

TELFORD & WREKIN COUNCIL

INTERIM SCRUTINY COMMITTEE – 1 JUNE 2010

SCRUTINY ARRANGEMENTS

REPORT OF THE SCRUTINY MANAGER

1.0 PURPOSE

- 1.1 To agree the Scrutiny arrangements and recommend the necessary changes to the Constitution to Council Constitution Committee.

2.0 RECOMMENDATIONS

- 2.1 **Members of the Interim Scrutiny Committee agree the Scrutiny structures and processes set out in Section 5 of this report and agree to recommend the consequent changes to Council Constitution Committee**
- 2.2 **Members of the Interim Committee agree the consequent changes to the Constitution as set out in Appendices 2 and 3 and recommend these changes to Council Constitution Committee.**
- 2.3 **Members of the Interim Scrutiny Committee agree the Telford and Wrekin membership of the Joint Health Overview and Scrutiny Committee and appoint the elected Members as set out in paragraph 5.21 of this report.**

3. PREVIOUS MINUTES

- 3.1 Minute CCC-16 Council Constitution Committee 13th April 2010
Minute 106(v) - Full Council 29th April 2010
Draft minute 17 - Annual Council 20th May 2010

4.0 SCRUTINY ARRANGEMENTS

- 4.1 The Interim Scrutiny Committee was established at Annual Council to propose the new Scrutiny arrangements. The recommendations from the Interim Scrutiny Committee will go to Council Constitution Committee on the 8th June 2010 and subsequently to Full Council on the 24th June.
- 4.2 Section 5 of this report sets out the changes to the constitution required to establish the new arrangements. The main issues which require a view from the Interim Scrutiny Committee are:
- Membership of Scrutiny Committees
 - Scrutiny Meetings – requisition of additional meetings

- Scrutiny Assembly – Membership and role of Deputy Mayor
- Scrutiny Work Programme – Process to agree the Scrutiny work programme
- Additions and changes to the Scrutiny Work Programme in Year
- Agenda Items
- Scrutiny Suggestion Forms
- Referrals from Cabinet and Full Council
- Chairing Scrutiny Reviews
- Process to Sign off Scrutiny Reports
- Changes to the Constitution Regarding Scrutiny

4.3 The options for these issues are set out in Section 5 below.

5.0 OPTIONS FOR NEW SCRUTINY STRUCTURES AND PROCESSES

5.1 Below are some proposed changes to the Constitution which set out the options for the new Scrutiny arrangements:

5.2 Membership of Scrutiny Committees

Each Scrutiny Committee will have X Members and will be politically balanced. (see appendix 1 for calculations of Committees with 6 or 8 Members).

5.3 Members of the Scrutiny Committees will be appointed for a X year period. However, during this period Group Leaders may allocate their place to an alternative member but must confirm this in writing to the Head of Governance.

5.4 Scrutiny Meetings

The Chairman of each Scrutiny Committee can requisition additional meetings of the Committee.

5.5 Any Member of the Scrutiny Assembly may request that Chairman of the Committee to requisition a meeting of the Committee. The meeting may be called at the Chairman's discretion.

5.6 For urgent business a meeting of a Scrutiny Committee will be called as soon as practicable if X Members of the Scrutiny Assembly sign a request to call a meeting specifying the reasons.

5.7 Scrutiny Assembly

All Councillors except Members of the Cabinet, Cabinet Assistants and the Mayor will be members of the Scrutiny Assembly, although the Mayor may still attend and participate in meetings if he or she wishes

OR

5.8 All Councillors except Members of the Cabinet, Cabinet Assistants, the Mayor and Deputy Mayor will be members of the Scrutiny Assembly, although the Mayor and Deputy Mayor may still attend and participate in meetings if he or she wishes

5.9 Scrutiny Work Programme

A Scrutiny Assembly meeting will be held to generate ideas and priorities to form the basis of the Scrutiny work programme. The Cabinet Members will be invited to the meeting to outline the priority areas. Scrutiny Assembly Members will then have an opportunity to work in mixed groups to identify potential issues for Scrutiny. These issues will then be categorised by Council Priority and the Scrutiny Assembly Members working in Committee Groups will prioritise these issues.

5.10 Following the Scrutiny Assembly the scrutiny team will work with relevant officers to score the issues identified against the agreed criteria. The Chairmans' Forum will then determine the method of Scrutiny and timing of the work programme within the resources available.

5.11 Additions and changes to the Scrutiny Work Programme in Year

5.12 Agenda Items

Any Member of the scrutiny assembly may request an item to be included in the agenda for the next Scrutiny Committee Meeting. This will be raised using a Scrutiny Suggestion Form. The suggestion will be scored using the criteria used to agree the scrutiny work programme. The item may be included on the agenda at the Chairmans' discretion.

5.13 Scrutiny Suggestion Forms

Any Member of the scrutiny assembly or member of the public may complete a Scrutiny suggestion form. The suggestion will be scored using the criteria used to agree the scrutiny work programme. The Scrutiny Chairmans' Forum will determine if the issue will be included in the Scrutiny work programme and the method of Scrutiny. It may be necessary to remove or delay other items on the work programme if an additional item is agreed.

5.14 Referrals from Cabinet and Full Council

Where an item is referred to Scrutiny by Cabinet or Council the issue will be scored using the criteria used to agree the Scrutiny work programme. The Scrutiny Chairmans' Forum will determine if the issue will be included in the Scrutiny work programme and the method of Scrutiny. It may be necessary to remove or delay other items on the work programme if an additional item is agreed.

5.15 The decision taken by the Scrutiny Chairmans' Forum will be reported back to Cabinet or Council together with details of the level of priority assigned or reasons for refusal.

OR

5.16 Agenda Items and Issues for Scrutiny

Any member of the Scrutiny Assembly or member of the public may complete a Scrutiny suggestion form to raise a potential issue for scrutiny as an agenda item, review or special interest meeting. Cabinet and Council may also refer an issue to Scrutiny. Any suggested addition to the Scrutiny work programme will be raised using a Scrutiny Suggestion Form. Once received the Scrutiny suggestion will be scored against the criteria used to agree the Scrutiny work programme. The suggestion form and the results of the scoring process will be circulated to the Members and co-optees of the relevant Scrutiny Committee. If $\frac{3}{4}$ of the membership of the Committee confirm that this issue should come to Scrutiny this will go to the Scrutiny Chairmans' Forum to be included in the work programme and they will determine the method of scrutiny. It may be necessary to remove or delay other items on the Scrutiny work programme if an additional item is agreed.

- 5.17 The person or body who raised the issue with Scrutiny will be notified of the decision of the Chairmans' Forum.

5.18 Chairing Scrutiny Reviews

Generally, review groups will be chaired by the relevant Scrutiny Committee Chairman. The Review Group membership will elect their own Chairman who will take responsibility for reporting concise feedback of key issues, concerns or recommendations to the Scrutiny Committee and Cabinet. Where the Chairman is not a Lead Scrutiny Member, the relevant Lead Scrutiny Member will maintain a link with the Chairman and may accompany the Chairman of the group to Cabinet to report feedback.

5.19 Process to Sign off Scrutiny Reports

Once a scrutiny group has formed recommendations on proposals for policy development, it will prepare a formal report that will be agreed by all members involved in the work and signed of by the Chairman of the Committee for onward submission to the Proper Officer for consideration by the Cabinet (e.g. if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework). The expectation is that a minority report is the exception and that the Scrutiny group will seek to reach agreement.

OR

Once a scrutiny group has formed recommendations on proposals for policy development, it will prepare a formal report that will be agreed by all members involved in the work and considered by the Scrutiny Committee for onward submission to the Proper Officer for consideration by the Cabinet (e.g. if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework). The expectation is that a minority report is the exception and that the Scrutiny group will seek to reach agreement.

5.20 Changes to the Constitution Regarding Scrutiny

The Chairmans' Forum will recommend changes to the Council Constitution Committee regarding Scrutiny arrangements including Call-In. Where a substantial changes is being proposed the Scrutiny Assembly will be consulted.

5.21 Membership of the Joint Health Overview and Scrutiny Committee with Shropshire County Council

The Interim Committee has the power to appoint the Telford and Wrekin membership of the Joint HOSC with Shropshire County Council. The membership comprises of 3 elected Members and 3 co-optees from each Local Authority. Under the legislation the membership of the Committee must be politically balanced unless this requirement is waived by all Members of both authorities. A report will be taken to Council Constitution Committee and Full Council to confirm the voting rights for the co-optees.

6.0 EQUALITY AND DIVERSITY

- 6.1 As part of their work all Scrutiny Committees, Scrutiny Reviews and Special Interest Meetings consider the equality and diversity implications of the issue under consideration.

7.0 ENVIRONMENTAL IMPACT

- 7.1 This report does not have any direct environmental impact.

8.0 LEGAL IMPLICATIONS

- 8.1 The Council has a duty to scrutinise its work and that of NHS and partner organisations. These duties have been set out within the remits of the relevant Scrutiny Committees.

9.0 LINKS WITH CORPORATE PRIORITIES

- 9.1 The Scrutiny Committees' remits mirror the Council Priorities. Work of the Scrutiny Reviews and Special Interest Meetings cuts across the corporate priorities. The Scrutiny function supports the priority 'An Efficient and Community Focused Council'

10.0 OPPORTUNITIES AND RISKS

- 10.1 The new arrangements offer an opportunity to liaise with the Cabinet to ensure that Scrutiny can influence the Council's priorities.
- 10.2 There is a risk that if the Scrutiny work programme is not managed within the resources available that the Scrutiny work programme will not be delivered within the agreed timescales.

11.0 FINANCIAL IMPLICATIONS

- 11.1 There are no direct financial implications from this report. The Scrutiny arrangements will be supported by the Scrutiny budget.

12.0 WARD IMPLICATIONS

12.1 There are no ward implications resulting directly from this report.

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Number of elected members on Scrutiny Committees

During the discussion at the meeting on 20th May, the Interim Scrutiny Committee requested details of how membership would be allocated to each political group if some of the Scrutiny Committees were made up of 6 elected members and some were made up of 8 elected members. To retain political balance, it is not possible to have 7 members on the Committees.

The tables below show a number of options for the membership of the Committees, how many elected members would be required from each group, how many members from each group would be required to sit on more than one Scrutiny Committee, and how many members from each group would not have a seat on a Scrutiny Committee. Any members without a seat on a Scrutiny Committee, excluding Cabinet Members, the Cabinet Assistant and the Mayor, would be members of the Scrutiny Assembly. (Members are asked to recommend the role of the Deputy Mayor in Scrutiny)

7 Committees of 6 members

Total number of members - 42

	Conservative	Labour	Lib-Dem Independent	TAWPA
Possible Scrutiny Members	17	17	5	4
Scrutiny places	21	13	5	3
Members to sit on 2 Committees	4	0	0	0
Members with no seat	0	4	0	1

7 Committees of 8 members

Total number of members - 56

	Conservative	Labour	Lib-Dem Independent	TAWPA
Possible Scrutiny Members	17	17	5	4
Scrutiny places	28	18	6	4
Members to sit on 2 Committees	11	1	1	0
Members with no seat	0	0	0	0

3 Committees of 6 members, 4 Committees of 8 members

Total number of members - 50

	Conservative	Labour	Lib-Dem Independent	TAWPA
Possible Scrutiny Members	17	17	5	4
Scrutiny places	25	15	6	4
Members to sit on 2 Committees	8	0	1	0
Members with no seat	0	2	0	0

From the discussion on 20th May, the Committees thought most likely to need 8 members were Children & Young People and Efficient, Community Focussed Council, with some discussion about the Environment & Rural Area and Housing, Regeneration and Prosperity.

4 Committees of 6 members, 3 Committees of 8 members

Total number of members - 48

	Conservative	Labour	Lib-Dem Independent	TAWPA
Possible Scrutiny Members	17	17	5	4
Scrutiny places	24	15	6	3
Members to sit on 2 Committees	7	0	1	0
Members with no seat	0	2	0	1

5 Committees of 6, 2 Committees of 8

	Conservative	Labour	Lib-Dem Independent	TAWPA
Possible Scrutiny Members	17	17	5	4
Scrutiny places	23	14	6	3

Members to sit on 2 Committees	6	0	1	0
Members with no seat	0	3	0	1

Co-opted Scrutiny Members

In order to inform Committee Members' discussions regarding the number of elected members on Scrutiny Committees, this section sets out the number of co-opted members that currently sit on scrutiny.

In total there are 15 places for co-opted members, with two currently vacant (Church of England Diocese representative and Local Involvement Network representative).

4 statutory co-opted members will sit on the Children & Young People Scrutiny Committee, and these members have voting rights with regard to education matters:

- 1 Church of England Diocese representative (currently vacant)
- 1 Roman Catholic Diocese representative (Austin Atkinson)
- 1 primary Parent Governor representative (Mel Ward)
- 1 secondary Parent Governor representative (Christine Wilton)

In addition to the statutory co-opted members, we have a number of co-opted members who joined scrutiny in 2008. These members are listed below, under the name of the Scrutiny Committee that they would sit on, according to the reason that they were taken on as scrutiny members. Until members review the Protocol for Co-opted Scrutiny Members, there will be 3 Scrutiny Committees with no co-opted members (Community Protection & Cohesion, Housing, Regeneration & Prosperity and Active Lifestyles – Leisure & Culture).

Adult Care & Support

- Dilys Davis – experience of working in the NHS*
- Dag Saunders – Senior Citizens Forum representative*
- Vacancy – Local Involvement Network (LINK) representative*

* These members are appointed to the Joint Health Scrutiny Committee with voting rights.

Efficient, Community Focussed Council

- Roy Williams – experience as borough and parish Councillor
- Maurice Viney – knowledge of budgets

Environment & Rural Area

- Lynda Baker Oliver – Parish Councillor with particular interest in environmental issues

Children & Young People

- Shaukat Ali – background in higher education, including teaching and as a school and college governor
- Dan Greenwood – young person representative from the Young People’s Forum
- Sue Harris – headteacher
- Phoebe Lill – young person representative from the Young People’s Forum
- Michelle Sedgebeer – teacher

Part 4 – Rules of Procedure

– Overview and Scrutiny Procedure Rules

1. Arrangements for Scrutiny

1.1 Group Leaders will determine their own representation on the 7 Scrutiny Committees in accordance with the political balance of the Council.. The Scrutiny Assembly will automatically have all members of the Council appointed to it, except Cabinet Members, Cabinet Assistants and the Mayor. The Scrutiny Chairmans' Forum will co-ordinate the work of the 7 Scrutiny Committees and the Scrutiny work programme.

1.2 The Lead Scrutiny Member will be the Chairman of the Scrutiny Assembly and will be appointed by Full Council.

2. TERMS OF REFERENCE FOR THE SCRUTINY COMMITTEES

2.1 Membership – NUMBER OF MEMBERS _- TO BE DETERMINED

2.2 Where smaller opposition groups share a place on a Scrutiny Committee, the Leaders of the groups concerned will agree the allocation of the Scrutiny Committee places amongst themselves.

2.4 TERM OF MEMBERSHIP - TO BE DETERMINED

2.5 Each Scrutiny Committee will be responsible for scrutiny of one of the Council's priorities.

2.6 Chairman

The Chairman of each Scrutiny Committee will be the Lead Scrutiny Member for that Council priority.

2.7 Each Scrutiny Committee will have an overview and scrutinise the work of the Council within these priority areas as set out by the **Local Government Act (2000)**. Within the remit of each priority area each Committee will:

- Review the strategies and policies of the Cabinet and the Council and scrutinise any matter affecting local people.
- Review the discharge by the Cabinet of any of its functions, including comparison of performance against any appropriate targets, plans or standards.
- Review any decisions or proposed decisions of the Council and of the Cabinet.
- 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 Cabinet arising from that consideration.

- Consider any matter referred to it by the Scrutiny Chairmans' Forum from the Cabinet or the Council and recommend to the Cabinet or the Council accordingly.

2.8 The table below sets out the statutory and cross cutting responsibilities of the 7 Scrutiny Committees.

Scrutiny Committee	Statutory Powers and Responsibilities
Adult Care and Support	Statutory Health Scrutiny Function including 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)) Consideration of Health and Social Care referrals for the Local Involvement Network (LINK) (as set out in section 226 of the Local Government and Public Involvement Act (2007))
Efficient Community Focused Council	Budget Scrutiny and Statutory Scrutiny of Local Area Agreements (as set out in section 21E of the Local Government Act 2000))
Community Protection and Cohesion	Scrutiny of the Crime and Disorder Reduction Partnership (as set out in section 19 of the Police & Justice Act (2006.))
Housing, Regeneration and Prosperity Active Lifestyles – Leisure and Culture Environment and Rural Areas	Scrutiny of Flood and Water Management ((as set out in the Flood and Water Management Act 2010))
Children and Young People	To appoint at least 2 and no more than 5 statutory co-optees (as set out in the Parent and Governor Regulations (England) Regulations 2001 (S/I 2001 /478) (PGR 2001)

2.9 The Scrutiny Work Programme will be determined by the Scrutiny Assembly and co-ordinated by the Chairmans' Forum.

2.10 Each Scrutiny Committee has:

- The powers of an Overview and Scrutiny Committee in relation to Cabinet decisions related to that priority 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.
- The power to appoint co-optees in line with the Co-optee Protocol

- The powers of an Overview and Scrutiny Committee in relation to the consideration of Councillor Calls for Action in relation to the relevant Council priority as set out in **section 21A of the Local Government Act 2000 and section 19(3) of the Police & Justice Act 2006.**
- The powers of an Overview and Scrutiny Committee in relation to petitions as set out in the **Local Democracy, Economic Development and Economic Construction Act (2009)**

3.Meetings of Scrutiny Committees

3.1 Each Scrutiny Committee will meet formally a minimum of 2 times a year. In addition to these meetings the Committees may undertake In-depth Reviews, Special Interest Meeting and Spot Light Reviews as determined by the process to agree the Scrutiny work programme..

REQUISITION OF MEETINGS – TO BE DETERMINED

4. Co-optees

4.1 The Scrutiny Committees shall be entitled to appoint a number of people as co-optees to the Scrutiny Committee in addition to those required below. .

- Other than the 4 statutory co-optees required below and the Co-optees on the Joint Health Scrutiny Committee as agreed by Full Council, co-optees are non-voting members of the Scrutiny Assembly.
- Co-optees will be appointed for either a fixed term or as a standing member, and in any case, terminable with one month's notice on either side..

5. Education representatives

5.1 The relevant Scrutiny Committee shall include in its membership the following voting representatives for education matters:

- (a) Church of England diocese representatives (one);
- (b) Roman Catholic diocese representative (one);
- (c) parent governor representatives (two).

5.2 The meaning of “education matters” in this paragraph relates wholly or in part to any education functions which are the responsibility of the Authority's Cabinet. If the Scrutiny Committee deals with other matters, these representatives shall not vote on those other matters, though they may play a full part in the work of the Committee and the Scrutiny Assembly.

6. Quorum

6.1 The quorum for the Scrutiny Committees shall be as set out for committees in the Council Procedure Rules in Part 4 Section 10 of this Constitution.

7. COORDINATION BY THE CHAIRMEN ACTING COLLECTIVELY

7.1 The co-ordination of the work of the Scrutiny Committees will rest with the Chairman's' Forum. The Chairmen will meet as the Scrutiny Chairmans' Forum:

7.2 To approve the annual Overview and Scrutiny work programme to ensure it is an efficient use of the Committees' time and that the potential for duplication is minimised.

7.3 Where matters fall within the remit of more than one Scrutiny Committee, to determine which of them will assume responsibility for any particular issue and to resolve any issues of dispute between the Scrutiny Committees.

7.4 To receive requests from the Cabinet 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.

7.4 To put in place and maintain a system to ensure that referrals and recommendations from Scrutiny to the Executive, either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in the Constitution.

7.5 To prioritise the use of the annual consultant's budget in consultation with the Head of Governance.

8. TERMS OF REFERENCE FOR THE SCRUTINY ASSEMBLY

8.1 MEMBERSHIP (ROLE OF DEPUTY MAYOR) - TO BE DETERMINED

8.2 .All co-opted Members on Scrutiny Committees will be Members of the Scrutiny Assembly

8.3 The Chairman of the Scrutiny Assembly will be appointed at Annual Council and will be the Lead Scrutiny Member.

8.4 The Scrutiny Assembly will hold an annual work programme workshop to generate ideas and prioritise these to form the basis of a scrutiny work programme .

8.5 The Scrutiny Assembly will also hold an annual Question and Answer workshop.

8.6 The Scrutiny Assembly will recommend any changes to the Constitution regarding Scrutiny to Council Constitution Committee.

9. SCRUTINY WORK PROGRAMME

9.1 PROCESS TO AGREE WORK PROGRAMME TO BE DETERMINED

9.2 Review groups, special interest meetings and standing groups are not formally constituted Council committees and therefore do not have to meet in public or meet political balance requirements.

10. Policy Review and Development

10.1 The role of the Scrutiny in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules. Proposals must be mindful of the Council's budgetary position and take account of the resources available.

10.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Scrutiny Committees, Scrutiny Assembly as a whole or any one of its flexible working mechanisms may make proposals to the Cabinet in so far as they relate to matters within their terms of reference.

10.3 The Scrutiny Committees and Scrutiny Assembly, through flexible working mechanisms, may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors, co-optees and witnesses a reasonable fee and expenses for doing so.

11. Conduct of scrutiny reviews

11.1 At the outset of reviews the terms of reference will be scoped with advice from relevant officers and a list of interviewees agreed.

11.2 PROCESS TO APPOINT THE CHAIRMAN OF SCRUTINY REVIEWS – TO BE DETERMINED

11.3 The Chairman of the Review will ensure the review remains within the scope agreed.

11.4 If during a review circumstances arise which makes it necessary to change the scope of the review, the full review group must agree any changes to the terms of reference of the review or the list of interviewees. If the revised scope requires additional work it may be necessary to remove or delay other elements of the work programme.

12. PROTOCOL FOR SCRUTINY REPORTS

12.1 Following scrutiny reviews, the Scrutiny Committee, Scrutiny Assembly or the scrutiny groups will produce thorough reports detailing the work undertaken including consultation processes used and the key findings. The reports will include clear recommendations for consideration by the Cabinet and, if proposing changes to the

policy and budget framework, by full Council (and where appropriate for consideration by external agencies). The full protocol is set out in the Scrutiny Handbook

12.2 PROCESS TO SIGN OFF REPORTS - TO BE DETERMINED

12.3 The protocol for Scrutiny reports is set out in the Scrutiny Handbook.

13. MEMBERS AND OFFICER GIVING ACCOUNT

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

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

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

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

13.4 Information obtained as a Scrutiny member through private meetings of Scrutiny Review Groups or Scrutiny Sub-Groups may be sensitive and should be treated as confidential and not used for purposes other than for scrutiny.

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

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

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

14.1 The call-in procedure allows for any member of the Council, subject to the call-in procedure rules and this protocol, to refer decisions which have been made by Cabinet or delegated key decisions taken by officers, but not yet implemented, back to the appropriate decision making body for reconsideration. This is intended to be a check on the decision-making responsibilities of the Cabinet and the delegated key decisions taken by officers. This also includes the statutory co-optees for decisions upon which they can vote. 1.4 This protocol clarifies the call-in process and the documentation required for the process.

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

14.3 Within the Constitution (Overview and Scrutiny Procedure Rules) the call-in process is set out. There is also reference to call-in under Budget and Policy Framework Procedure Rules.

14.4 This protocol will be subject to review and change by the Council Constitution Committee.

14.5 All decisions of the Cabinet (whether taken collectively or individually) must be recorded. The record must show the reasons for the decision, details of alternative options considered, record of any conflict of interest declared, and any dispensation granted by Standards Committee, where appropriate. When a decision is made by the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or an area committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council within 4 working days of being made. Members will be sent copies of the records of all such decisions within the same timescale, by the Head of Governance.

14.6 That notice will bear the date on which it is published and will specify when the decision will come into force, and may then be implemented, on the expiry of 3 working days after the publication of the decision, unless the decision is subject to call-in.

14.7 The call-in procedure does not apply to:

- a) Decisions taken by the Cabinet that are urgent;
- b) Decisions of full Council;
- c) Any decisions taken by officers that are not key decisions;
- d) Recommendations from the Cabinet to the Council;
- e) Specific or individual Employee Relations, Disciplinary or Grievance matters;
- f) Matters which are subject to formal or statutory appeal processes or are sub-judice;
- g) Individual appeal cases for example, Planning, Licensing, Housing, Education;
- h) Decisions of the Standards and Audit Committee or Regulatory Committees;

14.8 Any request for call-in must be made in writing to the Head of Governance on a "Call-in Request form" within 3 working days of the decision being published. The form must be signed by a minimum of 5 members. A faxed form or emailed form will be accepted.

14.9 When the Call-in has been received, the Head of Governance will record the time and date of receipt on the request form and will inform the decision taker, The call-in of decisions will be effected by the Chairman of the appropriate Scrutiny 14.10 Committee Chairman or, in his/her absence, by the Vice Chairman of the Scrutiny Committee upon a request in writing from a minimum of 5 members, stipulating a draft proposal to be debated at the Scrutiny Committee. The final wording of the proposal will be accepted from the lead call-in member up to 48 hours after receipt of the call-in form in writing via email, fax or handwritten to the Head of Governance. So far as education matters only are concerned this minimum number of 5 may include the statutory voting co-optees referred to in the procedure rules.

14.11 All call-ins will be considered by the relevant Scrutiny Committee. In exceptional circumstances where it is not possible to achieve a quorate meeting of the Scrutiny Committee within the prescribed timescales, substitute members may be appointed by group leaders from the Scrutiny Assembly.

14.12 The Chairman of the Scrutiny Committee will determine within 3 working days whether the call-in request is valid. The Chairman of the Scrutiny Committee, or in his or her absence the Vice-Chairman of the Scrutiny Committee, will sign the call-in request form to verify that it is valid. The members who signed the call-in request form shall be notified that the call-in has been received and will be given notice of the meeting at which the matter will be considered.

14.13 A decision should only be called in once. If the Cabinet significantly alter the decision after call-in by scrutiny, the new decision will be capable of being called-in.

14.14 The decision is suspended from the time of receipt of the request for call-in, pending the decision of the Scrutiny Committee.

14.15 An informal meeting will be held between members supporting the call-in, the decision taker and the Head of Governance or his/her representative.

14.16 The objectives of this meeting are to clarify the points at issue and ensure that there is no confusion regarding the decision and to identify whether the concerns expressed on the call-in request form can be addressed by the decision taker in the original decision. After this meeting members supporting the call-in will be able to withdraw their support if they wish to do so in the light of further information or assurances gained at this meeting. If less than 5 signatories remain, the call-in will no longer be valid. If 5 or more signatories remain, the call-in request remains valid and the Scrutiny Committee will meet to consider the call-in request.

14.17 To prevent unnecessary delay to the implementation of the decision, while the informal meeting is being arranged, the necessary arrangements to hear a call-in will also continue, as set out below

14.18 A member may withdraw their support for a call-in request no later than 24 hours before the start of the call-in meeting by letter, fax or e-mail to the Head of Governance. If after one or more members have withdrawn their support there are less than five members still in support of the call-in request the call-in will no longer be valid.

14.19 The papers despatched for the meeting will be the original report on which the decision was based together with a copy of the call-in request. In addition, both sides of the call-in are requested to produce basic information to enable the Scrutiny Committee to come to an informed decision. This should include:

- One side of an A4 sheet of paper setting out the main points of their argument which will be distributed to each member of the Scrutiny Committee to use during the meeting. This will be the maximum amount of paperwork that each party will be allowed to table at the call-in meeting.
- Any background information that supports these arguments, which could include budgetary information, statistical information, maps, consultation results or as summary of changes in legislation. This must be circulated to scrutiny members and other parties involved in the meeting at least 48 hours prior to the meeting.

14.20 The Head of Governance will liaise with the Chairman of the Scrutiny Committee to determine whether a site visit should be organised prior to the call-in meeting taking place.

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

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

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

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

- b) If, having considered the proposal, the Scrutiny Committee is still concerned about the original decision, then it may refer it back to the decision making person or body for reconsideration, or refer the matter to full Council only if the decision is deemed to be outside the policy and budget framework. If referred to full Council, the decision is further suspended pending a meeting of full Council, which must take place within 10 working days of the decision to refer to full Council. If referred to the Cabinet they shall then reconsider at the next scheduled Cabinet meeting amending the decision or not before adopting a final decision. If the decision has been made by an officer with delegated authority, that person shall then reconsider within 3 working days of the call-in meeting, amending the decision or not.
- c) If a call-in meeting of the Scrutiny Committee has not been held within 10 working days of a valid call-in request being received, the decision being called-in will take effect from that date.
- d) Call-in of decisions outside the policy framework or budget are covered in Part 4 Rules of Procedure, Section 3 – Policy Framework and Budget Procedure Rules in this Constitution.

Action	By Whom	Time limit
Apologies	Chairman	
Declarations of interest and party whip	Chairman	
Welcome : including explanation of procedure to be followed	Chairman / Officer	
Explanation of reasons for the call-in and justification for proposal set out on the call-in form A4 sheet summarising argument will be distributed	Lead call-in member and any other persons that they wish to involve	30 minutes
Explanation of decision taken and views on alternative proposal. A4 sheet summarising argument will be distributed	Relevant Cabinet member and officer (if a cabinet decision) or relevant officer (if decision was delegated to an officer) and any other persons that they wish to involve.	30 minutes
Questioning of call-in representatives and decision taker and consideration of any photographs, plans etc that illustrate the issue under discussion.	Scrutiny Committee Members	Unlimited
Summing-up	Lead call-in member	5 Minutes
Summing-up	Decision taker	5 Minutes
Discussion and voting on the proposal on the call-in form	Scrutiny Committee Members	Unlimited
Sum up and clarify any points which members wish to pass to the Cabinet. These will be reported to the Cabinet by the Scrutiny Committee Chairman.	Chairman of the Scrutiny Committee.	Unlimited

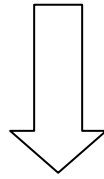
14.24 The Scrutiny Committee having reviewed the decision can:

- 1) reject the call-in proposal and note the original decision. The decision will take effect on the date of the call-in meeting;
- 2) accept the proposal set out on the call-in form and refer back to the decision making person or body. The Cabinet shall then reconsider at the next scheduled Cabinet meeting, amending the decision or not before adopting the final decision. If the decision has been made by an officer with delegated authority, that person shall then reconsider within a further 3 working days amending the decision or not, before adopting a final decision;
- 3) accept the proposal set out on the call-in form and refer the matter to full Council if the decision is deemed to be outside the policy and budget framework.

14.25 Whether a call-in proposal is supported or not, members may come to agreement on any comments they wish to pass to the Cabinet or 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 Committee Chairman.

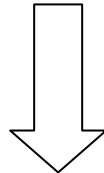
14.26 If after a call-in is received the Scrutiny Committee does not meet in the period set out above, the decision shall take effect on the expiry of 10 working days after the call-in form has been received.

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



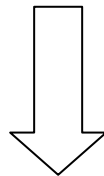
4 working days

DECISION PUBLISHED



3 working days

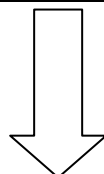
CALL-IN REQUEST DEADLINE (with at least 5 eligible signatures)



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

3 working days

CHAIRMAN OF SCRUTINY COMMITTEE DECIDES VALID OR INVALID



7 working days

MEETING OF SCRUTINY COMMITTEE

To decide:

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

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

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

TELFORD & WREKIN COUNCIL

CALL-IN REQUEST FORM

Decision reference/minute no.	
Date of publication of decision:	
Decision taken by:	
This form must be returned to the Head of Governance within 3 working days of the decision being published with at least 5 signatures.	
Decision Called in:	
Suggested proposal you would like to be voted on at the call-in meeting:	

Members requesting call-in of the decision:

	Name	Signature (e mails from your Council computer will be accepted in lieu of a signature but paper or faxed forms must be signed)	Date
1 LEAD CALL-IN MEMBER			
2			
3			
4			
5			
6			
7			
8			
9			
10			

THIS PART OF THE FORM IS TO BE COMPLETED BY THE HEAD GOVERNANCE OR THEIR REPRESENTATIVE

Date and time form received:	
Form processed by (name):	
Date of publication of decision:	
Was the Call-in request received within 3 working days of publication?	YES/NO If no reject and inform relevant parties.
Are there at least 5 appropriate member's signatures on the call-in notice?	YES/NO If no reject and inform relevant parties

Signature of Chairman of Scrutiny Committee		Date:
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Appropriate decision making body, Members requesting call-in, the Head of Governance and the Corporate Communications Manager need to be informed of receipt of call-in form.

15. NON-APPLICATION OF CALL-IN AND URGENCY

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

15.2 The operation of the provisions relating to call-in and urgency shall be monitored at least annually by the Scrutiny Chairmans' Forum, and a report submitted to the Council Constitution Committee with proposals for review if necessary by the Scrutiny Chairmans' Forum and the Head of Governance.

16. THE PARTY WHIP

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

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

17. PROTOCOL FOR SCRUTINY MEMBER AND OFFICER RELATIONS

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

18. PROTOCOL FOR PUBLIC RELATIONS AND SCRUTINY

18.1 The protocol set out in the Scrutiny Handbook has been written as a basis for all communications between scrutiny members and the media. It will ensure that the corporate communications team is able to maximise opportunities for scrutiny to publicise its work and promote the transparency of the Council's decision-making process.

19. CHANGES TO THE CONSTITUTION REGARDING SCRUTINY – TO BE DETERMINED

19. PROTOCOL FOR THE OPERATION OF COUNCILLOR CALL FOR ACTION

19.1 Under the Council's Constitution, the relevant Scrutiny Committee 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.

19.2 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 Committee for consideration.

19.3 Key Principles:

19.4 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 Committee 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.

19.5 Operation

19.6 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.

19.7 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 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.

19.8 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 relevant Scrutiny Committee. 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.

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

- (a) Are the concerns individual complaints? If yes, this should be signposted to the complaints process.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.

- (g) 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.
- (h) 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.

19.10 Referral

19.11 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 relevant Scrutiny Committee 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 Governance and the Scrutiny Manager.

19.12 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.

19.13 Validity

19.14 The Chairman of the appropriate Scrutiny Committee (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 Committee, Director and any other organisations to which matter relates.

19.15 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) Have 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.)

19.16 Once the Chairman of the Scrutiny Committee 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 Committee meeting to consider the issue.

19.17 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 Committee meeting.

19.18 Scrutiny Committee meeting

19.19 The Scrutiny Committee 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 Committee will either:

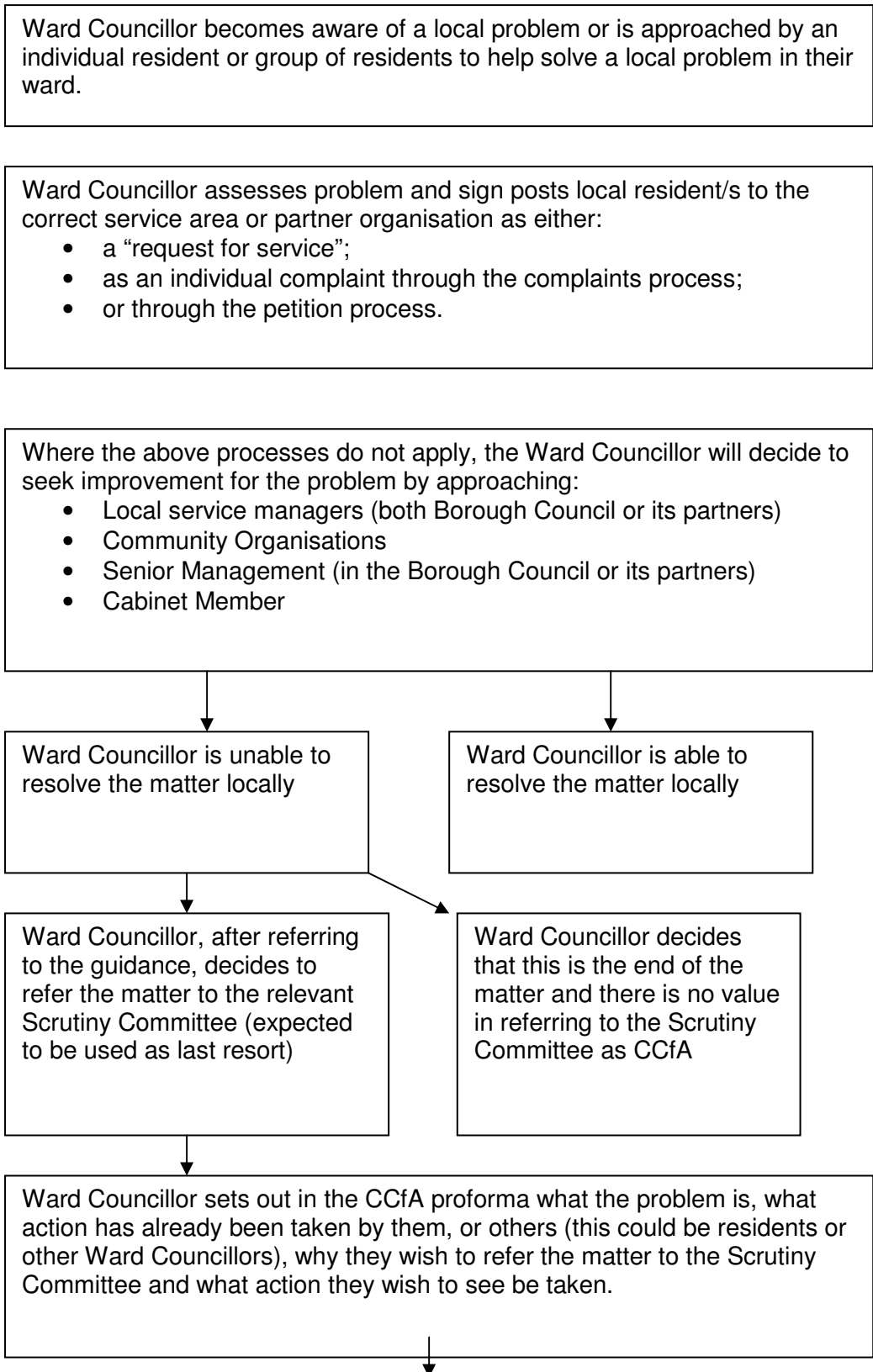
- (i) Reject the CCfA in its entirety;
- (ii) Make recommendations to the Cabinet or Council for actions to be taken;
- (iii) Make recommendations to the Chief Executive Officer of a partner agency for actions to be taken;
- (iv) Agree to undertake a Scrutiny Special Interest Meeting/spotlight review or in-depth review on the issue. Where necessary other items on the work programme may be removed or delayed.
- (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.

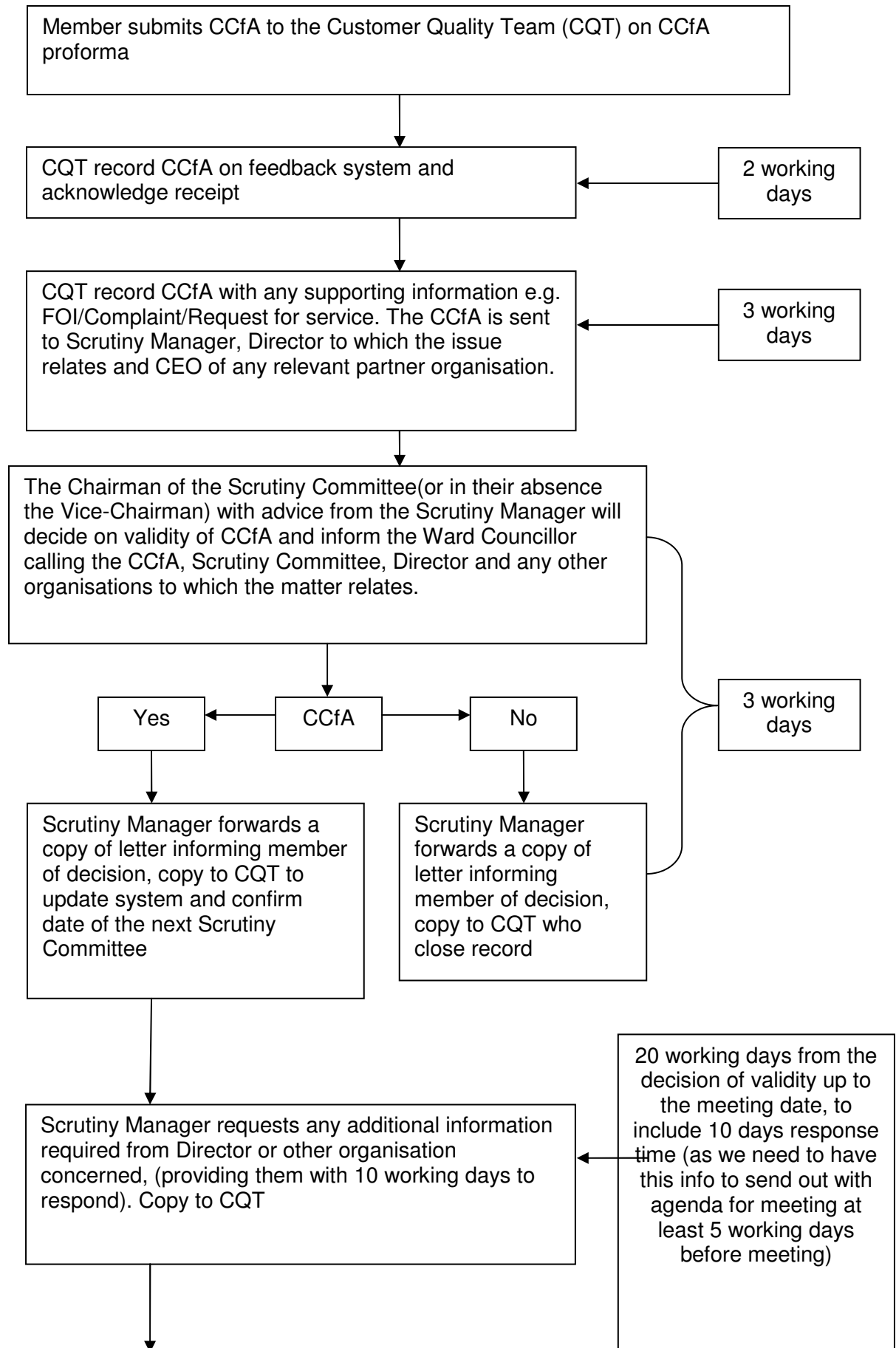
19.20 Scrutiny Committee decision/recommendation

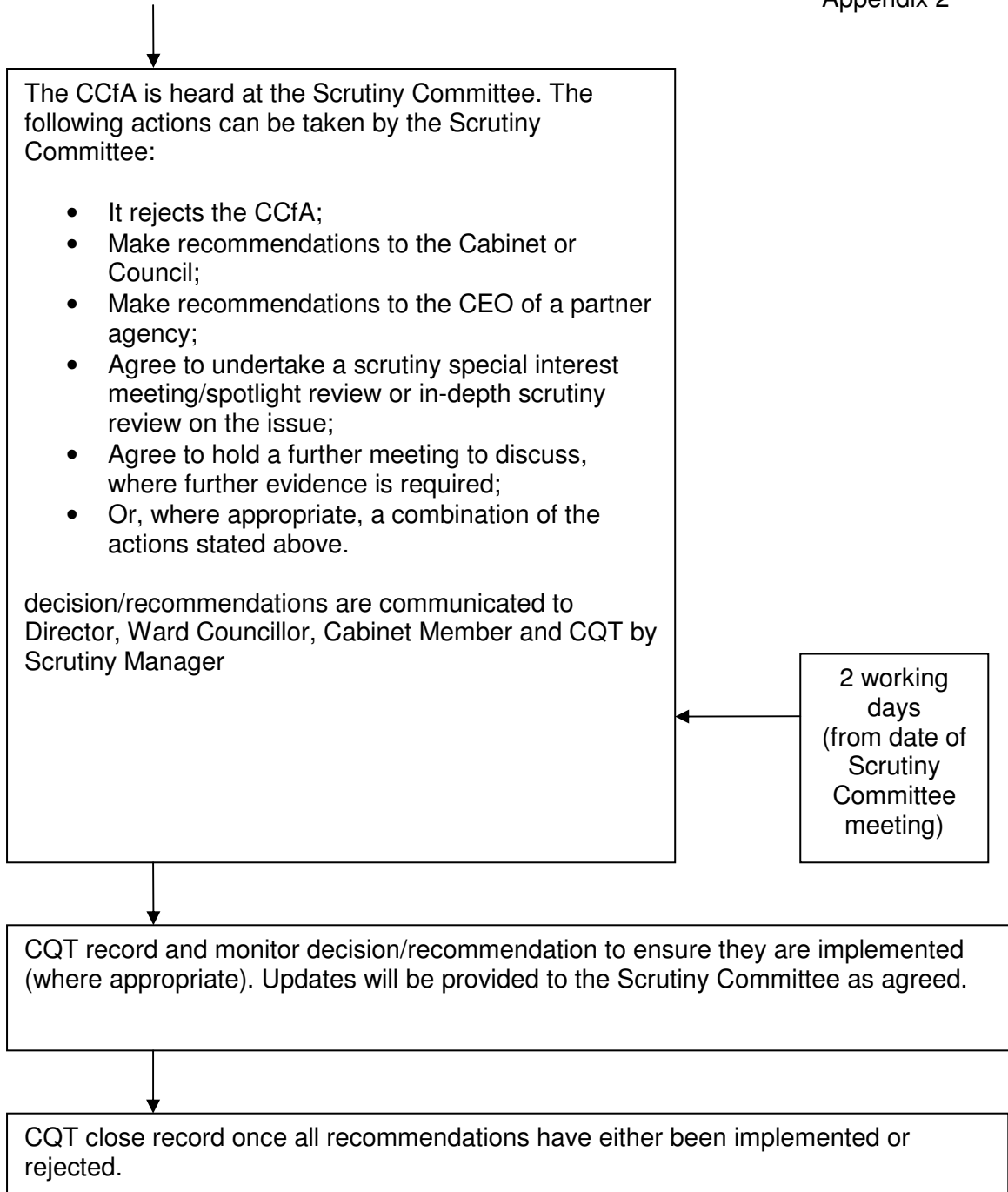
19.21 The outcome of the meeting will be communicated to the Ward Councillor, Director and Chief Executive Officer of the partner agency, the Cabinet Member/s and the Customer Quality Team who will record the decision/recommendations and track their implementation/rejection. Updates will be provided to the Scrutiny Committee as agreed.

19.22 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







**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:

--

This part of the form to be completed by the Chairman of the Scrutiny Committee, 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 Committee meeting to which it will be presented.	
What, if any information is required from the relevant Director or other organisation concerned?	
Date of request to the relevant Director or other organisation concerned for this information.	

Signature of Chairman/Vice-Chairman of the Scrutiny Committee	
Date	

**Contacts: Jonathan Eatough 01952 383200
jonathan.eatough@telford.gov.uk**

**Fiona Bottrill 01952 383113
fiona.bottrill@telford.gov.uk**

PART 1 SUMMARY AND EXPLANATION

the implementation of its policies. It also appoints the members of the Scrutiny Committees and all other committees/boards of the Council.

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

HOW DECISIONS ARE MADE

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

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

OVERVIEW AND SCRUTINY

There are 7 Scrutiny Committees and a Scrutiny Assembly which support the work of the Cabinet and the Council as a whole. This allows members outside the Cabinet and citizens to have a greater say in Council matters by investigating issues of local concern. This can include questioning officers of the Council and inviting people from outside the Council to give opinions and expert advice. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Scrutiny Committees and Scrutiny Assembly also monitor the decisions of the Cabinet. They can ‘call-in’ a decision which has been made by the Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate.

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

AREA WORKING ARRANGEMENTS

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

THE COUNCIL’S EMPLOYEES

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

Article 1 – Overview and Scrutiny Commissions

OVERVIEW AND SCRUTINY

Explanatory Comment

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

[Derivation: Section 21: Local Government Act 2000]

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

Structure:

- Group Leaders will appoint their own representatives to the 7 Scrutiny Committees in line with political balance requirements. These representatives cannot be Cabinet Members, Cabinet Assistants or the Mayor.
- All Members of the Council will automatically become members of a Scrutiny Assembly, excluding Cabinet Members, Cabinet Assistants or the Mayor.
- All scrutiny standing co-optees will be members of the Scrutiny Assembly.
- The Scrutiny Committees may appoint standing groups to which it can delegate areas of responsibility to scrutinise in detail.

Roles:

The Scrutiny Committees' role is to scrutinise the work within the remit of the relevant priority area in the Council and relevant partner organisations. The Scrutiny Chairmen will liaise with Cabinet Members.

- Each of the Chairmen of the 7 Scrutiny Committees takes responsibility for one of the Council's other Community Priorities.
- The Scrutiny Chairmen will exercise overall responsibility for the finances made available to them.
- The Scrutiny Chairmen must report annually to full Council on the workings of the Scrutiny and make recommendations for future work programmes and amended working methods if appropriate.
- The Scrutiny Committees and and Scrutiny Assembly will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.
-
- The Scrutiny process allows the participation of voting statutory representatives as co-optees for education matters in scrutiny. The Scrutiny Leadership Board may also

appoint non-voting representatives as standing co-opted members of scrutiny except co-optees on the Joint Health Scrutiny Committee who will have voting rights as agreed by Full Council.

THE CABINET

- (c) they are no longer Councillors of this Council; or
- (d) they are removed from office by the Leader who must give written notice of any removal to the proper officer. The removal will take effect immediately upon receipt of notice by the Head of Audit & Democracy, or
- (e) they are removed from office, either individually or collectively, by resolution of the Council following a written notice of no confidence of at least 10 working days notice and signed by at least 25% of all Councillors. If a motion of no confidence is passed the Cabinet member(s) shall immediately cease to act.
- (f) the Council removes them from office, either individually or collectively, but only in the event of a change in political control of the Council.

7.05 Proceedings of the Cabinet

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

7.06 Responsibility for functions

The Leader will recommend and the Council shall determine which Cabinet functions shall be allocated to individual members of the Cabinet except in so far as the Leader may determine those which shall be reserved to the Cabinet. These responsibilities may be amended by the Leader on written notice to the Head of Audit & Democracy, who will report on the amendments to the next meeting of the Council.

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

7.07 Cabinet Assistants

The Leader shall appoint such members to provide advice and support to particular Cabinet Members. The Leader will advise the Head of Audit & Democracy in writing of the names of designated Cabinet Assistants. These members will be known as 'Cabinet Assistants'. Persons occupying such positions will not themselves be members of the Cabinet and do not have any Executive or decision making authority. They will not be entitled to vote at Cabinet meetings. Neither will they be entitled to act as members of any Scrutiny Committee. They will hold office until:

- (a) they resign from office; or
- (b) they are suspended from being Councillors of this Council under **Part III of the Local Government Act 2000** (although they may resume office at the end of the period of suspension); or
- (c) they are no longer Councillors of this Council; or
- (d) they are removed from office by the Leader who must give written notice of any removal to the proper officer. The removal will take effect immediately upon receipt of notice by the Head of Audit & Democracy.

7.08 The role of Cabinet Assistant includes:-

- Undertaking a work programme as agreed with the portfolio Cabinet member
- Having a good working knowledge of the portfolio
- When representing the Cabinet member, acting as the political figurehead and ambassador for the portfolio
- Keeping abreast of related developments, policy and good practice in relation to the work of the portfolio
- Having knowledge of national policy and legislation in relation to local government
- Understanding the broader corporate agenda and supporting the Cabinet member and officers to maximise the portfolio's contribution to the Council's priorities
- Maintaining good relationships with officers and other elected members
- Assisting the Cabinet member and the portfolio's Corporate Director and management team in their role in the Council's budgeting process
- Attending local, regional and national meetings and events as agreed with or requested by the Cabinet member
- Developing effective partnerships, relationships and networks at all levels
- Working with the Cabinet member to help build Telford & Wrekin's regional and national profile
- Providing robust and constructive challenge
- Demonstrating commitment to the Council's values
- Carrying out the role in accordance with the Code of Conduct and the Council's constitution
- Attending all training sessions and development activities deemed essential for Cabinet Assistants, including those specific to the portfolio

Regulatory and other committees

- | | |
|--|--|
| Adult Care and Support Scrutiny Committee | • To scrutinise the work of the Council, its committees and the Cabinet in relation to the Corporate Priority for |
| Efficient and Community Focused Council | |
| Community Protection and Cohesion Scrutiny Committee | • To scrutinise the work of other organisations relating to this priority in accordance with national legislation and good practice. |
| Housing, Regeneration and Prosperity Scrutiny Committee | |
| Active Lifestyles – Leisure and Culture Scrutiny Committee | |
| Environment and Rural a Areas Scrutiny Committee | |
| Children and young People Scrutiny Committee Committee | |
| Appeals Committee | • To hear and determine all appeals except those which by statute require to be determined by a separate body, e.g. social services appeals |
| Personnel Board | <ul style="list-style-type: none"> • Appointment of Corporate Directors and Statutory Officers Local Government Pension Scheme • To agree at a strategic level all matters relating to the Council's employees |

Footnote

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

DECISION MAKING**13.02 Principles of decision making**

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

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

13.03 Types of decision

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

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

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

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

COUNCIL PROCEEDURE RULES**2. ORDINARY MEETINGS**

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

- (i) elect a person to preside if the Speaker and Deputy Speaker are not present;
- (ii) have prayers led by the Speaker or a nominee
- (iii) receive apologies for absence (if any)
- (iv) deal with any business required by statute to be done before any other business
- (v) approve the minutes of the previous meeting and any outstanding from previous meetings;
- (vi) receive any declarations of interest from members;
- (vii) receive any announcements from the Speaker, the Leader, the Mayor, members of the Cabinet or the Head of Paid Service;
- (viii) deal with any business from the previous Council meeting;
- (ix) receive reports from the Cabinet, and receive questions and answers on any of these reports;
- (x) receive reports from the Council's committees and receive questions and answers on any of these reports. All recommendations to Council for approval contained within such reports to be clearly identified on the agenda for the meeting;
- (xi) receive reports about and receive questions and answers on the business of external organisations;
- (xii) receive statutory reports:
- (xiii) to answer questions received from members under Rule 10 in the order in which they were received
- (xiv) consider motions from members under Rule 11 in the order in which they were received; and
- (xv) consider any other business specified in the Summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Scrutiny Committees and Scrutiny Assembly for debate.

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

- (i) at the discretion of the Speaker, prior to the meeting following consultation with the Leader or at the meeting

- (ii) considered by the Leader in proposing budget and policy framework to the Council for the coming year.

5. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

5.1 Allocation

As well as allocating seats on committees, the Council may allocate seats in the same manner for substitute members, and these will be appointed at the Annual Council meeting. Subject to the requirements of Rule 5.2, substitute members may also be appointed by the relevant political group except that there should be no substitute arrangements in relation to the following:-Standards Committee and Audit Committee, Personnel Board, and Scrutiny Committees, except in the case of Call-In Meetings. The appropriate Group Leader will be required to notify the Head of Audit & Democracy of the appointment.

5.2 Number

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

5.3 Powers and duties

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

5.4 Substitution

Substitute members may attend meetings in that capacity only:

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

6. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Head of Audit & Democracy and notified in the summons.

7. NOTICE OF AND SUMMONS TO MEETINGS

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

8. CHAIRMAN OF MEETING

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

9. QUORUM

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

10. QUESTIONS BY MEMBERS

10.1 On reports of the Cabinet or Committees

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

10.2 Questions on notice at full Council

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

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

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

10.3 Question and Answer Process

- (a) There will be a maximum of 30 minutes allowed for questions and answers.
- (b) Questions will be dealt with strictly in accordance with the order in which they are received by the Head of Audit & Democracy.
- (c) A member asking a question will refer to that question as printed and circulated rather than to read out the question.
- (d) Any question not answered within the 30 minute time limit will receive a written reply within 7 working days.

- (e) A member asking a question under Rule 10.2 may respond once without notice to the reply from the member to whom the first question was asked. The questioner's response must arise directly out of the original question or the reply. The member to whom the question was addressed shall then have the right to conclude the debate.

16. MINUTES

16.1 Signing the minutes

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

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

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

16.3 Form of minutes

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

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

- 17.1 The Minutes of the Scrutiny Committees and other Committees shall be submitted for adoption and information to the Council and shall distinguish between decisions made using delegated powers and those made by the appropriate body using referred powers. Decisions in the former case shall be preceded by the word 'RESOLVED' and in the latter case by the word 'RECOMMENDED'.
- 17.2 The person presenting the minutes shall submit the minutes of the Scrutiny Committee as appropriate for approval by the Council, and shall formally move their adoption.
- 17.3 Reports from the Cabinet containing recommendations shall be submitted for adoption by the Council, and shall formally be moved by the Leader or a member of the Cabinet.
- 17.4 Following the seconding of the motion, the number of each minute/report which contains a recommendation or recommendations, will be called out in turn by the Speaker. When a minute/report containing a recommendation or recommendations is called, a member may indicate that he/she wishes to speak.
- 17.5 A member may move an amendment, comment, question or make an observation relating to the minute/report. A member wishing to move an amendment must do so at the commencement of his/her speech.

- 17.6 No comment, observation or question by members on any resolved minutes shall be allowed, except by the discretion of the Speaker,
- 17.7 There shall be no amendment to resolved minutes.
- 17.8 At the conclusion of all questions on and debate on amendments of the Minutes of a Board, Committee or Commission or amendments to reports of the Cabinet, the Speaker shall put it to the Council Meeting that the Minutes (or the Minutes as amended as the case may be) or reports shall be adopted.
- 17.9 Members of the Cabinet, the Chairmen of the Scrutiny Committees and other Boards or Committees having given nine working days notice to the Head of Audit & Democracy shall bring to the attention of the Council such matters in respect of which notice has been given after which a debate may follow on matters within that report only. At the conclusion of the debate the Cabinet Member or Chairman of the appropriate Committee shall have the right of final response.
- 17.10 Notwithstanding Rule 14 the Cabinet has the power to request the Council to reverse a decision within five days of that decision being made.

18. RECORD OF ATTENDANCE

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

19. EXCLUSION OF PUBLIC

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

20. MEMBERS' CONDUCT

20.1 Standing to speak

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

20.2 Speaker standing

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

20.3 Member not to be heard further

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

Part 4 – Rules of Procedure

Section 1 – Access to Information Procedure Rules

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

1. Council Functions

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

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

2. Cabinet Functions

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

a) Advance notice of forthcoming decisions

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

Part 4 – Rules of Procedure

Section 2 – Policy Framework and Budget Procedure Rules

1. The Framework for Cabinet Decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for Developing the Framework

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:

- (a) Before the end of December each year the Cabinet 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.
- (b) During the consultation period:
 - (i) the Cabinet's proposals shall be referred to the Scrutiny Committee for an Efficient and Community Focused Council for further consideration.
 - (ii) a range of consultation activities will take place with the community and stakeholders so that they can feed their views into the process
 - (iii) the Cabinet's proposals shall be available to Opposition Groups for consideration. 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.
- (c) Any budget proposals proposed by Opposition Groups must be presented to the Scrutiny Committee for an Efficient and Community Focused Council prior to Cabinet presenting their proposals to Full Council. This may be during the consultation period.
- (d) Having considered the results of consultation and any reports of the Scrutiny Committee for an Efficient and Community Focused Council and Opposition Groups, the Cabinet, if it considers it appropriate, may amend its proposals
- (e) 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.
- (e) The Council will consider the proposals of the Cabinet apply in accordance with its normal rules of procedure.
- (f) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Article 4, and shall be implemented immediately

- (g) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet. Any other changes to the budget and policy framework are reserved to the Council.

3. Decisions outside the policy framework or budget

- (a) Subject to the provisions of paragraph 5 (virement) the Cabinet, individual 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.
- (b) If the Cabinet, individual 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/or 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 either 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.

4. Urgent decisions outside policy framework or budget

- (a) The Cabinet, individual 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:
- i) if it is not practical to convene a quorate meeting of the full Council; and
 - ii) if the Chairman of the appropriate Scrutiny Committee agrees that the decision needs to be taken as a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the 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.

- (b) 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.

5. Virement

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 4 of the Constitution.

6. Call-in of decisions outside the policy framework or budget

- (a) Where a Scrutiny Committee is of the opinion that a Cabinet 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/or Chief Financial Officer.
- (b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Financial Officer's report shall be submitted to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's and/or the Chief Financial Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Financial Officer conclude that the decision was a departure, and to the Scrutiny Committee if the Monitoring Officer or the Chief Financial Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or 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/or the Chief Financial Officer. The Council may either:
 - i) endorse a decision or proposal of the Cabinet 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

 - ii) amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function 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

 - iii) 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 Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Financial Officer.

CABINET DECISION PROCEEDURE AND RULES

1.9 How are decisions to be taken by the Cabinet?

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

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

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

2.2 Who may attend?

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

2.3 What business?

Meetings of the Cabinet will include the following business:

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

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

2.4 Consultation

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

2.5 Who can put items on the Cabinet agenda?

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

2.6 Timescales

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

2.7 Key Decisions

Key Decisions shall only be taken provided that the matter in question is contained within the Forward Plan, or if not in the Forward Plan, after giving five working days notice, together with a report to the Chairman of the appropriate Scrutiny Committee and with the consent of the Chairman of the relevant Scrutiny Committee.

2.8 Recording of Decisions

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

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

2.9 Officer Attendance

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

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

2.10 Urgent Decisions and Call-in

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

- * **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 Governance** 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.
- * **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.

2.3 Financial Training

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

The Head of Finance should through senior finance staff identify financial competencies for managers and members and provide adequate financial training to enable them to 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 (SI2006/564)

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 Corporate Directors and Heads of Service must maintain through their Officers full and accurate records as agreed with the Head of Finance to ensure the availability of all financial, costing and statistical and other information as may be required to fully and accurately maintain the accounts of the Council, and report on its finances. This includes the correct coding of expenditure in line with the CIPFA standard classifications. All accounting records will be maintained in accordance with current CIPFA Codes of Practice,
- 4.5 Heads of Service are responsible for ensuring the completion and submission of Grant applications and financial returns. The Chief Finance Officer is entitled to such explanations or information as may be required prior to forwarding to the relevant government department or agency under his signature. No bid for external funding shall be submitted without approval from the relevant Corporate Director and Finance Manager.
- 4.6 Heads of Service are responsible for ensuring adequate records, financial and otherwise, have been maintained for all externally funded schemes subject to audit by the European Commission or grant awarding bodies

CONTACT: Corporate Finance Manager

5. Financial Management and Control – Revenue

5.1 Background

- 5.1.1 The Council is responsible for adopting the authority's Constitution and Code of Conduct and for determining the budget and policy framework within which the Cabinet operates. It is also responsible for setting and monitoring compliance with the authority's overall framework of accountability and control via the scrutiny process. The framework is set out in the constitution.
- 5.1.2 This section of the regulations deals with the preparation and approval of budgets, budgetary control and variations from budget provision. It applies to all areas of the Council's activities except schools.
- 5.1.3 No expenditure is to be incurred or reduction in income authorised unless covered by these regulations.

5.2 Preparation and Approval of Budget

- 5.2.1 The Council will approve the overall spending plans of the Council.
- 5.2.2 The form of revenue estimates shall be determined by the Head of Finance in consultation with Heads of Service within the general guidelines of the Cabinet and relevant professional requirements. Estimates shall be prepared annually before the start of the financial year and revised during the course of the year.
- 5.2.3 Prior to the commencement of each financial year each Business Manager should prepare a Business Plan setting out the Business Unit's aims and objectives and expenditure and income projections within corporately agreed allocations of resources. These should be agreed with the relevant Corporate Director and Head of Service.

APPENDIX 11**PROCEDURE FOR URGENT DECISIONS UNDER PARAGRAPH 4 OF THE BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

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

Urgent decisions outside the budget or policy framework

- (a) The Cabinet, individual 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:
- i) if it is not practical to convene a quorate meeting of the full Council and
 - ii) if the Chairman of the appropriate Scrutiny Committee agrees that the decision needs to be taken as a matter of urgency.

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

- (a) 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.

13. To 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.

Statement of Accounts

14. 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

15. To approve the Anti-Fraud and Corruption Policy for adoption by the Council, and to review it at least once every 2 years.
16. 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:-

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

General

18. 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.
19. 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.
20. To ensure that any sensitive or confidential information obtained as a result of membership of the Committee is treated as confidential.
21. Annually review their effectiveness and their terms of reference.

Part 5 - Code and Protocols

Section 3 – Members Code of Conduct

Preamble – General Principles

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

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

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

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

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

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

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

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

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

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

Part 1 – General provisions

Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State (**a**).²
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code—

² See the Relevant Authorities (General Principles) Order 2001 (S.I. 2001/1401)

- (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (iv) an allowance, payment or indemnity given to members;
- (v) any ceremonial honour given to members; and
- (vi) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or a sub-committee of such a committee) where –
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
- unless you have obtained a dispensation from your authority's standards committee; and
- (b) you must not exercise executive functions in relation to that business; and
 - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3 - Registration of Members' Interests

Registration of members' interests

Part 5 – Codes and Protocols

Section 4 – Protocol on Member/Officer Relations

1. INTRODUCTION

- 1.1 The relationship between members and employees is an essential ingredient that goes into the successful working of the organisation. This relationship within the Council is characterised by mutual respect, informality and trust. Members and employees feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship, it is rather to help members and employees to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Head of Human Resources
- 1.2 The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedure for speaking up (whistle blowing).

2. ROLES OF MEMBERS AND EMPLOYEES

- 2.1 The respective roles of members and employees can be summarised as follows:

Members and employees are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Employees are responsible to the Council. Their job is to give advice to members and the Council, and to carry out the Council's work under the direction and control of the Council, the Cabinet, and relevant committees, boards, panels etc.

Mutual respect between Councillors and employees is essential to good local government

2.2 Members

Members have three main areas of responsibility: determining the policy of the Council and giving it political leadership, representing the Council externally, and acting as advocates on behalf of their constituents. It is not the role of members to involve themselves in the day to day management of Council services.

2.3 Members of the Cabinet, Chairmen and Vice-Chairmen

Members of the Cabinet and Chairmen and Vice-Chairmen of Committees, Boards, Panels etc have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from, and more complex than those of members without those responsibilities, and this is recognised in the expectations they are entitled to have.

2.4 Opposition Members

As individual members of the Council, all members have the same rights and obligations in their relationship with employees and should be treated equally. This principle is particularly important in the context of scrutiny and overview. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between employees,

Part 5 – Codes and Protocols

Section 5 – Protocol on Use of Substitutes

Explanatory Note

The protocol below applies to the use of substitutes at meetings of Committees, Boards, etc. except for the Standards Committee and Audit Committee, and Scrutiny Committees Call in meetings.

The Protocol

- 1.1 In accordance with the requirements of Council Procedure Rule 5.2, each political group shall be entitled to provide a pool of substitutes for each relevant Committee/Board.
- 1.2 The lists of pools of substitutes (listed in order of preference i.e. first choice, second choice) shall be submitted to the Democratic Services Manager for retention and for updating on the instructions of the appropriate Group Leaders.
- 1.3 Any member of a Committee/Board where substitutes are permitted, if he/she is unable to attend a meeting of which he/she has been given notice is entitled to appoint a substitute for that meeting.
- 1.4 That member shall contact a member from the relevant named pool of substitutes, invite the member to attend the meeting as substitute and notify the Head of Audit & Democracy at least 1 hour before the start of the meeting of the intended substitute.
- 1.5 If the first choice substitute is not able to attend, then the Member will contact the remainder of members in order of preference from the named pool of substitutes and invite that member to attend the meeting. If all substitutes for a particular Group are unavailable then no substitute will attend.

Part 6 - Members' Remuneration Scheme

Explanatory Comment

The Members Remuneration Scheme set out below is as approved by the Council in September 2008. 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 2008/09 provided for:-

- All Members to receive a basic allowance, currently £7,583
- The following positions attract a special responsibility allowance (in addition to the basic allowance).

Chairman of Cabinet/Leader	£22,903.00
Deputy Leader	£15,320.00
Cabinet Member	£10,800.00
Chairman of Scrutiny Assembly	£10,237.00
Main Opposition Group Leader	£ 9,479.00
Chairmen of Scrutiny Committees	£ 7,583.00
Chairman of Plans Board	£ 7,583.00
Chairman of Licensing Committee	£ 7,583.00
Chairman of Audit Committee	£ 7,583.00
Independent Chairman of Standards Committee	£ 7,583.00
Cabinet Assistants	£ 4,550.00
Speaker of Council	£ 2,511.00
Chairman of Appeals Committee	£ 2,275.00

- The scheme provides for travel, subsistence, childcare and dependant carers allowances to also be claimed by Members.
- 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.
- 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.
- 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 in 2012. **Local Authorities (Members Allowance)(England) Regulations 2003 (as amended)**
- The Mayor/Deputy Mayor are reimbursed expenses in accordance with **Sections 3 and 5 of the Local Government Act 1972**. The Mayor receives £7,005.00 and the Deputy Mayor £2,388.00

DEFINITIONS

Monitoring Officer – the Head of Legal Services is the Monitoring Officer.

Officer – an employee of the Authority

Ombudsman – the Local Government Ombudsman

Scrutiny Committee – Scrutinises the work of the Council and relevant partner organisations

Proper Officer – the Officer with specific statutory responsibilities

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

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

Standards Hearing - a hearing of the Standards Committee

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

The 1972 Act – the Local Government Act 1972

The 1985 Act – the Local Government Act 1985

The 1988 Act – the Local Government Finance Act 1988

The 1989 Act – the Local Government and Housing Act 1989

The 2000 Act – the Local Government Act 2000

GENERAL GUIDANCE
GUIDANCE NOTE 1

These notes are produced to assist officers to understand the working of the Constitution. In particular this guidance note helps in the processes in relation to decision making.

1. Decision Making

- The principles of decision making are contained within Article 13.02 of the Constitution. This states that all decisions of the Council, its Committees (Boards), the Cabinet and those under delegated powers shall have regard to the following principles of 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.
- When in relation to Cabinet matters, officers are required to forward plan reports and decisions carefully, particularly for the forthcoming four months.
- Authors of reports need to decide whether a report is legally required to Council (Board/Committees) or the Cabinet. This decision can be made after checking the Constitution and in particular the Committee Procedure Rules. A helpful “shortcut” is to refer to Part 3 “Responsibility for Council Functions” list which contains full details of functions which are the responsibility of the Council.
- If the issue is one for the Council as opposed to the Cabinet, then the next step is to ascertain whether responsibility has been delegated to a Board/Committee or to an officer. Again, reference should be made to the “Responsibility for Council Functions” list which identifies the responsible officer for any particular function and also details any onward delegation.
- If the issue for determination is not within the Council’s Functions list and is not a decision in relation to overall budget or policy matters then the decision making body is the Cabinet.
- Where the Cabinet is responsible for making a decision then consideration has to be given as to whether it is a key or non-key decision. (**see Guidance Note on Key Decisions**).
- Where it is a Key Decision, then this must be included in the Cabinet’s Forward Plan of Key Decisions before any decision can be taken. If it has been omitted from the Forward Plan then the Business Manager/report author must arrange for it to be included therein by contacting the Democratic Services Officer. (**This applies even when a Key Decision**)

is to be taken by an officer under delegated powers). In cases of urgency an urgency procedure exists – see Part 4, **Section 2** and Overview and Scrutiny Procedure Rules

- Where a **non-key decision** is to be taken by the Cabinet then a report should be prepared by the Business Manager and forwarded to the appropriate Democratic Services Officer for inclusion on the Cabinet agenda.
- Officers need to identify both key and non-key decisions over the forthcoming four month period.

2. Structure of Reports

- Reports to the Council (its Boards/Committees) will continue in the existing format, as varied from time to time to accord with legislation. (**see standard type pro-forma of the report which must be used**).
- It is **imperative** that report authors allow sufficient time to obtain full financial and legal comment at **draft** stage. Failure to do so will result in items not being included on agendas.
- Cabinet reports will be drafted in the existing format but in addition the areas raised in Article 13.02 (see above) need to be included so that the Democratic Services Officer is able to make a full record of the decision, the reasons for the decision, together with details of alternative options considered to ensure compliance with legal requirements.

3. Access to Information – Exempt/Confidential Items

- To avoid identifying an exempt/confidential item the Forward Plan is concerned (in relation to a Key Decision by the Cabinet or a Key Decision to be taken by an officer) a decision in respect of what would be an exempt item can be entered in the Forward Plan by way of a general heading only, e.g. “Acquisition of Land in South Telford”.

4. Consultation

- The Constitution refers to the need to consult within the Council and externally at the commencement of the budget process etc. In general external consultation will be with stakeholder/partner organisations as appropriate.

Guidance on this can be obtained from Policy, Performance & Partnership

5. Scheme of Delegation

- The existing scheme of delegation has been ratified by full Council and is available on the website and intranet.

6. Decisions as to Council functions (Committees/Boards) outside of the policy and budget framework

- If the service Committee/Board wishes to make a decision which is not in accordance with approved policy or within budget then this item must be referred to full Council for decision.

- The Cabinet can only make decisions which are within the confirmed policy and budget framework approved by the Council.

7. Recording of Decisions

- Decisions taken by the Council, its Committees and Boards, and the Scrutiny Committees will be recorded by the means of minutes of each meeting.
- All decisions taken by the Cabinet and all Key Decisions taken by officers exercising delegated authority are legally required to be recorded and published.

DECISION NOTICES

The Constitution requires all decisions by the Cabinet and all Key Decisions taken by officers exercising delegated powers to be published. In respect of Cabinet decisions combined Decision Notices/Minutes are produced and for officer Key Decisions Decision Notices (hereinafter both are referred to as 'Decision Notices') are produced by Audit & Democracy.

- The regulations require a minimum amount of information to be contained in a Decision Notice i.e. record of decision, reasons for decision, details of options considered, record of any conflict of interest, and record of any dispensation granted by the Standards Committee.
- Publication of a Decision Notice must take place within four working days of the decision being taken.

Following publication of a Decision Notice, Members can invoke the "Call-In" process if they so wish (see **Part 4, Section 5** Overview & Scrutiny Procedure Rules). It is, therefore, imperative that all Members and the statutory co-optees (in relation to Education matters), receive Decision Notices within the required timescale.

- Decision Notices in respect of officer Key Decisions on matters that are exempt/confidential will not be available for public inspection.

All Decision Notices will be co-ordinated by Audit & Democracy. Officers making Key Decisions must advise Audit & Democracy of any Key Decisions they wish to make in order that Decision Notices are published within the requisite timescale

Public Access

- Minimum requirement: A copy will be available at the Council's main offices (Civic Offices).
- Decision Notices will be on the Council's web site.

Access for Members

- Minimum requirement: Decision Notices will be e-mailed to all Members within four working days of the decision(s) being taken.

