the matter may be a question of making some slight adjustments. The Ward Councillor would discuss the matter with the local service manager in an attempt to secure the change.
- Approaching relevant partnership bodies or local groups. If a matter requires attention from a number of different agencies acting in partnership, the Ward Councillor should contact the partner agencies to allow them an opportunity to resolve the issue.
- Approaching the relevant Cabinet Member or Members. The Ward Councillor may come to the conclusion that a resolution can only be found following a policy change, which would require a discussion with the relevant Cabinet Member or, if the issue is complex, Cabinet Members to allow them a chance to consider if a policy decision should be made.

2.3 Following the Ward Councillor's pursuit of one or all of these avenues, they may still be no nearer a resolution to the issue. They will need to consider whether the issue warrants consideration as a CCfA by the Scrutiny Leadership Board. Before initiating a CCfA the Ward Councillor will be expected to "filter" issues by either deciding that it does require further action through CCfA or that it does not as there is no compulsion for Ward Councillors to initiate a CCfA.

2.4 A Ward Councillor should consider the following when deciding if an issue warrants referral as a CCfA:

- I. Are the concerns individual complaints? If yes, this should be signposted to the complaints process.
- II. Do the concerns relate to an individual "quasi judicial" decision: Planning, Licensing, Education appeals, Housing appeals or Standards. Scrutiny is not appropriate for dealing with these kinds of concerns as they are subject to their own statutory appeals processes. However, patterns of issues may be appropriate to consider as a concern under CCfA – e.g. community concerns about the proliferation of licensed premises in a local neighbourhood.
- III. Are the concerns to do with the quality of public service provision across a number of different organisations or agencies? CCfA is not only for Scrutiny to look at issues of concern relating to council

services but to issues relating to all public services e.g. community safety, health issues or issues relating to local schools.

- IV. Has this concern already been taken through the CCfA process and someone is trying through another Ward Councillor? In which case you should automatically reject it as a CCfA, unless the issue has substantially changed in its nature to warrant reconsideration.
- V. Is the focus of concern on a neighbourhood or locality issue? CCfA focuses on neighbourhood or locality issues where you as the Ward Councillor can help resolve issues of concern in your ward. If the concern is of a more general nature e.g. about policy across Telford & Wrekin, it would not be appropriate for CCfA but you could still make a request to Scrutiny in the usual way for it to be considered as part of the Scrutiny work programme.
- VI. Is the issue a genuine local concern? You will want to make sure that the concerns in your Ward are genuine and not just individual “hobby horses”. Finding out the views of other residents in the Ward will help to clarify this.
- VII. Have all other mechanisms for resolution of the concern been used to the full extent:
 - discussing the issue with officers of the Council or other agency;
 - discussing the issue with the relevant Cabinet Member/s;
 - facilitating an informal discussion at an appropriate local forum;
 - raising the issue with locality based arrangements – like PACT meetings;
 - formally raising the concern with partnerships or partner agencies.
- VIII. Is the issue persistent and unresolved by Ward Members? Do you feel you have done everything within your power to remedy a community concern and have exhausted all mechanisms? Have you tried to resolve problem(s) with the aid of other agencies and partnerships but have been unsuccessful in finding an adequate solution? Then you are able to refer the issue(s) to Scrutiny as a CCfA but this should be the last resort.

3. Referral

- 3.1 In order to ensure that CCfA referrals are accurately recorded, the Ward Councillor will need to fill out a CCfA proforma. They should give a summary of the issue, why they think it constitutes a CCfA and what resolution they would like to see. It is very important that as much information is included as possible in order that the Chairman of the

Scrutiny Leadership Board can make an informed decision on whether this is a CCfA or not. Advice on filling in the proforma can be sought from the Head of Finance & Audit and the Scrutiny Manager.

- 3.2 Once the proforma has been filled in by the Ward Councillor this should be forwarded to the Customer Quality Team who will record receipt of the CCfA on the feedback system. And acknowledge receipt to the Ward Councillor. The Customer Quality Team will then forward the CCfA proforma to the Scrutiny Manager, the relevant Director and CEO of any relevant partner organisation.

4. Validity

- 4.1 The Chairman of the Scrutiny Leadership Board (or in their absence the Vice-Chairman) with advice from the Scrutiny Manager, will decide on validity of CCfA and inform the Ward Councillor calling the CCfA, Scrutiny Leadership Board and Director/other organisations to which matter relates.

- 4.2 In judging whether a CCfA is valid or not the Chairman will consider the following questions:

- I. Does the issue relate to an individual Ward?
- II. Am I satisfied that reasonable attempts at resolution have been made by the Ward Councillor?
- III. Has scrutiny or Cabinet Members considered a similar issue recently? If they have, has the issue substantially changed to warrant re-examination?
- IV. Are there projects, reviews, audits or inspections already underway that are already considering the concern?
- V. In the case of a crime & disorder issue, that the matter has been referred to the Safer and Stronger Communities Partnership for resolution?
- VI. Have the relevant area committee structures been exhausted?
- VII. Have relevant partners or Council service areas been informed and not responded?
- VIII. Is there a more complex/strategic issue at the heart of it that could not be resolved at a lower level?
- IX. Is the CCfA vexatious (refer to the guidance on vexatious under the Freedom of Information Act), discriminatory or unreasonable?
- X. Could the issue raised in the CCfA be dealt with through an existing right of review or appeal e.g. planning appeals and licensing appeals? (If so then this would render the CCfA invalid except where the CCfA relates to a systematic failure of a Council function within these areas.)

- 4.3 Once the Chairman of the Scrutiny Leadership Board comes to a decision a letter will be sent from the Scrutiny Manager to the Ward Councillor confirming whether the CCfA is valid or not. If valid, the

letter will also confirm the date of the Scrutiny Leadership Board meeting to consider the issue.

- 4.4 The Scrutiny Manager will contact the relevant Director of the Service or Chief Executive of the partner agency to collect any further information available on the issue to be sent with the agenda for the Scrutiny Leadership Board meeting.

5. Scrutiny Leadership Board meeting

- 5.1 The Scrutiny Leadership Board will invite the Ward Councillor and relevant officers from the Council or its partner agencies to discuss the matter in more detail at a public meeting. The Scrutiny Leadership Board will either:

- I. Reject the CCfA in its entirety;
- II. Make recommendations to the Cabinet or Council for actions to be taken;
- III. Make recommendations to the Chief Executive Officer of a partner agency for actions to be taken;
- IV. Agree to undertake a Scrutiny Special Interest Meeting/spotlight review or in-depth review on the issue;
- V. Agree to hold a further meeting to discuss, where further evidence is required;
- VI. Or, where appropriate, a combination of the actions stated above.

6. Scrutiny Leadership Board decision/recommendation

- 6.1 The outcome of the meeting will be communicated to the Ward Councillor, Director and Chief Executive Officer of the partner agency, the Cabinet Member/s and the Customer Quality Team who will record the decision/recommendations and track their implementation/rejection. Updates will be provided to the Scrutiny Leadership Board as agreed.
- 6.2 Once all recommendations have either been implemented or rejected by the Cabinet/Council or partner agency the CCfA record will be closed.

COUNCILLOR CALL FOR ACTION (CCfA) PROCESS MAP

Ward Councillor becomes aware of a local problem or is approached by an individual resident or group of residents to help solve a local problem in their ward.

Ward Councillor assesses problem and sign posts local resident/s to the correct service area or partner organisation as either:

- a “request for service”;
- as an individual complaint through the complaints process;
- or through the petition process.

Where the above processes do not apply, the Ward Councillor will decide to seek improvement for the problem by approaching:

- Local service managers (both Borough Council or its partners)
- Community Organisations
- Senior Management (in the Borough Council or its partners)
- Cabinet Member

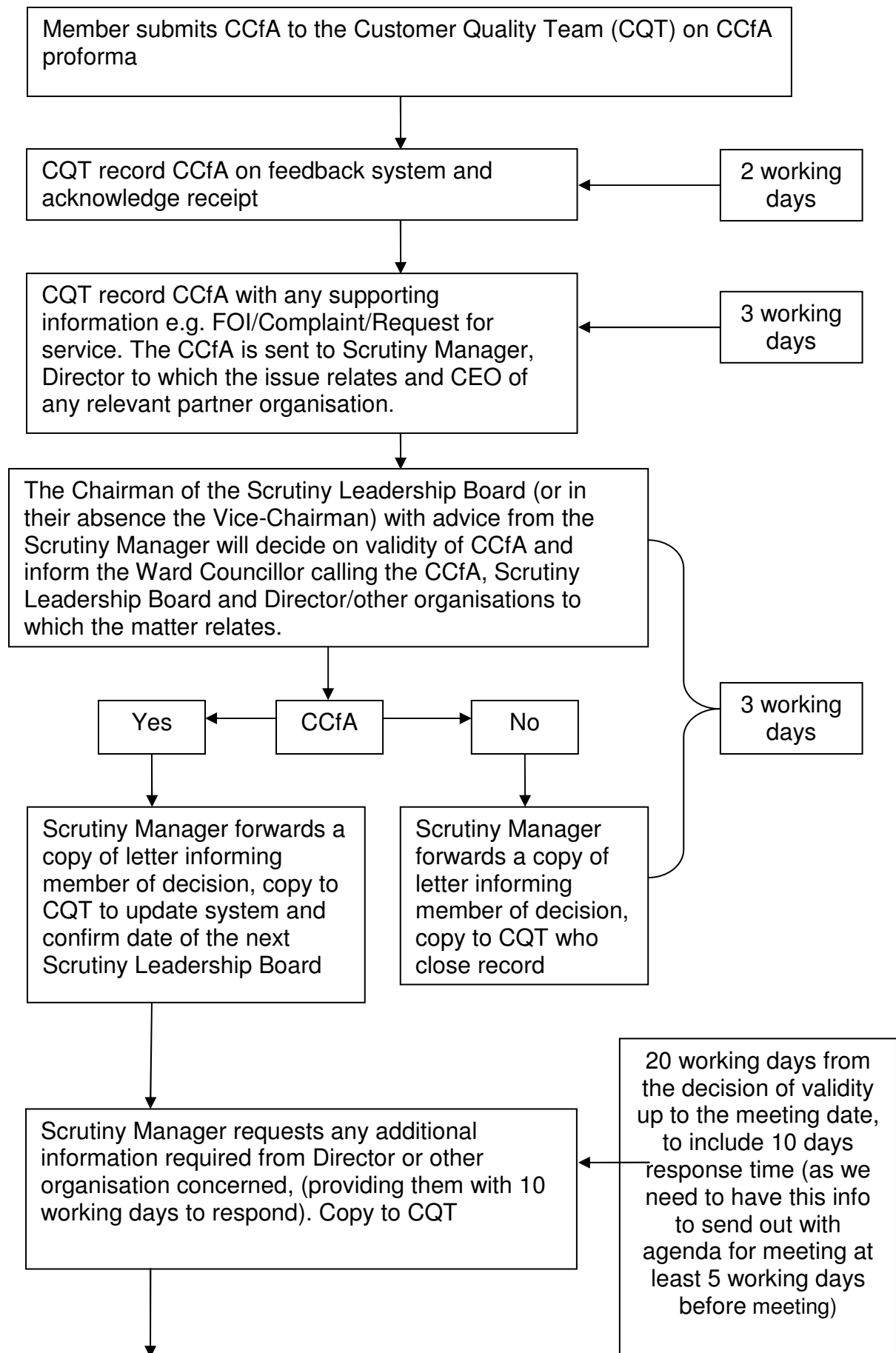
Ward Councillor is unable to resolve the matter locally

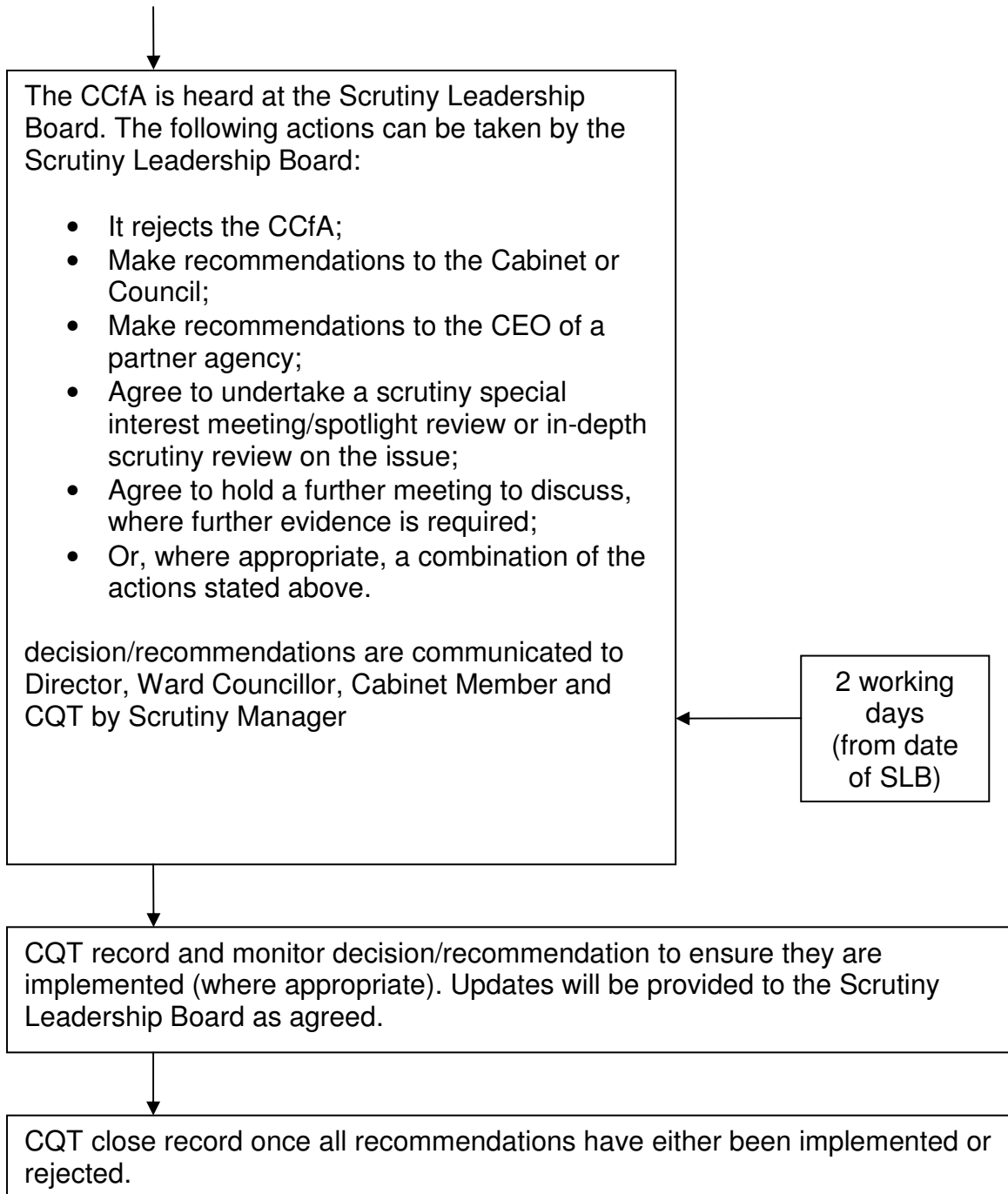
Ward Councillor is able to resolve the matter locally

Ward Councillor, after referring to the guidance, decides to refer the matter to Scrutiny Leadership Board (expected to be used as last resort)

Ward Councillor decides that this is the end of the matter and there is no value in referring to the Scrutiny Leadership Board as CCfA

Ward Councillor sets out in the CCfA proforma what the problem is, what action has already been taken by them, or others (this could be residents or other Ward Councillors), why they wish to refer the matter to the Scrutiny Leadership Board and what action they wish to see be taken.





**COUNCILLOR CALL FOR ACTION
PROFORMA**

Please forward this form to the Customer Quality Team, Telford & Wrekin Council, Civic offices, PO Box 215, Telford, TF3 4LF or via email on customer.quality@telford.gov.uk

Name of Member	Ward	Members Signature	Date

Summary of CCfA issue:

Summary of why this constitutes a CCfA:

Details of the resolution being sought

Please indicate if this issue has been responded to previously via any of the following processes.

Process	Yes/No	Outcome
Complaints Procedure		
Freedom of Information Enquiry		
PACT meeting		
Member Enquiry		
MP Enquiry		
Petition		
Parish enquiry		

Details of other actions taken:

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This part of the form to be completed by the Chairman of the Scrutiny Leadership Board, or in his or her absence the Vice-Chairman:

Date CCfA received	
Does this constitute a CCfA? (reasons to be given if not)	
If so, date of the Scrutiny Leadership Board meeting to which it will be presented.	
What, if any information is required from the Portfolio or other organisation concerned?	
Date of request to the Director of Portfolio or other organisation concerned for this information.	

Signature of Chairman/Vice-Chairman of the Scrutiny Leadership Board	
Date	

--	--

Contacts: Ken Clarke 01952 383100
ken.clarke@telford.gov.uk
Fiona Sullivan 01952 383113
fiona.sullivan@telford.gov.uk

FUNCTIONS, POWERS AND DUTIES OF AUDIT COMMITTEE

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

Internal Audit

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

External Audit

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

Risk Management

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

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

Governance

11. Be responsible for the review and approval of the authority's Annual Governance Statement ensuring that it properly reflects the risk environment and any actions required to improve it. Following approval, it should recommend its inclusion in the Accounts.
- ~~12.~~ 12. Consider the effectiveness of the control environment including reviewing the Council's Code of Corporate Governance and other corporate governance arrangements to ensure compliance with best practice.

13. To consider and review 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.-management

Statement of Accounts

143. Review and approve the^[F1] 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

154. To approve the Anti-Fraud and Corruption Policy for adoption by the Council, and to review it at least once every 2 years.
165. To approve the Speak Up Policy ('*whistle blowing*') for adoption by the Council, and to monitor its operation. This policy will be reviewed at least once every two years.

Complaints

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

- 16-17. Review the Annual Complaints Report and seek assurances that the Council is improving in response to complaints raised.

General

187. 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.
198. To ensure that adequate training is received by the members of the committee on the areas covered by the terms of reference 1 – 16 above.
2019. To ensure that any sensitive or confidential information obtained as a result of membership of the Committee is treated as confidential.
210. Annually review their effectiveness and their terms of reference.

SCRUTINY LEADERSHIP BOARD

AMENDMENTS TO TERMS OF REFERENCE – PART 4, SECTION 5 OF THE CONSTITUTION

(i) Appointment of Health Scrutiny Committees

XXXIII In accordance with regulations under **section 7 of the Health & Social Care Act 2001**, to review and scrutinise matters relating to the health services within the Council's area and to make reports and recommendations to local NHS bodies. The status of a statutory consultee for NHS consultations on substantial variation or development of services will be delegated to the Health Scrutiny Monitoring Group. Where formal joint health scrutiny arrangements with other authorities are proposed, the Scrutiny Leadership Board will appoint the requisite number of Scrutiny Assembly members to the Joint Committee.

(ii) Legislative Amendments to Terms of Reference

XIX To have the powers of an Overview and Scrutiny Committee in relation to the consideration of Councillor Calls for Action, as set out in **section 119 21A of the Local Government Act 2000 and section 19(3) of the Police & Justice Act 2006 and ~~Public Involvement in Health Act 2007 and section 19(3) of the Police & Justice Act 2006.~~**

XXI To have the powers of an Overview and Scrutiny Committee in relation to scrutiny of performance of **Local Area Agreements set out in section 124– 21E of the Local Government and ~~Public Involvement in Health Act 2007. Act 2000.~~**

**Amendments made by the Head of Legal Services under delegated authority
since October, 2008**

Constitution Reference	Delete	Insert
Part 4 – Rules of Procedure – Section 6 – Financial Regulations – para. 6.8	<i>Any capital expenditure over £50,000 even if entirely covered by additional external funding but outside the approved capital programme, must be approved by Cabinet</i>	Council
Part 5, Section 4 – Protocol on Use of Substitutes Explanatory Note	Delete 'Personnel Board'	
Chapter 2 – Part 4 – Rules of Procedure – Section 1 – Council Procedure Rules – para. 12 – Motions Without Notice (r)	or ballot	
Functions, Powers and Duties of Licensing Committee	& Democratic	
Part 7 Management Structure	Twenty-one April 2008	Twenty-two December 2008
Guidance Note 2 – report Format	Heather Gumsley	Sarah Daffern
100g(2) List Update job titles as appropriate Highways – Misleading Notices Environmental Policy To provide advice and guidance on matters of environmental policy in relation to the discharge of Council functions Notifiable and Infectious Diseases	'whatever' Delete – term of reference and not a delegation	'appropriate' after 'action' insert 'within legal powers' Following 'Proper Officer' insert ' as appointed by the Health Protection

<p>Insurances</p>	<p>20.1</p>	<p>Agency'</p> <p>22.1</p> <p>Insert heading 'Annual Accounts' following entries after 'Housing Benefit/Council Tax Benefit'</p> <p>after 'Accounts & Audit Regulations 2003 insert '(as amended 2006)</p>
<p>Elections To review local government areas and electoral boundaries'</p>	<p>Delete – terms of reference not delegation</p>	
<p>Personal and Prejudicial Interests (2 entries)</p>	<p>Delete 'pecuniary' Delete 's.107, Schedule 5, Paragraph 12. Schedule 6,</p>	<p>Insert 'Section 81' After 'Head of Legal Services' insert (Monitoring Officer)</p>
<p>Regeneration Renewal Area</p>	<p>'N.B. With regard to the Woodside Renewal Area Declaration – this was approved by Council on 26 September 2002 (Minute No. C-50) for period of 5 years)</p>	
<p>Various To be responsible for the Council's corporate strategy and policy for the World Heritage Site, including the World Heritage Site Management Plan'</p>	<p>Delete – Term of reference not delegation</p>	
<p>Standards in Local Government Assistance to members and co-opted members of the authority</p>		<p>After 'all members of the Council' insert 'and co-optees'</p>

Chair and Members of the Constitution Committee

Proposed amendment to Constitution

Introduction

Members of the committee will be aware of the speaker's comments at a recent meeting of the Council in which he invited members who had concerns about the constitution to place them before the Constitution Committee. I have made some proposals below which I ask the committee to approve.

They concern 1- Section 10 of Part 4 and
2 - Council Procedural Rule 16 of Part 10

Area of Concern

Rule 10 of Section 1 Part 4 of the Constitution relates to **questions from members.**

Rule 10.1 refers to questions on **“Reports of the Cabinet or Committees.”**

Rule 10.2 refers to **“Questions on Notice at Full Council”** and is supplemented by rules 10.3; 10.4; 10.5; & 10.6. - **None of which apply to rule 10.1**

The above, which I consider to be an anomaly, results in the Council having a **two tier system of questioning where a member asking a question under the provisions of Rule 10.1, and indeed the member answering the question, does not have the same liberty and responsibilities as a member asking a question under the provisions of Rule 10.2.**

This deprives fellow members and others present, particularly members of the public, of a greater understanding of the matter in question, through listening to rational presentation and is an affront to the Councils' democratic reputation.

A democratic deficiency is also clearly evident in circumstances where **a decision is taken to give a written answer, in that neither the questioner, nor any other member of the council, has a facility to respond, except by means of a question on notice,** which may again attract a written answer and so on ad infinitum.

Proposals

That members of the Committee approve the following amendments to the constitution:

1. - Section 1 Part 4 Rules 10.6 and 10.3 as shown in the associated Appendix 1 and:-
2. - Procedural Rule 16 of Part 10 as shown in Appendix 2

Appendix 1

10.6 Response:-

After – “An answer” Insert – “to questions submitted under rules 10.1 or 10.2”

and 10.6 (c) after “circulated” delete “later”; (Removes an indefinite variable),

after “via” delete “Councils intranet or” (Members should not have to search for an answer),

and after “or E -mail” add “within 5 working days” (Imposes a definitive time scale).

After “Section (c)” Insert –

(d) A member asking a question under Rule 10.1 or 10.2 may respond once without notice to (a) the direct answer, (b) a reference to a publication or (c) the decision to give a written answer, given by the member to whom the first question was asked. The questioner’s response must arise directly out of the original question or the reply. The Member to whom the question was addressed shall then have the right to conclude the debate.

(This removes the current anomalous distinction between 10.1 and 10.2).

e) Where a written response is given under the provisions of 10.6 (c) all members will have the right to respond to the answer as under 10.6 (d) at the next Full Council meeting, responses will be limited to the questioner and one member of each party, notice of intention to respond must be given not earlier than 14 nor less than 7 days prior to the meeting. Notice to be taken on a first come first served basis. The Member to whom the question was addressed shall then have the right to conclude the debate.

(Under the existing provisions no one had the facility to respond to a written answer except by giving notice of a further question, clearly unhelpful to the democratic process; and also enables other interested members to participate in a debate, it should be remembered that because a question is asked singly it should not be concluded that there is no collective interest. The limitation on numbers prevents any “Free for all” developing).

10.3 Question and answer process – Delete 10.3 (e) “A member-----the debate”.

(10.3 (e), would become unnecessary on adoption of modifications to 10.6

Consequence

10.6. Response will then read:-

10.6 Response

An answer to questions submitted under rules 10.1 or 10.2 may be given by the member to whom the question was asked or such other member as they may nominate.

An answer may take the form of:

(a) A direct oral answer;

(b) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(c) Where the reply cannot conveniently be given orally, a written answer circulated to the questioner and to all other Members via e-mail within 5 working days.

(d) A member asking a question under Rule 10.1 or 10.2 may respond once without notice to (a) the direct answer, (b) a reference to a publication or (c) the decision to give a written answer, given by the member to whom the first question was asked. The questioner's response must arise directly out of the original question or the reply. The Member to whom the question was addressed shall then have the right to conclude the debate.

e) Where a written response is given under the provisions of 10.6 (c) all members will have the right to respond to the answer as under 10.6 (d) at the next Full Council meeting, response will be limited to the questioner and one member of each group, notice of intention to respond must be given not earlier than 14 nor less than 7 days prior to the meeting. The Member to whom the question was addressed shall then have the right to conclude the debate.

Alternatively the committee may also like to consider the benefits to the democratic image of the Council by amending the constitution to giving all members, (subject to the numerical limitations proposed in (e), above, the right to respond to an answer to a question irrespective of the manner in which the answer is given. This could be achieved by revising (d) to read as follows:-

(d) A member asking a question under Rule 10.1 or 10.2 and any other member (limited to one member from each group), on a first come first served basis, may respond once without notice to (a) the direct answer, (b) a reference to a publication or (c) the decision to give a written answer, given by the member to whom the first question was asked. The questioner's response must arise directly out of the original question or the reply. The Member to whom the question was addressed shall then have the right to conclude the debate.

Appendix 2

I understand that the Council is to give, or already have given Members of the Public who are submitting Planning applications, or who are having applications submitted and presented on their behalf the right to be heard at meetings of the Plans Board. If this is so then it is illogical to deny the relevant Ward Member(s) the right to be heard. I suggest that members consider the following amendment to Rule 16 of Part 10;-

16. Member attending meetings of a committee of which he/she is not a member

Insert: - “(a)” before “*Subject-----Act1972*”

Insert (b) Members attending a meeting of the Plans Board when an application is submitted for a development within his /her ward, will have the right to speak and present such evidence as he/she considers will assist the board in coming to a decision. If the Board on examination deems that the evidence is irrelevant or inappropriate any reference to such evidence it will not be accepted.