

BOROUGH OF TELFORD & WREKIN

Minutes of the Annual Meeting of the Borough of Telford & Wrekin held on Thursday 20th May 2010 at 6.30 p.m. at 'The Place', Oakengates, Telford, Shropshire

PRESENT:

Councillors I.T.W. Fletcher (Speaker), D.G. Allen, D.W.D. Ashley, R.K. Austin, R. Aveley, S. Bentley, K.T. Blundell, S.P. Burrell, E.J. Carter, D.R. Chaplin, R.G. Chaplin, E.A. Clare, J.A. Dixon, N.A. Dugmore, A.J. Eade, V.A. Fletcher, J.A. Francis, G.M. Green, E.J. Greenaway, R.E. Groom, Y.C. Hicks, T.J. Hope, M.B. Hosken, G.P. Hossell, S.M. Kelly, R.T. Kiernan, A. Lawrence, L. Lomax, A.A. Mackenzie, C.N. Mason, A.D. McClements, A.A. Meredith, J.C. Minor, C.P.R. Mollett, R.A. Overton, F.R. Picken, H. Rhodes, K.S. Sahota, J.M. Seymour, C.F. Smith, M.J. Smith A.J. Stanton, E.M. Swift, K.L. Tomlinson, W.L. Tomlinson, H.J. Unwin, V. Tonks, R.M. Tyler, D.R.W. White, A.G.P. Williams, H.J. Williams and D.G. Wright

1. WELCOME FROM SPEAKER

Following the procession of the civic party the Speaker welcomed civic dignitaries, Members and invited guests to the Annual Meeting of the Borough of Telford & Wrekin.

2. PRAYERS

Prayers were said by the Reverend Keith Osmund-Smith, Vicar of Madeley Baptist Church.

(The Speaker vacated the Chair in favour of the Deputy Speaker for the following agenda item).

4. ELECTION OF SPEAKER

It was moved by Councillor E.J. Carter, seconded by Councillor A. Lawrence that Councillor I.T.W. Fletcher be elected as Speaker of the Council. It was moved by Councillor R.K. Austin, seconded by Councillor C.F. Smith that Councillor K.S. Sahota be elected as Speaker of the Council. A vote was taken and it was

RESOLVED – that Councillor I.T.W. Fletcher be elected as Speaker of the Council for the municipal year 2010-11.

5. APPOINTMENT OF DEPUTY SPEAKER

It was moved by Councillor S.M. Kelly, seconded by Councillor E.J. Greenaway, that Councillor J.A. Francis be elected as Deputy Speaker. A vote was taken and it was

RESOLVED – that Councillor J.A. Francis be appointed as Deputy Speaker of the Council for the municipal year 2010-11.

6. APPOINTMENT OF LEADER

It was moved by Councillor J.M. Seymour, seconded by Councillor S.P. Burrell, that Councillor A.J. Eade be appointed as Leader of the Council. A vote was taken and it was

RESOLVED – that Councillor A.J. Eade be appointed as Leader of the Council for the municipal year 2010-11.

7. APPOINTMENT OF DEPUTY LEADER

It was moved by Councillor A.J. Eade, seconded by Councillor J.A. Francis that Councillor J.M. Seymour be appointed as Deputy Leader of the Council. A vote was taken and it was

RESOLVED – that Councillor J.M. Seymour be appointed as Deputy Leader of the Council for the municipal year 2010-11.

(The Speaker vacated the Chair in favour of the Deputy Speaker for the following agenda item).

8. APPOINTMENT OF MAYOR

It was moved by Councillor A.G.P. Williams, seconded by Councillor V. Tonks that Councillor D.G. Allen be appointed as Mayor. It was moved by Councillor M.B. Hosken, seconded by Councillor S. Bentley that Councillor I.T.W. Fletcher be appointed as Mayor. It was moved by Councillor R.K. Austin, seconded by Councillor A.D. McClements that Councillor K.S. Sahota be appointed as Mayor.

The first round of voting was as follows:

Councillor D.G. Allen 4 votes
Councillor K.S. Sahota 21 votes
Councillor I.T.W. Fletcher 27 votes

Following the first round of voting, Councillor D.G. Allen, with the fewest votes, was eliminated and a second vote was taken. A recorded vote was called for and the votes were as follows:

Councillor I.T.W. Fletcher

For: (27)

Councillors D.W.D. Ashley, R. Aveley, S. Bentley, S.P. Burrell, E.J. Carter, D.R. Chaplin, R.G. Chaplin, N.A. Dugmore, A.J. Eade, J.A. Dixon, I.T.W. Fletcher, V.A. Fletcher, J.A. Francis, E.J. Greenaway, T.J. Hope, M.B. Hosken, G.P. Hossell, S.M. Kelly, R.T. Kiernan, A. Lawrence, A.A. Meredith, C.R.P. Mollett, J.M. Seymour, A. Stanton, R.M. Tyler, H.J. Unwin, D.G. Wright.

Against: (17)

Councillors R.K. Austin, E.A. Clare, R.E. Groom, Y.C. Hicks, L. Lomax, A.A. Mackenzie, C.N. Mason, A.D. McClements, J.C. Minor, R.A. Overton, F.R. Picken, H. Rhodes, K.S. Sahota, C.F. Smith, M.J. Smith, E.M. Swift and D.R.W. White.

Abstentions: (8)

Councillors D.G. Allen, K.T. Blundell, G.M. Green, K.L. Tomlinson, W.L. Tomlinson, V. Tonks, A.G.P. Williams and H.J. Williams.

Councillor K.S. Sahota

For: (23)

Councillors D.G. Allen, R.K. Austin, K.T. Blundell, E.A. Clare, G.M. Green, R.E. Groom, Y.C. Hicks, L. Lomax, A.A. Mackenzie, C.N. Mason, A.D. McClements, J.C. Minor, R.A. Overton, F.R. Picken, H. Rhodes, K.S. Sahota, C.F. Smith, M.J. Smith, E.M. Swift, K.L. Tomlinson, W.L. Tomlinson, D.R.W. White and A.G.P. Williams.

Against: (27)

Councillors D.W.D. Ashley, R. Aveley, S. Bentley, S.P. Burrell, E.J. Carter, D.R. Chaplin, R.G. Chaplin, N.A. Dugmore, A.J. Eade, J.A. Dixon, I.T.W. Fletcher, V.A. Fletcher, J.A. Francis, E.J. Greenaway, T.J. Hope, M.B. Hosken, G.P. Hossell, S.M. Kelly, R.T. Kiernan, A. Lawrence, A.A. Meredith, C.R.P. Mollett, J.M. Seymour, A. Stanton, R.M. Tyler, H.J. Unwin, D.G. Wright.

Abstentions (2)

Councillors V. Tonks and H.J. Williams.

RESOLVED – that Councillor I.T.W. Fletcher be appointed as Mayor of the Borough for the municipal year 2010-11

Prior to discussion of the next item all Members of the Labour group left the meeting.

9. APPOINTMENT OF DEPUTY MAYOR

It was moved by Councillor S. M. Kelly, seconded by Councillor V.A. Fletcher that Councillor J.A. Francis be appointed as Deputy Mayor. A vote was taken and it was

RESOLVED – that Councillor J.A. Francis be appointed as Deputy Mayor of the Borough for the municipal year 2010-11.

10. VOTE OF THANKS TO RETIRING MAYOR & MAYORESS

A vote of thanks to the retiring Mayor, Councillor K.T. Blundell, was proposed by Councillor W.L. Tomlinson and seconded by Councillor G.M. Green. A number of other Members also paid tribute to the retiring Mayor and her consort, Mr. Alan Blundell, for all their hard work in representing the Borough so well over the past twelve months.

RESOLVED – that the Council recorded its thanks to the retiring Mayor, Councillor K.T. Blundell and to Mr. Alan Blundell for their service over the 2009-10 term of office.

11. REPLY TO VOTE OF THANKS

In response, the retiring Mayor thanked her family, fellow Members and others for their support during the year. She told Members that it had been an honour and a privilege to represent the Borough during her term of office. She was proud of the people of the Borough and heartened by the vibrancy and diversity of the local community. In particular, she highlighted how much she had enjoyed the opportunity to meet many residents and also her admiration for the enthusiasm of those people she had met who were working in the voluntary sector. The Mayor's chosen charitable appeal had been aimed at combating heart disease and associated illnesses. She was pleased to tell Members that her appeal had raised around £11,500 in total.

12. APOLOGIES FOR ABSENCE

Councillors G. Ashcroft and P.A.E. Homer.

13. DECLARATIONS OF INTEREST

None.

14. MINUTES

RESOLVED - that the minutes of the Meeting of the Council held on 23rd April, 2009 be confirmed and signed by the Speaker.

15. ANNOUNCEMENTS

The Mayor thanked Members for their support in bestowing upon him the privilege of representing the Borough. He promised Members that he would serve the Borough with vigour. His charitable appeal had yet to be decided but Members would be provided with details in the near future.

16. APPOINTMENT OF CABINET

Nominations were moved by Councillor A.J. Eade and seconded by Councillor J.M. Seymour. A vote was taken and it was:

RESOLVED – that the Membership of the Cabinet, as proposed by Councillor A.J. Eade and seconded by Councillor J.M. Seymour, be appointed for the municipal year 2010-11 as set out in Appendix 1 to these Minutes.

17. APPOINTMENT OF COMMITTEES, COMMISSIONS, BOARDS, ETC.

Proposals for the appointment of Committees, Commissions and Boards, etc. in accordance with the political balance of the Council had been submitted. Referring to Appendix 2, Councillor A.J. Eade, seconded by Councillor J.M. Seymour, moved that Councillor V.A. Fletcher be appointed Chairman of the Interim Scrutiny

Committee and that the Development Plan Steering Group be deleted. The amended proposals and nominations were moved by Councillor A.J. Eade and seconded by Councillor J.M. Seymour. A vote was taken and it was:

RESOLVED – that the internal bodies for the municipal year 2010-11, as proposed by Councillor A.J.Eade and seconded by Councillor J.M. Seymour, (including the appointment of Chairmen and Vice-Chairmen) be appointed as set out in Appendix 2 to these Minutes with Councillor V.A. Fletcher being appointed as Chairman of Interim Scrutiny Committee and the Development Plan Steering Group being deleted.

18. PROGRAMME OF ORDINARY MEETINGS OF THE COUNCIL

The programme of dates for ordinary meetings of the Council for 2010/11 would be as follows:

Thursday	24 June 2010
Thursday	7 October 2010
Thursday	25 November 2010
Thursday	27 January 2011
Thursday	3 March 2011

19. CERTIFICATES OF MERIT

None.

Speaker:

Date:

The meeting ended at 7.32 p.m.

APPENDIX 1

Cabinet Member	Area of Responsibility
Cllr A.J. Eade	Leader
Cllr J.M. Seymour	Deputy Leader plus Adult Care & Support
Cllr S. Bentley	Active Lifestyles – Leisure & Culture
Cllr S.P. Burrell Cllr E.J. Greenaway	Children & Young People
Cllr E.J. Carter	Housing, Regeneration & Prosperity
Cllr M.B. Hosken	Community Protection & Cohesion
Cllr S.M. Kelly	Efficient, Community Focussed Council
Cllr A. Lawrence	Environment & Rural Area

APPENDIX 2

Standards Committee	
<p>Cllr D.G. Allen (TAWPA) Cllr R. Aveley (Con) Cllr D.G. Chaplin (Con) Cllr N.A. Dugmore (Con) – Vice Chairman Cllr R.E. Groom (Lib Dem/Ind) Cllr H. Rhodes (Lab) Cllr K.S. Sahota (Lab) Cllr R.M. Tyler (Con)</p> <p><u>Independent (Lay) Members</u> Mr F. Beasland Mr B. Bayley Mr A. Selvaratnam Vacancy</p> <p><u>Parish Council Members</u> Cllr D Edwards Cllr R. Wickson Cllr R. Williams Vacancy</p>	

Audit Committee	
<p>Cllr R.K. Austin (Lab) Cllr D.G. Chaplin (Con) – Vice Chairman Cllr J.A. Dixon (Con) Cllr L. Lomax (Lab) Cllr D. Wright (Con) - Chairman TAWPA vacancy</p>	

Council Constitution Committee	
<p>Cllr R.K. Austin (Lab) Cllr E.J. Carter (Con) Cllr A.J. Eade (Con) Cllr G.M. Green (Lib Dem/Ind) Cllr S.M. Kelly (Con) - Chairman Cllr J.M. Seymour (Con) Cllr C.F. Smith (Lab) Cllr V. Tonks (TAWPA)</p>	

Interim Scrutiny Committee

Cllr R.G. Chaplin (Con)
Cllr V.A. Fletcher (Con)
Cllr G.M. Green (Lib Dem/Ind)
Cllr T.J. Hope (Con)
Cllr L. Lomax (Lab)
Cllr A.D. McClements (Lab)
Cllr A.A. Meredith (Con)
Cllr C.P.R. Mollett (Con)
Cllr C.F. Smith (Lab)
Cllr A.J. Stanton (Con)
Cllr K.L. Tomlinson (Lib Dem/Ind)
Cllr H.J. Unwin (Con)
Cllr D.R.W. White (Lab)
Cllr H.J. Williams (TAWPA)

Plans Board

Cllr D.G. Chaplin (Con)
Cllr N.A. Dugmore (Con) – Chairman
Cllr J.A. Francis (Con)
Cllr G.M. Green (Lib Dem/Ind)
Cllr R.T. Kiernan (Con) – Vice Chairman
Cllr F.R. Picken (Lab)
Cllr H. Rhodes (Lab)
Cllr M.J. Smith (Lab)

Cons Subs

Cllr R.Aveley
Cllr V.A. Fletcher
Cllr C.P.R. Mollett
Cllr R.M. Tyler

Lab Subs

Cllr E.A. Clare
Cllr Y.C. Hicks
Cllr C.F. Smith

Lib Dem/Ind Sub

Cllr K.L. Tomlinson

Licensing Committee

Cllr R Aveley (Con) - Chairman
Cllr R.G. Chaplin (Con)
Cllr J.A. Francis (Con)
Cllr R.E. Groom (Lib Dem/Ind)
Cllr Y.C. Hicks (Lab)
Cllr T.J. Hope (Con)
Cllr G.P. Hossell (Con)
Cllr R.T. Kiernan (Con) – Vice-Chairman
Cllr A.A. Mackenzie (Lab)
Cllr C.N. Mason (Lab)
Cllr C.P.R. Mollett (Con)
Cllr H. Rhodes (Lab)

Cllr C.F. Smith (Lab) Cllr A.G.P. Williams (TAWPA)	
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Appeals Committee

Cllr E.A. Clare (Lab) Cllr J.A. Francis (Con) Cllr R.T. Kiernan (Con) Cllr C.P.R. Mollett (Con) – Vice-Chairman Cllr C.F. Smith (Lab) Cllr E.M. Swift (Lab) Cllr K.L Tomlinson (Lib Dem/Ind) Cllr D. Wright (Con) – Chairman	<u>Cons Subs</u> Cllr R.G. Chaplin Cllr J.A. Dixon Vacancy Vacancy <u>Lab Subs</u> Cllr C.N. Mason Cllr M.J. Smith Vacancy <u>Lib Dem/Ind Sub</u> Cllr R.E. Groom
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Personnel Board

Cllr R.K. Austin (Lab) Cllr E.A. Clare (Lab) Cllr A.J. Eade (Con) – Chairman Cllr G.M. Green (Lib Dem/Ind) Cllr S.M. Kelly (Con) Cllr J.M. Seymour (Con) – Vice Chairman	<u>Cons Sub</u> Cllr S P Burrell Cllr S. Bentley Cllr E.J. Carter <u>Lab Subs</u> Cllr C.F. Smith Vacancy <u>Lib Dem/Ind Sub</u> Cllr R.E. Groom
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Employee JICF

Cllr D.G. Allen (TAWPA)

Cllr R.K. Austin (Lab)

Cllr S.P. Burrell (Con)

Cllr E.J. Carter (Con)

Cllr E.A. Clare (Lab)

Cllr A.J. Eade (Con) – Chairman

Cllr J.M. Seymour (Con)

Cllr C.F. Smith (Lab)

Cons Sub

Cllr S. Bentley

Cllr E.J. Greenaway

Cllr A. Lawrence

Vacancy

Lab Subs

Cllr J.C. Minor

Cllr R.A. Overton

Vacancy

Telford & Wrekin Parishes Forum

Cllr Y.C. Hicks (Lab)

Cllr M.B. Hosken (Con)

Cllr S.M. Kelly (Con) - Chairman

Cllr R.T. Kiernan (Con)

Cllr C.N. Mason (Lab)

Cllr A.D. McClements (Lab)

Cllr V. Tonks (TAWPA)

Cllr H.J. Unwin (Con)

Cons Sub

Cllr R.G. Chaplin

Cllr A.A. Meredith

Cllr A.J. Stanton

Lab Subs

Cllr R.K. Austin

Cllr R.A. Overton

Combined Fire Authority

Cllr J.A. Dixon (Con)

Cllr R.E. Groom (Lib Dem/Ind) (until 30/6/10 and then Cllr K.T. Blundell)

Cllr R.T. Kiernan (Con)

Cllr C.N. Mason (Lab)

Cllr F.R. Picken (Lab)

Conservative vacancy

Development Plan Steering Group

Cllr A.A. Mackenzie (Lab)

Cllr H. Rhodes (Lab)

Cllr C.F. Smith (Lab)

MAYORAL ENGAGEMENTS
22ND APRIL 2010 – 16TH JUNE 2010

(Cllr K.T. Blundell)

- | | | | |
|------------------------|------------------------|---|---|
| April | 22nd | M | Attended the Q Hotels 2 nd Birthday Party at Telford Hotel & Golf Resort |
| | 23rd | M | Held her Charity Ball at Hadley Park House Hotel |
| | 24th | M | Attended a St Georges Day Event at Southwater Square |
| | | M | Attended a St Georges Day Concert at Hadley Methodist Church |
| | 26th | M | Visited St Peter's School, Bratton |
| | 28th | M | Attended South Staffordshire Council Civic Lunch at Somerford Hall |
| | 30th | M | Attended 1 st Lilleshall & Muxton Scout Group Presentation Evening at St John's Church, Muxton |
| May | 1st | M | Rotary Club Stroke Awareness Day |
| | 5th | M | Attended the Young Enterprise Dinner at The Prostar Stadium, Shrewsbury |
| | 6th | M | Attended the "Living my Life" Photographic Exhibition at The Place, Oakengates |
| | 9th | M | Attended the Blessing of the Banners for the Shropshire Army Cadet Force at St Alkmund's Church, Shrewsbury |
| | 11th | M | Attended the Shropshire Age Concern afternoon of Entertainment at The Place, Oakengates |
| | 13th | M | Attended the Annual Meeting of Bridgnorth Town Council, Bridgnorth Town Hall |
| | 15th | M | Attended Thomas Telford Synchronised Swimming Championships at Thomas Telford School |
| 16th | M | Attended the Charity Garden Party at The Old Hall Cruckmeole, Hanwood, Shrewsbury | |

- 18th **M** Attended the production of West Side Story at The Place, Oakengates
- 20th **M** Attended the AGM and Mayor Making at The Place, Oakengates

MAYORAL ENGAGEMENTS
22ND APRIL 2010 – 16TH JUNE 2010

(Cllr I.T.W. Fletcher)

- | | |
|-------------|---|
| May | 26 th M Attended the Citizenship Ceremonies at Civic Offices |
| | 29 th M Attended the Freedom of the Borough event at Telford Town Park Arena and Telford International Centre |
| June | 2 nd M Attended the 10 Year Anniversary Celebrations of Bridge House, Wappenshall |
| | 4 th M Attended the Official Opening of Hadley Park House Hotel |
| | M Attended the Shropshire Business Awards at Telford International Centre |
| | 5 th M Presented the awards at the Club 2000 annual Inter-Sports Day at Madeley Court Sports Centre |
| | 6 th DM Attended the Mayor's Sunday at St Chad's Church, Shrewsbury |
| | M Attended the Royal British Legion Church Service at Dawley Christian Centre |
| | M Attended the Kabaddi Tournament at AFC Telford United Football Club |
| | 10 th M Attended the Launch of e-know.net at Datapoint House, Queensway Business Park, Telford |
| | 13 th M Attended the Cosford Air Show at RAF Cosford |
| | 16 th M Opened Lena's Art Gallery at Maws Craft Centre, Jackfield |

TELFORD & WREKIN COUNCIL

COUNCIL – 24 JUNE, 2010

REPORT OF CABINET – FOR INFORMATION ONLY

MATTERS DETERMINED BY THE CABINET

1.0 INTRODUCTION

This report provides sets out those matters determined by the Cabinet at its meetings on 27th April, 11th May, and 8th June, 2010.

2.0 CABINET BUSINESS

Matters that have been determined by Cabinet are listed below:

2.1 27th April, 2010

- 2.1.1 Priority Plans 2010/11
- 2.1.2 Financial Monitoring 2009/10
- 2.1.3 Shelton Modernisation
- 2.1.4 Review of Risk Management Strategy 2010
- 2.1.5 Extensions to existing Block Contracts within Adult Care & Support (exempt)

2.2 11th May, 2010

- 2.2.1 Developing Football within the Community – Joint Developments with AFC Telford United
- 2.2.2 Updating the Housing Strategy for Telford & Wrekin
- 2.2.3 Contract for Personal Devices (exempt)

2.3 8th June, 2010

- 2.3.1 Annual Governance Statement
- 2.3.2 Annual Report on Risk Management 2009/10
- 2.3.3 Regulation of Investigatory Powers Act 2000
- 2.3.4 Ironbridge Gorge World Heritage Site Strategy Group
- 2.3.5 Transport Change Programme : Post 16 Travel (exempt)
- 2.3.6 Telford Ice Rink – Future Operation (exempt)

2.4 22nd June, 2010

- 2.4.1 Helping Residents Access Benefits – Scrutiny Review
- 2.4.2 End of Year Financial & Performance Out-Turns 2009/10
- 2.4.3 Governance Arrangements for the Local Development Framework and Local Transport Plan

- 2.4.5 Rights of Way Improvement Plan
- 2.4.6 £££ for Projects Scheme
- 2.4.7 Lawley Village Green & Playing Fields – Voluntary Registration of a Village Green
- 2.4.8 BTI Sports & Learning Communities: Telford Community Indoor Tennis Centre Operator
- 2.4.9 Representation on Outside Bodies 2010/11
- 2.4.10 Sutton Hill Local Centre (exempt)
- 2.4.11 Broadband Improvement Pilot (exempt)
- 2.4.12 Public Open Spaces – East of Hadley Park Road, Leegomery (exempt)
- 2.4.13 Operational Property Disposals (exempt)
- 2.4.14 Telford Town Centre – Civic Offices (exempt)
- 2.4.15 Future Provision of Waste Management Infrastructure (exempt)

3.0 DELEGATION OF POWERS GRANTED BY THE CABINET

REPORT HEADING	DELEGATION GRANTED TO	DETAIL OF DELEGATION GRANTED
Extensions to existing Block Contracts within Adult Care & Support	Corporate Director responsible for Adult Care & Support Head of Governance	<ul style="list-style-type: none"> • To award an extension of contracts for the services described in the report in accordance with the Council's Constitution and subject to terms and conditions recommended by the Head of Governance • To agree and execute all necessary documentation, including affixing of the common seal of the Council in contractual documentation as is appropriate under article 14.06 of the Constitution.
Developing Football within the Community – Joint Developments with AFC Telford United	Head of Governance, following consultation with the Cabinet Member for Active Lifestyles	<ul style="list-style-type: none"> • To enter into all necessary legal documentation to transfer the assets as identified as Lease 1 and Lease 2 to AFC Telford United with conditions as per paragraphs 5.3 and 8; to consider and enter into all necessary legal documentation to complete the transaction to TCAT with conditions as per paragraph 5.4.1.
£££ for Projects Scheme	Community Engagement, Equalities and Action Manager, following consultation with the Cabinet Member for Efficient, Community Focussed	To decide what projects and activities should be delivered from the Scheme, and how the budget is to be spent.

REPORT HEADING	DELEGATION GRANTED TO	DETAIL OF DELEGATION GRANTED
	Council and after having regard to the results of the public vote	
Lawley Village Green and Playing Fields – Voluntary Registration of a Village Green	Head of Property & Design	To make an application for voluntary registration of the land shown outlined in red (excluding the land hatched blue) on the plans attached at Appendix A (of the report) as village greens.
BTI Sports & Learning Communities: Telford Community Indoor Tennis Centre Operator	Head of Leisure & Customer Services in consultation with the Cabinet Member for Active Lifestyles	To undertake a tender process and subsequently to enter into a contract with a tennis coaching operator to provide the coaching programme for the indoor centre as well as an extensive community outreach programme across the borough
Sutton Hill Local Centre	Lead Director for the Housing, Regeneration and Prosperity Priority Plan following consultation with the Cabinet Member for Housing, Regeneration and Prosperity	(i) enter into all necessary legal documentation to award the tender for the regeneration of Sutton Hill local centre, (ii) approve amendments to the scheme, if necessary, to bring the programme back in line with available funding.
Public Open Spaces – East of Hadley Park Road, Leegomery	Head of Governance	To agree and execute all necessary documentation
Operational Property Disposal	Head of Property & Design Head of Governance	To dispose of freehold interests in Operational properties as detailed in Appendix 1 9 (of the report) Executes all legal documentation to dispose of freehold interests as detailed in the report..
LEGAL COMMENT FINANCIAL COMMENT LINKS WITH CORPORATE PRIORITIES RISKS AND OPPORTUNITIES ENVIRONMENTAL IMPACT EQUALITY & DIVERSITY WARD IMPLICATIONS	As described in each report considered by Cabinet. Copies of all reports have been previously circulated to all Members of the Council	

TELFORD & WREKIN COUNCIL

COUNCIL – 24 JUNE 2010

FINANCIAL OUTTURN REPORT 2009/10

REPORT OF THE HEAD OF FINANCE

1.0 PURPOSE

To inform Members of the final outturn position for Revenue and Capital for 2009/10.

2.0 RECOMMENDATIONS

Members are asked to approve the following recommendations :-

- 2.1 Approve the Revenue outturn position and related virements in Appendix III for 2009/10 which is subject to audit by the Council's external auditors
- 2.2 Approve the Capital outturn position and related supplementary estimates and slippage in Appendix IV as summarised in the report.
- 2.3 Note performance against income targets

3.0 SUMMARY

3.1 REVENUE

The gross revenue budget for 2009/10 was £386m – the net budget for reporting purposes just over £125m. The revenue outturn position is within budget with a final net underspend of £0.332m (-0.27% of net budget) which is a small improvement from the last monitoring report. Regular monitoring has been undertaken throughout the year and Management Teams have worked hard to maintain outturn within budget. There have been a number of service pressures experienced in 2009/10: the cost of providing care to Looked After Children and Specialist Education; Property Portfolio rental and Planning Fee income shortfalls due to the impact of the recession; winter maintenance costs associated with the adverse weather conditions experienced; and public inquiry costs. Benefits have arisen from treasury activities, the unused element of the budgeted contingency, council tax/housing subsidy and reduced landfill costs which have greatly assisted the overall position.

Within the overall position, provision has been made for the estimated cost of single status in 2009/10 (4% of the relevant pay bill); the one-off project costs associated with completing the single status project (to March 2012); and the 2009/10 one-off costs relating to the council re-structure.

3.2 CAPITAL

There were delays to the commencement of some schemes but all main projects are now underway and rigorous progress monitoring arrangements in place. Capital spend ended the year at **£45.2m** against an approved estimate of £79.8m which was in the main due to the re-phasing into 2010/11.

3.3 INCOME MONITORING

Council Tax collection (£57m), Business Rates (£64m) and sales ledger income (£50m) all ended the year with collection rates ahead of target which is pleasing given the economic climate.

3.4 GENERAL

The accounts have been completed to very tight timescales in order to meet the Accounts & Audit Regulations deadline of presenting the unaudited Statement of Accounts to Members before the end of June.

3.5 Summaries of the outturn on revenue and capital along with major variations are shown as appendices.

4.0 PREVIOUS MINUTES

05/03/09 – Full Council, Service & Financial Planning Strategy

21/07/09 – Cabinet, Financial Performance Report

27/10/09 – Cabinet, 2009/10 Financial Monitoring Report

12/01/10 – Cabinet, 2009/10 Financial Monitoring Report

27/04/10 – Cabinet, 2009/10 Financial Monitoring Report

5.0 2009/10 REVENUE BUDGET

5.1 The Council had a gross revenue budget of £386m for 2009/10 and the final net revenue outturn position is as follows:

	£m
Net Budget	124.583
Net Expenditure	124.251
Net Underspend	-0.332
Percentage Net Variance	-0.27%

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

Service Delivery Unit	Year End Variation - £			
	Corporate	Asset Rent	Service	Total (excl. asset rents)
Safeguarding & Corporate Parenting	0	(4,672)	1,974,785	1,974,785
Learning & Achievement	0	863,896	629,985	629,985
Regeneration & Housing	0	0	(52,291)	(52,291)
CYP One Off Balances/Other	0	0	(1,604,201)	(1,604,201)
Variances				
Property & Design	241,792	276,417	186,976	428,768
Economic Development	50,000	0	3,030	53,030
Environmental Services	489,618	428,086	(115,938)	373,680
Planning & Transport	373,182	0	(274,627)	98,555
Adult Social Care (Delivery)	0	3,763	(198,009)	(198,009)
Adult Social Care (Commissioning)	0	0	(343,780)	(343,780)
Customer & Leisure Services	112,129	(87,679)	(211,285)	(99,156)
Governance	(68,189)	750	(154,550)	(222,739)
ICT & Procurement	0	98,728	(213,354)	(213,354)
Finance	23,503	0	(76,738)	(53,235)
Core Services	79,451	0	(11,808)	67,643
Council Wide	(1,315,491)	(1,579,289)	144,011	(1,171,480)
Total	(14,005)	0	(317,794)	(331,799)

5.3 This position is after making provision for: the estimated cost of single status in 2009/10 (4% of the relevant pay bill); the one-off project costs associated with completing the single status project (to March 2012); and the 2009/10 one-off costs relating to the council re-structure.



Some of these figures under 'council wide variations' will subsequently be adjusted to comply with FRS17 (accounting for Pensions regulations) in the formal statement of accounts. However these are notional amounts which do not impact on the overall bottom line or service variations.

The position in relation to controllable service balances is shown in the table below.



	£m
Service Balances 1 April 2009	1.284
Service Balances 31 March 2010	1.579
Increase in Service Balances	0.295



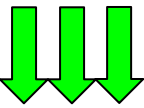






This includes £0.955m service overspend balance relating to Children & Families. A separate review of service balances and other service reserves is being undertaken and will include looking at options to address the 'overdrawn balance' in Children & Families.








- 5.4 As in previous years, the 2009/10 budget was cash limited and as a result the net over (+) or under (-) spending on controllable budgets for each service area under the current rules is carried forward into 2010/11. Credit balances can be used to fund one-off expenditure items in future whilst overspends must be found by the appropriate service as a first call on 2009/10 budgets. This is subject to the review, mentioned in 5.3 above, currently being undertaken.
- 5.5 Only the larger projected variances (those over £100k) are highlighted separately below by Service Delivery Unit while full detail on all variances over £50k is shown in Appendix II:

Key		
£0 to £100k	↑	 Underspend
£101+to £250k	↑↑	 Overspend
£251+to £500k	↑↑↑	
over £500k	↑↑↑↑	

Variations

Service Delivery Unit	Projected Variation £m [change since last report]	
<p><u>Safeguarding & Corporate Parenting</u></p> <p>The year end overspend stands at £1.975m which is after the £1.4m virements from pay/general inflation benefits and treasury previously approved i.e. a gross overspend of £3.375m.</p> <p>£1.174m of the overspend relates to Looked After Children. The number of children in care at year end was 274 which reflected around 40 additional placements above the average throughout last year. £0.934m of the overspend relates to Social Work and the additional cost of agency staff due to ongoing vacancy levels, increased numbers of assessments and care proceedings.</p>	+1.975 [Reduced Overspend]	
<p><u>Learning & Achievement</u></p> <p>Specialist Education – the provision of additional special placements for children and young people demonstrating higher end behavioural, emotional and social difficulties and autistic spectrum disorder need and meeting the needs of educational statemented children.</p>	+0.580 [Increased overspend]	

<p>One off Balances and Other Variations across all CYP Service Delivery Units – A total benefit of £1.604m has been identified towards the Service Delivery Unit overspends. This is a combination of £1.194m flexible use of grant income and £0.410m from other underspends.</p>	<p>-1.604 [Increased benefit]</p>	
<p><u>Property & Design</u></p> <p>Asset & Property Management – a shortfall in PIP rental income due to a high level of void properties and other PIP costs; an impact of the recession. The service is actively trying to increase occupancy levels</p> <p>Use of one-off balances towards rental shortfall</p> <p><u>Planning & Transport</u></p> <p>Planning Fees – shortfall in planning fees due to a downturn in the economy.</p> <p>Use of previous years trading surplus and vacancy management.</p> <p>Public Inquiries – inquiry into the planning application for opencast mining in Lawley giving rise to £0.283m overspend. There is a further inquiry highlighted relating to Granville Incinerator with legal costs of £0.090m falling in 2009/10; costs associated with any appeal will fall in 2010/11.</p> <p>Landfill costs – benefits from increased recycling and diversion from landfill.</p>	<p>+0.961 [Marginally lower Overspend]</p> <p>-0.461 [increased benefit]</p> <p>+0.276 [Reduced overspend]</p> <p>-0.276 [Increased benefit]</p> <p>+0.373 [Increased overspend]</p> <p>-0.289 [Increased benefit]</p>	     
<p><u>Environmental Services</u></p> <p>Concessionary Travel – benefit of £0.116m due to lower take-up than budgeted.</p> <p>Street Lighting energy costs - £0.180m overspend</p>	<p>-0.116 [Increased benefit]</p> <p>+0.180 [Increased overspend]</p>	 

<p>Winter Maintenance - £0.268m overspend arising from the adverse weather conditions</p>	<p>+0.268 [Increased overspend]</p>	
<p><u>Adult Social Care (Delivery)</u></p> <p>Mental Health – Staff vacancies and purchasing underspends from reduced number of supported clients have resulted in underspends during the year.</p> <p>Substance Misuse – Staff vacancies and consistently reduced care costs have resulted in underspends during the year</p>	<p>-0.142 [Reduced underspend]</p> <p>-0.117 [Increased underspend]</p>	 
<p><u>Adult Social Care Commissioning</u></p> <p>Supporting People – being used to offset pressures across Adult Social Care purchasing.</p>	<p>-0.143 [Reduced benefit]</p>	
<p><u>ICT & Procurement</u> – Overall underspend arising from vacant posts which are part of the 2010/11 savings strategy.</p>	<p>-0.289 [Increased benefit]</p>	
<p><u>Treasury</u> – benefits from restructuring undertaken earlier in the year, the impact of cash flow and the changed regulations for calculating MRP have given rise to a projected underspend of £1.367m for 2009/10, after the £0.400m virement to Children & Families.</p>	<p>-1.367 [increased benefit]</p>	
<p>Council Tax/Housing Benefit Subsidy – benefit subsidy higher than budgeted i.e. less subsidy lost due to reduced use of expensive B&B as temporary accommodation.</p>	<p>-0.292 [increased benefit]</p>	

6.0 Reserves & Balances

- 6.1 The main General and Special Fund balances are £4.159m at 31st March 2010 prior to reviewing and rationalising other reserves as part of the continuing closedown work. Subsequent to closedown the full risk based evaluation of all balances will be undertaken to determine an updated view of balances available for the budget strategy.

6.2 The position on the main General, Special Fund and Service Balances is:

	Corporate £m	Service £m	Total £m
Balances at 1 st April 2009	7.041	1.284	8.325
In year service adjustments		-0.023	-0.023
Use of Balances: General balances	-0.950		-0.950
One Off Initiatives & Contingency	-1.946		-1.946
Outturn Position against budget	+0.014	+0.318	+0.332
Balances at 31st March 2010	4.159	1.579	5.738

7.0 **2009/10 CAPITAL PROGRAMME**

The capital programme for 2009/10 was £79.811m (including new allocations detailed in Appendix IV); spend at year end totalled **£45.168m**. There were delays to the commencement of some schemes in 09/10, giving a year end variation of **£34.643m**, but all main projects are now underway and rigorous progress monitoring arrangements in place.

Priority Area	2009/10 Approved Budget £m	2009/10 Expenditure £m	%	Variation £m
Adult Care & Support	1.504	0.415	27.6	-1.089
Active Lifestyles – Leisure & Culture	1.353	0.271	20.0	-1.082
Housing, Regeneration & Prosperity	29.498	11.719	39.7	-17.779
Children & Young People	24.777	16.244	65.6	-8.533
Environment & Rural Areas	12.843	9.755	76.0	-3.088
Community Protection & Cohesion	2.710	1.814	66.9	-0.896
An Efficient Community Focussed Council	7.126	4.950	69.5	-2.176
Total	79.811	45.168	56.6	-34.643

7.1 The main reasons for scheme delays/slippage to 2010/11 are shown below with detail included in Appendix IV :

	Year End Variation £m
Funding negotiations caused delays to the project commencement; projects are now underway and due for completion in 10/11 Building Schools for the Future; Regeneration Schemes (Sutton Hill / Brookside/ Woodside); Tennis Centre; Town Centre; Civic Offices	11.184
New/Improved Schools – some delays experienced during the early stages of schemes; work now underway and opening dates will be as planned Lightmoor Primary; Lawley Primary; Windmill Primary; Wrekin View Childrens' Centre; Newport Girls High School	2.445
Late notification of grant received therefore spend re-profiled into 2010/11	0.368
Downing House – project complete, apart from retentions, and showing £0.46m underspend.	0.460
Additional public consultation, refining programme details and contract negotiations: BTI - Dawley, Newport, Wellington, Ironbridge, Oakengates, Hadley Integrated Transport & Highways New technology	4.881
Housing The main slippage is against the original New Growth Point funding programme due to ensuring the funding was linked to the Local Investment Plan and the proposed launch for the Market Engagement Fund element.	4.737
The discovery of great-crested newts delayed the start of works in relation to Stoneyhill	0.727
Play Areas and Parks – prolonged adverse weather caused delays in the programme of works	1.153
Reductions to the amount of external grant received and review of the specification together with some slippage into 2010/11 in relation to the Railfreight project.	0.872

8.0 TREASURY UPDATE

The Council's treasury management position at the beginning and end of the year is as follows: -

	31 March 2009	31 March 2010
	Principal £m	Principal £m
Fixed Rate Borrowing	125.024	123.024
Variable Rate Borrowing	64.099	0.000
Total Debt	189.123	123.024
Investments - in-house	84.507	54.000
- with external managers	<u>58.397</u>	<u>19.811</u>
Total Investments	142.904	73.811
Net Indebtedness	46.219	49.213

At the end of the year there was a benefit of £1.367m from treasury activities, which was after the £0.4m transferred to Children & Families. This has arisen from a combination of the current low interest rates for short-term borrowing and the impact of cash flow during the year.

9.0 CORPORATE INCOME MONITORING

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

9.2 **Council Tax**

This is a national performance indicator which measures council tax collection during the year - the measure does not take account of debt that continues to be pursued and collected after the end of the financial year in which it became due. As a general rule the final collection figure for any financial year exceeds 99%.

Performance is cumulative during the year and expressed against the complete year's debit. Performance at the end of 2009/10 was:

2009/10 Target	2009/10 Outturn	2009/10 Variance	2008/09 Outturn
97.2%	97.5%	+0.3%	97.7%

Council Tax collection was 0.3% ahead of the year end target which is pleasing given the economic climate; and 0.2% behind last years

outturn figure. Collection has followed the national trend experienced by other local authorities.

	Mar 2009	Mar 2010
No. of properties	67,926	68,432
Debit	£56,787,891	£57,564,090

Although there is an increase in the number of properties, this is less than we would have expected for the borough from previous projections.

9.3 NNDR-Business Rates

The % of business rates for 2009/10 only, that should have been collected during the year. This target, as for council tax, ignores our continuing collection of earlier years' liabilities.

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

2009/10 Target	2009/10 Outturn	2009/10 Variance	2008/9 Outturn
97.8%	98.2%	+0.4%	98.3%

NNDR collection ended the year ahead of target by 0.4%, and was only 0.1% behind last years collection.

	Mar 2009	Mar 2010
No. of properties	4,534	4,574
Debit	£62,812,601	£64,142,735

9.4 Sales Ledger

Recovery processes for other income due to the council vary between income billed by Social Services (circa £24m a year) and the rest, which is around £26m a year. Debt below 2 months old is classified as a normal credit period, the more we collect income at the point of delivery or customer service request in future rather than raising bills; the more we reduce collection costs and improve cash flow. Target are set relating cumulative debt outstanding from all years to the current annual debit:

Age of Debt	Target %	March 2010		
		£m	%	
2-6 months	2.5	0.61	2.31	0.19 Ahead of target
6-12 months	1.1	0.30	1.11	0.01 Behind target
Over 12 months	1.3	0.30	1.12	0.18 Ahead of target
Total	4.9	1.21	4.54	0.36 Ahead of target

Overall outstanding Sales Ledger debt is 0.36% inside target which equates to £1.2m uncollected debt on a rolling 12 month debt of £26m.

Adult Social Care - recovery of these debts – usually from vulnerable clients - has to be handled carefully and is often complex, which is the experience of many Local Authorities. In some cases, the amounts outstanding are secured by legal charges on property, which cannot be realised until properties are eventually sold. Overall arrears are within target and a dedicated resource has been identified to continue to closely monitor and review this area.

Outstanding Debt	Target %	March 2010		
		£'000	%	
2 – 6 months	0.9%	303	1.3%	Outside target
7 – 12 months	0.6%	100	0.4%	Inside target
> 12 months	1.1%	117	0.5%	Inside target
Total	2.6%	520	2.2%	Inside target

10.0 **OTHER CONSIDERATIONS**

Equality & Diversity

There are no implications directly arising from this report.

Environmental Impact

There are no implications directly arising from this report

Legal Comment

Regular financial monitoring forms part of the assurance for strong financial management. Section 28 of the Local Government Act 2003 makes it a statutory duty for Local Authorities to monitor their income and expenditure against budget, and to take action if overspends or shortfalls in income emerge.

Links with Corporate Priorities

Good financial monitoring forms part of building a Modern, Effective Council.

Opportunities & Risks

The opportunities and risks associated with the report have been identified and assessed. Arrangements will be put in place to manage the risks and maximise the opportunities that have been identified.

Financial Implications

The financial implications are fully detailed within the report.

Ward Implications

District Wide Implications

11.0 **BACKGROUND PAPERS**

2009/10 Budget Strategy / Financial Ledger reports

Report Prepared by: Ken Clarke, Head of Finance – 01952 383100;
Pauline Harris, Corporate Finance Manager - 01952 383701

BOROUGH OF TELFORD & WREKIN

COUNCIL – 24 JUNE 2010

**TREASURY MANAGEMENT - REPORT ON 2009/10 OUTTURN AND
2010/11 TO DATE**

REPORT OF THE HEAD OF FINANCE

1. **PURPOSE**

To update members on the 2009/10 Treasury outturn and activities this year to date.

2. **RECOMMENDATIONS**

Members are asked to:-

- 2.1 note the contents of the report,
- 2.2 note the Council's response to the Economic Climate,
- 2.3 note the performance against Prudential Indicators.

3. **SUMMARY**

The report updates members on the outcome of Treasury Management activities for 2009/10 and details the position for 2010/11 to date.

4. **PREVIOUS MINUTES**

Council 5th March 2009

Council 25th June 2009

Council 4th March 2010

5. **BACKGROUND**

Treasury Management in local government is regulated by the 2001 revision of the CIPFA Treasury Management in Public Services : Code of Practice (the Code). This Council has adopted the Code and fully complies with its requirements. The primary requirement of the Code is the formulation and agreement by full Council of a Treasury Policy Statement, which states the policies and objectives of its treasury management activities.

A requirement of the Council's Treasury Management Practices is the reporting to the Council of both the expected treasury activity for the forthcoming financial year (the annual treasury strategy statement) and subsequently the results of the Council's treasury management activities in that year (this annual treasury report).

6. **2009/10**

The annual report is covered in paragraphs 7-16 and deals with: -

- 2009/10 Portfolio position;
- the borrowing strategy for 2009/10;
- the borrowing outturn for 2009/10;
- compliance with treasury limits;
- investments strategy for 2009/10;
- investments outturn for 2009/10;
- debt rescheduling;
- Shropshire County Council debt
- overall outturn position
- leasing

7. **2009/10 PORTFOLIO POSITION**

The Council's treasury management position at the beginning and the end of the year was as follows: -

	31 March 2010		31 March 2009	
	Principal £m	Rate %	Principal £m	Rate %
Borrowing	<u>123.076</u>	3.86	<u>189.123</u>	4.03
Total Debt	123.076	3.86	189.123	4.03
Investments - in-house	54.000	4.51	84.507	6.02
- with external managers	<u>19.811</u>	1.27	<u>58.397</u>	6.24
Total Investments	73.811	3.64	142.904	6.11
Net Indebtedness	<u>(44.265)</u>		<u>(46.219)</u>	

The main reasons for the changes over the year include;

- Investment opportunities were taken in previous years to lock in at favourable interest rates.
- Investments were reduced through not reinvesting investments as they matured and reducing fund manager investments in order to lessen the need to borrow and reduce investment risk and volatility.
- Some PWLB was taken during 2009/10, but only in shorter maturities. Two PWLB loans were repaid during the year, one with a small premium and the other with a small discount.

The Adopted Treasury Strategy was to:-

- Monitor potential rescheduling opportunities for borrowing.
- Reduce the volatility of investment returns while maintaining adequate flexibility in arrangements.
- As in previous years the overall Investment Strategy for 2009/10 was to gain maximum benefit at minimum risk whilst achieving as a minimum target the 7 day deposit rate.

8. COUNCILS RESPONSE TO ECONOMIC CLIMATE

- 8.1 2009/10 saw the aftermath of the financial crisis that impacted during 2008/09. Base rate fell to 0.5% in late 2008/09 and remained there throughout the whole of 2009/10. The UK economy entered recession in first quarter 2009 and remained there until quarter 4 2009. The recovery to date has only been relatively slight.
- 8.2 The Council has allowed investments to mature and not reinvested them and has withdrawn money from fund managers, reducing the number of fund managers from 3 to 1. These funds were used to reduce the need to borrow, reduce investment risk and volatility.
- 8.3 There has also been a move to look to achieve more security and liquidity with any new investments undertaken.

9. BORROWING 2009/10

- 9.1 Original Economic Projections
The Expectation for Interest Rates – When the budget was set for 2009/10 the “average” City view anticipated that Bank Rate would fall to 0.5% and remain there until the end of 2009 due to the scale of the recession before starting to rise back towards more normal levels in 2010, though it would be 2012 before Bank Rate returned to around 4.5%.
- 9.2 Outturn 2009/10

During 2009/10 the Monetary Policy Committee (MPC) was focused on helping the economy to turn around from plunging into the deepest and longest recession the UK economy had experienced for many years.

Despite keeping Bank Rate at an unprecedented historical low of 0.5% all year, the MPC also had to resort to extreme measures in terms of pumping liquidity into the economy through quantitative easing by purchasing £200bn of gilts and corporate bonds. This had the effect of boosting prices for gilts and corporate bonds and therefore bringing down yields, so also reducing borrowing costs for both the corporate and public sector.

It was notable that the increase in money supply in the economy generated by this programme brought the credit crunch induced spread between Bank Rate and 3 month LIBID (investment rate that depositors could earn) down from 0.95% at the beginning of the financial year to zero during August 2009.

The dominant focus in 2009/10 was on quarterly GDP growth figures. The recession bottomed out in quarter 1 of 2009. There was then major disappointment that the end of the recession failed to materialise in quarter 3 2009 but the fourth quarter of 2009 did then see economic growth return at +0.4%.

Inflation has not been a major concern of the MPC as it fell back below the 2% target level for CPI from June to November. However, it did

spike upwards to reach 3.5% on the back of the unwinding of the temporary cut in VAT to 15% on 1 January 2010. This was not seen as a cause for alarm as this spike was expected to fall out of the inflation index and inflation was forecast by the Bank of England to fall back under target by the end of 2010.

Borrowing and Investment Rates in 2009/10

The overnight investment rate has varied little during the year, within a range of 0.38 to 0.49%. The 3 month investment rate fell gradually from a high point for the year of 1.5% on 1/4/09 to reach a low of 0.42% in September before finishing the year at 0.52%. The 12 month investment rate started the year at a credit crunch enhanced rate of 1.85% and fell steadily until reaching 0.85% in September. Since then it has risen to finish the year at 1.15% as the market looked ahead to when the MPC would have to start raising Bank Rate from its then current rate of 0.50%.

5 year PWLB started the year at 2.54% and then fell to a low for the year of 2.47% on the following day before then rising sharply to hit a peak of 3.29% in July. From there it fell until reaching 2.54% in October and then rose back up to a peak of 3.13% in January. It finished the year at 2.89%.

10 year PWLB rate started the year at 3.36% and then fell to a low for the year of 3.30% on the following day before then rising sharply and rose to hit a peak of 4.15% in July. From there it fell until reaching 3.55% in October and then rose back up to a peak of 4.42% in February. It finished the year at 4.19%.

Longer-term interest rates – The PWLB 45-50 year rate started the year at 4.57% (25 year at 4.28%) and then peaked at 4.85% (25 year at 4.74%) in June before falling back to a low of 4.18% (25 year 4.07%) in October. From there it rose again towards the end of the year and peaked at 4.79% (25 year 4.83%) in March. It finished the year at 4.70% (25 year 4.67%).

Treasury Borrowing and Rescheduling –

The borrowing strategy for the current year has been to take a pragmatic approach to the use of PWLB borrowing, spreading interest rate risk and taking advantage of rate movements when appropriate.

A summary of the transactions for the year is shown below. We took 2 short term PWLB loans to replace loans maturing during 2010/11 to take advantage of the current low rates and took one LOBO loan that is variable at 3 month LIBOR for the first 2 years and then converts to a fixed loan of 4.24% until maturity. This takes advantage of the current low interest rates whilst securing a good long term interest rate.

New Borrowing

The following new loans have been arranged during the year

Date	Action	Amount £m	Interest Rate
07/01/10	PWLB – 2.5 yrs	5.000	2.63%
15/01/10	PWLB – 2.5 yrs	5.000	2.58%
08/02/10	LOBO – 50 yrs	5.000	0.69%

PWLB Repayments & Discounts

The following loans were repaid.

Date	Action	Amount £m	Impact on budget
22/04/09	Repaid - 4.25% loan	10.000	Discount £213,378
22/04/09	Repaid - 4.50% loan	7.000	Premium £190,691

We have generated a discount of £0.213m. Under accounting rules these discounts have to be spread over 10 years, benefiting the revenue account by £0.021m in 2009/10 and ongoing. We also incurred an premium of £0.191m which under accounting rules is spread over 25 years costing the revenue account £0.008 in 2009/10 and ongoing. In total a net benefit of £0.013m for the first 10 years.

Temporary money market loans were used as usual to fund short term cash flow movements, in total £265m was raised over the year and rates ranged between 0.25% and 0.90%.

Interest rates were higher in the early part of the year, but fell later in the year. An analysis of the maturity structure of our debt is shown below.

Analysis of Debt Maturity as at 31st March

	2010 £'000	%	2009 £'000	%
Maturing in less than 1 year	10,052	8.2	64,099	33.9
Maturing in 1-2 years	15,001	12.2	10,001	5.3
Maturing in 2-5 years	15,002	12.2	20,002	10.6
Maturing in 5-10 years	5	0.0	4	0.0
Maturing in more than 10 years	<u>83,016</u>	67.4	<u>95,017</u>	50.2
	<u>123,076</u>	100.0	<u>189,123</u>	100.0

Debt Performance - As highlighted in section 7 the average debt portfolio rate has fallen over the course of the year from 4.03% to 3.86%. This is due to the low interest rates that have prevailed throughout the year and the opportunities taken by officers to restructure debt where possible.

10. COMPLIANCE WITH TREASURY LIMITS

During the financial year the Council operated within the Treasury Limits and Prudential Indicators set out in the Council's Treasury Policy Statement and annual Treasury Strategy Statement at all times. The outturn for the Prudential Indicators is shown in Appendix 1.

11. INVESTMENTS :2009/10

11.1 Strategy

Internally Managed Investments - The authority manages an element of its investments in-house and invests within the institutions complying with its counterparty limits and credit ratings. Some investments are short term related to cash flows and others include longer term investment instruments that benefited returns in 2009/10.

Externally Managed Investments - The authority employed Investec, Invesco and Morley during the early part of the year to manage the remainder of its investments. Before reducing the number of fund managers firstly from 3 to 2 and then down to 1 by the end of the year. Restrictions set out in the managers' contracts limit the institutions in which investments can be made and market risk is controlled by limiting the Fund's exposure to the gilts market and to any individual counterparty. Fund Managers were given a benchmark of 3 month LIBID, although Invesco also have an element of Gilts in their benchmark. The only fund manager we now have is Investec.

Supranational Bonds – The final supranational bond of £4.0m matured during the year. These bonds are 'AAA' rated by Fitch IBCA but they are less attractive now as their margins have narrowed considerably when compared to other investments.

Investment Strategy - The agreed short term investment strategy for 2009/10 was to gain maximum benefit at minimum risk whilst achieving as a target the 7 day deposit rate.

11.2 **Outturn 2009/10**

Detailed below are the results of the investment strategy undertaken by the Council, based on the average investment during the year.

	Average Investment	Rate of Return (gross of fees)	Rate of Return (net of fees)	Benchmark Return *
<u>Internally Managed</u>				
Investments	£62.037m	4.79%	4.79%	0.42%
<u>Externally Managed</u>				
Investec	£19.625m	1.27%	1.10%	0.73%
Invesco	£19.641m	0.59%	0.44%	0.85%
Aviva	£9.059m	1.31%	1.16%	0.73%
Total Externally Managed	£48.325m	1.00%	0.84%	0.77%

* The benchmark for Investec and Aviva is 3 month LIBID. Invesco's benchmark is a composite one based on a combination of 3 month LIBID and gilts.

No institutions in which investments were made showed any difficulty in repaying investments and interest in full during the year.

12. **SHROPSHIRE COUNTY COUNCIL DEBT**

The Council makes an annual contribution (£2.352m in 2009/10) towards County Council costs on pre disaggregation debt (i.e. pre unitary inception) - interest paid averaged 5.70% last year.

13. **OVERALL OUTTURN FOR 2009/10**

The net overall position is summarised in the table below. The sound overall position has resulted from a mix of cash flow benefits plus proactive treasury management activities. The budget reflected the position when the budget was set, the decision to reduce investments and debt was taken after that date. Overall a net saving of just under £1.4m was made against budget for the year.

Summary of Outturn Position

	Estimate £m	Outturn £m	Variance £m
Interest Received	(5.294)	(3.388)	1.906
Discounts/Premia	0.000	(0.013)	(0.013)
Principal Repayments & Debt Management Costs	5.624	4.917	(0.707)
Interest Paid	<u>8.225</u>	<u>5.672</u>	<u>(2.553)</u>
Net Position	8.555	7.188	(1.367)

14 **LEASING**

Each year the Council arranges operating leases for assets such as vehicles, computers and equipment. This helps spread the cost over a number of years in line with the anticipated life of the equipment.

The final drawdown for 2009/10 was completed in March. The drawdown from JCB Finance and CHG Meridian totalled £0.309m and funded the purchase of mini buses and other equipment over three, five and seven year periods at interest rates of 2.04% and 3.11%.

15. **2010/11 UPDATE**

The remainder of this report deals with the current financial year based largely on information to 31 May 2010.

15.1 **Strategy**

In the current economic climate, the strategy for the next few months is to keep investments relatively short and use solely for cashflow purposes. We will review borrowing as we progress through the year and look to take advantage of the current low interest rates if possible.

We have retendered our Treasury Advisory Service and have appointed Arlingclose Ltd as our Treasury Advisors.

15.2 Interest Rates

Base rate began the year at 0.5% and has remained there. The expectation is that at some stage in the future interest rates will begin to rise again, but this is dependent on how the economy progresses. Any increase is unlikely in the short term and most city forecasters do not expect an increase until the second half of 2011.

15.3 Prudential Regime

This Council agreed its required indicators at Council on 4th March 2010. There have been no breaches of the indicators and none have been amended. The Council set itself an Operational limit for external debt of £280m for 2010/11 and an Authorised limit of £300m. To date our total borrowing outstanding is £118m which is well within both limits.

15.4. Borrowing

The loan in the table below matured during 2010/11 .No new long term or temporary borrowing has been undertaken yet this year. As at 31 May 2010 temporary borrowing stood at £0.0m.

Date	Action	Amount £m	Impact on budget
01/05/10	Matured - 2.69% loan	5.000	None

15.5. Internally Managed Investments

The strategy for the year is to gain maximum benefit at minimum risk whilst achieving as a minimum, the 7 day deposit rate. For the period to 31 May 2009 some £188.1m worth of investments have been made from overnight deposits up to 21 days. Rates have ranged from 0.25% to 0.75%. As at 31 May 2010 internal investments stood at £57.3m.

15.6. Fund Managers

At the 31 May 2010 the investments managed on the Council's behalf by Investec, our fund manager (including accrued interest) was valued at £19.8m

15.7 Overall Investment Position

Total investments, including those managed internally, therefore, amount to £77.1m.

Potentially investment manager may place 15% of the funds managed on the Council's behalf with the same institution that the Council has placed up to £5m (£15m in respect of supranational bonds) with. The Council has excluded 3 institutions from Fund Managers' use in order to give itself flexibility in its own direct investments .At the end of May the greatest exposure with a single counterparty was £20.0m with Barclays (just over 25.9% of the portfolio). The highest sovereign exposure to

non UK sovereigns was 6.5% with Belgium. Total exposure is shown in Appendix 2, with a detailed breakdown in Appendix 3.

16. **EQUAL OPPORTUNITIES**

There are no direct implications.

ENVIRONMENTAL IMPACT

There are no environmental impacts directly arising from this report.

LEGAL COMMENT

Treasury management is regulated by the 2001 revision of the CIPFA Treasury Management in Public Services: Code of Practice (the Code). The Council has adopted the code and fully complies with its requirements. The Prudential Indicators were set by Council on 1st March 2009, in line with the Prudential Code.

LINKS WITH CORPORATE PRIORITIES

Active treasury management links to creating a Modern, Effective Council.

OPPORTUNITIES & RISKS

It is important that the Council meets the statutory requirements of the Treasury Management Code of Practice and the Prudential Code as this contributes to good governance for the authority. The report provides information to the general public on the Council's financial performance in relation to Treasury Management and contributes to public accountability. Any other opportunities and risks associated with the treasury management process have been identified and reviewed as part of the process.

FINANCIAL IMPLICATIONS

The body of the report covers the financial implications in detail.

WARD IMPLICATIONS

District Wide.

Background Papers

CIPFA Code of Practice for Treasury Management in Local Authorities

Fund Manager Valuations

Temporary Borrowing records

PWLB records

Investment records

Report prepared by:

Bernard Morris, Finance Manger (Capital & Treasury)

Tel. (01952) 383702

PRUDENTIAL INDICATORS

PRUDENTIAL INDICATOR	2008/09	2009/10	2009/10
(1). EXTRACT FROM BUDGET AND RENT SETTING REPORT	£m	£m	£m
	Actual Outturn	Original Estimate	Actual Outturn
Capital Expenditure			
TOTAL	62.6	69.2	45.2
Ratio of financing costs to net revenue stream			
General fund	0.11%	2.19%	1.81%
Net borrowing requirement			
brought forward 1 April	170.622	189.123	189.123
carried forward 31 March	189.123	135.000	123.076
in year borrowing requirement	18.501	(54.123)	(66.047)
Capital Financing Requirement as at 31 March (excluding PFI)			
TOTAL	186.718	135.945	140.732
Annual change in Cap. Financing Requirement			
TOTAL	19.022	15.851	18.904
Incremental impact of capital investment decisions	£ p	£ p	£ p
Increase in council tax (band D) per annum (not cumulative)	11.48	4.22	4.22

PRUDENTIAL INDICATOR	2008/09	2009/10	2009/10
(2). TREASURY MANAGEMENT PRUDENTIAL INDICATORS	£m	£m	£m
	final	original	final
Authorised limit for external debt - borrowing	270	300	300
other long term liabilities	6	6	6
TOTAL	276	306	306
Operational boundary for external debt - borrowing	250	280	280
other long term liabilities	4	4	4
TOTAL	254	284	284
Upper limit for fixed interest rate exposure Net principal re fixed rate borrowing / investments	180	190	190
Upper limit for variable rate exposure Net principal re variable rate borrowing / investments:-	80%	80%	80%
Upper limit for total principal sums invested for over 364 days (per maturity date)	80%	80%	80%

Maturity structure of fixed rate borrowing during 2009/10	lower limit	upper limit
under 12 months	0%	20%
12 months and within 24 months	0%	25%
24 months and within 5 years	0%	50%
5 years and within 10 years	0%	75%
10 years and above	25%	100%

TELFORD & WREKIN COUNCIL

COUNCIL – 24TH JUNE, 2010

NEW SCRUTINY ARRANGEMENTS/POLITICAL BALANCE

REPORT OF THE HEAD OF GOVERNANCE

1.0 PURPOSE

- 1.1 To seek approval of the new Scrutiny arrangements and the necessary changes to the Council's Constitution.
- 1.2 To appoint the members, Chairmen and Vice-Chairmen of the Scrutiny Committees.
- 1.3 To appoint a Chairman of the Scrutiny Assembly.

2.0 RECOMMENDATIONS

- 2.1 **That the membership of each of the 7 Council Priority Scrutiny Committees have a maximum membership of 6 members;**
- 2.2 **That the nominations for the membership of each of the 7 Scrutiny Committees be approved, as tabled at the Council meeting;**
- 2.3 **That the Chairman and Vice-Chairman of each of the 7 Scrutiny Committees be approved, as tabled at the Council meeting;**
- 2.4 **That the Chairman of the Scrutiny Assembly be appointed;**
- 2.5. **That the proposed changes to Part 4 – Overview & Scrutiny Procedure Rules, as shown at Annex C, be approved;**
- 2.6 **That the consequential changes to the Constitution arising from the new Scrutiny arrangements, as shown at Annex D, be approved;**
- 2.7 **That responsibility for the Statutory Health Scrutiny function, including the appointment of members and co-optees to any Joint Health Scrutiny arrangements be moved from the Adult Care & Support Scrutiny Committee to the Active Lifestyles – Leisure & Culture Scrutiny Committee and paragraph 2.7 of Part 4 – Overview & Scrutiny Procedure Rules be amended accordingly;**
- 2.8 **That the voting scheme for co-opted members of the Joint Health & Overview Scrutiny Committee, as set out in Annex E, be confirmed;**

3.0 PREVIOUS MINUTES

Scrutiny Leadership Board – 25th March, 2010 (Minute No. SLB-12)
Council Constitution Committee – 13th May, 2010 (Minute No. CCC-16)
Council – 29th April, 2010 (Minute No. 106(v))

4.0 CHANGES TO CONSTITUTION – PART 4 – OVERVIEW & SCRUTINY PROCEDURE RULES

- 4.1 At the Council Meeting held on the 29th April, 2010 it was resolved that the model for Scrutiny arrangements be that outlined within paragraph 4.5 (2) in Professor Leach's report 'Review of Scrutiny Arrangements at Telford & Wrekin' i.e. option 2 (Priority Based sub-groups). Subsequently, at the Annual Council meeting held on 20th May, 2010 an Interim Scrutiny Committee was established to make recommendations to the Council Constitution Committee regarding the establishment of these new Scrutiny arrangements.
- 4.2 Part 4 of the Constitution – Overview & Scrutiny Procedure Rules was rewritten in line with the new Scrutiny arrangements and submitted to the Interim Scrutiny Committee at its meeting on 1st June, 2010 which was requested to make recommendations on a number of points, as shown in the minutes attached as Annex A. These recommendations included the size of the 7 Scrutiny Commissions, 3 of which were to have 6 members and 4 of which were to have 8 members.
- 4.3 The revised Part 4 – Overview & Scrutiny Procedure Rules was recommended for approval by the Council Constitution Committee held on 8th June, 2010 (a copy of the minutes is attached as Annex B) apart from the size of the Committees. It was the view of the Council Constitution Committee that each of the Scrutiny Committees should comprise 6 members, with the overall political balance of the Council being taken into account. Annex C shows the revised Procedure Rules, as agreed by the Interim Scrutiny Committee, with the subsequent changes recommended by the Council Constitution Committee being shown in red.

5.0 CONSEQUENT CHANGES TO THE CONSTITUTION

- 5.1 As a result of the establishment of the new Scrutiny arrangements a number of minor changes were required to the Constitution, as shown by the track changes in Annex D.

6.0 APPOINTMENT OF MEMBERSHIP OF SCRUTINY COMMITTEES

- 6.1 At the Council Meeting held on 29th April, 2010 the 7 Priority Based Scrutiny Committees were approved and Group Leaders have been requested to nominate members to the Scrutiny Committees based upon the following matrix:

TOTAL POLITICAL BALANCE CIVIC YEAR 2011/2011 – INCLUDING ALL COMMITTEES BOARDS ETC TOGETHER WITH THE NEW SCRUTINY ARRANGEMENTS

The Council's political balance is as follows:

Conservative	27 seats (50.00%)
Labour	17 seats (31.48%)
Liberal Democrat/Independents	6 seats (11.11%)
TAWPA	4 seats (7.41%)

		CON	LAB	LD/IND	TAWPA
		(44.5)	(28.01)	(9.89)	(6.59)
		45	28	10	7
Standards Committee	8	4	2	1	1
Audit Committee	6	3	2		1
Plans Board	8	4	3	1	0
Licensing Committee	14	7	5	1	1
Council Constitution Cttee	8	4	2	1	1
Adult Care & Support Scrutiny Cttee	6	3	2	0	1
Efficient & Community Focused Scrutiny Cttee	6	3	2	1	0
Community Protection & Cohesion Scrutiny Cttee	6	3	1	1	1
Housing Regeneration & Prosperity Scrutiny Cttee	6	3	2	1	0
Active Lifestyles, Leisure & Culture Scrutiny Cttee	6	3	2	1	0
Environment & Rural Areas Scrutiny Cttee	6	3	2	1	0
Children & Young People Scrutiny Cttee	6	3	2	1	0
Joint Health Scrutiny Cttee	3	2	1	0	0
Total	89	45	28	10	6

6.2 Following appointment of the membership of each of the Scrutiny Committees, Council is requested to appoint the respective Chairmen and Vice-Chairmen, per the tabled nominations.

7.0 APPOINTMENT OF CHAIRMAN OF THE SCRUTINY ASSEMBLY

7.1 As set out in the proposed Part 4 – Overview & Scrutiny Procedure Rules - Section 8 – Terms of Reference for the Scrutiny Assembly - the Chairman of the Assembly should be appointed at the Annual Council Meeting. Subject to the new Overview & Scrutiny Procedure Rules having been previously approved, Council is requested to make this appointment.

8.0 JOINT HEALTH OVERVIEW & SCRUTINY COMMITTEE – TELFORD & WREKIN COUNCIL AND SHROPSHIRE COUNCIL

- 8.1 The Council Constitution Committee at its meeting on 8th June, 2010 was asked to confirm the voting scheme for co-opted members on the Joint Health Overview & Scrutiny Committee (JHOSC) and recommend the scheme to Council (as shown at Annex D).

On the 29th October, 2009 Council had agreed to grant voting rights to the 3 co-opted members of the JHOSC in respect of matters relating to the re-configuration of health services that were subject to consultation by the Telford & Wrekin PCT and the Shropshire PCT. Shropshire Council had recently changed their membership of the JHOSC to 3 elected Members and 3 co-optees who had the right to vote in respect of matters relating to the reconfiguration of health services including Mental Health Services. Members are requested to confirm the voting rights for the Telford & Wrekin co-opted members to ensure the same rights applied to both authorities.

- 8.2 Council is asked to note that Council Constitution Committee agreed that the membership of the JHOSC should be politically balanced in accordance with the current overall political balance of the Council, i.e. 2 Conservative seats and 1 Labour seat.
- 8.3 The Council Constitution Committee further recommended that future consideration of statutory health scrutiny functions including the appointment of Members and co-optees to any Joint Health Scrutiny arrangements and other associated health matters should fall within the remit of the Active Lifestyles, Leisure & Culture Committee and that Part 4 – Overview & Scrutiny Procedure Rules be amended accordingly.

9.0 OTHER CONSIDERATIONS

Equality & Diversity	The business of the Council considers equality and diversity in an appropriate manner.
Environmental Impact	None arising directly from this report.
Legal Comment	The Local Government Act 2000 requires the Council to have a Constitution. 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.
Links with Corporate Priorities	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'.

Opportunities & Risks	The new arrangements offer an opportunity to liaise with the Cabinet to ensure that Scrutiny can influence the Council's priorities. 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.
Financial Implications	There are no financial impact implications arising from this report and any changes can be met from within existing budgets.
Ward Implications	Borough wide

10.0 **BACKGROUND PAPERS**

Council Constitution

INTERIM SCRUTINY COMMITTEE

Minutes of the meeting of the Interim Scrutiny Committee held on Tuesday, 1st June, 2010 at 6.00 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors V.A. Fletcher (Chairman), R.G. Chaplin, G.M. Green, T.J. Hope, L. Lomax, A.D. McClements, A.A. Meredith, C.P.R. Mollett, C.F. Smith, A.J. Stanton, H.J. Unwin, D.R.W. White (part) and H.J. Williams

ISC-1 APOLOGY FOR ABSENCE

Councillor K.L. Tomlinson

ISC-2 DECLARATIONS OF INTEREST/PARTY WHIP

Councillor L. Lomax declared an interest in the Telford & Wrekin Primary Care Trust.

ISC-3 SCRUTINY ARRANGEMENTS

The Interim Scrutiny Committee was established at the Annual Council Meeting on 20th May, 2010 to propose the new Scrutiny arrangements and the report of the Scrutiny Manager asked the Committee to agree these and to recommend the necessary changes to the Council's Constitution Committee.

Appendix 2 of the report set out the proposed changes to Part 4 – Rules of Procedure – Overview and Scrutiny Procedure Rules and Section 5 of the report detailed the changes and options on which the Committee was asked to take a view. The Committee agreed the following:

Membership of Scrutiny Committees

Appendix 1 of the report set out for Members' information details of the allocation of the membership between all the political groups on the Council based upon Scrutiny Committees of either 6 or 8 elected members. The Committee noted that, in order to retain political balance, it would not be possible to have a 7 member Committee.

It was agreed that Option 3, as set out in Appendix 1 (3 Committee of 6 members, 4 Committees of 8 members) be recommended as follows:

Adult Care and Support Scrutiny Committee	6 members
Efficient Community Focused Council	8 members
Community Protection and Cohesion	6 members
Housing, Regeneration & Prosperity	8 members
Active Lifestyles – Leisure & Culture	6 members
Environment & Rural Areas	8 members
Children & Young People	8 members

It was further recommended that the members of the Scrutiny Committees be appointed for a two year period.

Scrutiny Meetings

The Committee recommended that with regard to urgent business a Scrutiny Committee would be called, as soon as practicable, if 7 Members of the Scrutiny Assembly signed such a request.

Scrutiny Assembly

The Committee discussed the two options set out in paragraphs 5.7 and 5.8 of the report. Option 1, as set out in the current Constitution, allowed for '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.' Option 2 extended this provision to the Deputy Mayor. The Committee considered that there was no reason to exclude the Deputy Mayor and it was agreed that the current wording of the Constitution remain in this respect remain unchanged.

Scrutiny Work Programme

Paragraph 5.10 of the report set out the suggested process for determining the method of scrutiny and the timing of the work programme following the identification and prioritisation of the issues at a meeting of the Scrutiny Assembly. An alternative process of setting the Work Programme was tabled at the meeting for the Members' consideration. This option allowed for the Scrutiny Chairmen's Forum to agree the cross-cutting reviews to be undertaken during a municipal year and the number of meetings to be allocated to these. In addition, each Scrutiny Committee would meet to plan its own work programme including the topics identified by the Scrutiny Assembly and any issues referred from the previous Scrutiny arrangements and to decide the most appropriate form of meeting.

The Committee considered that the option, as tabled, was a clearer process which would provide a good structure given the size of the Scrutiny work load and the need to also continue to hold the Cabinet to account. Councillor Lomax emphasised the need to maintain the monitoring of the recommendations made by Scrutiny Groups and the Scrutiny Manager confirmed that the current system of monitoring would be retained.

It was agreed that the option tabled be recommended for approval.

(Councillors A.J. Stanton and D.R.W. White left the meeting at this point due to other arrangements).

The Scrutiny Officer briefly outlined the format for the Scrutiny Assembly meeting to be held in July and the Committee put forward a number of suggestions for consideration.

Additions and Changes to the Scrutiny Work Programme in Year

Paragraphs 5.12, 5.13, 5.14 and 5.15 set out a suggested procedure with an alternative procedure being set out in paragraphs 5.16 and 5.17. The Committee

considered that the alternative procedure was a clear process but recommended that the proportion of the members of a Scrutiny Committee required to agree that an issue raised through a Scrutiny Suggestion Form be scrutinised be a simple majority of the members rather than the '¾ of the membership' proposed in the report. It was further recommended that this process did not require a meeting of the relevant Scrutiny Committee but could be undertaken by e-mail. This to be set out in the Scrutiny Handbook as would be the process for Chairing Scrutiny Reviews, as set out in paragraph 5.18 of the report.

Process to Sign off Scrutiny Reports

Paragraph 5.19 of the report set out two options for Members' consideration. Option 1 allowed for the Chairman of a Scrutiny Committee to sign off the final report and Option 2 allowed for the Scrutiny Committee to do so. Members agreed that Option 2 be recommended for approval subject to the wording being amended to include the name of the relevant Scrutiny Committee. It was also agreed that this process could take place by e-mail with a meeting only being held if an issue could not be resolved.

Changes to the Constitution Regarding Scrutiny

Paragraph 20 of the report proposed that the Chairmen's Forum should recommend minor changes to the Scrutiny Arrangements, as set out in the Constitution. The Scrutiny Assembly would be consulted by e-mail on any substantial changes and, in the event of these requiring further discussion, a meeting of the Assembly could be held. Members noted that such changes would be have to be agreed firstly by the Council Constitution Committee and, secondly, by Council.

Membership of the Joint Health Overview & Scrutiny Committee with Shropshire Council (JHOSC)

The Interim Scrutiny Committee had the power to appoint this Council's membership of the JHOSC, which comprised 3 elected Members and 3 co-optees, as did that of Shropshire Council. Under the relevant legislation the membership was required to be politically balanced unless waived by all members of both authorities. Members noted that a report was being submitted to a meeting of the Council Constitution Committee on 8th June, which would make recommendations to Council on 24th June.

The Chairman proposed that Councillors A. McClements, R.G. Chaplin and herself be appointed to the JHOSC. A number of members referred to the need for the membership to be politically balanced in order that an overall Telford & Wrekin response could be put forward at meetings of the JHOSC. However, the Scrutiny Manager informed the Committee that legal advice received by Shropshire Council was that, due to Joint Committee having co-optees, it would not be possible to agree representation on the basis of political balance.

(Councillor A.A. Meredith left the meeting at this point due to a prior engagement.)

Following a discussion and on being put to the vote, it was resolved that Councillors V.A. Fletcher and A.A. McClements be appointed as the Council's representatives

on the JHOSC and it was further resolved that Councillor V.A. Fletcher be appointed as Chairman for the purposes of liaison with Shropshire Council. It was agreed that the Group Leaders be asked to submit nominations for the third member of the JHOSC to be appointed at the next meeting of the Interim Scrutiny Committee

(Councillor A.A. McClements left the room at this point due to a prior engagement.)

The Scrutiny Manager drew the Committee's attention to the consequent changes to the Constitution requiring following the changes to the Scrutiny arrangements.

RECOMMENDED – that the following changes to the Scrutiny structures and processes be recommended to the Council Constitution Committee at its meeting on 8th June, 2010:

- (a) That the membership of the seven Scrutiny Committees be:
 - (i) Adult Care & Support 6 members
 - (ii) Efficient Community Focused Council 8 members
 - (iii) Community Protection & Cohesion 6 members
 - (iv) Housing, Regeneration & Prosperity 8 members
 - (v) Active Lifestyles – Leisure & Culture 6 members
 - (vi) Environment & Rural Areas 8 members
 - (vii) Children & Young People 8 members
- (b) That the members of the above Scrutiny Committees be appointed for a period of two years;
- (c) That 7 members of the Scrutiny Assembly be required to sign a request for a meeting of the relevant Scrutiny Committee to be called, as soon as practicable, to consider urgent business;
- (d) That the process for setting the Scrutiny Work Programme be as set out in paragraph 5.10.5, as tabled,
- (e) That the procedure for Agenda items and Issues for Scrutiny be as set out in paragraph 5.16 of the report, subject to the deletion of the words 'If $\frac{3}{4}$ of the membership...' and the insertion of the words 'If a simple majority';
- (f) That the Process to Sign off Scrutiny reports be as set out in paragraph 5.19(b) of the report;
- (g) That changes to the Constitution Regarding Scrutiny be as set out in paragraph 5.20 of the report.

RESOLVED – that Councillor V.A. Fletcher and Councillor A.A. McClements be appointed to the Joint Health Overview & Scrutiny Committee.

The meeting ended at 8.42 p.m.

Chairman:

Date:

COUNCIL CONSTITUTION COMMITTEE

Minutes of a meeting of the Council Constitution Committee held on Tuesday, 8th June, 2010 at 5.30 p.m. in the Civic Offices, Telford, Shropshire

PRESENT: Councillors S.M. Kelly (Chairman), E.J. Carter, A.J. Eade, J.M. Seymour, C.F. Smith and V. Tonks.

CCC-6 MINUTES

RESOLVED – that the minutes of the meeting of the Council Constitution Committee held on the 25th May, 2010 be confirmed and signed by the Chairman.

The Chairman requested the Head of Governance to provide an update report in connection with minute item CCC-4 and as to whether he had been in receipt of the guidance from the Department of Communities & Local Government. The Head of Governance informed Members that the requested guidance had not been received. As a consequence there would need to be a discussion as to whether the previously agreed strategy should be continued and this meeting provided an opportunity to discuss the appropriate response.

Members expressed a view that in the absence of any desire from local residents to proceed with a revised model of governance and given the cost involved in the consultation exercise that any process should be kept at minimum cost. The Head of Governance advised the Committee on the legal implications (potentially challengeable) and the likelihood of the receipt of any such challenge (low) and it was agreed that the original strategy on the consultation would be pursued except that no formal consultation would be included in the Council's "Insight" magazine.

CCC-7 APOLOGIES FOR ABSENCE

Councillors R.K. Austin and G.M. Green.

CCC-8 DECLARATIONS OF INTEREST

None.

CCC-9 CHANGES TO FINANCIAL REGULATIONS AND CONTRACT PROCEDURE RULES

The report of the Head of Governance sought the Committee's approval of proposed changes to the Financial Regulations and the Contract Procedure Rules within the Council Constitution and to recommend their approval to Full Council.

Members were referred to Annex A of the report which detailed the proposed amendments to Part 4 – Section 6 Financial Regulations as contained within the Constitution which had been amended to reflect the proposed changes to the Contract Procedure Rules, which were also to be considered within this report.

The Committee was also referred to Annex B in connection with the Contract Procedure Rules within Part 4 – Section 7 of the current Constitution. Members were informed that these procedure rules had been completely re-written in order to ensure that they reflected the rules on procurement rather than the provision of guidance on how to undertake procurement. All detail on how to conduct procurement had been deleted and replaced with a flow diagram. The rewrite which had resulted in an improvement allowed the document to flow logically, was concise, avoided duplication and included hyperlinks to allow easy access to relevant guidance

The Head of Governance referred to Annex B and stated that he wished to propose a number of additions to the proposed text. In the section which related to Special Exemptions from the Contract Procedure Rules in the “After” section in the first bullet point relating to Contracts between £5000 and £50000 he proposed that at the end of the sentence relating to the approval of variations that the addition of the words “and Finance Manager”. He also proposed a similar addition within the section that dealt with Consultants or Specialist Contractors Tendering/Quotation Procedure in relation to the approval of Waivers to be approved similarly by both the Head of Governance and Finance Manager.

RESOLVED – to RECOMMEND that Council grants approval of:

- (a) the changes to Part 4 – Section 6 – Financial Regulations as set out in Annex A of the report; and**
- (b) the changes to Part 4 – Section 7 – Contract Procedure Rules as set out in Annex B of the report subject to the addition of the words “and Finance Manager” within the section in relation to the Special Exemptions from the Contract Procedure Rules for contracts between £5000 and £50000 and within the section in relation to Consultants or Specialist Contractors Tendering/Quotation Procedure in connection with the approval of waivers.**

CCC-10 SCRUTINY ARRANGEMENTS

The Head of Governance submitted his report in connection with the proposed scrutiny arrangements following the meeting of the Interim Scrutiny Committee that had met on the 1st June in order to agree proposed Scrutiny arrangements. Members were referred to the proposed changes that had been agreed by the interim Scrutiny Committee as outlined within Appendices 1 and 2 of the report.

Councillor J Seymour commented that she felt that the proposed mix of the numbers of members for the Scrutiny Committees of 6 and 8 would result in increased workload pressures being placed on members to fulfil their respective roles for members of these committees. She felt that all the Scrutiny Committees should be a universal size of 6 members each with the overall political balance of the Council being taken into account.

Councillor A Eade also concurred with this view and the factor of additional pressure was noted and he agreed that in his view the smaller membership would be more effective.

Councillor C Smith expressed concern in relation to the amended proposal particularly when the Interim Scrutiny Committee had agreed on the individual sizes of the membership for each of the Scrutiny Committees and that the proposed view of the Interim Scrutiny Committee was that their proposal better reflected the overall political balance of the Council. He also stated that as many of the Scrutiny Committees would have elements of cross-cutting through the Council, and also made reference to the number of co-optees that would also sit on a number of the Scrutiny Committees, that the number of members reflected the importance of their work.

Councillor J Seymour expressed a view that one of the arguments of reducing the size of the Scrutiny Committees was the element of their respective scrutiny work that would cross-cut among areas of the Council and that the work of Scrutiny would be more effective if the size of the Committees were reduced to 6 and proposed that the report should be noted and referred to Full Council with a recommendation that the size of the 7 priority themed Scrutiny Committee be limited to a maximum of six members per Committee.

Councillor V Tonks stated that he agreed with the views of Councillor Smith and further questioned that the Interim Scrutiny Committee time taken to achieve a collective view had been wasted.

Councillor A Eade also stated that it was his view that the recommendation contained at 2.3 of the report should be extended to include the Scrutiny Assembly. It was further stated by Councillor J Seymour that the consideration of Statutory Health Scrutiny Functions including the appointment of Members and Co-optees to any Joint Health Scrutiny arrangements and other associated matters should fall within the remit of the Active Lifestyles, Leisure & Culture Scrutiny Committee.

The Head of Governance confirmed that the respective views of both of the Interim Scrutiny Committee and the Council Constitution Committee would be available to enable a full debate at Full Council.

RESOLVED - TO RECOMMEND TO COUNCIL

- (a) the proposed changes to the Scrutiny arrangements as recommended by the Interim Scrutiny Committee at its meeting on 1st June 2010 for approval by Council at its meeting on 24th June 2010, subject to the following proposed amendments:**
 - (i) that the membership of all seven Council priority Scrutiny Committees have a maximum membership of six members; and,**
 - (ii) that that the consideration of Statutory Health Scrutiny Functions including the appointment of Members and Co-optees to any Joint Health Scrutiny arrangements and other associated Health**

matters should fall within the remit of the Active Lifestyles, Leisure & Culture Scrutiny Committee.

- (b) that Members further note that Full Council shall at its meeting to be held on 24th June 2010 appoint the Chairmen and Vice-Chairmen of the 7 Scrutiny Committees together with the Chairman of the Scrutiny Assembly.**

CCC-11 VOTING SCHEME FOR CO-OPTees ON THE JOINT HEALTH OVERVIEW & SCRUTINY COMMITTEE

The report of the Head of Governance was received which sought approval of the proposed voting scheme for co-opted members on the Joint Health Overview and Scrutiny Committee with Shropshire Council and to recommend the proposed scheme to Full council. The report also requested that the Committee should consider the elected Telford & Wrekin member representation on the Joint HOSC.

The Committee was reminded that on 29th October 2009 full Council had agreed to grant voting rights to the 3 co-opted Members of the Joint Health Overview and Scrutiny Committee. The voting rights were granted to enable the co-optees to exercise their right to vote in respect of matters relating to the re-configuration of health services that were subject to consultation by Telford and Wrekin PCT and Shropshire PCT. It was further reported that recently Shropshire Council had recently changed their membership for both the elected members and their co-optees to have similar right to vote in the re-configuration consultation including Mental Health Services.

Members were requested to confirm the voting rights for the Telford & Wrekin co-opted members of the Joint HOSC to ensure that the same rights applied to both authorities.

The Committee was further requested to consider the Telford & Wrekin elected membership on the Joint Health Overview and Scrutiny Committee. It had been agreed by the Interim Scrutiny Committee at its meeting held on the 1st June 2010 that a discussion would be held by Group Leaders to determine the third elected member representative from Telford and Wrekin on the Joint HOSC. Members were referred to the guidance from the Department of Health which stated that appointments to Overview and Scrutiny Committees should generally reflect the political make up of the full Council. The Head of Governance stated that in accordance with the existing overall political balance of the Council that the Joint Health Overview and Scrutiny Committee would be made up of two Conservative nominations and one labour nomination members.

Councillor C Smith commented that it was important that Scrutiny should represent the whole of Council and that it would be more appropriate that the overall political balance was not taken into account and suggested that the third seat should be discussed by Group Leaders in order to agree the third member on this basis. He further stated that using one of the minor parties in this respect would widen and represent the full views of the Council.

The Chairman noted that party politics had never been introduced particularly when the Council agreed campaign had been established last year following the re-configuration of Health Services had been introduced and he hoped that the same level of support would be repeated in the future notwithstanding that the political balance of the Council was agreed to be introduced in relation to the elected member representation on the Joint Health Overview and Scrutiny Committee.

RESOLVED – to RECOMMEND that COUNCIL:

- (i) grants approval of the voting scheme for the Telford & Wrekin co-opted members of the Joint Health Overview and Scrutiny Committee as outlined within Appendix 1 of the report;**
- (ii) grants approval for the responsibility for the Statutory Health Scrutiny function including the appointment of members and co-optees to any Joint Health Scrutiny arrangements be moved from the Adult Care & Support Scrutiny Committee to the Active Lifestyles, Leisure & Culture Scrutiny Committee as shown at paragraph 2.7 of Part 4 – Overview & Scrutiny Procedure Rules;**
- (iii) that the appointment of elected members to serve on the Joint Health Overview and Scrutiny Committee be in accordance with the current overall political balance of the Council , i.e. Conservative 2 seats and Labour 1 seat.**

The meeting ended at 6.10 p.m.

Chairman:

Date:

Part 4 – Rules of Procedure

– Overview and Scrutiny Procedure Rules

1.0 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 Chairmen's 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.

2.0 TERMS OF REFERENCE FOR THE SCRUTINY COMMITTEES

2.1 Membership

The number of Members on each committee will be:

- Adult Care and Support 6
- Efficient and Community Focused Council ~~86~~
- Community Protection and Cohesion 6
- Housing Regeneration and Prosperity ~~68~~
- Active Lifestyles, Leisure and Culture 6
- Environment and Rural Areas ~~68~~
- Children and Young People ~~68~~

2.2 Each Scrutiny Committee will be politically balanced.

2.3 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

Members of the Scrutiny Committees will be appointed for a 2 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.

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

2.5 Chairman

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

2.6 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 Chairmen's Forum from the Cabinet or the Council and recommend to the Cabinet or the Council accordingly.

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

Scrutiny Committee

Adult Care and Support

Statutory Powers and Responsibilities

~~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

Statutory Health 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)**).

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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)

2.8 The Scrutiny Work Programme will be determined by the Scrutiny Assembly and co-ordinated by the Chairmen's Forum.

2.9 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)**

3.0 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.

3.2 Requisition of Meetings

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

3.2.2 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.

3.2.3 For urgent business a meeting of a Scrutiny Committee will be called as soon as practicable if 7 Members of the Scrutiny Assembly sign a request to call a meeting specifying the reasons.

4.0 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.

4.2 The full protocol for co-opted members is set out in the Scrutiny hand book.

5.0 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.

6.0 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.

7.0 CO-ORDINATION BY THE CHAIRMEN ACTING COLLECTIVELY

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

7.5 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.

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

8.0 TERMS OF REFERENCE FOR THE SCRUTINY ASSEMBLY

8.1 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

8.2 Membership

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.

9.0 SCRUTINY WORK PROGRAMME

9.1 Process to agree work programme

Scrutiny Committees will have the power to determine their own work programme. Cross cutting reviews will be identified by the Scrutiny Chairmen. The Scrutiny work programme will be agreed through the following process:

- Scrutiny Assembly meeting, resulting in a list per Scrutiny Committee of items for scrutiny – these will be scored in priority order.
- The Scrutiny Team work with relevant officers to complete the scoring matrix for the priorities for each Scrutiny Committee.
- Scrutiny Chairmen's Forum agrees the cross cutting reviews to be carried out during the year and the number of meetings allocated to these. The Chairmen will report this decision to each Scrutiny Committee.
- Each Committee meets to plan their work programme, dividing the remaining scrutiny meetings between the Committees. The Committee will consider the topics identified at the Scrutiny Assembly and issues referred from the previous Scrutiny arrangements. The Committees can use the meetings allocated in different formats.

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.

9.3 Additions and Changes to the Scrutiny Work Programme in Year

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 referral from Council will be included in the work programme for the relevant Committee. Other suggested additions 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 a simple majority of the membership of the Committee confirm that this issue should come to Scrutiny this will go to the Scrutiny Chairmen's 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.

9.4 The person or body who raised the issue with Scrutiny will be notified of the decision of the Chairmen's Forum.

10.0 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.

11.0 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 Chairmen of Scrutiny Reviews

Review groups will be chaired by the relevant Scrutiny Committee Chairman.

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 .0 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 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 endorsed by Members of the relevant 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. The protocol for Scrutiny reports is set out in the Scrutiny Handbook.

13.0 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

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

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. 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 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 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.

14.10 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.

14.11 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.

14.12 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.

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

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

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

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

14.17 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.

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

- One side of an A4 sheet of paper setting out the main points of their argument which will be distributed to each member of the Scrutiny 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.

14.19 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.

14.20 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.

14.21 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.

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

- a) If having considered the proposal, the appropriate Scrutiny 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	Relevant Cabinet member and officer (if a	30 minutes

alternative proposal. A4 sheet summarising argument will be distributed	cabinet decision) or relevant officer (if decision was delegated to an officer) and any other persons that they wish to involve.	
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

14.23 The Scrutiny Committee having reviewed the decision can:

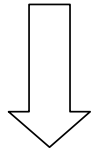
- 1) reject the call-in proposal and note the original decision. The decision will take effect on the date of the call-in meeting;
- 2) accept the proposal set out on the call-in form and refer back to the decision making person or body. The Cabinet shall then reconsider at the next scheduled Cabinet 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.

14.24 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.

14.25 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.

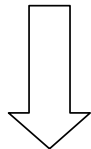
SUMMARY OF TIMETABLE FOR CALL-IN

DECISION MADE



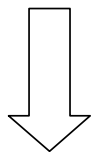
4 working days

DECISION PUBLISHED



3 working days

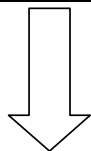
CALL-IN REQUEST DEADLINE (with at least 5 eligible signatures)



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:
--	--	--------------

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.

15.0 NON-APPLICATION OF CALL-IN AND URGENCY

15.1 The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public interest. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the relevant Scrutiny Committee, or in his or her absence, the 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.

16.0 THE PARTY WHIP

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

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

17.0 PROTOCOL FOR SCRUTINY MEMBER AND OFFICER RELATIONS

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

18.0 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.

19.0 CHANGES TO THE CONSTITUTION REGARDING SCRUTINY

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

20.0 PROTOCOL FOR THE OPERATION OF COUNCILLOR CALL FOR ACTION

20.1 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.

20.2 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.

20.3 Key Principles:

20.4 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.

20.5 Operation

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

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

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

- Checking that the relevant complaints procedures have been complied with. If the resident's issue appears to be that 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.

20.5.3 Following the Ward Councillor's pursuit of one or all of these avenues, they may still be no nearer a resolution to the issue. They will need to consider whether the issue warrants consideration as a CCfA by the 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.

20.5.4 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.

20.6 Referral

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

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

20.7 Validity

20.7.1 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.

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

- (i) Does the issue relate to an individual Ward?
- (ii) Am I satisfied that reasonable attempts at resolution have been made by the Ward Councillor?
- (iii) 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.)

20.7.3 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.

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

20.8 Scrutiny Committee meeting

20.8.1 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.

20.9 Scrutiny Committee decision/recommendation

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

20.9.2 Once all recommendations have either been implemented or rejected by the Cabinet/Council or partner agency the CCfA record will be closed.

COUNCILLOR CALL FOR ACTION (CCfA) PROCESS MAP

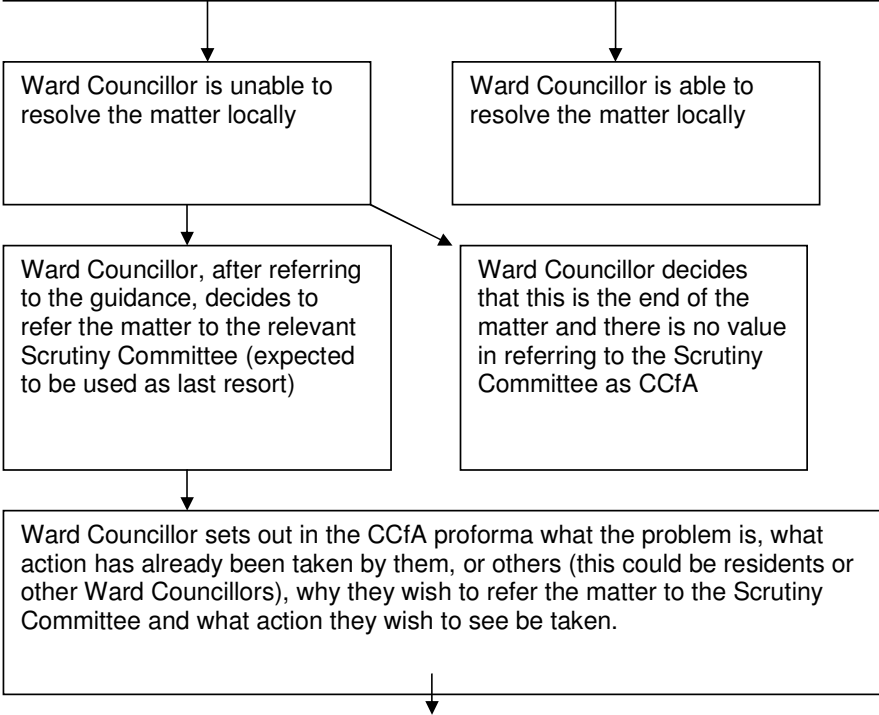
Ward Councillor becomes aware of a local problem or is approached by an individual resident or group of residents to help solve a local problem in their ward.

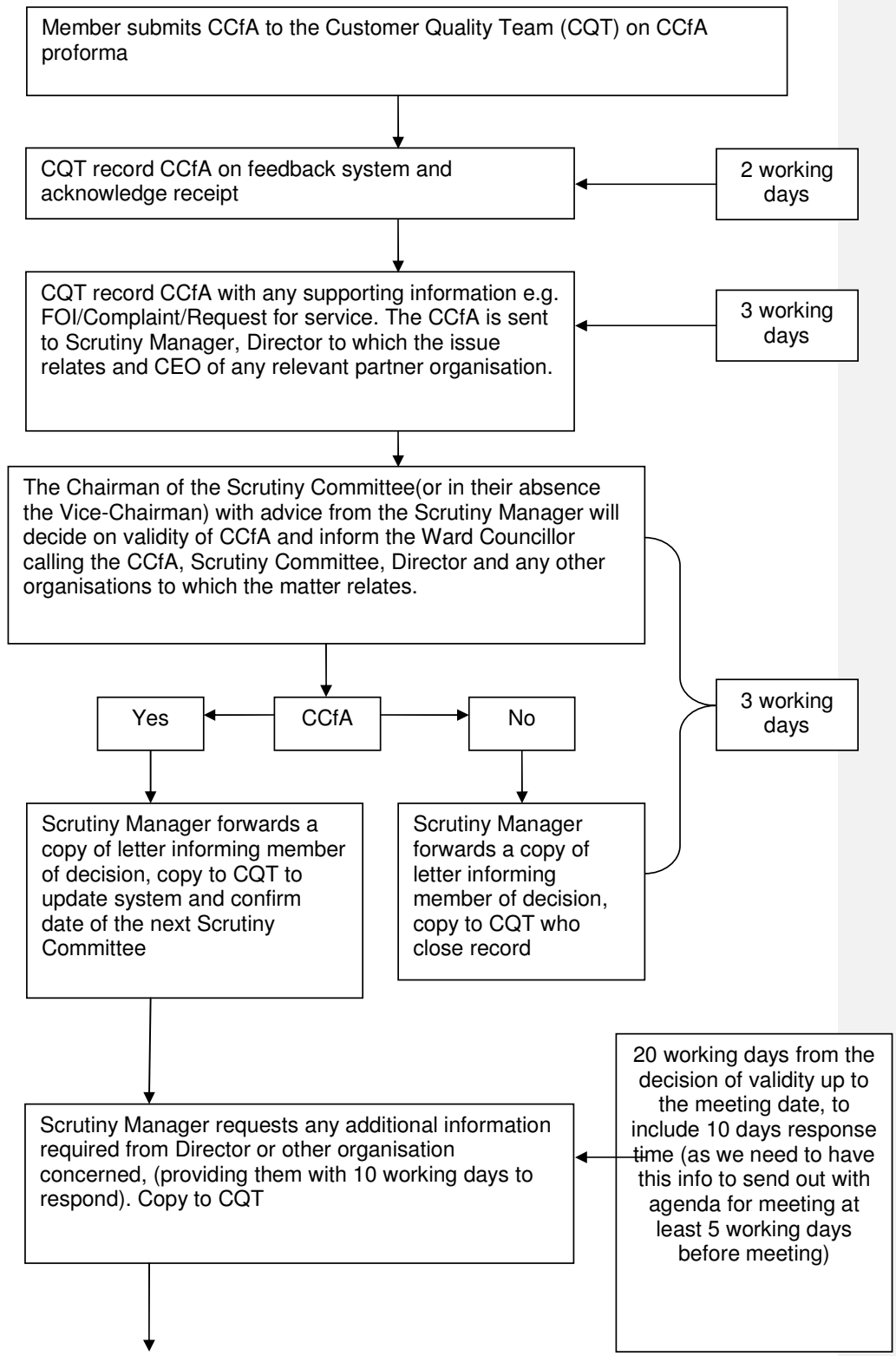
Ward Councillor assesses problem and sign posts local resident/s to the correct service area or partner organisation as either:

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

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

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





↓

The CCfA is heard at the Scrutiny Committee. The following actions can be taken by the Scrutiny Committee:

- It rejects the CCfA;
- Make recommendations to the Cabinet or Council;
- Make recommendations to the CEO of a partner agency;
- Agree to undertake a scrutiny special interest meeting/spotlight review or in-depth scrutiny review on the issue;
- Agree to hold a further meeting to discuss, where further evidence is required;
- Or, where appropriate, a combination of the actions stated above.

decision/recommendations are communicated to Director, Ward Councillor, Cabinet Member and CQT by Scrutiny Manager

2 working days
(from date of Scrutiny Committee meeting)

↓

CQT record and monitor decision/recommendation to ensure they are implemented (where appropriate). Updates will be provided to the Scrutiny Committee as agreed.

↓

CQT close record once all recommendations have either been implemented or rejected.

**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

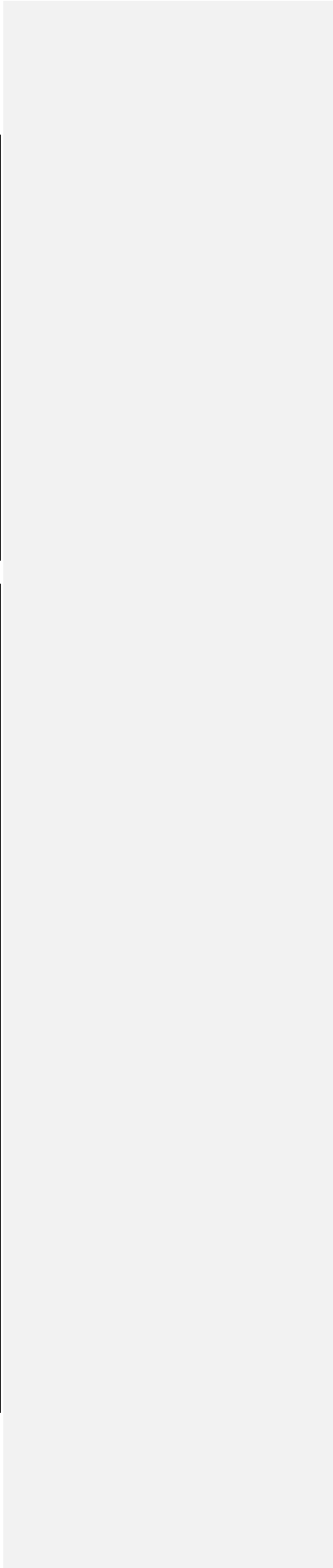
Name of Member	Ward	Members Signature	Date

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**

CHAPTER 1

Part 1 - Summary and Explanation

THE COUNCIL'S CONSTITUTION

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

WHAT'S IN THE CONSTITUTION?

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

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

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

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

HOW THE COUNCIL OPERATES

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

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

All councillors meet together as the Council. Meetings of the Council take place approximately every 2 months and are open to the public unless items to be discussed are of a confidential nature. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader of the Council and up to 9 members of the Cabinet which is the body which takes decisions about the running of the Council and

the implementation of its policies. It also appoints the members of the Scrutiny ~~Leadership Board-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~~ ~~is a~~ Scrutiny ~~Leadership Board-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 ~~Leadership Board-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 7 – Overview and Scrutiny Commissions

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OVERVIEW AND SCRUTINY

Explanatory Comment

The overview and scrutiny function is a central element to this constitution. The Scrutiny ~~Leadership Board 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 ~~6 Lead Scrutiny Member 7 Scrutiny Committees~~ ~~roles making up the Scrutiny Leadership Board~~ 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 Leadership Board~~ may appoint standing groups to which it can delegate areas of responsibility to scrutinise in detail.

Roles:

- ~~The Scrutiny Leadership Board's 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, co-ordinate, plan and approve a programme of work for the Scrutiny Assembly and support the leadership of the scrutiny process within the Council.~~
- ~~The Scrutiny Leadership Board has overall responsibility for ensuring that the Council's scrutiny function is effective and to develop action plans for ongoing improvement.~~
- ~~Collectively, the Scrutiny Leadership Board is responsible for scrutiny of the Council's overall priority of Transforming Telford & Wrekin. Each of the 6 Chairmen of the 7 Scrutiny Committees Leadership Board Members~~ takes responsibility for one of the Council's other Community Priorities.
- The Scrutiny ~~Leadership Board Chairmen~~ will exercise overall responsibility for the finances made available to them.
- The Scrutiny ~~Leadership Board 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.

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- The Scrutiny ~~Leadership Board~~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 Assembly will scrutinise the work of the Council and the Cabinet on a service-based and/or cross-cutting basis.~~
- The Scrutiny process allows the participation of voting statutory representatives as co-optees for education matters in scrutiny. The Scrutiny ~~Committees 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.

- (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.

Regulatory and Other Committees

Explanatory Comment

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

8.01 Regulatory and other committees

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

Committees

Functions

Plans Board

- Town and Country Planning and Development Control
- Miscellaneous powers in relation to footpaths, bridleways, use and enjoyment of highways and duty to keep definitive map and statement under review.
- Tree Preservation Orders (where objections have been received)
- Protection of important hedgerows

Licensing Committee

- Licensing and Registration functions excluding those relating to social care.
- Elections.
- Health & Safety at Work.
- Health Act 2006 Part 1 Chapter 1
- The naming and status of areas and individuals.
- Power to make, amend, revoke or re-enact bye-laws.
- Power to promote or oppose local or personal Bills.
- To make payments etc in cases of maladministration.
- Licensing Act 2003
- Gambling Act 2005

Standards Committee

- Matters relating to ethics, standards and governance.

Audit Committee

- Matters relating to governance and overseeing the audit, risk management and financial statements processes.

Council Constitution Committee

- To review and recommend changes to the Constitution of the Council

Committees

Adult Care and Support Scrutiny Leadership Board Committee

Efficient and Community Focused Council

Community Protection and Cohesion Scrutiny Committee

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

Personnel Board

Functions

~~• To plan, advise and oversee the work of the Scrutiny Assembly.~~

~~• To ensure that Scrutiny effectively scrutinises the work of the Council, its committees and the Cabinet in relation to the Corporate Priority for , including consideration of policy and budgetary issues.~~

~~• To scrutinise the work of other organisations relating to this priority in accordance with national legislation and good practice.~~

• To hear and determine all appeals except those which by statute require to be determined by a separate body, e.g. social services appeals

• Appointment of Corporate Directors and Statutory Officers Local Government Pension Scheme

• To agree at a strategic level all matters relating to the Council's employees

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Footnote

(i) General functions relating to all committees are listed above which also include Standards Committee, Audit Committee and the Scrutiny ~~Leadership Board 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

13.04 **Decision making by the full Council**

Subject to Article 13.08, when considering any matter, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution

13.05 **Decision making by the Cabinet**

Subject to Article 13.08, when considering any matter, the Cabinet, individual member of the Cabinet or officer exercising delegated powers will follow the Cabinet Decision Procedures Rules set out in Part 4 of this Constitution.

13.06 **Decision making by the Scrutiny- ~~Committees~~ ~~Leadership Board~~**

When considering any matter the Scrutiny ~~Leadership Board~~ ~~Committees~~ will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

13.07 **Decision making by other Committees and Boards established by the Council**

Subject to Article 13.08, other Council Committees, Boards will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

13.08 **Decision making by Council bodies acting as tribunals**

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

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 ~~Leadership Board~~ 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 ~~Leadership Board 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 ~~Leadership Board 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 ~~Leadership Board 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 ~~Leadership Board or Committee/Board 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 ~~Leadership Board 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 2 – Access to Information Procedure Rules

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

1. Council Functions

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

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

2. Cabinet Functions

All decisions in respect of Cabinet functions are regulated by the **Local Authorities (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 ~~Scrutiny Leadership Board~~ 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 Leadership Board~~ 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.

b) The decision-making process

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

the agenda for the meeting and every public, and non-exempt report shall be available for inspection as soon as they are made available to members of the

Part 4 – Rules of Procedure

Section 3 – 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 ~~Value for Money Scrutiny Group~~ 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 ~~Value for Money Scrutiny Group~~ 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 ~~Value for Money Scrutiny Group~~ 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 Leadership Board 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 ~~Leadership Board's 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 ~~Leadership Board Committee~~, the consent of the Mayor-Speaker, and in the absence of both, the Deputy Mayor-Speaker 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.

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 ~~Leadership Board 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 ~~the~~ Scrutiny ~~Leadership Board 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 ~~Leadership Board 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 ~~the Value for Money Scrutiny Group.~~
~~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 ~~Leadership Board Committee~~ -and with the consent of the Chairman of the ~~relevant~~ Scrutiny ~~Leadership Board 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 ~~Audit & Democracy 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 ~~Leadership Board 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 ~~Leadership Board 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 ~~Leadership Board 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 1 – 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.

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

(4) In this Code—

- (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 5 – Codes and Protocols

Section 3 – 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 4 – 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 ~~Leadership Board~~ 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.

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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 Management/Leadership Board Assembly	£10,237.00
Main Opposition Group Leader	£ 9,479.00
Chairmen of Scrutiny Committees Lead Scrutiny Members	£ 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

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

Officer – an employee of the Authority

Ombudsman – the Local Government Ombudsman

Scrutiny ~~Leadership Board~~ Committee – Scrutinises the work of the Council and relevant partner organisations
~~oversees the scrutiny process~~

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

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

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- 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 **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

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Issue C Revision 0

March 2010

- Decisions taken by the Council, its Committees and Boards, and the Scrutiny ~~Leadership Board-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.

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

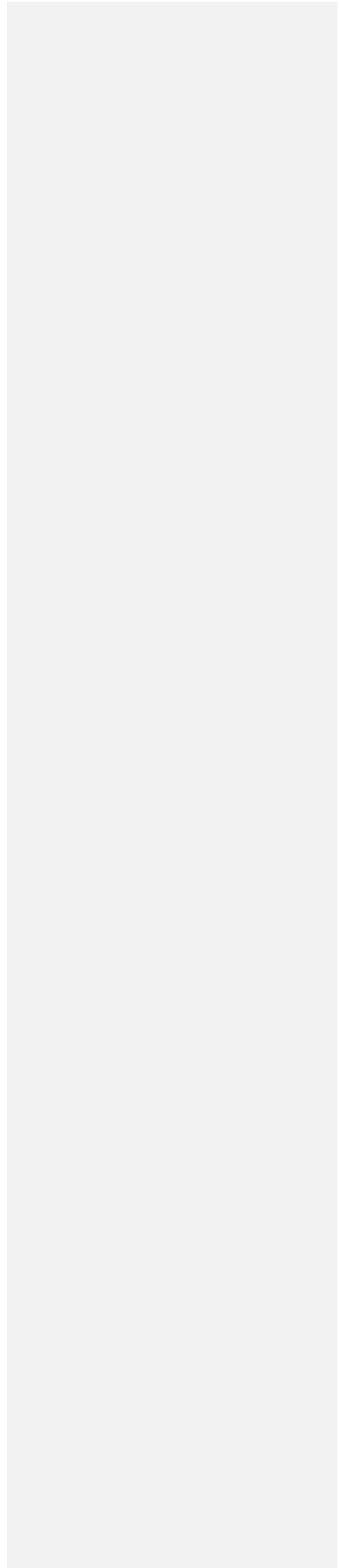
All Decision Notices will be co-ordinated by Audit & Democracy. Officers making Key Decisions must advise Audit & Democracy of any Key Decisions they wish to make in order that Decision Notices are published within the requisite timescale

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.



BOROUGH OF TELFORD AND WREKIN

**SCHEME MADE UNDER PARAGRAPH 12 OF SCHEDULE 1
LOCAL GOVERNMENT ACT 2000**

**SCHEME TO GIVE VOTING RIGHTS TO CO-OPTED MEMBERS OF THE
JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE**

In accordance with paragraph 12 of Schedule 1 to the Local Government Act 2000 (as inserted by section 115 Local Government Act 2003) the borough of Telford and Wrekin has determined that the three co-opted members of the Joint Health Overview and Scrutiny Committee (that is those members of the committee who are not members of the authority) shall have permission to vote in accordance with this Scheme.

The co-opted members can only exercise their right to vote in respect of matters relating to the reconfiguration of health services. Including changes to Mental Health Services currently subject to consultation by the Telford and Wrekin PCT and Shropshire PCT. When the matter of the reconfiguration of health services has been determined, this scheme will be revoked.

TELFORD & WREKIN COUNCIL

LICENSING COMMITTEE – 15TH APRIL 2010

COMMUNITY GOVERNANCE REVIEW – PARISH OF LILLESHALL & DONNINGTON – FINAL APPROVAL OF PROPOSALS DOCUMENT

REPORT OF THE HEAD OF GOVERNANCE

1. PURPOSE

- 1.1 To seek Members approval of the Final Proposal document that has been prepared following the completion of this Review. The document incorporates the final proposals that had been formally approved at the meeting of the Licensing Committee that was held on the 1st April 2010. The report also seeks Member approval to the proposed change of name of the existing Parish Council to be renamed Lilleshall, Donnington & Muxton Parish Council and that the required reorganisation order under Section 75, Local Government Act 1972 be concluded by the Head of Governance.

2. RECOMMENDATIONS

2.1 That the Committee confirms and publishes the Final Proposals.

2.2 That delegated authority is granted to the Head of Governance to prepare and seal the required Re-organisation Order to affect the change in the current name of Lilleshall & Donnington Parish Council to Lilleshall, Donnington & Muxton Parish Council in accordance with Section 75, Local Government Act 1972.

2.3 That the Council publishes notification of the change of Parish name and sends notification to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General.

3. SUMMARY

- 3.1 Members are reminded that the Final Proposals document had been submitted to the meeting of the Licensing Committee that was held on 1st April 2010 and had been formally adopted as the Final Proposals following the conclusion of the statutory consultation period.
- 3.2 During the required consultation process it was reported that a consensus of opinion had been expressed that there was a strong

desire to reflect the names of all constituent parts of the Parish within the overall Parish name on the grounds of inclusiveness.

4. PREVIOUS MINUTES

Licensing Committee, 21 April 2009, Minute LC-72

Licensing Committee, 14th October 2009, Minute LC-60

Licensing Committee, 1st April 2010, Minute LC-143

5. INFORMATION

5.1 Background

In the conduct of a Review, the Council has to be mindful of Part 4 of the Local Government and Public Involvement in Health Act 2007, the Guidance on Community Governance Reviews that has been issued by the Department for Communities and Local Government and The Electoral Commission and the Council's Terms of Reference. The legislation places great emphasis on consultation in a Review, and the consultation period had been conducted following the legislation and also contained within the previously published Terms of Reference.

5.2 The Committee were reminded that the Council had considered that there had been no proved impetus for change that could be regarded as sufficient to provide any substantial benefits in terms of effective and convenient local government for the electors of the area. It was also considered that service provision in parts of the existing parish might be constrained by the partitioning the parish. It is for this main reason that the Council considered that the Final Proposals stated that there should be no changes to the current community governance arrangements in the parish of Lilleshall & Donnington.

5.3 However the Committee were reminded that at their previous meeting that was held on 1st April 2010 that they had accepted the consensual argument that had been expressed during the consultation period of the proposal to amend the name of the parish to be called Lilleshall, Donnington & Muxton Parish Council in order to reflect the constituent parts of the overall Parish.

5.4 Members were advised that the Committee would be required to approve delegated authority being granted to the Head of Governance to undertake and seal the required Reorganisation Order that would be required under Section 75, Local Government Act 1972

5.5 Equal Opportunities

There are no immediate equal opportunities implications in this Review.

5.6 Environmental Impact

There are no such implications.

5.7 Legal Comment

On 25th September 2008 Council delegated authority to deal with all matters relating to Community Governance Reviews to the Licensing Committee.

Section 75 Local Government Act 1972 enables the Borough Council to change the name of a Parish where such a change of name is deemed reasonable. Although under the Local Government Act 1972 there is no requirement that such a proposed change should be subject to any consultation process a consultation process had been effected in accordance with the requirements of the Local Government and Public Involvement in Health Act 2007.

There are no direct legal implications arising from this report at this stage. Further legal advice will be given as and when necessary during the consultation and order making process.

5.8 Links with Corporate Priorities

Our Community Priority 4 is the creation of safe, strong and cohesive communities. The Terms of Reference document does address these issues and includes them among considerations that the Council will address in the Review. Due consideration of these issues has been given in the Draft Proposals.

5.9 Opportunities and Risks

The opportunities and risks associated with any legislative change following on from this consultation have been identified and assessed. Arrangements would be put in place to manage the risks and maximise the opportunities that have been identified if community governance in the affected areas was to change.

5.10 Financial Implications

Some postage and printing costs associated with the distribution and publication of the confirmed Final Proposal Document and the completion of the required Reorganisation Order are foreseen. However, these costs will be met from within existing resources.

6. WARD IMPLICATIONS

Lilleshall & Donnington and Muxton Borough Wards

7. BACKGROUND PAPERS

Local Government Act 1972

Local Government and Public Involvement in Health Act 2007

Guidance on Community Governance Reviews (Department for Communities and Local Government and The Electoral Commission, April 2008)

Community Governance Reviews And Related Matters – Local Government And Public Involvement In Health Act 2007 – A Guide To New Legislation And Practice (Electoral Services Section, Telford and Wrekin Council, last updated November 2008)

Terms of Reference Document (22 April 2009)

Submissions received during the consultation period and listed in Annexes 1 of each Draft Proposals document (A copy of all submissions received will be available on deposit for public consultation.)

Final Proposals document

***Report prepared by Phil Griffiths, Democratic Services Manager,
Democratic Services - Tel: 01952 383210***

TELFORD & WREKIN COUNCIL

COUNCIL CONSTITUTION COMMITTEE – 8TH JUNE, 2010

**REVISION OF FINANCIAL REGULATIONS AND CONTRACT
PROCEDURE RULES**

REPORT OF THE HEAD OF GOVERNANCE

1.0 PURPOSE

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

2.0 RECOMMENDATIONS

That the Committee recommend to Council approval of:

- 2.1 **The changes to the Part 4 – Section 6 Financial Regulations as shown in Annex A of the report;**
- 2.2 **The changes to Part 4 – Section 7 - Contract Procedure Rules as shown in Annex B of the report.**

3.0 SUMMARY

- 3.1 The Contract Procedure Rules have been rewritten to ensure that they reflect the rules on procurement rather than as guidance on the procurement process.
- 3.2 The Financial Regulations have been amended to reflect the proposed changes to the Contract Procedure Rules.

4.0 PREVIOUS MINUTES

- 4.1 Council – 30 September, 2009 (Minute No. 44)
Council Constitution Committee – 8 December, 2009 (Minute No. CCC-10)
Council – 28 January, 2010 (Minute No. 79)
Council Constitution Committee 13th April, 2010 (Minute No. CCC-14)
~~Council – 29th April, 2010 (Minute No. 106)~~

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5.0 PART 4 – SECTION 6- FINANCIAL REGULATIONS

Proposed changes to Paragraphs 11, 12 and 13 – Purchasing Arrangements, Schemes Financed Partly or Wholly by External Funding and Orders for Work, Goods and Services

- 5.1 Paragraphs 11,12 and 13 of the Financial Regulations have been amended to reflect the proposed changes to the Contract Procedure Rules.
- 5.2 The current section reflects and duplicates what is written in the Contract Procedure Rules. Although these sections should overlap and refer to each other, the information should only be presented in one place. Therefore, paragraphs 11, 12 and 13 of the Financial Regulations have been added to and amended, in order to delete any duplication.
- 5.3 The proposed changes have been tracked as shown in Annex A.

6.0 PART 4 – SECTION 7 – CONTRACT PROCEDURE RULES

6.1 Contract Procedure Rules – Part 4 Section 7 of the Constitution

The Contract Procedure Rules have been completely re-written in order to ensure they reflect the rules on procurement rather than guidance on how to do procurement. The track changes function has not been used as text in the original document has been amended, moved around or deleted in such a way that tracking it would be impossible.

- 6.2 All detail on how to conduct a procurement has been deleted and replaced with a flow diagram. The re-write is a great improvement on the original as the document now flows logically, is concise, avoids duplication and includes hyperlinks to relevant pieces of guidance. The links are included in order to ensure that there is consistency throughout the Authority on the procurement process. The section has been reduced from 64 pages to 27 pages. Major changes or additions to the Contract Procedure Rules are detailed in Annex B. A copy of the whole document if available from the Corporate Procurement Unit on 83998.

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7.0 OTHER INFORMATION

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

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

8.0 **BACKGROUND PAPERS**

Council Constitution
Local Government and Public involvement in Health Act 2007
(Schedule 4, Part 1, section 3)

Report prepared by Vicky Fisher, Procurement Officer – 01952-383998

Financial Regulations – Part 4 Section 6 of the Council Constitution

Proposed changes to Paragraphs 11, 12 and 13 – Purchasing Arrangements, Schemes Financed Partly or Wholly by External Funding and Orders for Work, Goods and Services

Paragraphs 11,12 and 13 of the Financial Regulations have been amended to reflect the proposed changes to the Contract Procedure Rules.

The current section reflects and duplicates what is written in the Contract Procedure Rules. Although these sections should overlap and refer to each other, the information should only be presented in one place. Therefore paragraph 11, 12 and 13 of the Financial Regulations have been added to and amended, in order to delete any duplication.

The proposed changes have been tracked in the attached document.

Contract Procedure Rules – Part 4 Section 7 of the Constitution

Proposed changes to the Contract Procedure Rules

The Contract Procedure Rules have been completely re-written in order to ensure they reflect the rules on procurement rather than guidance on how to do procurement. The track changes function has not been used as text in the original document has been amended, moved around or deleted in such a way that tracking it would be impossible.

All detail on how to conduct a procurement has been deleted and replaced with a flow diagram. The re-write is a great improvement on the original as the document now flows logically, is concise, avoids duplication and includes hyperlinks to relevant pieces of guidance. The links are included in order to ensure that there is consistency throughout the Authority on the procurement process. The section has been reduced from 64 pages to 27 pages.

If Members would like the whole document, please contact the Corporate Procurement Unit on 83998.

Major changes or additions to the Contract Procedure Rules are detailed below:

Special Exemptions from the Contract Procedure Rules

Before
<i>(b) in the case of variations to the number of quotes or tenders agreed by the Head of Legal Services and Finance Manager for specialist work/contracts under the provisions of The Financial Regulations (Part 4 Section 6 Paragraph 11). However, please note that Level 3 and 4 contracts may be subject to the European Procurement Rules, and no exemption is allowed from them.</i>
After
<ul style="list-style-type: none"> • <i>in the case of variations to the number of quotes/tenders for contracts:</i> <p style="margin-left: 40px;"><i>Contracts between £5,000 and £50,000 – variations to the number of quotes sought must be agreed by the Head of Governance.</i></p> <p style="margin-left: 40px;"><i>Contracts above £50,000 - variations to the number of tenders sought must be agreed by the Head of Governance and Finance Manager. However, please note that Major contracts may be subject to the European Procurement Rules, and no exemption is allowed from them. In the case of variations to the number of quotes for contracts</i></p>

Consultants or Specialist Contractors Tendering/Quotation Procedure

Before
<p><i>J.1 In certain circumstances the type of service to be provided will be of such a specialist nature that the person letting the contract will know the market is limited and only certain contractors will be capable of providing the required service. There is still a requirement to obtain tenders but the following Standing Order provisions can be dispensed with:-</i></p>

(a)	<i>publication of invitation to tender</i>
(b)	<i>requirement for minimum number of tenderers/quotations dependent on contract value</i>
J.2	<i>The other provisions of the Full Tendering Procedure will continue to apply as appropriate i.e. receipt of tenders; opening of tenders; acceptance of tenders etc.</i>
J.3	<i>This tendering procedure can only be used with the prior approval of the appropriate Corporate Director for contracts not exceeding £15,000, or the Chairman or Vice-Chairman of the appropriate Board/Committee or the Leader or Deputy Leader as appropriate for contracts over £15,000.</i>
After	
<i>The above has been deleted completely as it conflicts with the waive in Special Exemptions. Please note all Waivers are now to be approved by Head of Governance rather than Members, in order to ensure Legal compliance.</i>	

Signing Contacts

Before	
Up to £5,000	<i>Head of service or designated officer</i>
Between £5,000 and £50,000	<i>HOS or authorised signatory One signature</i>
£50,000 and £156,442	<i>HOS or delegated officer 2 signatures</i>
£156,442 and £250,000	<i>HOS or delegated officer (no lower than Business Unit Manager) 2 signatures</i>
In excess of £250,000	<i>HOS (cannot be delegated) 2 signatures</i>
<i>In excess of £500,000</i>	<i>KEY Decision – Forward Plan/Cabinet/Council HOS 2 signatures</i>

After	
Contract Value	<i>Acceptance by</i>
Up to £156,442	<i>Appropriate Head of Service or designated Officer</i> <ul style="list-style-type: none"> • <i>One signature is required</i>
£156,442 to £500,000	<i>Appropriate Head of Service or Service Delivery Manager</i> <ul style="list-style-type: none"> • <i>Two signatures required</i> <p><i>(At least one of whom must be the Head of Service or Service Delivery Manager. The second signatory can be an officer designated by the HOS)</i></p>
<i>In excess of £500,000</i>	KEY Decision

	<i>Appropriate Head of Service and Service Delivery Manager</i> <ul style="list-style-type: none"> • <i>Two signatures required</i>
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Receipt and Opening of Tenders

Before	
Up to £50,000	<i>Appropriate Head of Service</i>
In excess of £50,000	<i>Head of Governance or their designated Officer</i> <i>Relevant Head of service or their designated officer</i>
<i>In excess of £156,442</i>	<i>Head of Governance or their designated Officer</i> <i>Relevant Head of Service or their designated Officer</i> <i>Cabinet Member</i> <i>For Council functions, the Chairman of the Board or Committee</i>

After	
Up to £50,000	<i>Appropriate Head of Service</i>
In excess of £50,000	<i>Head of Governance or their designated Officer</i>
<i>In excess of £156,442</i>	<i>Head of Governance or their designated Officer</i>

Additions to the Contract Procedure Rules:

The Service area, Early Intervention Children & Young People have not previously had a section in the Contract Procedure Rules so in order to ensure the rules are followed and there is consistency the following has been inserted into the re-write.

Procedure for arranging Education, Care and Support contracts for Children & Young People

Introduction

The Council's Standing Orders allow for standing exemption from usual tendering procedures for contracts relating to the purchase of care and support services for ***children and young people***. This has been agreed so that the provision of residential schools, fostering, other residential provision including short breaks, supported lodgings, parent(s) and baby placements, parenting assessments both community and supported housing based, and other specialist therapeutic provisions for children and young people do not become delayed due to the procedures that would normally apply, and therefore allow service delivery units to discharge its obligations in a timely manner.

This procedure does **not** apply to block contracting arrangements, where it is deemed more appropriate to tender out the service in the normal manner. There is an exception for preferred partners arrangements with voluntary, charitable and not for profit organisations, where the council can clearly demonstrate value for money and that the relevant head of service can confirm that there is no market available to seek to tender out the service, or the transactional costs of tendering would be detrimental to the council. This may also be in relation to, where non full cost recovery can be clearly demonstrated and evidenced.

Some services are multi faceted; mainly social care and education based but include an intrinsic element of commercial services. (For example care based residential provision which includes housing management services/residential school). All service delivery units must have in place a protocol that demonstrates why it is not feasible to separate the commercial element out of these contracts in order to tender it. Where no competitive market exists for these consolidated contracts, and a successful review has been undertaken, then there will be a standing exemption from the requirement to tender these contracts.

Education and Social Care or Specialist Assessment for Children and Young People

Purchase of education, social care and support services should only occur following an assessment of individual care needs, in accordance with the Children Act 1989.

Assessment of individual care needs may result in a requirement to purchase one or more of the following services: -

- Schools – residential, or specialist
- fostering
- all residential provision including short breaks
- supported lodgings
- parent(s) and baby placements
- parenting assessments both community and supported housing based, other specialist therapeutic provisions

Purchasing individual Children and Young People services

All individual placements will be sourced internally and externally to ensure an appropriate matching and that the outcomes for children and Young People can be fully met. External placements will be initially sourced using the West Midlands database. Any individual placements made will be completed using the West Midlands Child Care Consortium standard Pre-Placement Agreement (PPA) and Individual Placement Agreement/Frameworks (IPA/F).

All Pre-Placement and Individual Placement Agreements are held by the Placement's Team.

Where there is a need to modify the Pre-Placement and / or Individual Agreement or a placement provider will not sign the standard Agreement, advice must be sought from

the Joint Commissioning Team for Children and Young People and if necessary legal advice sought.

Children & Young People Contracts for services

When purchasing services for a group of individuals this must be supported by the Borough of Telford & Wrekin Children & Young People's Standard Contract Terms or a local, regional, or national framework agreement.

This will include:

- schools
- all residential provision including short breaks
- supported lodgings
- parent(s) and baby placements
- parenting assessments both community and supported housing based and other specialist therapeutic provisions

Where there is a need to modify the Standard Contract or a provider will not sign the contract without amendment, advice must be sought from the Joint Commissioning Team for Children and Young People before agreeing to any changes and if necessary legal advice sought.

Services Purchased Under Preferred Partner Arrangements via a Service Agreement for Specialist Education, Care & Support Arrangements

An exemption to standing orders is in place for the purchase of specialist services which historically would have been made under grant arrangements. This exemption may only be applied, with the approval of the relevant Head of Service, where it would not be in best interest of the Council to tender out the service because there is not a viable competitive market, and where the Council can clearly demonstrate that Best Value will be achieved. A formal service agreement must be drawn up, supported by a detailed service specification. The total value for the term of the service agreement must not exceed £250,000.

N.B. EU procurement regulations will apply to all contracts exceeding £156,442; this is a legal requirement which cannot be waived.

AUDIT COMMITTEE

Minutes of a meeting of the Audit Committee held on Tuesday, 30th March 2010 at 6.00 pm in the Reception Suite, Civic Offices, Telford

PRESENT: D.Wright (Chairman), I.T.W.Fletcher (Vice-Chairman), R.K.Austin and L.Lomax.

OTHER MEMBERS PRESENT: Councillor S.M.Kelly – Cabinet Member: Efficient Community Focussed Council, Councillor D.R.W. White – Chairman Scrutiny Leadership Board.

OFFICERS PRESENT: Jonathan Eatough – Head of Governance, Jenny Marriott – Audit & Risk Manager, Fiona Bottrill – Scrutiny Manager, Phil Griffiths – Democratic Services Manager.

AUC-60 MINUTES

RESOLVED – that the minutes of the meetings of the Audit Committee held on Tuesday 2nd February and 10th February 2010 be confirmed and signed by the Chairman.

AUC-61 APOLOGIES FOR ABSENCE

Councillors J.A.Dixon and H.J. Unwin.

AUC-62 DECLARATIONS OF INTEREST

None

AUC-63 KPMG FINANCIAL STATEMENTS AUDIT PLAN – MARCH 2010

Andrew Cardoza, Senior Manager KPMG LLP (UK) and Michael Evans, Assistant Manager KPMG LLP (UK), presented the Financial Statements Audit Plan. The plan described how KPMG would deliver its financial statements audit work for the Council which supplemented the Audit Fee Letter which had been presented to the Council in April 2009. The Audit Commission's code required KPMG to fulfil two objectives;

- To review and report on the Council's Financial Statements (including the Annual Governance Statement)
- To review and report on the Council's Use of Resources

Peter Evans described the risk based control approach of the audit and went on to outline details of the procedures and evaluations contained within the audit. He went on to discuss the five areas identified as key audit risks;

- Private Finance Initiative
- Fixed Asset Valuation
- Single Status
- SORP Changes
- Accounts Production

Audit cttee min300310

In closing, he drew Members' attention to the key dates contained within the plan's audit timeline.

AUC-64 USE OF RESOURCES AND EFFICIENT COMMUNITY FOCUSED COUNCIL

Councillor S.M. Kelly, Cabinet Member: Efficient Community Focused Council, appraised Members on the Use of Resources assessment. The assessment, scored on a level of 1 to 4 had been at Level 2. He noted that there were a number of positive outcomes from the assessment. In particular, he highlighted the excellent results for Adult Social Care. There were also areas with room for improvement. He noted that GCSE performance in English and Maths was below the national average.

In response, Andrew Cardoza told Members that there were areas of very good practice together with some areas requiring significant improvement. However, no areas had been rated at 1 and some of the high performing areas were good 3's. Referring to the assessment of educational attainment, he told Members that the key areas were infrastructure improvements and improvements in teaching quality.

Councillor S.M. Kelly told Members progress had already been made in the area of Young People not in Employment, Education or Training (NEETS). Andrew Cardoza told Members that an overall assessment of 2 was a good performance in terms of the delivery of services. Councillor S.M. Kelly noted that assessments of Council performance had only recently become output focussed. He informed Members that further significant efficiency savings were required in future years. The recently introduced 'Make a Difference' scheme was one of a number of initiatives aimed at improving the efficiency of services. In response to a question on the risks of borrowing requirements for capital projects he told Members that these risks had been carefully identified. The timing of when to dispose of assets was dependent on prevailing market conditions but borrowing had been prudent for investment schemes that would make a difference for the communities of the Borough.

AUC-65 REVIEW OF OPERATION AND EFFECTIVENESS OF THE REVISED SCRUTINY ARRANGEMENTS

Councillor D.R.W. White, Chairman of the Scrutiny Leadership Board, told Members that the year had been both difficult and challenging for Scrutiny. He drew Members' attention to the excellent work on the provision of Hospital Services and to the work on the 'Make a Difference' scheme. He noted that the report from Professor Leach (attached as Appendix 2) had concluded that the current Scrutiny arrangements needed to be strengthened in terms of holding the Executive to account and providing more accountability to the Council's priorities. He told Members that it had been difficult for Scrutiny to track the developing Corporate priorities but that the Scrutiny team were more than able to adapt to changing circumstances. He asked Members to note that Professor Leach's report showed a preference for issue or service based sub-groups. The Scrutiny Manager drew Members attention to the 4 principles of good scrutiny promoted by the Centre for Public Scrutiny. She also highlighted

that it was important that the Council was able to participate in the Joint HOSC with Shropshire Council in order to consider the proposals on the reconfiguration of hospital services. Members raised concerns regarding the provision of interim Scrutiny arrangements until a final structure was approved.

RESOLVED – that Members of the Audit Committee feel that it is of great importance that Joint Health Scrutiny, Value For Money Scrutiny and Corporate Parenting Committees are retained in their current form until a final Scrutiny structure is agreed.

AUC-66 INTERNAL AUDIT PLAN & STRATEGY 2010/2011

The Audit & Risk Manager presented the report of the Chief Financial Officer which sought approval for the Internal Audit Plan 2010/11 and strategy for 2009/10 – 2011/12. The Internal Audit Strategy had been reviewed in the light of organisational changes. Under the Accounts and Audit Regulations 2003, Internal Audit provided part of the assurance on the Council's internal controls reported within the Annual Governance Statement.

RESOLVED – That Members of the Audit Committee approve the Internal Audit Plan 2010/11 and Strategy for 2009/10 – 2011/12 (updated for 2010/11) attached as Appendices A and B to the report.

AUC-67 RESULTS OF THE SURVEY ON THE EFFECTIVENESS OF THE AUDIT COMMITTEE

The Audit & Risk Manager presented the report of the Head of Governance which provide Members with the results of the survey to review the effectiveness of the Audit Committee. The Audit & Risk Manager highlighted areas were at the same level, or marginally below, those recorded in the last survey which had been conducted two years previously. The updated Terms of Reference for Audit Committee were due to be approved at Full Council in April 2010, the issue of timely papers had been raised and addressed whilst External Auditors had been invited to attend all meetings but had only attended where relevant reports were presented.

A number of Members raised concerns that, following recent changes to the membership of the Committee, there was a requirement for more accountancy and audit expertise on the Committee. Members asked the Audit & Risk Manager to develop a process and job description for the selection and co-option of a suitable person to the Committee. This information, if possible, should be presented to the next meeting of the Committee.

RESOLVED;

- a) That Members note the results of the survey
- b) That the Audit & Risk Manager develop a process, including a draft job description, for the selection and co-option of a person with relevant accountancy and/or audit experience to the Audit Committee.

AUC-68 UPDATE ON THE SPEAK UP POLICY ACTIVITY 2009

The Audit & Risk Manager presented a verbal update on the Speak Up Policy 2009. There were no formal referrals for the period January – December 2009. In response to a question, the Audit & Risk Manager confirmed that only enquiries specifically referring to the Speak Up Policy were recorded.

RESOLVED – That Members note the Speak Up Policy activity during 2009.

AUC-69 DATES OF FUTURE MEETINGS

The Committee noted the dates of the meetings of the Committee that were scheduled for the 2010/11 Civic Year were Monday 28th June 2010, Tuesday 27th July 2010, Tuesday 21st September 2010, Tuesday 2nd November 2010, Tuesday 1st February 2011 and Tuesday 29th March 2011 with all meetings scheduled to commence at 6.00 pm.

The meeting ended at 7.46 pm.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Tuesday, 30th March 2010 at 9.30 am in the Wrekin Room, Business Development Centre, Stafford Park, Telford

PRESENT: V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), R.G.Chaplin, R.E.Groom, Y.C.Hicks, T.J.Hope, T.Kiernan, C.N.Mason, C.F.Smith and A.G.P.Williams.

LC-136 APOLOGIES FOR ABSENCE

Councillors J.A.Francis, G.P.Hossell, H.Rhodes and K.L.Tomlinson.

LC-137 DECLARATIONS OF INTEREST

None.

LC-138 EXCLUSION RESOLUTION

RESOLVED – that the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the likely disclosure of information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

LC-139 REVIEW OF A PRIVATE HIRE VEHICLE OPERATORS LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and her witnesses and the Licensee and his legal representative in accordance with the hearings procedure and following consideration and discussion by the Committee, it was;

RESOLVED – that the Committee considered that they were satisfied that Licensee was not a fit and proper person to be licensed as a Private Hire Vehicle Operator and that accordingly his licence should be revoked.

The meeting ended at 6.05 pm.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Thursday, 1st April 2010 at 9.30 am in the Reception Suite, Civic Offices, Telford

PRESENT: V.A.Fletcher (Chairman), E.J.Greenaway (Vice-Chairman), R.G.Chaplin, J.A.Francis, R.E.Groom, Y.C.Hicks, T.Kiernan, H.Rhodes, C.N.Mason, C.F.Smith, and A.G.P.Williams.

LC-140 APOLOGIES FOR ABSENCE

Councillors T.J.Hope, G.P.Hossell and K.L.Tomlinson.

LC-141 DECLARATIONS OF INTEREST

Councillor A.G.P Williams declared a prejudicial interest in Minute Number LC-142 and stated that he would leave the meeting prior to the commencement of this particular agenda item.

Councillor C.N. Mason declared a prejudicial interest in Minute Number LC-143 as he was a current Parish Councillor of Lilleshall & Donnington Parish Council and stated that he would leave the meeting prior to the commencement of this particular agenda item.

LC-142 COMMUNITY GOVERNANCE REVIEW – PARISH COUNCIL OF GREAT DAWLEY

The report of the Head of Governance was received which sought approval to the publication of the Final Proposals document following the completion of the extensive statutory consultation that had been undertaken.

Members were reminded that the Community Governance Review had commenced when the Borough Council had received a petition from 567 local government electors from the Dawley Ward of the Parish of Great Dawley that called for a separate parish to be formed for their ward. In accordance with Section 83 of the Local Government and Public Involvement in Health Act 1007 and the guidance on Community Governance Reviews that had been issued in accordance with Section 100(4) of the Act by the Department for Communities and Local Government and the Electoral Commission. The review of this particular parish commenced on 22nd April 2009 and the Committee were reminded of the review process that had been undertaken.

The Committee was reminded that very few submissions had been received following the publication of the Draft Proposals document and the view was expressed by the Borough Council in the Draft Proposals document that any change in the current warding arrangements would not provide any substantial benefits in terms of effective and convenient local government for the whole of the electors for all of the Great Dawley parish. It was also mentioned within the draft proposals that a separate parish of Dawley would be required to make savings of £44,000 in its service provision or to raise its precept by an equivalent of £24.60 for each Band D property.

Following the publication of the Draft Proposals document only 20 submissions had been received by the Borough Council. As a result the Borough Council did not consider that there was an overwhelming impetus for change that could be regarded as sufficient to set aside the potential losses that it considered that the residents and electors of the whole of the parish of Great Dawley might encounter from the readjusted budgets of two separate parish councils. Members were advised that for this main reason the Borough Council considered that the Final Proposals in this Review should be that there should be no changes in the present community governance arrangements in the parish of Great Dawley.

Members were further informed that if the draft proposals were approved that there would be a short period of two weeks before the Borough Council published its recommendations in order to enable the submission of any final responses and arguments to be made which had not arisen earlier in the Review.

Following a discussion, it was;

RESOLVED – that the Final Proposals are that there should be no changes in the present community governance arrangements in the parish of Great Dawley for the following reasons;

- (a) the submissions received in this Review had not provided clear evidence that there were distinctive communities of identity in Dawley and Malinslee that would justify separate parish governance;
- (b) the review had identified an interdependence between Malinslee and Dawley, underlined by Dawley's role as an area centre, used by the residents of Malinslee, and by the current absence of an adequate infrastructure in Malinslee to support a separate community of identity;
- (c) the warding arrangement that existed in the parish of Great Dawley would appear at this time to be appropriate for this parish to reflect local identity and to represent local people;
- (d) there were no pressing reasons for the alteration of the present warding and electoral arrangements;
- (e) it would appear that any change would not be in the interests of effective and convenient local government for the electors of the area and that the creation of separate Dawley and Malinslee parish councils would fail to meet the "viability test"; and,
- (f) since the publication of the terms of Reference in this review, only a small number of views had been submitted from the electors of the parish or from community organisations within it that would lead to any different proposals being made.

LC-143 COMMUNITY GOVERNANCE REVIEW – PARISH COUNCIL OF LILLESHALL & DONNINGTON

The report of the Head of Governance was received which sought approval to the publication of the Final Proposals document following the completion of the extensive statutory consultation that had been undertaken.

Members were reminded that the Community Governance Review had commenced when the Borough Council had received a petition from 333 local government electors from the Lilleshall Ward of the Parish of Lilleshall & Donnington that called for a separate parish to be formed for their ward. In accordance with Section 83 of the Local Government and Public Involvement in Health Act 1007 and the guidance on Community Governance Reviews that had been issued in accordance with Section 100(4) of the Act by the Department for Communities and Local Government and the Electoral Commission. The review of this particular parish commenced on 22nd April 2009 and the Committee were reminded of the review process that had been undertaken.

The Committee was reminded that the borough council was required to balance the greater good for all residents of all parts of the existing Parish of Lilleshall & Donnington against any substantial impetus for change to the present community governance arrangements. It was further mentioned that this question had been at the heart of the review with the balance between the provision of effective and convenient local government on the one hand with the recognition of a community identity on the other. Members noted the concerns that had been raised in the Draft Proposals that there may not be significant benefits in terms of the costs of service provision. A petition signed by 359 local residents had been received towards the end of the period allowed for initial submissions together with a further petition signed by 477 local residents received in response to the publication of the Draft Proposals – both these petitions were in opposition to the creation of a separate parish.

The Committee was reminded that there needed to be an impetus for change and a clear message from the residents of Lilleshall or even Muxton and Donnington that such a change was wanted which may have obliged the Council to accept that, even if change might not necessarily be in the interests of effective and convenient government for residents in some of the areas of the parish, it was what the residents wanted. It was reported that such an impetus had not been forthcoming in this Review, and it was for this main reason that the Council considered that the Final Proposals in this Review should be that there should be no changes in the present community governance arrangements in the parish of Lilleshall and Donnington at this time.

However, during the review process it had been raised that in the interests of inclusiveness of all parts of the parish in its governance, the Borough Council had considered that there was a strong case for changing the parish's name to include all constituent parts of the overall Parish, and this had been included within the Final Proposal document.

Members were further informed that if the draft proposals were approved that there would be a short period of two weeks before the Borough Council published its

recommendations in order to enable the submission of any final responses and arguments to be made which had not arisen earlier in the Review.

Following a discussion, it was;

RESOLVED – that the Final Proposals are that there should be no changes in the present community governance arrangements in the parish of Lilleshall & Donnington for the following reasons;

- (b) there would appear to be an absence of community consensus in that there was a distinct community of identity in the Lilleshall ward and that there was an absence of submissions from the Donnington and Muxton wards which taken together would appear to argue against any change to the current arrangements;
- (b) the warding arrangement that existed in the parish of Lilleshall & Donnington would appear at this time to be appropriate for this parish to reflect local identity and to represent local people;
- (c) there were no pressing reasons for the alteration of the present warding and electoral arrangements;
- (d) it would appear that any change would not provide any substantial benefits in terms of effective and convenient local government for the electors of the area; and,
- (e) that, in the interests of inclusiveness of all parts of the parish in its governance, the Committee considered that there was a strong case for changing the parish's name to reflect all constituent parts of the Parish of Lilleshall & Donnington and that the name of the Parish should be changed to read Lilleshall, Donnington & Muxton which should be in effect from the publication of the required Reorganisation Order.

Prior to the Committee proceeding to the subsequent items of business the Chairman on behalf of the Committee wished to extend thanks to all of the Officers that had worked on the review together with the responses that had been received from the various local respondents and community organisations within the Parishes of Great Dawley and Lilleshall & Donnington.

LC-144 EXCLUSION RESOLUTION

RESOLVED – that the press and public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

LC-145 MR.S.P. – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and the licensee in accordance with the hearings procedure and following consideration and discussion by the Committee, it was

RESOLVED – that the Committee considered that they were satisfied that the licensee remained a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly he could retain his licence subject to the issuing of a verbal warning as to future conduct.

LC-146 MR.M.A. – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and the licensee and his representative in accordance with the hearings procedure and following consideration and discussion by the Committee, it was

RESOLVED – that the Committee considered that they were satisfied that the licensee remained a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly he could retain his licence subject to the issuing of a written warning with such warning to remain on his file.

LC-147 MR.S.N. – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and the licensee and his representative in accordance with the hearings procedure and following consideration and discussion by the Committee, it was

RESOLVED – that the Committee considered that they were satisfied that the licensee remained a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly he could retain his licence subject to the issuing of a written warning with such warning to remain on his file.

The meeting ended at 3.10 pm.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Thursday, 15th April 2010 at 9.30 am in the Reception Suite, Civic Offices, Telford

PRESENT: V.A.Fletcher (Chairman), R.G.Chaplin, R.E.Groom, Y.C.Hicks, T.J.Hope, G.P.Hossell, T.Kiernan, C.N.Mason, H.Rhodes, C.F.Smith and A.G.P.Williams.

LC-148 APOLOGIES FOR ABSENCE

Councillors E.J.Greenaway (Vice-Chairman), J.A.Francis and K.L.Tomlinson.

LC-149 DECLARATIONS OF INTEREST

Councillor A.G.P Williams declared a prejudicial interest in Minute Number LC-150 and stated that he would leave the meeting prior to the commencement of this particular agenda item.

Councillor C.N. Mason declared a prejudicial interest in Minute Number LC-151 as he was a current Parish Councillor of Lilleshall & Donnington Parish Council and stated that he would leave the meeting prior to the commencement of this particular agenda item.

LC-150 COMMUNITY GOVERNANCE REVIEW – PARISH OF GREAT DAWLEY – FINAL APPROVAL OF PROPOSALS DOCUMENT

The report of the Head of Governance was received which sought Members approval of the Final Proposal document that had been prepared following the completion of the Review. Members were informed that the document incorporated the final proposals that had been approved and adopted at the meeting of the Licensing Committee that was held on the 1st April 2010.

Members had been reminded that in the conduct of a Review, the Council had to be mindful of Part 4 of the Local Government and Public Involvement in Health Act 2007, the Guidance on Community Governance Reviews that had been issued by the Department for Communities and Local Government and The Electoral Commission and the Council's Terms of Reference. The legislation placed emphasis on consultation in a Review, and the consultation period had been conducted in line with the legislation and as outlined within the previously published Terms of Reference.

The Committee were reminded that the Council had considered that there had not been sufficient impetus for change to set aside the very real potential losses that maybe experienced by the electors and residents of the whole of the Parish of Great Dawley with the resultant re-adjusted budgets of two separate parish councils. It was for this main reason that the Council considered that the Final Proposals stated that there should be no changes to the current community governance arrangements in the parish of Great Dawley.

It was confirmed to Members that no significant or new responses had been received since the 1st April 2010.

RESOLVED – that the confirmation and publication of the Final Proposals for the Parish of Great Dawley be approved.

LC-151 COMMUNITY GOVERNANCE REVIEW – PARISH OF LILLESHALL & DONNINGTON – FINAL APPROVAL OF PROPOSALS DOCUMENT

The Committee received the report of the Head of Governance which sought approval of the Final Proposal document that had been prepared following the completion of this Review. The document incorporated the final proposals that had been approved at the meeting of the Licensing Committee that was held on the 1st April 2010. The report also sought Member approval to the proposed change of name of the existing Parish Council to be renamed Lilleshall, Donnington & Muxton Parish Council and that the required reorganisation order under Section 75, Local Government Act 1972 be concluded by the Head of Governance.

Members were reminded that in the conduct of a Review, the Council had to be mindful of Part 4 of the Local Government and Public Involvement in Health Act 2007, the Guidance on Community Governance Reviews that had been issued by the Department for Communities and Local Government and The Electoral Commission and the Council's Terms of Reference. The legislation placed emphasis on consultation in a Review, and the consultation period had been conducted following the legislation and had been outlined within the previously published Terms of Reference.

The Committee were reminded that the Council had considered that there had been no substantial impetus for change that could be regarded as sufficient to provide any substantial benefits in terms of effective and convenient local government for the electors of the area. It was also considered that service provision in parts of the existing parish might be constrained by the partitioning the parish. It was for these reasons that the Council considered that the Final Proposals there should be no change to the current community governance arrangements in the parish of Lilleshall & Donnington.

However the Committee were reminded that at their previous meeting that was held on 1st April 2010 that they had accepted the consensual argument that had been expressed during the consultation period of the proposal to amend the name of the parish to be called Lilleshall, Donnington & Muxton Parish Council in order to reflect the constituent parts of the overall Parish. Members were advised that the Committee would be required to approve delegated authority being granted to the Head of Governance to undertake and seal the required Reorganisation Order that would be required under Section 75, Local Government Act 1972

Members were also referred to the letter that had been recently received from a local residents group of Lilleshall which detailed a further challenge to the review process. The Committee received the advice of the solicitor to the Committee who confirmed that there was no further process that would allow or require the Committee to consider the contents of this letter.

It was confirmed to Members that no significant or new responses had been received since the 1st April 2010.

RESOLVED

- (a) that the confirmation and publication of the Final Proposals for the Parish of Lilleshall & Donnington be approved,
- (b) that delegated authority be granted to the Head of Governance to prepare and seal the required Re-organisation Order to affect the change in the current name of Lilleshall & Donnington Parish Council to Lilleshall, Donnington & Muxton Parish Council in accordance with Section 75, Local Government Act 1972; and
- (c) that the Council publishes notification of the change of Parish name and sends notification to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General.

LC-152 EXCLUSION RESOLUTION

RESOLVED – that the press and public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

LC-153 MR.Y.J. – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and the licensee and his representative in accordance with the hearings procedure and following consideration and discussion by the Committee, it was

RESOLVED – that the Committee considered that they were satisfied that the licensee was not a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his licence should be revoked.

LC-154 MR.W.H. – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and the licensee and his representative in accordance with the hearings procedure and following consideration and discussion by the Committee, it was

RESOLVED – that the Committee considered that they were satisfied that the licensee remained a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly he could retain his licence subject to the issuing of a written warning with such warning to remain on his file.

LC-155 MR.M.K. – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and the licensee in accordance with the hearings procedure and following consideration and discussion by the Committee, it was

RESOLVED – that the Committee considered that they were satisfied that the licensee was not a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his licence should be revoked with immediate effect.

The meeting ended at 3.10 pm.

Chairman:

Date:

LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Thursday, 15th April 2010 at 9.30 am in the Reception Suite, Civic Offices, Telford

PRESENT: V.A.Fletcher (Chairman), R.G.Chaplin, R.E.Groom, Y.C.Hicks, T.J.Hope, G.P.Hossell, T.Kiernan, C.N.Mason, H.Rhodes, C.F.Smith and A.G.P.Williams.

LC-148 APOLOGIES FOR ABSENCE

Councillors E.J.Greenaway (Vice-Chairman), J.A.Francis and K.L.Tomlinson.

LC-149 DECLARATIONS OF INTEREST

Councillor A.G.P Williams declared a prejudicial interest in Minute Number LC-150 and stated that he would leave the meeting prior to the commencement of this particular agenda item.

Councillor C.N. Mason declared a prejudicial interest in Minute Number LC-151 as he was a current Parish Councillor of Lilleshall & Donnington Parish Council and stated that he would leave the meeting prior to the commencement of this particular agenda item.

LC-150 COMMUNITY GOVERNANCE REVIEW – PARISH OF GREAT DAWLEY – FINAL APPROVAL OF PROPOSALS DOCUMENT

The report of the Head of Governance was received which sought Members approval of the Final Proposal document that had been prepared following the completion of the Review. Members were informed that the document incorporated the final proposals that had been approved and adopted at the meeting of the Licensing Committee that was held on the 1st April 2010.

Members had been reminded that in the conduct of a Review, the Council had to be mindful of Part 4 of the Local Government and Public Involvement in Health Act 2007, the Guidance on Community Governance Reviews that had been issued by the Department for Communities and Local Government and The Electoral Commission and the Council's Terms of Reference. The legislation placed emphasis on consultation in a Review, and the consultation period had been conducted in line with the legislation and as outlined within the previously published Terms of Reference.

The Committee were reminded that the Council had considered that there had not been sufficient impetus for change to set aside the very real potential losses that maybe experienced by the electors and residents of the whole of the Parish of Great Dawley with the resultant re-adjusted budgets of two separate parish councils. It was for this main reason that the Council considered that the Final Proposals stated that there should be no changes to the current community governance arrangements in the parish of Great Dawley.

It was confirmed to Members that no significant or new responses had been received since the 1st April 2010.

RESOLVED – that the confirmation and publication of the Final Proposals for the Parish of Great Dawley be approved.

LC-151 COMMUNITY GOVERNANCE REVIEW – PARISH OF LILLESHALL & DONNINGTON – FINAL APPROVAL OF PROPOSALS DOCUMENT

The Committee received the report of the Head of Governance which sought approval of the Final Proposal document that had been prepared following the completion of this Review. The document incorporated the final proposals that had been approved at the meeting of the Licensing Committee that was held on the 1st April 2010. The report also sought Member approval to the proposed change of name of the existing Parish Council to be renamed Lilleshall, Donnington & Muxton Parish Council and that the required reorganisation order under Section 75, Local Government Act 1972 be concluded by the Head of Governance.

Members were reminded that in the conduct of a Review, the Council had to be mindful of Part 4 of the Local Government and Public Involvement in Health Act 2007, the Guidance on Community Governance Reviews that had been issued by the Department for Communities and Local Government and The Electoral Commission and the Council's Terms of Reference. The legislation placed emphasis on consultation in a Review, and the consultation period had been conducted following the legislation and had been outlined within the previously published Terms of Reference.

The Committee were reminded that the Council had considered that there had been no substantial impetus for change that could be regarded as sufficient to provide any substantial benefits in terms of effective and convenient local government for the electors of the area. It was also considered that service provision in parts of the existing parish might be constrained by the partitioning the parish. It was for these reasons that the Council considered that the Final Proposals there should be no change to the current community governance arrangements in the parish of Lilleshall & Donnington.

However the Committee were reminded that at their previous meeting that was held on 1st April 2010 that they had accepted the consensual argument that had been expressed during the consultation period of the proposal to amend the name of the parish to be called Lilleshall, Donnington & Muxton Parish Council in order to reflect the constituent parts of the overall Parish. Members were advised that the Committee would be required to approve delegated authority being granted to the Head of Governance to undertake and seal the required Reorganisation Order that would be required under Section 75, Local Government Act 1972

Members were also referred to the letter that had been recently received from a local residents group of Lilleshall which detailed a further challenge to the review process. The Committee received the advice of the solicitor to the Committee who confirmed that there was no further process that would allow or require the Committee to consider the contents of this letter.

It was confirmed to Members that no significant or new responses had been received since the 1st April 2010.

RESOLVED

- (a) that the confirmation and publication of the Final Proposals for the Parish of Lilleshall & Donnington be approved,
- (b) that delegated authority be granted to the Head of Governance to prepare and seal the required Re-organisation Order to affect the change in the current name of Lilleshall & Donnington Parish Council to Lilleshall, Donnington & Muxton Parish Council in accordance with Section 75, Local Government Act 1972; and
- (c) that the Council publishes notification of the change of Parish name and sends notification to the Secretary of State, to the Director General of the Ordnance Survey and to the Registrar General.

LC-152 EXCLUSION RESOLUTION

RESOLVED – that the press and public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of information as defined in Paragraph 1 of Part 1 of Schedule 12A Local Government Act 1972.

LC-153 MR.Y.J. – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and the licensee and his representative in accordance with the hearings procedure and following consideration and discussion by the Committee, it was

RESOLVED – that the Committee considered that they were satisfied that the licensee was not a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his licence should be revoked.

LC-154 MR.W.H. – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and the licensee and his representative in accordance with the hearings procedure and following consideration and discussion by the Committee, it was

RESOLVED – that the Committee considered that they were satisfied that the licensee remained a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly he could retain his licence subject to the issuing of a written warning with such warning to remain on his file.

LC-155 MR.M.K. – REVIEW OF A PRIVATE HIRE VEHICLE DRIVER LICENCE

After hearing the evidence presented by the Council's Licensing Operations Manager and the licensee in accordance with the hearings procedure and following consideration and discussion by the Committee, it was

RESOLVED – that the Committee considered that they were satisfied that the licensee was not a fit and proper person to be licensed as a Private Hire Vehicle Driver and that accordingly his licence should be revoked with immediate effect.

The meeting ended at 3.10 pm.

Chairman:

Date:

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on Thursday, 25 March, 2010 at 6.00 p.m. at Civic Offices, Telford

PRESENT: Councillors D.G. Allen, R. Aveley, R.E. Groom, C.R.P. Mollett, H. Rhodes and A.J. Stanton
A. Simpson (Chairman), B. Bayley, F. Beasland and A. Selvaratnam (Independent Members)
Councillor D. Edwards (Parish Council representative)

ST-25 MINUTES

In relation to Minute ST-24(b) – Update to Local Investigations and Hearings Procedures, the Legal Services Manager reported that Cllr V.A. Fletcher, while being unable to attend the meeting due to illness, had sent an e-mail to express her view that Members had intended for any amendments or departures from the procedures to be reported to the Committee (and subsequently Council). The Head of Governance advised that the Committee would be notified informally of any changes made under delegated powers, and Members were satisfied that the minute accurately reflected the decision that was made.

RESOLVED – that the minutes of the meeting of the Standards Committee held on 10 December 2009 be confirmed and signed by the Chairman.

ST-26 APOLOGIES FOR ABSENCE

Councillors V.A. Fletcher and K.S. Sahota (TWC); Councillors R. Wickson and R. Williams (Parish Council representatives)

ST-27 DECLARATIONS OF INTEREST

None

ST-28 STANDARDS FOR ENGLAND – MONITORING OFFICER'S ANNUAL REPORT

The Legal Services Manager presented the report of the Head of Governance & Monitoring Officer which provided Members with details of the information to be included in the annual return which the Monitoring Officer had to provide to Standards for England.

This year, Standards for England had provided advance notice of the information they were seeking. This was in the form of a series of questions, which were attached to the report along with some brief guidance notes. The questions were divided into five sections – communication, influence, training & support, investigations, and relationships with town and parish councils.

Members had also been sent copies of the Committee's 2009 Annual Report in order to provide some context to this exercise.

Bearing in mind the amount of information requested, the Head of Governance & Monitoring Officer proposed that a draft Return be prepared by officers (as far as they were able) and then sent to Members for comments, before being submitted to Standards for England. It was expected that the submission window would be late March or early April 2010. In relation to training and support, it was suggested that some narrative should be added to the more "tick box" responses in order to reflect concerns at the numbers of members in the Borough who had not attended some form of code of conduct training. During discussion on this issue, the Monitoring Officer added that the primary responsibility to provide training for town and parish councillors rested with himself, but that maybe existing local council networks (eg Shropshire Association of Local Councils) could be used more to promote and provide training.

RESOLVED – that the Monitoring Officer prepare a draft Annual Return for circulation to the Committee for comments, prior to submission to Standards for England.

ST-29 JOINT STANDARDS COMMITTEE - UPDATE

The Legal Services Manager presented the report of the Head of Governance & Monitoring Officer, which provided an update on discussions regarding a Joint Standards Committee with the Shropshire & Wrekin Fire Authority, along with proposals to recruit a new independent member.

Following the decision of the Committee to look into the possibility of establishing a Joint Standards Committee, the Fire Authority's Standards Committee had endorsed the suggestion to explore the matter further. Some initial work had been undertaken, including speaking to Shropshire Council, who were unable to provide a commitment at this stage. However, it was now considered that it would take a significant amount of resources to set up a Joint Committee, and that it would be difficult to allocate such resources to this project at this time. It was therefore proposed to put any further work on hold, and set the matter for review later on in the next Municipal year.

Due to the potential for a combined Joint Standards Committee, work had not been undertaken to recruit a vacancy which was due to be created as a result of the Chairman standing down following completion of his two terms of office. If the work on a Joint Committee was to be put on hold, it would be necessary to commence a recruitment process in order to ensure that the full complement of independent members was maintained.

In response to a question about the vacancy for a parish council representative on the Committee, the Legal Services Manager advised that a recruitment process was currently being organised.

RESOLVED –

- (a) that the work to develop a Joint Standards Committee with the Shropshire & Wrekin Fire Authority be put on hold;**
- (b) that the Monitoring Officer be instructed to commence a recruitment process for a new independent member of the Standards Committee.**

ST-30 CODE OF CONDUCT TRAINING 2009/10

The Legal Services Manager presented the report of the Head of Governance & Monitoring Officer which updated Members with regard to the recent Code of Conduct training seminars, and sought views on arrangements for further training.

Three Code of Conduct training sessions took place during February and March 2010, following a new format previously agreed by the Committee. The training was in a workshop style, and included case studies and more feedback from participants than in previous years. The report contained details of the number of participants at each session, along with a summary of the feedback received. Overall, the feedback was very favourable.

Members were agreed that the training sessions had been excellent, and perhaps this blueprint could be used for future training events. It was felt that Members were particularly engaged if the content focussed on practical issues and relevant case studies. It was also suggested that Standards Committee members could benefit from further training on the assessment and determination of Code of Conduct complaints, based on the experiences gained over the first 12 months of the new framework. Members again raised the issue of attendance at the training events, and a number of suggestions were made to try and increase participation, particularly those who had never attended such training. These included the possibility of making a video of a training session, and making it available online; using peer pressure through the political Groups; emphasising to Councillors that, if they were subject to a complaint about an alleged breach of the Code, they would not be able to use the excuse that they had never been provided with training; and writing to Parish Clerks to make them aware of those Members (if any) from their Council who had attended for training.

The Head of Governance & Monitoring Officer added that he would take account of the comments made by Members, and bring a training plan/programme to the next meeting.

RESOLVED –

- (a) that the report be noted;**

- (b) that the Head of Governance & Monitoring Officer draw up a programme/plan for future Code of Conduct training, taking account of the comments/feedback from Members, for consideration at the next meeting of the Committee;
- (c) that Parish Clerks be notified of the names (if any) of their Council's Members who had attended for Code of Conduct training.

ST-31 CODE OF CONDUCT COMPLAINTS MADE TO THE STANDARDS COMMITTEE – QUARTERLY UPDATE 1 OCTOBER – 31 DECEMBER 2009

The Legal Services Manager presented the report of the Head of Governance & Monitoring Officer which detailed the complaints about elected Members which had proceeded to the referrals sub-committee during the period 1 October to 31 December 2009.

During that period, two complaints were received and proceeded to local assessment. The complaints were made by the Monitoring Officer. The Review Sub-Committee considered one review application made by a Borough Councillor concerning three Borough Councillors. The Sub-Committee decided to uphold the original decision that no further action was required. A quarterly return had been sent to Standards for England.

Members considered whether the information contained in the report could be provided in some other, more timely, way, but on balance it was agreed that the current reporting process should be retained.

RESOLVED – that the report be noted.

The meeting ended at 6.48 pm

Chairman:

Date: