



## **Borough of Telford and Wrekin**

### **Full Council**

**Thursday 22 January 2026**

**6.00 pm**

**Council Chamber, Third Floor, Southwater One, Telford, TF3 4JG**

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**Committee Members: Councillors E Aston, S Bentley, K T Blundell, M Boylan, A J Burford, S P Burrell, E M Callear, L D Carter, C Chikandamina, G H Cook, E Davies, S Davies, P Davis, F Doran, N A Dugmore, A J Eade, A R H England, N A M England, S Handley, Z Hannington, C Healy, T L B Janke, A S Jhavar, J Jones, J Kaur, G C W Latham-Reynolds, L Lewis, G Luter, A D McClements, R Mehta, K Middleton, H Morgan, T J Nelson, R A Overton, N Page, L Parker, I Preece, S J Reynolds, S A W Reynolds, H Rhodes, R Sahota, P J Scott, S Syrda, G Thomas, P Thomas, J Thompson, K L Tomlinson, W L Tomlinson, K Tonks, R Tyrrell, J Urey, O Vickers, P Watling and D R W White**

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## **Agenda**

## **Page**

### **12.0 Recommendations from Boards and Committees**

#### **Governance Committee - 14 January 2026**

### **12.2 Constitution Update**

**3 - 168**

**Recommended – that Full Council adopt the revised and updated Constitution.**

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Telford & Wrekin  
Co-operative Council

Protect, care and invest  
to create a better borough

## Borough of Telford and Wrekin

### Full Council

Thursday 22 January 2026

### Constitution Update Report

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<b>Cabinet Member:</b>	Cllr Zona Hannington - Cabinet Member: Finance, Governance & Customer Services	
<b>Lead Director:</b>	Anthea Lowe - Director: Policy & Governance	
<b>Service Area:</b>	Policy & Governance	
<b>Report Author:</b>	Richard Phillips – Head of Registrars, Public Protection, Legal & Democracy	
<b>Officer Contact Details:</b>	<b>Tel:</b> 01952 383241	<b>Email:</b> richard.phillips@telford.gov.uk
<b>Wards Affected:</b>	All Wards	
<b>Key Decision:</b>	Not Key Decision	
<b>Forward Plan:</b>	Not Applicable	
<b>Report considered by:</b>	Governance Committee – 14 January 2026	

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#### 1.0 Recommendations for decision/noting:

It is recommended that Full Council:

- 1.1 Approves the adoption of the revised and updated Constitution at Appendix A to take effect immediately.

#### 2.0 Purpose of Report

- 2.1 The purpose of this report is to update Members on proposed changes to the Constitution following the review undertaken last year and to seek approval for the adoption of the revised Constitution.

#### 3.0 Background

- 3.1 Governance Committee has responsibility for considering proposed changes to the Constitution and, if appropriate, making a recommendation to Full Council to change the Constitution.

3.2 The Constitution governs the way in which the Council operates and who makes which decisions. There is a statutory requirement to maintain an up-to-date Constitution and the Monitoring Officer has the responsibility of maintaining it.

3.3 As a follow on from the significant review of the Constitution approved by Full Council in July 2025, a small number of changes are proposed.

### **4.0 Summary of main proposals**

4.1 At Part 2, the tables at paragraphs 2 and 3 have footnotes added to confirm that, in accordance with legislative wording, the Speaker conducts the meeting on behalf of the Mayor.

4.2 Part 2, paragraph 7.4 now includes wording which provides that where multiple questions are received in respect of substantially the same subject matter, for a particular meeting, only the first question received shall be taken forward. Paragraph 7.6 provides clarification which ensures consistency between questions and motions.

4.3 At Part 2, paragraph 25, a time limit of 2 hours for Full Council meetings has been introduced. This is extendable by a further 30 minutes (as per Part 2 paragraph 9.1.18) by way of the moving of a motion without notice, to extend the meeting, if confirmed by a majority vote. Full details of the process following expiry of either the original 2 hours or extended 2 hours 30 minutes are provided in a new paragraph 25.

4.4 At Part 2, paragraph 29, explanatory wording has been added for clarification purposes to ensure that there is no ambiguity over whether or not the Proper Officer has received an item referred to in the Rules of Debate.

4.5 In areas where text has changed these paragraphs have been highlighted in yellow.

### **5.0 Alternative Options**

5.1 Full Council could decide not to adopt the revised Constitution but this might result in the Constitution not being legally compliant and the Council may be found to be in breach of its duties to maintain an up-to-date Constitution.

### **6.0 Key Risks**

6.1 There are no key risks arising from this report.

## **7.0 Council Priorities**

- 7.1 This report supports all Council priorities as the Constitution has an impact on the delivery of all Council services.

## **8.0 Financial Implications**

- 8.1 There are no financial implications arising from this report.

## **9.0 Legal and HR Implications**

- 9.1 The Local Government Act 2000 requires the Council to have a constitution and maintain it. Governance Committee has oversight of the Constitution and is empowered to consider proposed changes to the Constitution and, if appropriate, make recommendations to Full Council to make changes to it.

- 9.2 There are no HR implications arising from this report.

## **10.0 Ward Implications**

- 10.1 There are no direct ward implications arising from this report.

## **11.0 Health, Social and Economic Implications**

- 11.1 There are no health, social or economic implications directly arising from this report.

## **12.0 Equality and Diversity Implications**

- 12.1 There are no equality or diversity implications arising from this report.

## **13.0 Climate Change, Biodiversity and Environmental Implications**

- 13.1 There are no direct climate change or environmental implications arising from this report.

## **14.0 Background Papers**

- 1 Current Council Constitution – July 2025

## **15.0 Appendices**

- A Draft Constitution January 2026

**16.0 Report Sign Off**

<b>Signed off by</b>	<b>Date sent</b>	<b>Date signed off</b>	<b>Initials</b>
Legal	16/01/2025	16/01/2025	EH



# CONSTITUTION

**January 2026**

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**This Constitution contains hyperlinks which are highlighted in blue. They can be clicked to navigate to the corresponding section of this Constitution**



## ***Chapter 1 - The Council***

### **Part 1 – How does the Council Work?**

#### **INTRODUCTION - A summary and explanation of how the Council works**

1. Telford & Wrekin Council has [54 Councillors](#) who are elected every 4 years. Councillors either represent an area (a ward) on their own or with one or two other Councillors. There are 30 wards within the Borough. The Councillors together form the Council and meet together as a [Council](#) up to 5 times per year. They are democratically accountable to the people in their ward, including those that did not vote for them, but have an overriding duty to act in the best interests of all the people within the Borough.
2. Telford & Wrekin Council is a co-operative council which means that it is a council that works closely with its communities, staff, partners and other organisations to deliver the best it can for the Borough by giving local people greater influence over the services they use and the issues that affect their lives and encouraging greater involvement in their local community.
3. Full Council decides the Council priorities and how it should spend its money. Council also appoints a [Leader](#) who remains in post for four years and decides, with the [Cabinet](#), how to best deliver the services that the Council is responsible for providing.
4. The Council appoints a [Mayor](#) who is the first citizen and the Council's representative within the Borough. The Council also appoints a [Speaker](#) who runs the [Council meetings](#) on behalf of the Mayor. Councillors are also appointed to sit on other committees to take the decisions that the Leader and Cabinet cannot make and to hold the Leader and Cabinet to account by [scrutinising](#) their decisions. Council employees, often referred to as officers, give advice to Councillors, implement decisions and manage the day-to-day delivery of services. Local authorities should at all times act lawfully. Officers therefore in carrying out their responsibilities have a general duty to act and to see that the Council acts within the law. However, some officers have specific duties to ensure that the Council acts within the law and uses its resources wisely.
5. [Councillors](#) and [officers](#) have to follow (different) codes of conduct to ensure high standards in the way in which they conduct their duties.
6. All Council meetings are held in public. If items to be discussed are of a confidential nature or are classified as exempt, then the public and press can be excluded for this part of the meeting.

## **Part 2 – Duty to monitor and review the constitution**

1. The way that the Council works is governed by its Constitution. This Chapter sets out the structure of the Constitution and provides a summary about the Council's responsibility to maintain it.
2. The Constitution is to be read in conjunction with the [Schedules](#) referred to in this document.
3. The Council is required to keep the Constitution up to date and under review, and this is undertaken by the [Governance Committee](#) reporting to full Council.

### **4. CHANGES TO THE CONSTITUTION**

- 4.1. The [Monitoring Officer](#) will monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect and will make recommendations for updates and improvements to the Council's Governance Committee as and when required.
- 4.2. The results of any changes will be reported to full Council, which can approve and adopt any necessary changes to the Constitution.
- 4.3. Changes to the Constitution can only be approved at a meeting of [Full Council](#) after consideration of the proposal by the Monitoring Officer, unless in the reasonable opinion of the Monitoring Officer a change is required prior to the next meeting of Full Council:
  - a) a minor variation; or
  - b) to remove any inconsistency or ambiguity; or
  - c) to put into effect any decision of the Council or its committees or the Executive; or
  - d) to comply with legislative provision,

in which case the Monitoring Officer may make such a change. Any change made by the Monitoring Officer shall come into force with immediate effect and an electronic link to the new version shall be sent to all Members.

- 4.4. Where proposed changes to the Constitution involve a change from a [Leader and Cabinet Executive](#) model to mayoral form, the Council must take steps to consult with local electors and other interested persons and take the results of that consultation into account before taking a final decision on such a change.

### **5. PUBLICATION**

- 5.1. The Monitoring Officer will provide an electronic link to this Constitution on the Council's website or, on request, a printed copy, to each Member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.

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

- 5.2. The Monitoring Officer will ensure that a copy of the Constitution is available for inspection, by appointment, at the Council's office at Darby House, Lawn Central, Telford, TF3 4JA and can be purchased on payment of a reasonable fee.

## **Chapter 2 – Responsibilities for Functions**

### **Part 1 – Executive and Non-Executive Functions**

1. Section 13 of the Local Government Act 2000 (as amended) provides that all the functions of the authority shall be functions of the Executive except as far as they are reserved to the Council by the Local Government Act 2000 (as amended), by subsequent legislation or by regulations made under the Local Government Act 2000 (as amended). The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) sets out those functions:
  - 1.1. which must not be discharged by the Executive (e.g. determination of planning applications; licensing and registration functions);
  - 1.2. which may be the responsibility of the Executive (e.g. service of an abatement notice for a statutory nuisance; functions relating to contaminated land);
  - 1.3. which may not be the sole responsibility of the Executive (e.g. Development Plan documents); and
  - 1.4. circumstances in which functions which would otherwise be functions of the Executive fall to be discharged other than by the Executive (e.g. where the Executive is taking a decision concerning the budget and wish to make a decision contrary to the approved budget, then this is a matter for the Council).
2. Accordingly, the Council only has discretion as to the allocation of functions between the Council (“Council Functions”) and the Executive Functions in respect of those functions which fall within paragraphs 1.2 and 1.3 above
3. “Council Functions” shall comprise:
  - 3.1. those functions which are reserved as Council functions by the Local Government Act 2000 (as amended) and by subsequent legislation;
  - 3.2. those functions which are reserved as Council functions by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended);
  - 3.3. those functions set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended);
  - 3.4. those plans and strategies (“the Policy Framework”) set out in Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) together with those documents listed at Part 8 paragraph 2.3 and any other plans and strategies as the Council shall identify from time to time for this purpose;
4. The Council may make arrangements under Section 101 of the Local Government Act 1972 (as amended) for the discharge of any of its functions by:
  - 4.1. a Committee;
  - 4.2. a Sub-Committee;

- 4.3. a Joint Committee;
  - 4.4. another local authority, or
  - 4.5. an officer.
5. Such arrangements are set out in this section of the Constitution and in the [Scheme of Delegation of Council Functions to Officers](#).
6. Under Section 14 of the Local Government Act 2000 (as amended), the Leader may make provision that specific Cabinet functions shall be allocated to, and discharged by;
- 6.1. the Cabinet (as a body);
  - 6.2. an individual member of the Cabinet;
  - 6.3. a Committee of the Cabinet; or
  - 6.4. an officer.

## Part 2 – Responsibilities for Local Choice Functions

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

1. This Part sets out the functions which may be exercisable by the Council and its Committees, or the Cabinet.
2. The Council, the Leader and the Cabinet have agreed the allocation of these functions in accordance with the split shown in the table below: -

#### **Functions**

#### **Decision Making Body**

##### **Appeals**

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

[The Executive \(save for where otherwise provided for in this Constitution\)](#)

##### **Environment**

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

[Regulatory Committee](#)

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

[Regulatory Committee](#)

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

[Regulatory Committee](#)

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

[Regulatory Committee](#)

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

[Regulatory Committee](#)

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

[Regulatory Committee](#)

##### **Planning**

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

[Planning Committee](#)

## **Enforcement**

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

[Planning Committee](#)

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

[Planning Committee](#)

## **Standards in Local Government**

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

[Governance Committee](#)

Assistance to members and co-opted members of the authority

[Governance Committee](#)

## **Education**

To make arrangements in relation to appeals against the exclusion of pupils from maintained schools (exclusion appeals)

[The Executive](#)

To make arrangements in relation to appeals for admission to a maintained school (admission appeals)

[The Executive](#)

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

[The Executive](#)

## **Environment**

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

[The Executive](#)

## **Appointments/staff**

The making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities

[The Executive](#)

The appointment of any individual:

[The Executive](#)

1. to any office other than an office in which he is employed by the authority;
2. to any body other than
  - (i) the authority
  - (ii) a joint committee of two or more authorities; or

to any committee or sub-committee of such a body and the revocation of any such appointment.

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

**NOTE – For the avoidance of doubt, unless and until reviewed by individual cabinet, boards and committees, existing delegations previously made to officers by the cabinet, boards and committees shall continue to be effective.**



## **Chapter 3 - How are decisions made?**

### **Part 1 - How does the Council make decisions?**

This part details the principles that the Council uses when making decisions, procedure rules for full Council, Cabinet and Committees and special arrangements for area working or working with other Councils as part of a joint committee

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

#### **1. RESPONSIBILITY FOR DECISION MAKING**

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

1.7.1. the adoption of the Council Plan (including any such plan which constitutes the Council Plan but is known by another name or title);

1.8. Decisions in relation to the policy framework and budget are exclusively reserved to the Council.

## **2. PRINCIPLES OF DECISION MAKING**

2.1. All decisions of the Council, its Committees, the Executive and those under powers delegated to officers shall have regard to the following principles of governance and good practice:

- 2.1.1. consideration of all options available;
- 2.1.2. having regard to due consultation;
- 2.1.3. consideration of professional advice from officers;
- 2.1.4. clarity of aims and desired outcomes;
- 2.1.5. the action proposed must be proportionate to the desired outcome;
- 2.1.6. having respect and regard for human rights;
- 2.1.7. presumption for openness, transparency and accountability;
- 2.1.8. only relevant matters taken into account;
- 2.1.9. due weight to all material considerations (including opportunities and risks);
- 2.1.10. proper procedures will be followed; and
- 2.1.11. the Council's co-operative values

## **3. TYPES OF DECISION**

3.1. **Decisions reserved to full Council** – Decisions which are either required by statute to be taken by the full Council and/or which the full Council have decided to retain and not delegate to any councillor, committee or officer.

3.2. **Decisions made by Committees/Boards appointed by the Council** – Power to make such decisions are delegated by the Council in accordance with the relevant provisions of this Constitution. (Section 101 Local Government Act 1972).

3.3. **Decisions of the Executive will comprise Key Decisions and Non-Key Decisions.** In accordance with Section 38 Local Government Act 2000 and regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 the Council shall determine a financial threshold which it considers significant for the purposes of this definition.

[Key Decisions](#) therefore relate to an Executive decision (whether taken by the Leader, Cabinet or an Officer), which is likely:

3.3.1. to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates, specifically decisions which result in expenditure or savings in excess of £500,000; or

3.3.2. to be significant in terms of its effects on communities living or working in an area comprising more than one ward in the Council's area.

- 3.4. A key decision will relate to a decision on a matter identified in the Notice of Key Decisions, except in cases of urgency when the provisions contained within the Policy Framework and Budget Procedure Rules will apply.
- 3.5. A decision taker (whether the Leader, Cabinet or an Officer) may only make a Key Decision in accordance with the requirements of the Cabinet Decision Procedure Rules set out in section 6 of the [Leader and Cabinet Rules](#) (decision-making) and the Principles of Decision-Making rules set out above.

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

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

#### **5. DECISION MAKING BY THE CABINET**

When considering any matter, the Leader, Cabinet, individual member of the Cabinet or officer exercising delegated powers will follow the provisions of paragraph 4 above.

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

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

#### **7. 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.

#### **8. THE SCRUTINY COMMITTEES**

When considering any matter, the Scrutiny Committees will follow the [Scrutiny Procedure Rules](#) set out in this Constitution.

## Part 2 – Council Procedure Rules

### 1. What is the Council

The Council (a meeting of all 54 Members of the Council, often referred to as “Full Council”) is responsible for setting the Budget & Policy Framework for the Council. All Council functions are delivered within this framework.

### 2. Council Meetings

Type of meeting	When
The Annual General Meeting	<u>Either:</u>  after Council elections, within 21 days of the retirement of the outgoing councillors <u>or</u> during March to May in non-election years
Ordinary Meetings	See the schedule of meetings
Extraordinary Meetings	Can be called by: <ul style="list-style-type: none"> <li>the Council by resolution</li> <li>the <a href="#">Mayor</a></li> <li>the <a href="#">Monitoring Officer</a></li> <li>any 5 Members of the Council who have signed a requisition requesting a meeting when the <a href="#">Speaker</a><sup>1</sup> has refused or failed to call a meeting within 5 working days of him/her receiving such a requisition can request the <a href="#">Proper Officer</a> to call a meeting</li> </ul>

### 3. Business to be transacted at Council meetings

Business to be transacted	Type of Meeting		
	Annual Meeting	Ordinary Meeting	Extraordinary Meeting
Elect a person to preside if the Speaker <sup>2</sup> or <a href="#">Deputy Speaker</a> are not present	✓ *	✓ *	✓ *
Receive any apologies for absence	✓ *	✓ *	✓ *

<sup>1</sup> Acting on behalf of the Mayor

<sup>2</sup> Acting on behalf of the Mayor

Business to be transacted	Type of Meeting		
Business required by statute to be done before other business	✓	✓ *	
Receive any declarations of interest from Members	✓ *	✓ *	✓ *
Elect the <a href="#">Mayor</a> , <a href="#">Deputy Mayor</a> , <a href="#">Speaker</a> , Deputy Speaker and <a href="#">Leader</a>	✓	✓ **	✓ **
Approve the minutes of any previous meeting(s) <sup>3</sup>	✓ *	✓ *	
Receive any announcements from the Mayor, the Leader or the <a href="#">Head of Paid Service</a>	✓	✓	
Agree the size of the Cabinet and note the <a href="#">Leader's appointments to the Cabinet</a> , including the <a href="#">Deputy Leader</a>	✓	✓ **	
Agree the Council's <a href="#">delegation scheme</a>	✓		
Appoint such committees, etc. as the Council consider are required to enable it to efficiently conduct its business and, in respect of those committees agree the size and terms of reference and appoint the <a href="#">Chair</a> , <a href="#">Vice-Chair</a> , Members and <a href="#">substitutes</a> (where applicable)	✓	✓ **	
Receive the <a href="#">schedule of meetings</a>	✓		
Receive the <a href="#">Leader's annual statement</a> of policy priorities and the responses from the Leaders of the 2 largest opposition groups	✓		
Consider the business set out in the agenda	✓	✓	✓

<sup>3</sup> The only part of the minutes that can be discussed is their accuracy. Once approved the Mayor will sign them as a correct record.

Business to be transacted	Type of Meeting		
<u>Receive reports</u> from Committees, etc. and receive questions and answers on those reports and to determine recommendations made in those reports <sup>4</sup>	✓	✓	✓ ***
To <u>consider questions raised by Members or members of the Public</u>		✓	
To <u>consider motions</u> in the order in which they were received		✓	

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

\*\* Where there is a vacancy

\*\*\* where it relates to the item of business being discussed

#### 4. Notice of Meetings/Attendance at meetings

- 4.1. The Proper Officer will give 5 clear working days' notice of all Council meetings by way of summons which will include details of the date, time and place of the meeting as well as detailing the business to be transacted and copies of available reports. Summonses may be delivered by post, by hand or electronically.
- 4.2. The Speaker may, if he/she considers it appropriate and after consulting with the Mayor, alter the date or time of any Council meeting.
- 4.3. The names of all Members attending meetings will be recorded.
- 4.4. Substitutes can be appointed as detailed below and have the same powers and duties as an ordinary member of the committee but cannot chair a meeting at which they are attending as a substitute. They must substitute for a whole meeting for a member who cannot attend the meeting and the Proper Officer must be notified by either the member being substituted or the proposed substitute as soon as is reasonably practicable before the start of the meeting.

<sup>4</sup> Minutes are moved by the Leader (or Cabinet Member) and the Chairman (for committees).

Resolved decisions cannot be discussed or changed by Council.

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

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

4.5. Current Council committees are:-

Type of meeting	Members	Substitutes	Quorum
<a href="#">Council</a>	54	n/a	14
<a href="#">Cabinet</a>	10 (maximum inc Leader)	n/a	4
<a href="#">Health &amp; Well-Being Board</a>	6 (and 10 co-optees)	n/a	4
<a href="#">Governance Committee</a>	7	n/a	3
<a href="#">Audit Committee</a>	7	n/a	3
<a href="#">Scrutiny Management Board</a>	8	n/a	3
<a href="#">Scrutiny Committees</a>	7-9	n/a	3
<a href="#">Planning Committee</a>	9	9	3
<a href="#">Licensing Committee</a>	10	10	3
<a href="#">Regulatory Committee</a>	10	10	3
<a href="#">Personnel Committee</a>	7	n/a	3
<a href="#">Boundary Review Committee</a>	7	n/a	3

**5. The role of the Speaker**

5.1. The person elected at Annual Council to run meetings of the Council on behalf of the [Mayor](#) is referred to as the Speaker. A Deputy Speaker is also appointed at Annual Council.

5.2. The Speaker will:-

5.2.1. uphold the Constitution and interpret it during Council meetings;

5.2.2. ensure that the business of the Council is carried out efficiently and with regard to the rights of all Members and the community as a whole including the variation of the order of business (except those items marked with an asterisk in 3 above);

5.2.3. ensure that the Council meeting is a forum for debate of matters of concern to the local community and the place for members who are not on the Cabinet to hold the Cabinet to account.

5.3. The Deputy Speaker, or in their absence any Member elected to preside if the Speaker is not present may exercise any of these powers or duties.

**6. The role of the Mayor**

6.1. Elected at Annual Council the Mayor will:-

6.1.1. chair the meetings of Council, including commencing the meeting and handing over to the [Speaker](#) to manage the Agenda, to sign the minutes and, if necessary to exercise the casting vote;

- 6.1.2. attend such civic and ceremonial functions that the Council and he/she determines are appropriate;
- 6.1.3. promote public involvement in the Council's activities.
- 6.1.4. the Mayor does not sit on any committees.
- 6.1.5. the Deputy Mayor, also appointed at Annual Council, may exercise any of these powers or duties in the absence of the Mayor.

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

- 7.1. A member may ask any [member of the Cabinet](#) questions on a point of clarification only about Key Decisions made by Cabinet since Council last met or that have not previously been presented to Council.
- 7.2. A member may ask any [member of the Cabinet](#) or the Chairman of any Committee questions about any matter in relation to which the Council has powers or duties which affects the Borough.
- 7.3. Questions pursuant to 7.1 or 7.2 above must be received by the [Proper Officer](#) by 5:00pm at least 3 clear working days before the meeting unless the [Speaker](#) and the person to whom the question is to be put agree that the matter is urgent in which case the question must be received by the [Proper Officer](#) 24 hours before the time of the meeting.
- 7.4. Questions received pursuant to 7.3 above are tabled at the meeting, printed in the order in which they are received. The question cannot be more than 50 words long. **If more than one question is received on substantially the same subject matter only the first question received by the Proper Officer shall be taken forward. except with the approval of the [Proper Officer](#).**
- 7.5. A member may ask a supplementary question arising from the reply to their original question.
- 7.6. A member of the public or organisation may only ask one question per meeting. The question cannot be more than 50 words long except with the approval of the [Proper Officer](#). A member of the public or organisation may only ask a question about a matter which is in the Council's control. **There is no right for the member of the public or organisation to ask any supplementary questions.**
- 7.7. All questions pursuant to 7.6 above must be submitted to the [Proper Officer](#) by 5:00pm at least 7 clear working days before the meeting and will be included in the Council Agenda in the order in which they are received.
- 7.8. The [Speaker](#) may, in consultation with the [Chief Executive](#) or the [Proper Officer](#), rule any question out of order if questions do not meet the requirements detailed in 7.3 or in his/her opinion it would risk the defamation of any individual, relates to confidential or exempt information, relates to an individual or personal dealings with the Council or is considered to be frivolous, vexatious or repetitious. The [Proper Officer](#) may require



any person submitting a public question to amend their question so as to comply with these rules, failing which the question will not be considered at the meeting.

- 7.9. An answer will be provided by the person to whom the question was put or his/her nominee and can be either a direct oral answer, a reference to an already existing publication or, if the reply cannot be conveniently be given orally, or the relevant time period has expired (30 minutes for member questions raised in accordance with paragraph 7.1 and 30 minutes for member questions raised in accordance with paragraph 7.2 and 15 minutes for public questions), a written answer will be sent to the person who asked the question and circulated to all Members via the Council's intranet or e-mail within five clear working days.
- 7.10. A person may speak for no more than 2 minutes when either; asking a question/ supplementary question or providing an answer to a question, unless the question is from a member of the public, in which case, a person answering any such question may speak for no more than 5 minutes.
- 7.11. A question will not be considered by a meeting, if the person who has submitted the question is not present at the meeting, at the time that the question is to be put.

## **8. Motions**

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

## **9. Motions without notice**

- 9.1. The following motions can be moved without notice during the Council meeting:-
- 9.1.1. to appoint a Chairman;
  - 9.1.2. in relation to the accuracy of the Minutes;
  - 9.1.3. to change the order of business in the agenda;
  - 9.1.4. to refer something to an appropriate body or individual;
  - 9.1.5. to appoint a committee or member arising from an item on the agenda for the meeting;
  - 9.1.6. to receive reports or adoption of recommendations of Committees or officers and any recommendations following from them;
  - 9.1.7. to extend the time limit for speeches;
  - 9.1.8. to suspend a particular Council meeting rule;
  - 9.1.9. to adjourn the meeting;
  - 9.1.10. to exclude the public and press;
  - 9.1.11. to not hear further from a Member or to exclude them from the meeting;
  - 9.1.12. to give the consent of the meeting where its consent is required by this Constitution to ask for a Recorded Vote;
  - 9.1.13. to withdraw the motion;
  - 9.1.14. to amend the motion;
  - 9.1.15. to proceed to the next business;
  - 9.1.16. that the question be now put;
  - 9.1.17. to adjourn the debate;
  - 9.1.18. to extend the time limit imposed by paragraph 25 by a maximum of 30 minutes

9.2. The [Speaker](#) may ask for a written version of a Motion or a proposed amendment to be provided to him before it is discussed.

9.3. A Member may alter a Motion without notice which he/she has moved with the consent of the Seconder.

## **10. Motions with notice**

10.1. Other Motions must be submitted to the [Proper Officer](#) by 5:00pm at least 7 clear working days before the meeting.

10.2. A notice of motion of no confidence in the Cabinet as a whole or individual members (including the Leader) requires 10 clear working days' notice and must be signed by at least 25% of all Members.

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

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

10.5. A Member may alter a Motion with notice which he/she has moved with the consent of the seconder.

10.6. Where two motions are received in advance of a meeting, which cover substantially the same subject, the motion which was received first shall take precedence. The other motion(s) which are substantially the same shall not be put to the meeting.

## **11. Special Motions with notice - Rescinding a previous decision**

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

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

## **12. Rules of Debate**

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

	<b>Substantive motion</b>	<b>Propose amendments</b>	<b>Proposed amendment</b>	<b>Right of reply</b>
<b>Proposer</b>	✓	✗	<b>Right of Reply only</b>	✓

<b>Seconded</b>	✓	✗	✓	✗
<b>All other members except the Mayor/Speaker</b>	✓	✓	✓	✗

### 13. Referring a Motion

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

### 14. Amendments to Motions or Recommendations

14.1. Any proposed amendment to a motion or recommendation at Council should be submitted to the [Proper Officer](#) no later than 4 hours before the meeting starts. The [Proper Officer](#) will ensure that Group Leaders are notified by telephone or e-mail of any amendments received as soon as possible prior to the commencement of the Council meeting.

14.2. Unless the notice of motion has already been given the [Speaker](#) may require it to be written down and handed to him/her before it is discussed.

14.3. Only one Motion can be moved and debated at any one time.

14.4. No more than one amendment can be proposed to either the substantive Motion or the amended Motion at any one time.

14.5. When seconding a motion or amendment a member may reserve their speech until later in the debate.

14.6. If an amendment is carried the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

14.7. After an amendment has been carried the [Speaker](#) may read out the amended motion before accepting any further amendments or, if there are none, continue the debate or put it to the vote.

14.8. Amendments can be proposed that:-

14.8.1. refer the matter to an appropriate body or individual for consideration or reconsideration.

14.8.2. any combination of leaving out words and/or adding others as long as this does not negate or substantially alter the Motion.

14.9. Debate must only focus on the motion or amendment being discussed at present time.

## 15. Withdrawal of Motions

15.1 A Member may withdraw a Motion which he/she has moved with the consent of the seconder.

## 16. Alteration of motion

16.1. The proposer may alter a motion of which he/she has given notice with the consent of the seconder.

16.2. A member may alter a motion which he/she has moved **without notice** with the consent of the seconder.

16.3. Only alterations which could be made as an amendment may be made.

## 17. Closure motions

17.1. A member may move, without comment, the following motions at the end of a speech of another member:

17.1.1. to proceed to the next business;

17.1.2. that the question be now put;

17.1.3. to adjourn a debate; or

17.1.4. to adjourn a meeting.

17.2. If a motion to proceed to next business is seconded and the [Speaker](#) thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

17.3. If a motion that the question be now put is seconded and the [Speaker](#) thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

17.4. If a motion to adjourn the debate or to adjourn the meeting is seconded and the [Speaker](#) thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

## 18. Speeches

Purpose of speech	Who can make the speech	Duration
Presenting a report	Member presenting a report	5 minutes

<b>Purpose of speech</b>	<b>Who can make the speech</b>	<b>Duration</b>
<a href="#"><u>Proposing a motion or moving an amendment to a motion</u></a>	Any Member	5 minutes
The adoption of minutes	Member moving the adoption of minutes	5 minutes
Speeches at: AGM; Budget debate; and State of the Borough debate	Leader Leaders of 2 main opposition groups Leader (right of reply)	20 minutes 10 minutes 10 minutes
Substantive motion	Any member	3 minutes
<a href="#"><u>Point of Order</u></a>	Any member	3 minutes
Personal Explanation	Any member	3 minutes
Right of Reply	Mover of Motion	3 minutes

18.1. No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

18.2. The Proposer of the substantive motion (or his/her nominee) has a right of reply at the end of the debate, but the Proposer of an amendment has no right of reply at the end of the debate on the proposed amendment.

## **19. Point of Order**

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

## **20. Personal Explanation**

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

## **21. Speaking**

21.1. Except with the leave of the [Speaker](#) all Members must stand and address the meeting through the [Speaker](#). When more than one member is standing up the Speaker will invite one of them to speak and the remaining Members must sit down and remain seated.

- 21.2. When a Member is speaking all Members must remain seated unless they wish to make a [Point of Order](#) or a [Point of Personal Explanation](#).
- 21.3. The [Speaker](#) may allow officers to give advice to Council as and when appropriate in which case the rules on speaking for Members apply.

## **22. Voting**

- 22.1. Subject to rules 22.2 to 22.6 below any matter is decided by a simple majority of those present and voting in the room. This can be done either by a show of hands or, if there is no dissent, by the affirmation of the meeting.
- 22.2. The [Mayor](#) has a casting vote if there equal numbers of votes for and against a matter. There is no restriction on how the [Mayor](#) may exercise this casting vote.
- 22.3. Seven<sup>5</sup> Members may, before the vote is taken, ask for a Recorded Vote which would record in the minutes the way in which individual Members voted.
- 22.4. After a vote is taken any Member can ask for the way that they voted to be recorded in the minutes.
- 22.5. Any vote taken at a budget decision meeting of the Council will be by way of a recorded vote. If three or more people are nominated for a position and there is no clear majority of votes in favour of one of them then the person with the fewest votes is rejected and a new vote is taken. This process continues until there is a majority of votes for one person.
- 22.6. In the interests of probity, no member may vote on a particular item if they have not been present for the entirety of the debate on said item.

## **23. Presentation of Petitions**

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

## **24. Suspending Council Rules**

These Council Rules, except 10.2 and 18 can be suspended by Motion on notice or without notice if at least 50% of the members present agree. Any suspension under this rule will last only for the duration of that Council Meeting.

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<sup>5</sup> 2 members for committees

## **25. Limit on Length of Meetings**

- 25.1. No meeting of Full Council shall continue for a period of more than 2 hours unless a motion has been resolved pursuant to paragraph 9.1.18 to extend it.
- 25.2. At the expiry of the time limit (whether that be 2 hours or the extended period of up to 2 hours 30 minutes):
  - 25.2.1. The [Speaker](#) shall interrupt the discussion then in progress
  - 25.2.2. The mover of any motion under debate may exercise a right of reply or withdraw the motion
  - 25.2.3. The Speaker shall then put to the vote without further discussion the motion under debate. Any other motions or recommendations on the agenda which have not been disposed of shall automatically fall
  - 25.2.4. No further points of order shall be permitted except those relating to interests
- 25.3. After all outstanding business has been voted upon the [Speaker](#) shall declare the meeting closed.
- 25.4. This paragraph shall not apply to any meeting where statutory requirements necessitate completion of business.

## **Conduct**

### **26. Members**

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

### **27. Public disruption/interference in the conduct of meetings**

If a member of the public interrupts or disrupts proceedings by any means, including by making a noise, by making gestures or adopting any other behaviour then the

[Speaker](#) may ask them to be quiet, otherwise warn them about their behaviour or order their removal from the meeting room as he/she considers appropriate.

## **28. General Provisions as to disturbance**

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

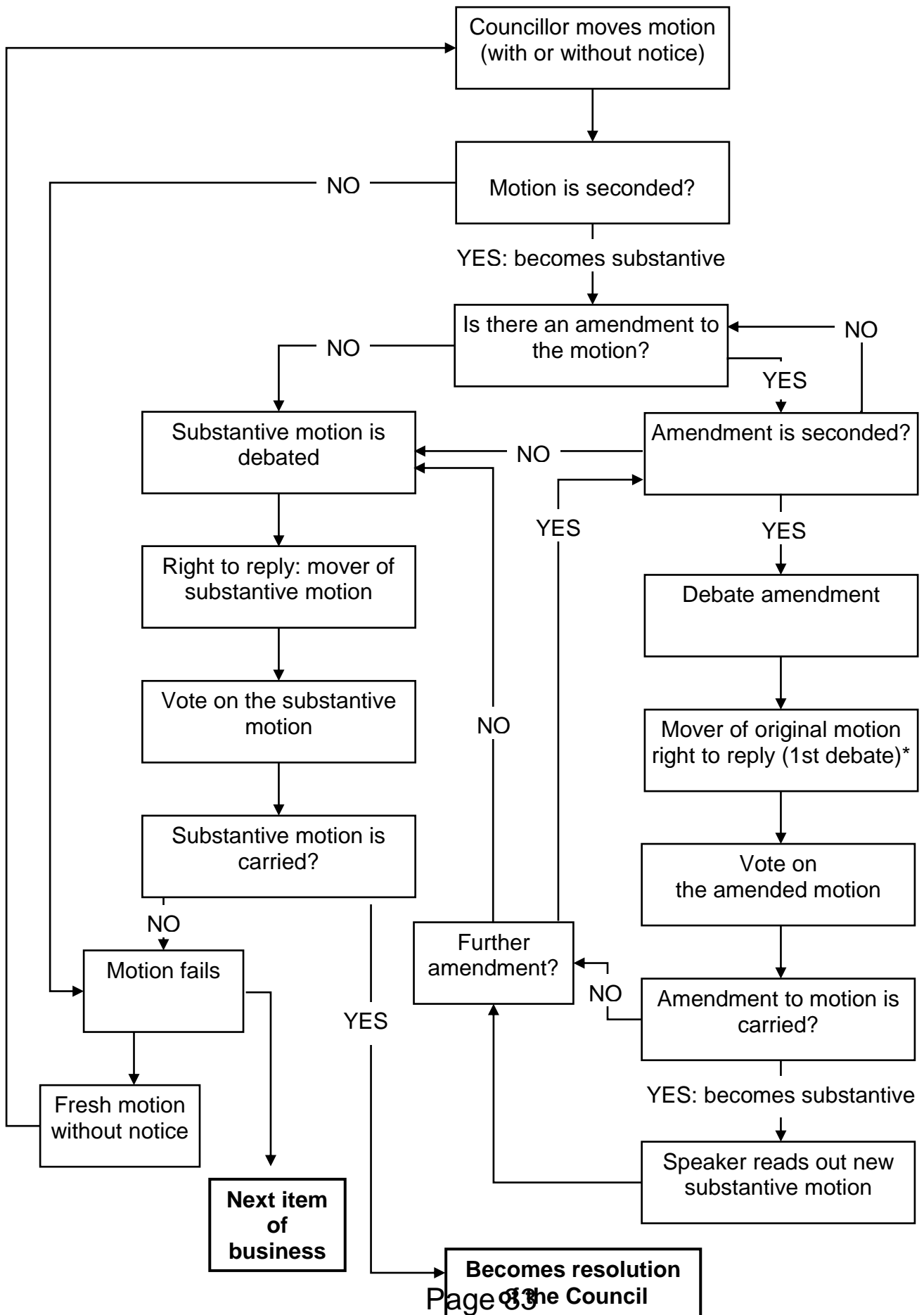
## **29. Miscellaneous**

For the purposes of the Rules of Debate “Received by the Proper Officer” requires written confirmation from the Proper Officer that it has been received.

The Proper Officer may rule any question or motion out of order, following consultation with the Speaker. If this occurs, the question or motion will not be put to the meeting.



## Consideration of Motions at Full Council



\*Mover of the amendment has no right to reply

## **Part 3 - Committee Procedure Rules**

### **CONDUCT OF BUSINESS**

#### **1. GENERAL**

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

#### **2. APPOINTMENT OF COMMITTEES & POLITICAL GROUPS**

- 2.1. The Council shall at the Annual Meeting appoint such Committees as it is required to appoint by or under any statute or under [Council Procedure Rule 3](#) and may at any time appoint such other Committees as are necessary to carry out the work of the Council but, subject to any statutory provision in that behalf:
  - 2.1.1. shall not appoint any member of a Committee so as to hold office later than the next Annual Meeting of the Council; and
  - 2.1.2. may at any time dissolve a Committee or alter its membership.
- 2.2. Members of the Council may notify the Chief Executive of their intention to form a Political Group in accordance with the Local Government (Committees and Political Groups) Regulations 1990 (as amended), and who the Leader (and Deputy Leader, if any) of the Group shall be.
- 2.3. The Chief Executive shall calculate the number of seats on each Committee to be allocated to each of the Political Groups of which they have received notice and the number of seats to be allocated to Members who do not form a Political Group (if any) (non-aligned Members) and shall notify the Leader(s) of each of the Political Groups of their decision. For the purposes of any such calculation, figures shall be calculated to two decimal points and non-aligned Members will be allocated seats in accordance with the legislation governing political balance.
- 2.4. If the Chief Executive does not receive any notice relating to the formation of Political Groups, then the allocation of seats on Committees and the appointment of Chairmen and Vice-Chairmen of the Committees shall be decided at the Annual Meeting of the Council.
- 2.5. Following the procedures mentioned in paragraph 0 above each Political Group shall nominate members of the Council to serve on Committees. Details of the nominations shall be contained in a report to be sent to each member not less than three working days OR AS SOON AS IS REASONABLY PRACTICABLE before the Annual Meeting.
- 2.6. The Leader of any of the Political Groups or a Member nominated to act as the Chair of a meeting before the beginning of the meeting may submit a written amendment comprising a list of alternative names subject to with alternative names subject to their being before the Chair prior to the commencement of the meeting.

### **3. CONSTITUTION OF COMMITTEES**

3.1. The Council may appoint such Committees, Boards etc., as it considers appropriate.

3.2. Currently, these are:

- 3.2.1. [Audit Committee](#)
- 3.2.2. [Boundary Review Committee](#)
- 3.2.3. [Governance Committee](#)
- 3.2.4. [Health & Wellbeing Board](#)
- 3.2.5. [Licensing Committee](#)
- 3.2.6. [Regulatory Committee](#)
- 3.2.7. [Personnel Committee](#)
- 3.2.8. [Planning Committee](#)
- 3.2.9. [Scrutiny Committees](#)
- 3.2.10. [Scrutiny Management Board](#)

3.3. The number of Members specified for each Committee shall be determined at the Annual Meeting of the Council.

3.4. No Member of the Council shall be Chair of more than one Committee unless the Council shall otherwise determine.

3.5. The [Mayor](#) shall not sit on any Board or Committee of the Council during their year in office.

### **4. ELECTION OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES**

The Council shall at its Annual Meeting elect Members of the Council to be Chairmen and Vice-Chairmen of all Committees.

### **5. VACANCY IN POSITION OF CHAIRMAN/VICE-CHAIRMAN OF COMMITTEE**

In the event of a vacancy arising in the office of [Chair](#) or [Vice-Chair](#) of any Committee during the municipal year the Committee shall at its first meeting following the occurrence of the vacancy appoint a new [Chair](#) or [Vice-Chair](#) as the case may be.

### **6. VICE-CHAIRMAN OF COMMITTEE**

In these Committee Procedure Rules in the absence of the Chair the [Vice-Chair](#) of the Committee shall preside, where reference is made to the [Chair](#) of a Committee the [Vice-Chair](#) of the Committee shall deputise for [Chair](#) in the carrying out of any of their functions in the Chair's absence.

### **7. SPECIAL MEETINGS OF COMMITTEES**

7.1. The [Chair](#) of a Committee may call a special meeting of a Committee at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the membership of the Committee delivered in writing to the [Proper Officer](#). The Summons to the special meeting shall set out the business to be considered and

no business other than that set out in the Summons shall be considered at that meeting.

- 7.2. Unless especially called at the request of the [Chair](#) of the Committee, for the purpose of considering urgent business or for nominating members to Committees, no Committee shall hold any unscheduled meetings in the month of August with the exception of the Planning and Licensing Committees or, in a year when Council Elections are held, between the date of the Election of Councillors and the date of the Annual Meeting of the Council.

## **8. ALTERATION OF DATE/TIME OF MEETINGS**

The [Mayor](#) or [Deputy Mayor](#) or the [Chair](#) of a Committee, may, in any case, when they consider it necessary, and provided due is given, alter the date and/or time of the meeting of the Committee.

## **9. ESTABLISHING TASK FORCES**

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

## **10. RESIGNATION FROM COMMITTEE**

- 10.1. Any Member of a Committee may resign their membership of that Committee by notice in writing signed by resigning Member and sent to the [Proper Officer](#). The resignation shall be effective immediately such notice is received by the Proper Officer.
- 10.2. Upon receipt of such notice the [Proper Officer](#) shall notify the Leader of the appropriate Political Group that a vacancy exists whereupon the appropriate Political Group, if applicable, may nominate a replacement Member of the Committee by giving written notice to the [Proper Officer](#). Upon receipt of the written notice the [Proper Officer](#) shall agree the appointment of the replacement Member of the Committee.
- 10.3. The [Proper Officer](#) shall also be authorised to agree the appointment of Members to newly constituted Committees in accordance with the written instructions of the appropriate political group.

## **11. QUORUM OF COMMITTEES**

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

## **12. VOTING IN COMMITTEES**

- 12.1. Voting at meetings of a Committee shall be by show of hands. If there is a requisition of any two Members of the Committee made before the vote is taken, the voting on any question shall be by roll call and shall be recorded so as to show how each member present and voted. The name of any Member present and not voting shall also be recorded.
- 12.2. Voting on appointments shall be by an exhaustive vote method. See paragraph 11 of the [Council Procedure Rules](#).

## **13. RECORDING OF VOTES**

Where immediately after a vote is taken at a meeting of a relevant body any member of that body so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his/her vote for the question or against the question or whether he/she abstained from voting.

## **14. COUNCIL PROCEDURE RULES TO APPLY TO COMMITTEES**

- 14.1. The [Council Procedure Rules](#) 9 - 11 (except those parts which relate to standing and to speaking more than once) shall, with any necessary modifications, apply to Committee meetings.
- 14.2. For the avoidance of doubt the [Chair](#) of any Committee shall have the same powers at a Committee Meeting as the [Speaker](#) at a meeting of Full Council.
- 14.3. As a general rule the Committee Procedure Rules govern the way that Committees operate but these may be varied or suspended at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.

## **15. MEMBERS ATTENDING MEETINGS OF A COMMITTEE OF WHICH THEY ARE NOT A MEMBER**

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

## **16. MOVER OF MOTION MAY ATTEND COMMITTEE**

A Member of the Council who has moved a motion which has been referred to any Committee shall have notice of the meeting of the Committee at which it is proposed to consider the motion. They shall have the right to attend the meeting and if they attend shall have an opportunity of explaining the motion.

## **17. EXEMPT PROCEEDINGS IN COMMITTEES**

All agendas, reports, minutes and supporting documents of Committees shall be available for public inspection five clear working days before the date of the meeting except those documents relating to items of business to be considered after the public have been excluded following the passing of a resolution in accordance with section 100A(2) or (4) of the Local Government Act 1972 (as amended).

## **Part 4 – The Leader & Cabinet Rules**

### **1. The Leader**

- 1.1. The Leader is appointed by Council for a four year term and subject to 1.8 below holds office until the day after the Annual Meeting after the first full Council Elections after his/ her election and is responsible for developing and implementing the [Budget & Policy Framework](#).
- 1.2. All functions of the Authority are vested in the Leader except in so far as they are reserved to the Council by legislation or they are functions identified as those which may be made either by Council or the Leader, (as amended from time to time), and a decision has been made by Council that they are Council functions<sup>6</sup>. These are detailed in the [Responsibility for Functions](#).
- 1.3. The Leader may invite the Council to review and re-allocate the responsibility for these Council functions at any time.
- 1.4. The Leader may only take decisions, including [Key Decisions](#), which are within the Council's Budget and Policy Framework.
- 1.5. The Leader may delegate any or all of his/her functions, including the taking of Key Decisions, to the Cabinet, a sub-committee of cabinet, an individual cabinet member (including the Deputy Leader), an officer, a joint committee or another local authority. Delegations made by the Leader are detailed in the Responsibility for Functions.
- 1.6. The Leader will designate a cabinet member to be the Lead Member for Children's Services.
- 1.7. Any changes to the delegations made by the [Leader](#) will be notified to the person or committee concerned<sup>7</sup> and to the [Proper Officer](#) who will report the changes to the next meeting of Council.
- 1.8. The Leader will continue in office unless he/she:-
  - 1.8.1. resigns from office
  - 1.8.2. is no longer a Councillor
  - 1.8.3. is removed from office by resolution of the Council by way of motion of no confidence submitted with at least 10 working days' notice which is signed by at least 25% of all Councillors
  - 1.8.4. is removed from office by resolution of the Council in the event of a change in political control of the Council

<sup>6</sup> These Council functions may be delegated to a committee, a sub-committee, a joint-committee or an officer

<sup>7</sup> Notice to any committee, including a Joint Committee will be effective if it is given to the Chairman of that committee

## **2. The Deputy Leader**

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

## **3. The Cabinet**

- 3.1. The Cabinet is chaired by the Leader of the Council and between 2 and 9 other members (including the Deputy Leader but not including the [Mayor](#), the [Deputy Mayor](#), [Speaker](#) or Deputy Speaker) appointed by the [Leader](#).
- 3.2. The [Leader](#) will provide notification of Cabinet appointments and replacements to the [Proper Officer](#) in writing as soon as is reasonably practicable after they have been made.
- 3.3. The Cabinet, or individual cabinet members (including the Deputy Leader) are responsible for day-to-day decision-making of (mainly) [Key Decisions](#) that have been delegated to them by the Leader either collectively or individually and implementing the policies and priorities in accordance with the [Budget and Policy Framework](#) which is determined by Council. Cabinet also has a key role in supporting the Leader in Developing the Budget and Policy Framework.
- 3.4. The [Leader](#), in consultation with the [Monitoring Officer](#), may appoint an elected Member to act as an Acting Cabinet Member, to undertake the day-to-day duties of a Cabinet Member, exercising the delegations of the Cabinet Member in question, should a Cabinet Member be absent with a leave of absence for the reasons of illness, maternity or special leave. Those appointed as a Acting Cabinet Member shall not be a member of the executive and shall have no voting rights at Cabinet meetings.
- 3.5. If for any reason the [Leader](#) is unable to act or the office of Leader is vacant and the [Deputy Leader](#) is unable to act or the office of Deputy Leader is vacant, the Cabinet must act in the Leader's place or must arrange for a member of the Cabinet to act in his/her place.
- 3.6. The quorum of the Cabinet meeting is 4 and substitutes are not allowed.
- 3.7. Co-optees can be appointed to Cabinet sub-committees but they cannot be given voting rights.
- 3.8. A Cabinet member (including the Deputy Leader) holds office until he/she:-



- 3.8.1. resigns from office;
- 3.8.2. is no longer a Councillor;
- 3.8.3. is removed by the Leader, this removal will take effect when the Leader gives written notice of it to the Proper Officer;
- 3.8.4. is removed from office by resolution of the Council by way of motion of no confidence submitted with at least 10 working days' notice which is signed by at least 25% of all Councillors;
- 3.8.5. is removed from office by resolution of the Council in the event of a change in political control of the Council.

#### **4. Notice of meetings/Attendance at meetings**

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

## 5. Business to be transacted at Cabinet meetings

Business to be transacted	
Agree terms of reference at the first meeting after Annual Council	✓
Elect a person to preside if the Leader and Deputy Leader are not present	✓ *
Receive any apologies for absence	✓ *
Receive any declarations of interest from Members	✓ *
Consideration of the minutes of the last meeting <sup>8</sup>	✓ *
Appoint such sub-committees, etc. as the Cabinet consider are required to enable it to efficiently conduct its business and, in respect of those sub-committees agree the size and terms of reference and appoint the Chairman, Vice-Chairman and Members	✓ **
Matters referred to the Leader from either Council <sup>9</sup> or any Scrutiny Committee <sup>10</sup> ;	✓
Consideration of other reports	✓
Matters set out in the agenda for the meeting (Key Decisions shall be identified).	✓

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

\*\* Where there is a vacancy

## 6. Decision-making

- 6.1. All decisions, notwithstanding who takes them, will be taken in accordance with the [Principles of Decision-Making](#).
- 6.2. A record of decisions shall be made for all Cabinet meetings and all [Key Decisions](#) taken, whether taken collectively or individually.
- 6.3. Where an individual or any decision-making body other than the Cabinet is inquorate because of a conflict of interest the decision will be taken by the Cabinet. If the Cabinet is inquorate, because of a conflict of interest, then the Proper Officer will be instructed to seek an appropriate dispensation from the Governance Committee or alternatively the Leader may exercise his strong leader powers and determine the matter.

<sup>8</sup> The only part of the minutes that can be discussed is their accuracy. Once approved the Chair will sign them as a correct record.

<sup>9</sup> Any resolution of Council referred to Cabinet for consideration will be considered at a future meeting of the Cabinet.

<sup>10</sup> These may be limited by the Proper Officer depending upon the business to be transacted at the meeting.

## Attendance at Cabinet Meetings

- 6.4. The Cabinet must meet in public session when making decisions. The Cabinet is also subject to the Access to Information rules which require:-
- 6.4.1. that the agenda for a Cabinet meeting is made available for public inspection five clear working days (excluding the date of publication and the day of the meeting) before the date of the Cabinet meeting;
  - 6.4.2. the general public are entitled to be present when all items of business are considered at a Cabinet meeting unless the items of business would involve the disclosure of confidential or exempt information;
  - 6.4.3. that meetings of the Cabinet can be attended by members of the public and any Member of Council for the public session. Members of the public will be asked to leave following agreement to the appropriate resolution to exclude the press and public.
- 6.5. In addition to those rights of the general public and Members of the Council referred to in paragraph 6.4 above, the Group Leaders from all Groups may be invited to attend, at the invitation of the [Leader](#). When in attendance, each Group Leader will be able to speak on any item on the agenda.
- 6.6. In addition to Group Leaders any Councillor who has a significant ward matter on the Cabinet agenda may seek permission from the [Leader](#), prior to the meeting, to speak when the item will be discussed. By permission of the Leader, Members may be given the opportunity to speak for significant items/issues within their ward. It will be the Leader who will determine whether or not the item is significant or not. This mirrors the existing arrangements where Chairmen of Boards and Committees have allowed Members not on the Board/Committee to speak on ward issues.
- 6.7. The Full Council [rules of debate](#) shall apply to meetings of the Cabinet but these may be varied or suspended at the discretion of the Leader in the interests of efficient and effective management of the meeting.

## 7. Developing the Budget Framework

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

Action	Timing
The Leader publishes his/her draft budget proposals in accordance with this timetable	By 31 <sup>st</sup> December or as soon as reasonably practicable thereafter

<b>Consultation including referring proposals to the relevant Council Scrutiny Committee<sup>11</sup> and community and stakeholder groups</b>	<b>At least 4 weeks from publication of draft proposals</b>
<b>The Leader considers the responses from the budget consultation, including reports from the relevant Council Scrutiny Committee and Opposition Groups and may amend his/ her proposals</b>	<b>Pre 11<sup>th</sup> March</b>
<b>The Leader will submit his/her final proposals (including responses to consultation) to Council for adoption</b>	<b>Pre 11<sup>th</sup> March</b>

### **Conflict resolution**

- 7.2. Where the Executive has submitted the draft budget strategy to the authority for its consideration and, following consideration of that draft, the Council has any objections to it, the Council must take the action set out below.

The Council will consider the proposals of the Executive and if the Council has any objections to the policy and budget proposals, the Council must inform the decision-taker of any objections and instruct that the policy and budget proposals be reconsidered by the decision-taker within 5 working days (this is a minimum period set out in the Regulations and can be extended if Members so desire) beginning on the day after the date on which the Leader receives the instruction.

- 7.3. Within the 5 working days the [Leader](#) may:-
- 7.3.1. submit a revised draft plan of the policy and budget proposals to the Council and the decision-taker's reasons for any amendments; or
  - 7.3.2. inform the Council of any disagreement the decision-taker has with any of the Council's objections and the reasons for any disagreement.
- 7.4. When the 5 working days has expired, the Council must take into account any amendments made by the decision-taker and reasons for those amendments any disagreement and reasons for the disagreement, when either amending, approving or adopting the policy and budget proposals.
- 7.5. The Council meeting must take place within 10 working days of the receipt of the decision-taker's proposals. At that Council meeting, the decision of the Council shall be reconsidered in the light of the decision-taker's comments, which will be available in writing for the Council.

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<sup>11</sup> This committee must consider any budget proposals proposed by any Opposition Group before Cabinet present their final proposals to Council

- 7.6. The Council shall at that meeting make its final decision on the matter by way of recorded vote. The decision shall be made public and shall be implemented immediately.
- 7.7. If before 8 February in any financial year the Executive submits to the Council for its consideration in relation to the following financial year:-
- 7.7.1. estimates of the amounts to be aggregated in making a calculation (whether originally or by a substitute) in accordance with any of Sections 31A,31B,34 to 36A, 42A,42B,45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992;
  - 7.7.2. estimates of other amounts to be used for the purposes of such calculation;
  - 7.7.3. estimate of such a calculation; or
  - 7.7.4. amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992,

and following consideration of those estimates, the Council has any objections to them, it must follow the same procedure as set out in paragraph 7.4 above.

**This provision shall not apply when the decision-taker submit their proposals to the Council after 8 February**

## **8. Developing the Policy Framework**

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

## Part 5 – Role of Statutory Officers

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

1. [Head of Paid Service \(Chief Executive\)](#),
2. [Monitoring Officer \(MO\)](#),
3. [Chief Financial Officer \(CFO\)](#),
4. [Director for Children's Services \(DCS\)](#),
5. [Director of Adult Social Services \(DASS\)](#),
6. [Director of Public Health \(DPH\)](#), and
7. [Scrutiny Officer \(SO\)](#).

### 1. THE COUNCIL'S STATUTORY OFFICERS

Legislation requires the Council to have a number of Officers designated for particular roles. The Post holder for each Statutory post is identified below:

Head of Paid Service	David Sidaway
Director of Children's Services (DCS)	Jo Britton
Chief Financial Officer (s151 Officer)	Michelle Brockway
Director of Adult Services (DAS)	Simon Froud
Director of Public Health	Helen Onions
Monitoring Officer	Anthea Lowe

### 2. MANAGEMENT STRUCTURE

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

### 3. FUNCTIONS OF THE HEAD OF PAID SERVICE

- 3.1. **The Head of Paid Service shall undertake all duties designated under Section 4 of the Local Government and Housing Act 1989.** These are personal functions and must be undertaken by the Head of Paid Service personally. Where the Head of Paid Service is also the Chief Executive, he/she may delegate other functions which are not included in that Section 4.

- 3.2. **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- 3.3. **Emergency Powers.** The Chief Executive shall, having as far as possible conferred with the [Leader](#) in the event of civic disasters or other issues of extreme emergency, have power to make decisions for the protection of the Borough and its inhabitants, and which cannot be dealt with in accordance with the normal decision-making process of the Council.
- 3.4. The Chief Executive has delegated authority to deal with those urgent items of business falling within the remit of the [Leader](#) where a Leader is not in office. In addition, the Chief Executive has delegated authority to undertake the role of consultee for those functions within the [Council's Scheme of Delegation](#) to Officers requiring prior consultation with the Leader where they are not in office.
- 3.5. In the absence of a [Monitoring Officer](#), the Head of Paid Service may make administrative changes to this Constitution.
- 3.6. The Head of Paid service shall be responsible for the Council's obligations pursuant to the Counter Terrorism and Security Act 2015, any other associated legislation and any duties pursuant to the same. Such powers may be further delegated to the most appropriate officer(s) in the Council.

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

- 4.1. The Children Act 2004 Section 18(1) requires the Council to appoint a Director of Children's Services. The Director of Children's services is tasked with improving the well-being of all children and young people in the local area across all five 'Every Child Matters' outcomes and ensuring that outcomes gaps between the most disadvantaged children and their peers are reduced.
- 4.2. **The functions of the Director of Children's Services are specified in Section 18(2):**
- 4.2.1. functions conferred on or exercisable by the LA in its capacity as a local education authority subject to exceptions detailed in Section 18(3);
  - 4.2.2. social services functions as they relate to children within the meaning of the Local Authority Social Services Act 1970;
  - 4.2.3. functions relating to persons leaving care – Sections 23C to 24D Children Act 2004 ;
  - 4.2.4. functions in respect to the co-operation to improve well-being with partner agencies; multi agency arrangements to safeguard and promote welfare; information databases; children and young people's plans – Sections 10 – 12 and 17 Children Act 2004;



- 4.2.5. functions under section 75 of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to children
  - 4.2.6. functions in respect to the improvement of young children's well-being; provision of child care; information, advice and assistance, and training to child care providers – Part 1 of the Childcare Act 2006 and
  - 4.2.7. such other functions conferred on or exercisable by the authority as may be prescribed by the Secretary of State by regulations.
- 4.3. **The Director of Children's Services, in his/her leadership role will –**
- 4.3.1. promote the importance of improving outcomes for all children and young people,
  - 4.3.2. encourage all services to contribute to improving outcomes for all children within the Children's Trust and other partnerships; and
  - 4.3.3. work with local head teachers collectively to drive up standards in schools and improve children's wellbeing
  - 4.3.4. will champion children and young people and their families within the local area;
  - 4.3.5. will manage the local authority's children's services, with professional responsibility and accountability for their effectiveness, availability and value for money;
  - 4.3.6. safeguard and promote the welfare of children
  - 4.3.7. support looked after children
  - 4.3.8. ensure there are effective arrangements for school improvements in the area;
  - 4.3.9. ensure effective delivery of the authority's responsibilities for 14-19 commissioning and provision, and all aspects of 16-19 provision;
  - 4.3.10. promote early intervention and prevention in delivering services for children, young people and families; and
  - 4.3.11. emphasise and ensure all plans and strategies reflect the importance of reducing child poverty in the area.

## 5. FUNCTIONS OF THE CHIEF FINANCIAL OFFICER (CFO)

- 5.1. **Ensuring lawfulness and financial prudence of decision making.** After consulting with the [Head of Paid Service](#) and the [Monitoring Officer](#), the Chief Financial Officer will report to the full Council (or, in the first instance, to the [Leader and Cabinet Executive](#) in relation to an Executive function) and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- 5.2. **Ensuring all reports to Cabinet include a financial comment and financial implications associated with the recommendations are clearly identified.** The CFO, or officer designated by him, must be given adequate notice to prepare this comment before the initial draft is considered by Senior Management Team.



- 5.3. **Administration of financial affairs.** The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.
- 5.4. **Contributing to corporate management.** The Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- 5.5. **Providing advice.** The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, policy framework and budget issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- 5.6. **Give financial information.** The Chief Financial Officer will provide financial information to the media, members of the public and the community.
- 5.7. **Advising whether Cabinet decisions are within the policy framework and budget.** The Chief Finance Officer will advise whether decisions of the Cabinet are in accordance with the policy framework and budget.
- 5.8. **Supporting the Audit Committee.** The Chief Financial Officer will contribute to the promotion and maintenance of high standards of governance, audit, probity and propriety, risk management and the approval of the statement of accounts through provision of support to the Audit Committee.

## 6. FUNCTIONS OF THE DIRECTOR OF ADULT SOCIAL SERVICES (DASS)

- 6.1. The Children's Act 2004 makes an amendment to Section 6 of the Local Authority Social Services Act 1970 and requires local authorities with social services responsibility in England to appoint an officer as the Director of Adult Social Services (once the duty to appoint a DCS has commenced).
- 6.2. The DASS is accountable for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended) and the Care Act 2014, other than those for which the DCS is responsible, in respect of adults.
- 6.3. The responsibilities of the DASS must properly relate to the local authority's functions in respect to adult social services including:
  - 6.3.1. accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services;
  - 6.3.2. professional leadership, including workforce planning;
  - 6.3.3. leading the implementation of standards;
  - 6.3.4. safeguarding vulnerable adults;
  - 6.3.5. managing cultural change;
  - 6.3.6. promoting local access and ownership and driving partnership working;
  - 6.3.7. delivering an integrated whole systems approach to supporting communities; and
  - 6.3.8. promoting social inclusion and wellbeing.

## 7. FUNCTIONS OF THE DIRECTOR OF PUBLIC HEALTH (DPH)

- 7.1. The Council must appoint a DPH in accordance with section 73A of the National Health Act 2006 (as amended) acting jointly with the Secretary of State.
- 7.2. The Statutory responsibilities of the DPH are set out in section 73A ((1) of the NHS Act 2006 (as amended) ("the 2006 Act") as follows:-
  - 7.2.1. all of the local authority's duties to take steps to improve public health
  - 7.2.2. any of the Secretary of State's public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations – these include services mandated by regulations made under section 6C of the 2006 Act,
  - 7.2.3. exercising their local authority's functions in planning for, and responding to, emergencies that present a risk to public health
  - 7.2.4. their local authority's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders
  - 7.2.5. such other public health functions as the Secretary of State specifies in regulations and
  - 7.2.6. write an annual report on the health of the local population.

## 8. FUNCTIONS OF THE MONITORING OFFICER (MO)

- 8.1. **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by members, employees and the public.
- 8.2. **Ensuring lawfulness and fairness of decision making.** After consulting with the [Head of Paid Service](#) and [Chief Financial Officer](#), the Monitoring Officer will report to the full Council (or to the [Leader and Cabinet](#) in relation to an Executive function) if he or she considers that any proposal, decision or omission would give rise to unlawfulness or following receipt of an ombudsman's report indicating if a decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered by full Council.
- 8.3. **Supporting the Governance Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the [Governance Committee](#). This will include conducting investigations into matters where there may have been a breach

of the [Members' Code of Conduct](#) and making reports or recommendations in respect of them to the Governance Committee.

- 8.4. **Ensuring all reports to Cabinet include a legal comment and legal implications associated with the recommendations are clearly identified.** The Monitoring Officer, or officer designated by him, must be given adequate notice to prepare this comment before the initial draft is considered by Senior Management Team.
- 8.5. **The Proper Officer.** The Monitoring Officer is the Proper Officer for all statutory purposes other than those expressly reserved to another named officer (by title) in this Constitution.
- 8.6. **Advising whether Executive decisions are within the policy framework and budget.** The Monitoring Officer will advise whether executive decisions are in accordance with the [policy framework and budget](#).
- 8.7. **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and policy framework and budget issues to all Councillors. The Monitoring Officer shall also provide advice to officers and members in relation to personal and prejudicial interests and generally on issues that may affect their ability to take part in or vote in matters being considered.
- 8.8. **Responsibilities in Legal Proceedings.** The Monitoring Officer can authorise, institute, defend, participate or settle any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Monitoring Officer considers it necessary to protect the Council's interest. For the avoidance of doubt, settlement of legal proceedings does include matters of issue or dispute where court/tribunal proceedings have yet to be issued.
- 8.9. **Authentication of Documents.** Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the requisite authority has been specifically delegated to some other person.
- 8.10. **Execution of documents and the Common Seal of the Council.** The Monitoring Officer, in his/her capacity as Director: Policy & Governance will execute by signature any contract, notice or other document required to implement any decision of the Council and can authorise any other officer(s) to undertake the execution of such documents on his/her behalf.
- 8.11. The Common Seal of the Council will be kept in a safe place in the custody of the Director: Policy & Governance. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Director: Policy & Governance should be sealed. The

affixing of the Common Seal will be attested by the Director: Policy & Governance or some other person authorised by him/her.

- 8.12. **Appointment of a Deputy.** The Monitoring Officer shall appoint a deputy or deputies to act in his/her absence and when the Monitoring Officer is unable to act as defined in Section 5 of the Local Government and Housing Act 1989.

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

- 9.1. The Proper Officer will designate an officer to be the Scrutiny Officer.
- 9.2. The Scrutiny Officer shall undertake the following functions, including:
- 9.2.1. **Promoting Scrutiny.** The SO will promote the role of the authority's scrutiny committee(s) and sub-committee(s).
- 9.2.2. **Providing Support.** The SO will provide support to the scrutiny committee(s), sub-committee(s) and members of those committees or sub-committee(s).
- 9.2.3. **Providing Support and Guidance.** The SO will provide support and guidance to the members of the authority, members of the executive of the authority and officers of the authority in relation to the functions of the authority's scrutiny committee(s) and sub committees.

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

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

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

## ***Part 6 – Delegation to Chief Officers***

### **Officers' Delegated Authority**

For the purposes of this delegation scheme the term 'Chief Officer', means the Chief Executive, the Executive Directors and the Directors of the Council.

#### **1. Chief Officers are authorised as follows:**

- 1.1. To undertake all Council functions duties and powers not specifically reserved to the full Council, a Committee or the Executive except as may be specifically reserved to Statutory Officers.
- 1.2. The full Council, its Committees and the Executive make decisions in accordance with the Constitution. Chief Officers have express authority to take all necessary actions to implement full Council, Committee and Executive decisions that commit resources, within agreed budgets in the case of financial resources, as necessary and appropriate.
- 1.3. In the interests of operational efficiency of the service a Chief Officer may arrange for the function, duty or power to be exercised on his or her behalf by an appropriately qualified officer for whom that Chief Officer has management responsibility.
- 1.4. When functions duties and powers are delegated to an appropriately qualified officer by a Chief Officer, the Chief Officer, Full Council, the Committee or Executive which has delegated those functions duties and powers will retain concurrent authority to exercise those functions, duties and powers where this is legally permissible.
- 1.5. A function, duty or power delegated to an officer may be passed back by that officer to the person (including another officer), Full Council, committee or Executive giving the delegated power to the officer.
- 1.6. Without prejudice to Chief Officer's delegated authority, Chief Officers are required to report to their appropriate Cabinet Member on the performance of their service area.

#### **2. All Chief Officers are empowered to have the following authority to act:**

- 2.1. to take all necessary action to implement decisions of the Council, its Committees and the Executive within overall remit, including, but not limited to:
  - 2.1.1. commitment of resources within approved budgets and financial regulations;
  - 2.1.2. service and placing of any necessary statutory or other notices (other than those expressly reserved to the full Council, a

Committee or the Executive and which are not otherwise delegated);

- 2.1.3. the acquisition of equipment or services necessary for the day-to-day performance of the Council's business or fulfilment of any matter authorised by the Council or elected member body for which a budget has been approved;
  - 2.1.4. to manage any physical assets, including land and buildings (except for the acquisition, appropriation or disposal of land and buildings), IT, vehicles and equipment generally, allocated to the service for which he/she is responsible;
  - 2.1.5. to enter into any arrangements, contractual, partnership, or otherwise with any other body for the carrying out of the functions of either body;
  - 2.1.6. power to nominate or authorise any other officer to act on his or her behalf to action any decision;
  - 2.1.7. to enter into any arrangements, contractual, partnership, or otherwise with any other body for the carrying out of the functions of the Council;
  - 2.1.8. to appoint, discipline, suspend or dismiss any employee below Chief Officer level who is employed in the delivery of services for which he/she is responsible, within the guidance issued by the Chief Executive and HR Manager;
  - 2.1.9. in consultation with the Chief Executive and the HR Manager, to make changes to the establishment of a service area for which he/she is responsible subject to financial provision for the current and future years being available and including the approval both of the grading of new posts for which financial provision has been made by the Cabinet and the regrading of existing posts;
  - 2.1.10. to undertake all actions necessary to fulfil their respective duties and responsibilities as set out in this Constitution.
3. Chief Officers are required to produce, keep up to date and publish on the Council's website a list of all nominations and authorisations to any other officers to act on his or her behalf to undertake any decision, duty, power or function.
- [http://www.telford.gov.uk/info/20243/council\\_meetings/3462/scheme\\_of\\_delegations](http://www.telford.gov.uk/info/20243/council_meetings/3462/scheme_of_delegations)
4. These delegations should be interpreted widely to aid the smooth running of the Council, the effective deployment of resources and the efficient delivery of services.
5. For the avoidance of doubt, in the event that an Officer's job title or role description has changed since the issuing of any delegation, the delegation shall still be properly exercised by that Officer notwithstanding the change to their job title or role

description. In situations where responsibility for a particular function has changed, the delegation shall be exercisable by an Officer who has responsibility for that function and who is of the nearest equivalent in terms of seniority to the role originally granted the delegated authority.

## **Part 7 – Transparency**

1. The Council is committed to open and democratic decision-making. This section sets out the process for publishing details of decisions, mainly Key Decisions that are going to be made, agendas and reports for meetings, recording decisions taken at meetings or by individuals and public attendance at meetings.
2. **Key decisions**
  - 2.1. Decisions which have a significant financial impact including:
    - 2.1.1. decisions which will result in the authority incurring expenditure, or making savings, of more than £500,000 e.g. the letting of a contract; or
    - 2.1.2. involve a virement between service budgets of more than £50,000; or
    - 2.1.3. involve a virement between service budgets of between £25,000 and £50,000 where the sum is more than 20% of the budget; or
    - 2.1.4. decisions to participate or lead in collaborative schemes funded (partly or wholly) from external sources, which may expose the Council to contractual risk exceeding £500,000, e.g. schemes carrying repayment penalties or schemes where the Council will carry contractual responsibility for execution of the contract.

**OR**

  - 2.2. **Decisions which are likely to be significant in terms of their effects on communities living or working in an area comprising more than one ward in the Borough.**
3. **Limits to Key Decisions**
  - 3.1. When considering whether or not a decision is a Key Decision the following guidance should be followed:-
    - 3.1.1. contracts of employment are to be treated as outside the scope of key decisions;
    - 3.1.2. the aggregate value of multi-year contracts should be considered e.g. a contract for £400,000 p.a. for two years would be caught under the definition;
    - 3.1.3. reports allocating block capital budgets between specific schemes will be taken to Leader and Cabinet Executive and will be treated as Key Decisions. Changes to these allocations in excess of the virement limits will also be treated as Key Decisions. However, the letting of individual contracts funded from these block capital approvals will not be treated as Key Decisions even if they affect



more than one ward unless the total value of the contracts exceeds the approved budget for the particular schemes;

- 3.1.4. the letting of contracts for an individual child by Children & Young People or for a vulnerable adult by Adult Social Care in respect of personal care or “specialist placements” will not be treated as Key Decisions regardless of whether those contracts would be covered by approved budgets, due to statutory requirements to ensure that appropriate provision is made for personal social services or education. The cumulative effects of such commitments will be subject to reporting requirements to the Executive where there is a proposed overspend against budget provision for the year;
- 3.1.5. the nature of Treasury Management decisions is such that decisions to borrow or invest are taken in response to interest rate movements and to the daily cash flow position. These factors cannot be accurately forecast in order to comply with the timetable for key decisions and therefore must be treated as an exclusion to the definition of key decisions.

#### **4. Publication of Information**

The Council publishes:

##### **4.1. Notices of Key Decisions**

The decision maker is required, at least 28 days before the decision is made, to [publish a document which sets out details of the key decision\(s\)](#) to be taken that must be shall be published and be available for inspection by the public at the offices of the Council (Darby House) and on the Council website.

##### **4.2. Urgent decisions**

Where a [Key Decision](#) is required to be taken for which at least 28 days’ notice has not been given, the [Proper Officer](#) must inform the Chairman of the appropriate [Scrutiny Committee](#) in writing of the details of the decision to be made and the reasons why it is impracticable to give 28 days’ notice. Where the urgency of the decision is such that five clear days between the notice and the decision cannot be given, the decision-maker must obtain the agreement of the Chairman of the relevant Scrutiny Committee (or in their absence the [Mayor](#) or [Deputy Mayor](#) of the Council) that the decision does need to be taken as a matter of such urgency, and the reasons why it cannot be reasonably be deferred.

##### **4.3. Notices of Exempt or confidential information**

If a decision is proposed to be taken in private because exempt or confidential information might be disclosed, at least 28 days’ notice must be given of the intention to consider that decision in private, along with a statement of reasons. Any representations received by the Cabinet about why the meeting/decision should be open to the public must be published at least 5 clear working days

before the meeting, along with the Cabinet's response to any such representations.

#### **4.4. Agendas and reports of Officers**

- 4.4.1. All agendas and reports (except those that are exempt/confidential) are published at least five working days before the date of the meeting unless the meeting is convened at shorter notice or where an item is added to the agenda at shorter notice in cases of urgency in accordance with the provisions of the Local Government Act 1972.
- 4.4.2. Members of Cabinet (and Opposition Group Leaders) and any Committee (and substitutes) may request a paper copy of the agenda and all reports. All other Members of the Council will be sent a hyperlink to the [Council's website](#). Copies of these documents will be available from Democratic and Scrutiny Services upon request.

#### **4.5. Decision Notices/Minutes of Cabinet and Decision Notices relating to Key Decisions taken by Officers under delegated powers**

- 4.5.1. Within four working days after a Cabinet decision has been made by the Cabinet as a whole or by an individual member, or a [Key Decision made by an officer](#), the Proper Officer shall make a written record of that decision. All Decision Notices, except those that are exempt/ confidential, shall be published and be available for inspection by the public at the offices of the Council, Darby House and on the [Council's website](#).
- 4.5.2. All Decision Notices will be co-ordinated by Democratic Services. Where an individual member of the Cabinet or an officer is taking a [Key Decision](#) they must advise Democratic Services in order that Decision Notices are published within the requisite timescale, i.e. within four working days and sent to all Members of the Council via email.
- 4.5.3. To support the [call-in](#) process Decision Notices will be e-mailed to all Members within four working days of the decision(s) being taken.
- 4.5.4. Decision Notices in respect of Key Decisions on matters that are exempt/confidential will not be available for public inspection.
- 4.5.5. A [Decision Notice](#) will include the reasons for decision, details of options considered, record of any conflict of interest, and record of any dispensation granted by the [Governance Committee](#).

#### **4.6. Exceptions for Exempt and Confidential Information**

These rules do not apply where the publication of a report, or background paper or attendance at a meeting would be likely to disclose exempt or confidential information, as defined in the Local Government Act 1972, Schedule 12A (as

amended). Such reports or background papers shall only be sent to Members of the Council.

#### 4.7. **Meetings**

All meetings of the Cabinet and Committees are held in public, although the press and public may be excluded during consideration of any matter which would involve the disclosure of confidential or exempt information.

## **Part 8 – Policy Framework and Budget Procedure Rules**

### **1. THE FRAMEWORK FOR EXECUTIVE DECISIONS**

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

### **2. PROCESS FOR DEVELOPING THE FRAMEWORK**

2.1. The Council is responsible for the adoption of the budget and policy framework.

2.2. The Council's budget comprises the Medium Term Financial Strategy (together with the suite of reports and appendices to the Strategy).

2.3. The Council's policy framework comprises the following plans and strategies (this includes if such plan or strategy is known by an alternative name or title):-

- The Council Plan
- Sustainable Community Strategy
- Health & Wellbeing Strategy
- Local Transport Plan
- Plans and supplementary planning documents which together form the Local Development Framework
- Community Safety Plan
- Children and Young Person's Strategy
- Statement of Licensing Policy
- Statement of Gambling Policy
- Any other plan or strategy that is required by law or which [Full Council](#) determines should be a policy framework document and adopted or approved by Full Council

2.4. The process by which the Budget and Policy Frameworks shall be developed is:

2.4.1. before the end of December each year or as soon as reasonably practicable thereafter the Executive will publicise its budget proposals, together with a timetable for taking final proposals to Full Council and arrangements for consultation. There will be a minimum 4-week consultation period.

2.4.2. the Executive shall bring forward proposals in respect of the Policy Framework in a timely fashion at an appropriate time, complying with any applicable statutory timescales.

2.5. During the consultation period for the Budget Framework:

2.5.1. the Executive's proposals shall be referred to the relevant [Scrutiny Committee](#) for further consideration.

- 2.5.2. a range of consultation activities will take place with the community and stakeholders so that they can feed their views into the process.
- 2.5.3. 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.
- 2.6. Any budget proposals proposed by Opposition Groups must be presented to the relevant [Scrutiny Committee](#) and [Chief Financial Officer](#) prior to Cabinet presenting their proposals to Full Council. This may be during the consultation period.
- 2.7. Having considered the results of consultation and any reports of the [Scrutiny Committee](#) and Opposition Groups, the Cabinet, if it considers it appropriate, may amend its proposals.
- 2.8. 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.
- 2.9. The Council will consider the proposals of the Executive in accordance with its normal [rules of procedure](#).
- 2.10. The Council shall at that meeting make its final decision on the matter by way of recorded vote. The decision shall be made public.
- 2.11. Any other changes to the budget and policy framework are reserved to the Council.

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

- 3.1. Subject to the provisions of Financial Regulation 7.5 (virement) the [Leader](#), Cabinet, and any officers, committees of the Council, area committees or joint arrangements discharging Cabinet functions may only take decisions which are in accordance 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.
- 3.2. If the [Leader](#), Cabinet, other members of the Cabinet, and any officers, committees of the Council, area committees or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the [Monitoring Officer](#) and the [Chief Financial Officer](#) as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of those officers is that the decision would not be in accordance 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**

- 4.1. The [Leader](#), Cabinet, other members of the Cabinet, and any officers, committees of the Council, area committees or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
  - 4.1.1. if it is not practical to convene a quorate meeting of the full Council; and
  - 4.1.2. if the Chairman of the appropriate Scrutiny Committee agrees that the decision needs to be taken as a matter of urgency.
- 4.2. The reasons why it is not practical to convene a quorate meeting of full Council and the [Chairman of the Scrutiny Committee's consent](#) to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the [Scrutiny Committee](#), the consent of the [Mayor](#), and in the absence of both, the [Deputy Mayor](#) will be sufficient.
- 4.3. 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 the Financial Regulations.

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

- 6.1. Where a [Scrutiny Committee](#) is of the opinion that an Executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the [Monitoring Officer](#) and [Chief Financial Officer](#).
- 6.2. In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and Chief Financial Officer's report shall be submitted to the decision-taker with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the decision-taker must meet to decide what action to take in respect of the Monitoring Officer's and the Chief Financial Officer's reports and to prepare a report to Council in the event that the [Monitoring Officer](#) and the [Chief Financial Officer](#) conclude that the decision was a departure, and to the [Scrutiny Committee](#) if the Monitoring Officer and the Chief Financial Officer conclude that the decision was not a departure.

- 6.3. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the [Monitoring Officer](#) and the [Chief Financial Officer](#) is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the [Scrutiny Committee](#) may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 working days of the request by the Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the [Monitoring Officer](#) and the [Chief Financial Officer](#). The Council may either:
- 6.3.1. endorse a decision or proposal of the decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
  - 6.3.2. amend the Council's financial regulations, budget or policy concerned to encompass the decision or proposal of the decision taker and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
  - 6.3.3. where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget and does not amend the existing framework to accommodate it, require the decision-taker to reconsider the matter in accordance with the advice of the Monitoring Officer/Chief Financial Officer.

## Chapter 4 – Scrutiny

### 1. What is scrutiny?

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

### 2. How does it work?

Scrutiny is not designed for use for political purposes and accordingly the existence and nature of any party whip must be disclosed at the start of any [Scrutiny Assembly](#) or [Scrutiny Committee](#) meeting.



## THE SCRUTINY ASSEMBLY

### 3. Who is on it?

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

### 4. What does it do?

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

## SCRUTINY COMMITTEES

### 5. Who is on them?

Membership of the Scrutiny Committees is determined at Annual Council but can be changed from time to time at the request of the relevant Group Leader to the [Proper Officer](#). Membership of any Joint Health and Social Care Overview and Scrutiny Committee (HOSC) other than the Joint Health Overview and Scrutiny Committee with Shropshire, will be the Chair of the Scrutiny Committee with health Scrutiny powers if all participating authorities agree to waive political balance. If political balance is not waived then the Scrutiny Committee with Health scrutiny powers will appoint the members of the Joint HOSC.

### 6. What do they do?

- 6.1. Each committee will:
  - 6.1.1. Scrutinise the work of the Council according to their terms of reference as included in the [Scrutiny Handbook](#).
  - 6.1.2. Agree the Committee's work programme and undertake this through formal committee meetings, Member Working Groups and sub-groups.
  - 6.1.3. Meet as required to deliver the work programme.
  - 6.1.4. Be entitled to appoint Co-optees in accordance with legislation and the Policy for Co-opting Scrutiny Members as set out in the [Scrutiny Handbook](#).
  - 6.1.5. Act as consultee for draft [budget & policy framework policy](#) proposals published by the Leader (Finance & Enterprise Scrutiny Committee only) and any alternative proposals developed by opposition groups.
  - 6.1.6. Review the strategies and policies of the [Leader](#) and the Council and to scrutinise any matter affecting local people and make proposals to the Leader.

- 6.1.7. Review the discharge by the Leader of any of his/ her functions, including comparison of performance against any appropriate targets, plans or standards.
- 6.1.8. Review any decisions or proposed decisions of the Council and of Decision Takers, including call-in (Scrutiny Management Board only).
- 6.1.9. Consider any matters which affect the Council or its administrative area or the inhabitants of that area and to make recommendations to the Council or the Leader arising from that consideration.
- 6.1.10. Consider any matter referred to it by the Scrutiny Management Board, from the Leader or the Council and make recommendations to the Leader or the Council accordingly.
- 6.1.11. Consider applications for additional items to go on the Work Programme.
- 6.1.12. Consider any Councillor Calls for Action and/ or Petitions.
- 6.1.13. Scrutinise the planning and provision of NHS services for the population of Telford and Wrekin. This power has been delegated by Council to the Health and Adult Care Scrutiny Committee but the power to make the final decision of referral to the Secretary of State for Health is retained by the Council.
- 6.1.14. Scrutinise the work of partner organisations in accordance with national legislation and good practice.

## **7. Scrutiny Committee powers and duties**

- 7.1. The Scrutiny Committees statutory and constitutional duties and powers include:-
  - 7.1.1. Powers of a Scrutiny Committee in relation to Executive decisions made but not implemented as set out in section 21(3) of the Local Government Act 2000 i.e. Call-in of decisions taken but not yet implemented.
  - 7.1.2. Scrutiny of the Crime and Disorder Reduction Partnership (as set out in section 19 of the Police & Justice Act 2006).
  - 7.1.3. Scrutiny of Flood and Water Management (as set out in the Flood and Water Management Act 2010).
  - 7.1.4. Consideration of Social Care referrals on health and social care issues from Healthwatch as set out in the regulations for the Health and Social Care Act 2012) for the Local Involvement Network (LiNK) (as set out in section 226 of the Local Government and Public Involvement in Health Act 2007).
  - 7.1.5. Statutory health scrutiny function including referral to the Secretary of State for Health and appointing Members and Co-optees to any Joint Health Scrutiny arrangements (as set out in Section 7 of the Health & Social Care Act 2001 and amended by the National Health Service Act 2006, the Health and Social Care Act 2012). For Telford & Wrekin

- Council the final decision to make a referral is a matter for full Council.
- 7.1.6. The powers of a Scrutiny Committee in relation to the consideration of Councillor Calls for Action in relation to the relevant Council priority as set out in section 21A of the Local Government Act 2000 and section 19(3) of the Police & Justice Act (2006).
  - 7.1.7. Scrutiny of the Executive's budget proposals as set out in the Policy Framework and Budget Procedure Rules of this Constitution.

## **SCRUTINY MANAGEMENT BOARD**

### **8. Who is on it?**

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

### **9. What does it do?**

- 9.1. The Scrutiny Management Board:
  - 9.1.1. co-ordinates, oversees and monitors the delivery of the scrutiny work programme.
  - 9.1.2. allocates scrutiny suggestions to the relevant Scrutiny Committee and may make recommendations about priorities for the work programme and joint scrutiny of issues.
  - 9.1.3. is responsible for scrutiny in relation to Executive decisions made but not implemented as set out in section 21(3) of the Local Government Act 2000 (i.e. Call-in of decisions taken but not yet implemented).
  - 9.1.4. reviews requests for reports from the Scrutiny Committee submitted by the Leader and Cabinet or individual Members and/or the Full Council and allocate them if appropriate to one or more Scrutiny Committees.
  - 9.1.5. receives regular updates on [Key Decisions](#) which have been approved or noted by the Chair in cases where such Key Decisions are not included on the Notice of Key Decisions and Private Reports/Meetings (in accordance with the rules on General Exceptions or agree to a Key Decision being considered as an Urgent Decision and therefore being exempt from call-in).
  - 9.1.6. reviews and make recommendations to the Council Constitution Committee regarding changes to Scrutiny Arrangements including [Call-in](#). Scrutiny Assembly Members will be informed of any proposed changes.
  - 9.1.7. may make changes to the scrutiny structure and processes after consulting with the Scrutiny Assembly. The [Scrutiny Handbook](#) will be updated to reflect the changes. Changes will be reported back to the next full Council meeting.

- 9.1.8. periodically reviews and make changes to the Policy for Co-opting Scrutiny Members.
- 9.1.9. will report annually to Council on the work of scrutiny in the previous year and priorities for the future. The report is the responsibility of the Chairman.

## **10. Working Practices**

- 10.1. Details about how to undertake scrutiny reviews and general provisions governing the management of the scrutiny process are contained in the [Scrutiny Handbook](#). The [Scrutiny Handbook](#) includes details and protocols on:
  - 10.1.1. Agreeing the Scrutiny Work Programme
  - 10.1.2. Role of Cabinet Members in Scrutiny
  - 10.1.3. Scrutiny Member and Officer relations
  - 10.1.4. Councillor Call for Action
  - 10.1.5. Call – In
  - 10.1.6. Media Protocol
  - 10.1.7. Terms of Reference for the [Scrutiny Assembly](#) and [Scrutiny Committees](#)
  - 10.1.8. Role Description for the Scrutiny Chairmen
  - 10.1.9. The Policy for Co-opted Scrutiny members
- 10.2. Changes to the [Scrutiny Handbook](#) can be agreed by the Scrutiny Management Board in consultation with the Scrutiny Assembly.

## **11. Witnesses and other investigatory techniques**

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

## CALL-IN

### 12. What is it?

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

### 13. Call in and urgent decisions

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

### 14. Call-in of decisions within the budget and policy framework?

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

### 15. Limits on call-in

- 15.1. The call-in procedure does not apply to:
  - 15.1.1. executive decisions that are urgent;
  - 15.1.2. decisions of full Council;
  - 15.1.3. any decisions taken by officers that are not [key decisions](#);
  - 15.1.4. recommendations from the Executive to the Council;
  - 15.1.5. specific or individual Employee Relations, Disciplinary or Grievance matters;
  - 15.1.6. matters which are subject to formal or statutory appeal processes or are sub-judice;
  - 15.1.7. individual appeal cases for example, [Planning](#), [Licensing](#), Housing, Education;
  - 15.1.8. decisions of the [Governance](#) and [Audit](#) Committees or [Regulatory](#) Committees.
- 15.2. The Chairman of the [Scrutiny Management Board](#) will determine whether the call-in is valid within 3 days of receipt of the call-in request,

he / she may, in consultation with the [Monitoring Officer](#), determine that a request for call-in is not valid if he/she reasonably considers that the reason for the call-in does not prima facie comply with the Principles of Decision-making or falls outside the remit of call in as set out in 15.1 above.

## **16. Before the call-in meeting**

- 16.1. The [Proper Officer](#) will record the time and date of receipt of the request and will inform the Decision Taker and the Chairman of the [Scrutiny Management Board](#). The final wording of the [call-in](#) proposal will be accepted from the lead call in Member up to 2 days after receipt of the call in.
- 16.2. The [Proper Officer](#) will arrange a meeting of the [Scrutiny Management Board](#) and will notify the members who signed/ supported the request for [call-in](#) of the time and date and location of the meeting at which the request for call-in will be considered.
- 16.3. In exceptional circumstances where it is not possible to achieve a quorate meeting [Scrutiny Management Board](#) within the prescribed timescales, substitute members from the [Scrutiny Assembly](#) may be appointed by Group Leaders.
- 16.4. A [call-in](#) meeting of the [Scrutiny Management Board](#) must be held within 10 working days of the call-in request being received. If it is not held within that time the decision being called-in will take effect from that date.
- 16.5. In the meantime, the Decision-Taker may meet with some or all of the members supporting the [call-in](#) informally to clarify the points at issue and ensure that there is no confusion regarding the decision and to identify whether the concerns expressed in the request for call-in can be addressed by the Decision Taker in the original decision. This can include formal advice from the [Monitoring Officer](#) and [Chief Finance Officer](#) about whether or not the decision falls within, or is outside the [Budget & Policy Framework](#).
- 16.6. Any member may, in writing to the [Proper Officer](#), withdraw their support for a request for [call-in](#) until no later than 24 hours before the start of the meeting of the relevant [Scrutiny Committee](#) that is due to consider the request for [call-in](#). If, after one or more members have withdrawn their support, there are less than 5 members still in support of the request for [call-in](#) it will no longer be valid and the meeting will be cancelled.
- 16.7. The [call-in](#) papers which must be circulated to members of the [Scrutiny Management Board](#) and other parties involved in/ attending the meeting at least 48 hours prior to the meeting are:-
  - 16.7.1. the original report on which the decision was based

- 16.7.2. a copy of the [call-in](#) request
- 16.7.3. one side of an A4 sheet of paper setting out the main points of their argument
- 16.7.4. background information that supports these arguments, which could include budgetary information, statistical information, maps, consultation results or as summary of changes in legislation.

## **17. The call-in meeting**

- 17.1. The Chairman of [Scrutiny Management Board](#) is responsible for the effective management of the call-in meeting and has discretion over the procedure for the meeting. Generally, however he or she will ask the members making the request for [call-in](#) to identify a lead call-in member who will be invited to present their argument, ask any questions of the Decision-Taker and put forward alternative proposals (30 minutes) and, at the end of the meeting sum up their position if they want to (5 minutes). The Decision Taker (with officer support if appropriate) will have the opportunity to explain their decision and express their views on any alternative proposals (30 minutes) and, at the end of the meeting sum up their position if they want to (5 minutes). Members of the [Scrutiny Committee](#) will consider the papers and may ask questions of anyone in attendance at the meeting at any time or when invited to by the Chairman (no time limit) before considering their response to the request for call-in.
- 17.2. Any [Scrutiny Committee](#) member arriving at the meeting after the lead call-in member has started his or her presentation will be allowed to remain in the meeting as an observer but will not be allowed to take part in the debate or the voting process. This will be made clear on the agenda for the meeting.

## **18. Decisions of the Scrutiny Committee on a call-in**

- 18.1. If having considered the proposal contained in the request for [call-in](#), [Scrutiny Management Board](#) supports the original decision it may be implemented with immediate effect.
- 18.2. If, having considered the request for call-in [Scrutiny Management Board](#) is concerned about the original decision, then the decision remains suspended and it will be referred back to the Decision-Taker for reconsideration, or, if the decision is deemed to be outside the Policy and Budget Framework refer the matter to full Council. (see Call in of Decisions [outside the Budget & Policy Framework](#) below). These meetings will take place as follows:-
  - 18.2.1. full Council - within 10 working days of the call-in meeting;
  - 18.2.2. Cabinet - at the next scheduled meeting of the Cabinet or a Cabinet meeting convened in accordance with the constitution.



- 18.2.3. Individual Decision-Taker - within 3 working days of the call-in meeting.
- 18.3. Whether a [call-in](#) proposal is supported or not, members may come to agreement on any comments they wish to pass to the decision taker. The Chairman will sum up and clarify any points which members wish to pass to Cabinet. These will be reported to the Cabinet by the [Scrutiny Management Board](#).
- 18.4. A decision can only be called in once. However, if the Decision Taker significantly alters the decision after considering recommendations from the relevant Scrutiny Committee the new decision will also be capable of being called-in.

## **19. Call-in of decisions outside the Budget & Policy Framework**

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



[Monitoring Officer](#) and [Leader](#) will be reported back to the relevant scrutiny committee.

## 20. Procedural Rules

See [Council Rules](#) on [Motions without notice](#), [Points of Order](#), [Personal Explanation](#) and Conduct (except rule 25.1) (substituting the Chairman of the relevant scrutiny committee for the [Mayor](#)) which apply to all scrutiny meetings.

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

	If the requirement for political balance is not waived then the membership of the Joint HOSC will be appointed by the relevant Scrutiny Committee with Health Scrutiny powers.	
<b>Quorum</b>		
n/a	3 Elected Members The quorum for the Joint HOSC is set out in the Terms of Reference for this Committee in the <a href="#">Scrutiny Handbook</a> .	3 elected members
<b>Substitutes</b>		
n/a	No	No
<b>Co-optees</b>		
Yes – but with no voting rights	Yes – but with no voting rights except:- Special Rules children & young people – 4 co-optees with voting rights (in respect of educational matters only) (1 Church of England and 1 Roman Catholic diocesan representative and 2 parent governors) Joint HOSC 3 co-optees with voting rights as approved by Council.	Yes – but with no voting rights
Co-optees can be appointed for a fixed term or as a standing member – there is a 1 month notice period on either side. Members of one Scrutiny Committee can be co-opted to work with another Scrutiny Committee.		
<b>Meetings</b>		
As and when required	Meet approximately 6 times a year. Meetings may be formal public meetings, informal working group or sub-group meetings as	Meet approximately 6 times a year. Meetings may be formal public meetings, informal working group or sub-group meetings as necessary to deliver the work programme

	necessary to deliver the work programme Joint Scrutiny Committees with other authorities can be established. The Members of the Joint HOSC with Shropshire is a sub-committee of the Health and Adult Care Scrutiny Committee.	
<b>Meetings held in public</b>		
Yes (subject to rules on exempt information and confidential information)	Yes (subject to rules on exempt information and confidential information) Informal working groups may be held in private but if so notes/minutes of that meeting will be considered in a public in a future public meeting	
<b>Joint working/ working groups</b>		
	Scrutiny Committee(s) can hold joint meetings/ scrutiny reviews with one or more other Scrutiny Committees and establish working groups, sub groups, joint committees and joint sub committees where the Chairman/ Chairmen of the relevant Scrutiny Committee(s) agree that it is conducive to the efficient delivery of the scrutiny function. Where 2 Scrutiny Committees work jointly on an issue under scrutiny and the meeting is held as a formal public Committee meeting one Scrutiny Committee will be the lead Committee for this area of work. Working Groups are not formal Council meetings and do not have to meet in public or meet the political balance requirements as any findings/ recommendations are reported to the relevant Scrutiny Committee(s) for consideration.	
<b>Calling meetings</b>		
The Chairman may ask the Proper Officer to call a meeting.	A schedule of meetings is agreed by the Committee as required to deliver the work programme or the Chairman may ask the Proper Officer to call a meeting	
<b>Agenda items</b>		

Agreed by the Chair of the Scrutiny Management Board	Agenda items are approved by the Scrutiny Committee Chairman as required to deliver the work programme agreed by the Scrutiny Committee.
<b>Scrutiny Reports</b>	
n/a	Scrutiny reports are sent to the Proper Officer for inclusion on the Cabinet agenda (if within the Budget and Policy Framework) and Council (if outside the Budget and Policy Framework).

## **Chapter 5 – Member/Officer Matters and Conduct**

### **Part 1 – Members’ Remuneration Scheme**

**The Members Remuneration Scheme set out below was approved by the Council on 19 September 2019. 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 provides for:-

1. All Members to receive a basic allowance, currently £12,345.
2. The following positions attract a special responsibility allowance (in addition to the basic allowance).

Leader of the Council	£	33,927
Deputy Leader of the Council	£	21,370
Cabinet (Executive) Member	£	16,234
Opposition Group Leaders (minimum of 4 Members)		See Below
Chair of Planning Committee	£	10,823
Chair of Licensing Committee	£	10,823
Chair of Regulatory Committee	£	10,823
Chair Scrutiny Management Board	£	9,806
Chair Scrutiny Committees	£	8,988
Co-Chair of Joint Health & Overview Scrutiny Committee	£	4,509
Chair of Audit Committee	£	9,019
Chair of Health & Wellbeing Board	£	9,019
Chair of Governance Committee	£	4,509
Chair of Boundary Review Committee	£	4,509
Vice Chair of Planning Committee	£	4,509
Vice Chair of Regulatory Committee	£	3,282
Vice Chair of Licensing Committee	£	3,282
Speaker	£	3,285

3. The scheme provides for the provision of maternity and paternity leave.
4. The scheme provides for travel, subsistence, childcare and dependant carers allowances to also be claimed by Members.
5. The total allowance payable to Opposition Group Leaders (with groups of 4 or more Members) is £18,557. This should be divided equitably between those Group Leaders based upon the total number of members in each group.
6. 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 has a Special Responsibility Allowance entitlement.

7. 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 table above will be updated by either the Head of Paid Service, Chief Financial Officer or Monitoring Officer in light of amended allowances.
8. The Scheme is subject to analysis & review by the Independent Remuneration Panel. The Panel is required to meet and recommend a new scheme to the Council as per the terms of The Local Authorities (Members Allowance) (England) Regulations 2003 (as amended).

## Part 2 – Member/Officer Protocol

### 1. Introduction

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

### 2. Responsibilities and roles

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

### 3. Expectations

	Members	Officers
<b>Co-operative working</b>	Members and officers:-	

	Members	Officers
	Recognise that we have a professional working partnership which means that we will treat each other with respect, dignity and courtesy	
	Will be mindful of our respective roles, workloads and pressures	
	Training and development is essential in order to carry out our respective roles effectively	
	Officers will provide members with regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold	Officers will not be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between members and officers, and the potential vulnerability of officers, particularly at junior levels
	<p>A Member who is unhappy about the actions taken by, or conduct of, an Employee should:</p> <ul style="list-style-type: none"> <li>• Avoid personal attacks on, or abuse of, the Officer at all times;</li> <li>• Ensure that any criticism is well founded and constructive;</li> <li>• Never make personal criticism of the particular officer in public; and</li> <li>• Take up the concern with the employee privately or if the Member is not comfortable taking the matter up with the employee directly, they should speak to the employee's Director.</li> </ul>	Officers will provide timely response to enquiries and complaints
<b>Governance</b>	Members will respect the particular responsibilities of the statutory officers	
	Neither officers or members will use their position or their relationship with other officers or members to advance their personal interests or those of others or to influence decisions improperly	
	Officers and members will at all times comply with the relevant Code of Conduct	
		Officers will not raise personnel issues with members outside the agreed procedures



	Members	Officers
<b>Politics</b>	Members must provide political leadership and direction	Officers work for and advise the Council, not a political group but will have an awareness of and sensitivity to the political environment
	Members will respect the political neutrality of officers.	Offices will provide professional advice, not influenced by political views or preference.

#### 4. Breach of these principles or rules

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

#### 4.2. Informal resolution

Directors may raise issues with:-

For Members                      the relevant Group Leader  
 For Group Leaders              the [Chief Executive](#) and [Monitoring Officer](#)

Members may raise issues with:-

For officers                      Director  
 For Director                      the relevant Executive Director  
 For Executive Director        the [Chief Executive](#)

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

#### 4.4. Further advice

Further advice and assistance is available from the Chief Executive and the Director: Policy & Governance.

## **Part 3 – Officer Employment Procedure Rules**

**These rules take account of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).**

### **1. APPOINTMENTS**

#### **1.1. Declarations**

- 1.1.1. The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the partner or close family relative of a serving Member or employee of the Council or the partner of such a person. This statement will be included in appropriate recruitment literature.
- 1.1.2. Where a candidate has declared such a relationship, any offer of employment shall be subject to approval by the appropriate Director, except where the Director is the officer to whom the candidate has declared a relationship, in which case an alternative Director or an Executive Director will approve any proposed offer of employment or, in the event that the Chief Executive is the officer to whom the candidate has declared a relationship, in which case the Director: Policy & Governance will approve any proposed offer of employment.

#### **1.2. Seeking support for appointment**

- 1.2.1. The Council will disqualify from consideration any candidate who directly or indirectly seeks the support of any Member or officer for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 1.2.2. No Member or officer will seek to support any candidate for appointment. Councillors must not stand as referees for officers or candidates for appointment as officers of the Council.

### **2. APPOINTMENT OF CHIEF OFFICERS**

- 2.1. For the purpose of these Rules, the term Chief Officer shall have the same meaning as in the Local Government and Housing Act 1989, and is referred to as the Chief Executive and Executive Director. The term Deputy Chief Officer in that Act means a Director.
- 2.2. Where the Council proposes to appoint a Director and it is not proposed that the appointment be made exclusively from among its existing officers, the Council will draw up a statement specifying:

- 2.2.1. the duties of the officer concerned: and
- 2.2.2. any qualifications or qualities to be sought in the person to be appointed
- 2.2.3. make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it

### 3. APPOINTMENT OF HEAD OF PAID SERVICE

- 3.1. The Chief Executive will be designated as the [Head of Paid Service](#). The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by [Personnel Committee](#) that must include the [Leader](#) or at least one member of the Cabinet.
- 3.2. The offer of appointment as Head of Paid Service must not be made until the [Personnel Committee](#):-
  - 3.2.1. notify the Proper Officer or, if the offer is to an Acting Head of Paid Service, the Director: Policy & Governance shall take the place of the [Proper Officer](#), of the name of the proposed appointee and any other particulars which are considered relevant to the appointment;
  - 3.2.2. the [Proper Officer](#) has notified the [Leader](#) and every Member of Cabinet of:-
    - 3.2.2.1. the name of the proposed appointee
    - 3.2.2.2. any other relevant particulars as notified to him/her
    - 3.2.2.3. the period within which any objection to the making of the offer is to be made by the [Leader](#) on behalf of the Executive to the [Proper Officer](#), and either:
      - 3.2.2.4. the [Leader](#), within the specified time period, notifies the [Proper Officer](#) that neither he nor any other member of the Cabinet has any objection to the making of the offer;
      - 3.2.2.5. the [Proper Officer](#) has notified the Panel no objection has been received; or
      - 3.2.2.6. the [Personnel Committee](#) is satisfied that any objection received from the [Leader](#) is not material or is not well founded.

#### **4. APPOINTMENT OF EXECUTIVE DIRECTORS & STATUTORY OFFICERS**

- 4.1. The appointment of an Executive Director or Statutory Officer will be made by [Personnel Committee](#) which must include the [Leader](#) or at least one member of the Cabinet Executive.
- 4.2. The offer of appointment as Executive Director/Statutory Officer must not be made until the [Personnel Committee](#) notify the [Proper Officer](#) of the name of the proposed appointee and any other particulars which are considered relevant to the appointment;
- 4.3. The [Proper Officer](#) has notified the [Leader](#) and every member of the Cabinet of:-
  - 4.3.1. the name of the proposed appointee
  - 4.3.2. any other relevant particulars as notified to him/her;
  - 4.3.3. the period within which any objection to the making of the offer is to be made by the [Leader](#) on behalf of the Leader and Cabinet to the [Proper Officer](#);  
and either
  - 4.3.4. the [Leader](#), within the specified time period, notifies the [Proper Officer](#) that neither he nor any other member of the Cabinet has any objection to the making of the offer;
  - 4.3.5. the [Proper Officer](#) has notified the Panel no objection has been received; or
  - 4.3.6. the Panel is satisfied that any objection received from the Leader is not material or is not well founded.

#### **5. OTHER APPOINTMENTS**

- 5.1. Appointments of officers below the level of Executive Director are the responsibility of the [Head of Paid Service](#) or his/her nominee, and may not be made by Members. All appointments will be made in accordance with the Council's recruitment and selection policy.
- 5.2. All officers shall be appointed on merit in accordance with Section 7 of the Local Government and Housing Act 1989.

#### **6. DISCIPLINARY ACTION IN RESPECT OF HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCE OFFICER**

##### **6.1. Suspension**

- 6.1.1. The [Head of Paid Service](#), [Monitoring Officer](#) and [Chief Finance Officer](#) may be suspended on full pay while an

investigation takes place into alleged misconduct or incapability. Suspension does not itself constitute disciplinary action and does not imply guilt.

- 6.1.2. Suspension must terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

## 6.2. **Member Involvement**

- 6.2.1. No disciplinary action may be taken in respect of the Council's designated [Head of Paid Service](#), [Monitoring Officer](#) or [Chief Financial Officer](#) except after consideration of any advice, views or recommendations from the Panel and after hearing representations, if any, from the officer who is the subject of the disciplinary process.
- 6.2.2. Members will not be involved in disciplinary action against any officer below Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct or incapability.

## 7. **DISMISSAL**

- 7.1. The Full Council will decide whether or not to approve the dismissal of the Council's designated [Head of Paid Service](#), [Monitoring Officer](#) or [Chief Finance Officer](#) only after taking into account recommendations from the [Personnel Committee](#) and any advice, views or recommendations from the Panel and after hearing representations, if any, from the officer who is the subject of the disciplinary process.
- 7.2. The dismissal of a Director must not be made until the [Personnel Committee](#) notify the Proper Officer of:-
  - 7.2.1. the name of the proposed dismissee;
  - 7.2.2. any other particulars which are considered relevant to the dismissal;
  - 7.2.3. the [Proper Officer](#) has notified the [Leader](#) and every member of the Cabinet of the name of the proposed dismissee and any other relevant particulars as notified to him/her;
  - 7.2.4. the period within which any objection to the making of the decision is to be made by the [Leader](#) on behalf of the Cabinet to the [Proper Officer](#) and;
  - 7.2.5. the [Leader](#), within the specified time period, notifies the Panel that either he or any other member of the Cabinet has any objection to the dismissal; or

- 7.2.6. the [Proper Officer](#) has notified the Panel no objection has been received; or
- 7.2.7. the Panel is satisfied that any objection received from the Leader is not material or is not well founded.

Members will not be involved in the dismissal of any officer below Executive Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct or incapability.

**Note:** For the purpose of the Officer Employment Procedure Rules, the [Proper Officer](#) shall be the [Head of Paid Service](#), except where the appointment/dismissal relates to the [Head of Paid Service](#), in which case the [Proper Officer](#) shall be the [Monitoring Officer](#).

Employment Status →	Head of Paid Service	Executive Director	Monitoring Officer and S151 officer	Director	Service Delivery Manager	Below SDM
Employment Process ↓						
Recruitment						
Appointment	Council on recommendation of <a href="#">Personnel Committee</a>	<a href="#">Personnel Committee</a>	<a href="#">Personnel Committee</a>	HPS	Director	Line Manager
Cabinet Notification	✓	✓	✓	✓	x	x
Relevant Policies	Recruitment & Selection Policy; JNC Conditions of Service for Local Authority Chief Executives	Recruitment and Selection Policy; JNC Conditions of Service for Chief Officers			Recruitment and Selection Policy	
Grievance (Workplace Issues)						
Step 1 (Informal)	Informal	Informal	Informal	Informal	Informal	Informal
Step 2 (Formal)	<a href="#">Leader of the Council</a>	<a href="#">Head of Paid Service</a>	<a href="#">Head of Paid Service</a>	Executive Director	Director	SDM
Step 3 (Appeal)	Full Council	<a href="#">Personnel Committee</a>	<a href="#">Personnel Committee</a>	<a href="#">Head of Paid Service</a>	Alternative Director/Ex Director	SMT member
Relevant Policies	Resolving Workplace Issues & JNC Conditions of Service for Local Authority Chief Executives	Resolving Workplace Issues and JNC Conditions of Service for Chief Officers			Resolving Workplace Issues	
Disciplinary action**, Redundancy, Performance Management and Sickness dismissals						
Suspension	<a href="#">Personnel Committee</a> *	HPS	<a href="#">Personnel Committee</a>	Executive Director	Director	Director
Use of Panel	✓ <a href="#">Personnel Committee</a>	x	✓ <a href="#">Personnel Committee</a>	x	x	x
Decision maker	Full Council	HPS	Full Council	Executive Director	Director	Director
Cabinet Notification	✓	✓	✓	✓	x	x

Appeal	Available only in certain circumstances	<a href="#">Personnel Committee</a>	Available only in certain circumstances	<a href="#">Personnel Committee</a>	Executive Director	Executive Director
Relevant Policies	Disciplinary Issues at Work, Sickness, Redundancy and Performance Management Procedures; JNC Conditions of Service for Local Authority Chief Executives	Disciplinary Issues at Work, Sickness, Redundancy and Capability Management Procedures; JNC Conditions of Service for Chief Officers			Disciplinary Issues at Work, Sickness, Redundancy and Capability Management Procedures	

## NOTES

### [Personnel Committee](#)

a politically balanced committee of 8 members including the [Leader](#) or a cabinet member appointed by the Leader

### Cabinet Notification

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

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

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



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The [Proper Officer](#) shall be the HPS except where the proposal relates to the appointment or dismissal of the HPS in which case the Proper Office shall be the [Monitoring Officer](#)

## ***Part 4 – Local Code of Good Governance***

### **Delivering Good Governance in Telford & Wrekin Council Local Code**

#### **Definition:**

**Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved.**

In order for the Members and Employees<sup>12</sup> of Telford & Wrekin to deliver good governance whilst working to achieve the Council's objectives they must **act in the public interest at all times.**

#### ***PUBLIC INTEREST PRINCIPLES - Acting in the public interest requires a commitment to and effective arrangements for:***

- A. Behaving with integrity, demonstrating strong commitment to ethical values (including the Council's values<sup>13</sup>), and respecting the rule of law.
- B. Ensuring openness and comprehensive stakeholder engagement (including with individual citizens, service users and institutional stakeholders).
- C. Promoting the Council's Co-operative values

#### **Achieving good governance also requires a commitment to and effective arrangements for:**

- D. Defining outcomes in terms of sustainable economic, social, and environmental benefits.
- E. Determining and planning the actions necessary to optimise the achievement of the intended outcomes.
- F. Developing the Council's capacity, including the capability of its leaders and the individuals within it. This includes ensuring effective relationships and a clear understanding of the roles and responsibilities of Member and officers.
- G. Managing risks, performance and data through robust internal control and strong public financial management.
- H. Implementing good practices in transparency, reporting, and assurance (including audit) to deliver effective accountability.

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<sup>12</sup> Employees includes partners, joint arrangements and volunteers.

<sup>13</sup> Fairness & Respect: Ownership: Openness & Honesty; Involvement

## **Schedules**

### ***Schedule 1 – Boundary Review Committee Terms of Reference***

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

#### **TERMS OF REFERENCE**

##### **Boundary Reviews**

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

##### **Community Governance Reviews**

4. Dealing with all matters relating to Community Governance Reviews.

##### **Parishes**

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

##### **Polling Districts**

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

##### **Elections**

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

##### **General**

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

#### **PROCEDURE**

As a general rule the [Council Procedure Rules](#) govern the way that committees operate but these, with the exception of paragraph 14 of the Council Procedure Rules, may be varied or suspended at the discretion of the Chair of the Committee in the interests of efficient and effective management of the committee.

<b>Schedule 2 - Telford &amp; Wrekin Health and Wellbeing Board - Terms of Reference</b>
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**The Board has the responsibility for public health and health and wellbeing responsibilities within the Borough.**

**TERMS OF REFERENCE**

1. The development of a joint Health & Wellbeing Strategy for Telford & Wrekin based upon the needs identified in the Joint Strategic Needs Assessment (JSNA)
2. The ongoing development of the JSNA and the development, review and oversight of the delivery of actions identified in the joint health and wellbeing strategy and other key plans and strategies that may be developed from time to time
3. The encouragement of joint and co-commissioning between health and care sectors, including Telford and Wrekin ICS, and the Integrated Care Board (ICB), Telford and Wrekin Council, and NHS England and ensuring that commissioning and delivery activity of the relevant organisations are aligned with the priorities set out in the Health & Wellbeing Strategy
4. The general oversight of the Council's Public Health responsibilities and receiving the annual report of the Council's Director of Public Health
5. The receiving of reports from, and making recommendations to, Telford and Wrekin's Full Council, NHS England, and the Integrated Care System and Boards and sub-committees that it may establish (and delegate functions to) and from other Boards and organisations involved in the provision of services that influence of health and well-being outcomes for the whole population within the Borough.
6. The Health and Wellbeing Board will link to the Community Safety Partnership and local Adults and Children's Safeguarding Boards as their remit contributes to the responsibilities of the Board.

**7. General**

At the first meeting after the Annual Council Meeting and in response to any further guidance consider its terms of reference, structure, membership and activities.

**PROCEDURE**

**8. General**

Unless specifically provided for in these Terms of Reference (TOR), the [Council Procedure Rules \(CPR\)](#) govern the way that committees operate and in, the case of any discrepancy, these Terms of Reference shall take precedence. Notwithstanding this rule, the Chair of the Board may vary or suspend rules contained in the CPR or TOR in the interests of efficient and effective management of the Board.

## **9. Membership**

9.1. Members of the Health and Wellbeing Board will comprise representatives from the Shropshire, Telford & Wrekin Integrated Care System, Telford & Wrekin Council and HealthWatch. The core members are:-

- An elected Member of Telford & Wrekin Council (Co-Chair of the Health and Wellbeing Board)
- The Chief Executive of the Shropshire, Telford and Wrekin Integrated Care Board (Co-Chair of the Health and Wellbeing Board)
- Cabinet Member with responsibility for Adult Social Care and Health
- Cabinet Member with responsibility for Public Health and Mental Health
- Chief Executive or representative of the Midlands Partnership NHS Foundation Trust
- Chief Executive or representative of the Shrewsbury and Telford Hospital NHS Trust
- Chief Executive or representative of the Shropshire Community Health NHS Trust
- Executive Director responsible for Adult Social Care
- Statutory Director of Children's Services
- Statutory Director responsible for Adult Social Care
- Statutory Director of Public Health
- Director of Shropshire, Telford and Wrekin Integrated Care Board
- Non-Executive Director of Shropshire, Telford and Wrekin Integrated Care Board responsible for Health Inequalities
- Lead Clinician from the Telford & Wrekin Integrated Place Partnership
- Representative of local HealthWatch
- Chair of the Community Safety Partnership
- Each political group of Telford & Wrekin Council with 4 or more elected members shall have one place on the Health and Wellbeing Board with voting rights; this includes the administration.
- Representative of the community and voluntary sector Chief Officers Group.

9.2. The board may invite additional representatives to observe, present to, and address the Board on matters pertaining to its Terms of Reference.

9.3. A Cabinet Member may hold more than one of the responsibilities described above and as such this may result in a reduced number of Cabinet Members participating in Board meetings.

9.4. The Board will be advised and supported by officers from the local authority and the Integrated Care Board.

## **10. Chair**

10.1. The Board will be jointly co-chaired by those members indicated at paragraph 9 above. The Chair of the meeting will alternate between those two members on a meeting-by-meeting basis.

- 10.2. In the event that the co-Chair whose turn it is to Chair a meeting is not available, the other co-Chair will take the chair for the duration of the meeting.

## **11. Data and Information Sharing**

Members agree to share all relevant information and data, to allow effective monitoring and management of performance and other joint working arrangements.

## **12. Quorum**

- 12.1. Quorum is one quarter of the Board's membership, with physical attendance from at least one Telford & Wrekin Councillor and one ICB Member required.
- 12.2. Where technically possible, officers presenting papers to the Board (who are not formal members), can do so via Microsoft Teams.

## **13. Disqualification for Membership**

- 13.1. The regulations that apply to committees and sub-committees of local authorities in respect of disqualification will apply to the Health and Wellbeing Board save for the exception set out in this section.
- 13.2. Any person who would be disqualified from being able to stand for election as a Councillor will be disqualified from being a member of the Health and Wellbeing Board EXCEPT THAT disqualification criteria concerning paid employment or office within the local authority do not apply – this allows Council officers to be members of the Health and Wellbeing Board and to have voting rights thereon.
- 13.3. For the avoidance of doubt, the following disqualification criteria will continue to apply to members of the Health and Wellbeing Board:-
- 13.3.1. being the subject of a bankruptcy restrictions order or interim order;
  - 13.3.2. having been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine.

## **14. Voting Rights**

All Members of the Health and Wellbeing Board will be able to vote alongside the elected representatives. This applies to any additional board members appointed in addition to the statutory membership set out in the Health and Social Care Act 2012. For the avoidance of doubt, invitees shall not have the right to vote on any matter at the Board.

## **15. Meetings**

- 15.1. The Health and Wellbeing Board will meet approximately quarterly and in public. Dates and times of meetings will be agreed and published in advance.

**Note** - the press and public may be excluded during consideration of any matter which would involve the disclosure of confidential or exempt information.

- 15.2. Agendas and supporting papers will be issued, and published, at least five clear days before each meeting. Action notes will be produced and, at the next meeting, confirmed as a true record of the meeting to which they refer and signed by the Chair.
- 15.3. Save as set out in section 0, members of the public and press will have access to the meetings and there will be provision for public speaking section at each Health and Wellbeing Board meeting.

## **16. Public Speaking**

- 16.1. Members of the public may speak at the Health and Wellbeing Board. The procedure for this is published on the Council's website. This states that:-
  - 16.1.1. topics must be in the remit of the Health & Wellbeing Board;
  - 16.1.2. members of the public who wish to speak must notify Democratic Services in writing on the Friday before a meeting;
  - 16.1.3. a maximum of three minutes is allocated to each speaker, which will be strictly adhered to;
  - 16.1.4. a maximum of three speakers will be permitted at any one meeting.

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

The Health and Wellbeing Board will adopt the Council's Code of Conduct. Any interests in item(s) on the agenda should be declared at the start of the meeting.

## **18. Reporting Mechanisms/Accountability**

- 18.1. The actions of the Health and Wellbeing Board will be subject to independent scrutiny by the relevant [Scrutiny Committee\(s\)](#) of Telford & Wrekin Council. The Board will publish an annual report on the progress that has been made against the Health and Wellbeing Board Strategy.
- 18.2. The Board has the responsibility for public health and health and wellbeing responsibilities within the Borough.

### ***Schedule 3 - Licensing Committee – Terms of Reference***

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

1. To exercise the functions of the Council as Licensing Authority for the purposes and requirements of the Licensing Act 2003 and the Gambling Act 2005, as detailed in schedule 1 (Functions not to be the Responsibility of an Authority's Executive) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, which shall be any and all powers available to the Licensing Authority in legislation.
2. To advise full Council or Cabinet on the authority's response to any consultation documents issued by the Secretary of State on licensing matters and revisions to the local statements of licensing policy and gambling policy.
3. To establish sub-committees comprising three members as and when required for the purpose of conducting hearings under the Licensing Act 2003 and Gambling Act 2005.
4. To consider and determine fees and charges in respect of any of the above matters.
5. To delegate these functions, where appropriate, to the Sub-Committee, appropriate Director or other appropriate employees.
6. To approve, adopt, review, amend and revise codes of best practice and procedure for licensing matters within its terms of reference and to make the same publicly available.

#### **PROCEDURE**

7. As a general rule the [Council Procedure Rules](#) govern the way that committees operate but these, with the exception of paragraph 14 of the Council Procedure Rules, may be varied or suspended at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.
8. Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions to ensure a fair hearing.



<b>Schedule 4 - Regulatory Committee – Terms of Reference</b>
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**The Committee has the responsibility and delegated powers to act on behalf of the Council in respect of regulatory matters within the Borough as follows.**

1. To exercise the functions of the Council as Licensing Authority for any and all other licensing and registration function as detailed in schedule 1 (Functions not to be the Responsibility of an Authority's Executive) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 but excluding the Licensing Act 2003 and Gambling Act 2005, save for where those functions are the responsibility of Full Council.
2. To exercise the functions of the Council in respect of any and all other regulatory and public protection legislation (without limitation) including, but not limited to Health & Safety, Fire Safety, Health, Public Protection and Sports Ground Safety.
3. To determine and make payments or provide other benefits in cases of maladministration.
4. To make determinations in respect of common land, village greens and open spaces.
5. To advise full Council or Cabinet on the authority's response to any consultation documents issued by the Secretary of State on Public Protection matters.
6. To establish sub-committees comprising three members as and when required for the purpose of conducting hearings.
7. To consider and determine fees and charges in respect of any of the above matters.
8. To delegate these functions, where appropriate, to the Sub-Committee, appropriate Director or other appropriate employees.
9. To approve, adopt, review, amend and revise codes of best practice, policy and procedure for Licensing and Public Protection matters within its terms of reference and to make the same publicly available.

## **PROCEDURE**

10. As a general rule the [Council Procedure Rules](#) govern the way that committees operate but these, with the exception of paragraph 14 of the Council Procedure Rules, may be varied or suspended at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.
11. Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions to ensure a fair hearing.

## ***Schedule 5 - Planning Committee – Terms of Reference***

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

- 1. Town and Country Planning and Development Control functions**  
As set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended).
- 2. Public Rights of Way functions**  
As set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended).
- 3. Functions in relation to hedgerows and the preservation of trees**  
As set out in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended).
- 4. Functions in relation to highways**  
As set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended).
- 5. General**  
Annually review their effectiveness and their terms of reference.

### **PROCEDURE**

- 6.** As a general rule the [Council Procedure Rules](#) govern the way that committees operate but these, with the exception of paragraph 14 of the Council Procedure Rules, may be varied or suspended at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.
- 7.** Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions to ensure a fair hearing [Planning Committee - Public Participation](#).

## ***Schedule 6 - Audit Committee – Terms of Reference***

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

### **TERMS OF REFERENCE**

#### **Internal Audit**

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

#### **External Audit**

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

#### **Governance**

9. Consider the effectiveness of the Council's governance processes and their compliance with legislation and best practice including:
  - 9.1. the Council's Code of Corporate Governance;
  - 9.2. the Council's information security framework;
  - 9.3. receipt of the Caldicott Guardian's Annual Report
  - 9.4. oversight of commercial projects;
  - 9.5. the management of opportunities and risks; and
  - 9.6. other corporate governance arrangements.
10. Be responsible for the review and approval of the authority's Annual Governance Statement ensuring that it properly reflects the governance, control and risk environment and any actions required to improve it. Following approval, it should accompany the Accounts.

#### **Treasury Management**

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

### **Statement of Accounts**

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

### **Fraud & Corruption**

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

### **Complaints**

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

### **General**

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

### **Procedure**

20. The Committee will be conducted in accordance with the Council's [Committee Procedure Rules](#).

<b><i>Schedule 7 - Governance Committee – Terms of Reference, Functions, Powers and Duties (including the Hearings Sub Committee)</i></b>
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**The Committee has the responsibility and delegated powers to oversee the Council's Constitution and to act on behalf of the Council in dealing with the oversight of its governance, to ensure that good ethics and standards are upheld and to oversee the Council's member development strategy.**

## **TERMS OF REFERENCE**

### **THE COUNCIL CONSTITUTION**

1. To receive reports from the Monitoring Officer about the operation of the Constitution.
2. **Note:** The Monitoring Officer (or the Head of Paid Service in the absence of a Monitoring Officer) has delegated power to monitor and review the operation of the Constitution, to make minor administrative amendments or make changes to reflect changes in law and report regularly to this committee on whether or not it is achieving its purpose or could be amended better to achieve its purpose.
3. To consider proposed changes to any part of the Constitution and, if appropriate, make recommendations to Council to change the Constitution.
4. To consider its terms of reference in so far as they relate to the Council Constitution annually at the first meeting after the Annual Council Meeting
5. The Council via the Governance Committee has delegated the following powers and functions to the Monitoring Officer in consultation with the Chairperson of the Committee
  - 5.1. to amend the Constitution to correct minor administrative errors
  - 5.2. to amend the Constitution to update job titles
  - 5.3. to amend the Constitution where legislative changes result in any section of the Constitution being in conflict with any relevant legislation, provided that the Chair may decide for any proposed amendments as detailed in paragraphs 5.1 to 5.3 above that they be considered by the Governance Committee.

### **STANDARDS AND THE CODE OF CONDUCT**

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

- 12.4. dispensations granted to members and co-opted members of the Council.

## **HEARINGS SUB COMMITTEE**

13. To consider investigation reports in respect of Code of Conduct complaints that are referred to it by the [Monitoring Officer](#) and to report its findings to the Borough Council, Town or Parish Council, as appropriate for information.
14. Where a breach is found, to make decisions about sanctions as set out in the Council's arrangements for dealing with breaches of the Code of Conduct.
15. To consider applications for dispensations where:-
  - 15.1. the dispensation is in the interests of persons living in the Borough of Telford & Wrekin area; or
  - 15.2. it is otherwise appropriate to grant a dispensation.
16. The Governance Committee has delegated the following powers and functions to the [Monitoring Officer](#)
17. The power to receive and make an initial assessment of formal Code of Conduct complaints and decide whether further action or investigation is required.
18. The power to make arrangements for local settlement of complaints where the Monitoring Officer considers it appropriate including arranging mediation if required.
19. The power to consider and grant dispensations to Members where:
  - 19.1. the number of Members precluded from transacting the business is so great that it would impede the business of the Council, committee or Executive
  - 19.2. the political balance is affected to the extent that it could affect the outcome of a vote relating to the business

## **MEMBER DEVELOPMENT**

20. To establish a comprehensive and robust Member Learning and Development process
21. To champion and encourage Member development and engage all Elected Members in the process
22. To champion and encourage the use of digital equipment amongst all Elected Members
23. To develop and implement a Member Development Strategy
24. To assist in the shaping and prioritising of member development activities including a comprehensive and robust induction
25. To ensure Member development and learning opportunities relate directly to Telford & Wrekin's Priorities
26. To assist in generating creative and innovative ideas for the advancement of the Member Development programme
27. To establish a mechanism to evaluate overall effectiveness of Member development
28. To identify financial resources required to deliver development needs
29. To encourage an effective member/officer working relationship

## **PROCEDURE**

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

## ***Schedule 8 - Personnel Committee and The Panel - Terms of Reference and Procedure***

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

**NOTE:** For the purposes of these rules Statutory Officer means the [Head of Paid Service](#), the [Monitoring Officer](#) and the [Chief Financial Officer](#)

### **TERMS OF REFERENCE**

**The Personnel Committee will:-**

1. Agree, at a strategic level, issues relating to employees including terms and conditions and employee relations.
2. Duty to designate officer as the [Head of Paid Service](#), and to provide staff etc.
3. Duty to designate officer as the [Monitoring Officer](#) and to provide staff etc.
4. Duty to designate officer as the [Chief Finance Officer](#) and to provide staff etc.
5. Advise upon corporate policies and procedures affecting some or all employees employed by the Council including nationally and locally negotiated terms and conditions of employment.
6. To consider and recommend to Council the Pay Policy Statement.
7. All functions relating to the Local Government Pension Scheme.
8. The invitation of Independent Persons to be considered for appointment to the Panel and the appointment of 2 Independent Persons to a Panel to advise full Council whether or not to approve a proposal to dismiss the Council's designated Head of Paid Service, Monitoring Officer or Chief Financial Officer.
9. Oversee the recruitment of, and make recommendations to Council to confirm the appointment of the officer designated as Head of Paid Service.
10. Oversee the recruitment of Executive Directors, Directors, and officers designated as the Monitoring Officer and the Chief Finance Officer.
11. To consider Grievances of senior officers including the officer designated as the Head of Paid Service (Appeals stage), Executive Directors and Directors
12. Consider whether or not to suspend any statutory officer to enable investigations into allegations to take place, to consider disciplinary actions against statutory officers prior to the submission to the Independent Person appointed to the Council and recommendation to full Council.
13. Consider whether or not to recommend to Council the dismissal of the Head of Paid Service, Monitoring Officer and Chief Finance Officer.
14. Annually at the first meeting after the Annual Council Meeting review and agree its terms of reference.

### **PROCEDURE**

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

## **THE PANEL**

A Panel approved by Council in accordance with section 102 Local Government Act 1972 including 2 Independent Persons members for the purposes of giving advice, views or recommendations to full Council when considering whether or not to approve the dismissal of the Council's designated Head of Paid Service, Monitoring Officer or Chief Finance Officer.

## **TERMS OF REFERENCE**

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

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

## **MEMBERSHIP**

5. Must be made up of two Independent Persons as appointed by the Personnel Committee from time to time consisting of:-
  - 5.1. at least one Independent Person appointed by Council in accordance with the provisions of s28(7) of the Localism Act 2011 who is registered as a local government elector in the register of electors in Telford & Wrekin in accordance with the Representation of the People Acts – one of whom shall be appointed to be Chair of the Panel; and
  - 5.2. an Independent Person appointed by Council; and/or
  - 5.3. an Independent Person who has been appointed by another authority or authorities
6. No allowances are payable for these roles.



## **Schedule 9 – Councillor Code of Conduct**

### **Background**

1. The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable, and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.
2. As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.
3. Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.
4. This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

### **Introduction**

5. The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.
6. All councils are required to have a local Councillor Code of Conduct.

### **Definitions**

7. For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected Mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who:
  - 7.1. is a member of any committee or sub-committee of the authority, or;
  - 7.2. is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

8. For the purposes of this Code of Conduct, "local authority" includes county councils, district councils, London borough councils, parish councils, town councils, fire and

rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

## **Purpose of the Code of Conduct**

9. The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

## **General principles of councillor conduct**

10. Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.
11. Building on these principles, the following general principles have been developed specifically for the role of councillor.
12. In accordance with the public trust placed in me, on all occasions:
  - 12.1. I act with integrity and honesty
  - 12.2. I act lawfully
  - 12.3. I treat all persons fairly and with respect; and
  - 12.4. I lead by example and act in a way that secures public confidence in the role of councillor.
13. In undertaking my role:
  - 13.1. I impartially exercise my responsibilities in the interests of the local community
  - 13.2. I do not improperly seek to confer an advantage or disadvantage on any person
  - 13.3. I avoid conflicts of interest
  - 13.4. I exercise reasonable care and diligence; and
  - 13.5. I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

## **Application of the Code of Conduct**

14. This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.
15. This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:
  - 15.1. you misuse your position as a councillor;

- 15.2. your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.
16. The Code applies to all forms of communication and interaction, including:
- 16.1. at face-to-face meetings
  - 16.2. at online or telephone meetings
  - 16.3. in written communication
  - 16.4. in verbal communication
  - 16.5. in non-verbal communication
  - 16.6. in electronic and social media communication, posts, statements and comments.
17. You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.
18. This Code will **not** apply in relation to your private life **unless** you make reference to your position as a Councillor. For example, if you operate a private social media account but reference your work as a Councillor, show pictures of you acting in your role as Councillor or otherwise make it clear that you are a Councillor, then this Code will apply to your social media activity.
19. Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.
20. You are also expected to fulfil the role of corporate parent and ensure that appropriate steps are taken to protect all children, young people and vulnerable adults living, working or in education within the Council's area and, where necessary, refer any matters that **might** amount to a safeguarding concern to Family Connect.

## Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### General Conduct

#### 1. Respect

##### As a Councillor:

- **I treat other councillors and members of the public with respect.**
- **I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

##### **Guidance note:**

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

#### 2. Bullying, harassment and discrimination

##### As a Councillor:

- **I do not bully any person.**
- **I do not harass any person.**
- **I promote equalities and do not discriminate unlawfully against any person.**

##### **Guidance note:**

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social

media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's

identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

### **3. Impartiality of officers of the Council**

**As a Councillor:**

- **I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

#### **Guidance note:**

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

### **4. Confidentiality and access to information**

**As a Councillor:**

**I do not disclose information:**

- **given to me in confidence by anyone**
- **acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:**
  - **I have received the consent of a person authorised to give it;**
  - **I am required by law to do so;**
  - **the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third**

- party agrees not to disclose the information to any other person; or
- the disclosure is:
  - reasonable and in the public interest; and
  - made in good faith and in compliance with the reasonable requirements of the local authority; and
  - I have consulted the Monitoring Officer prior to its release.

**I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.**

**I do not prevent anyone from getting information that they are entitled to by law.**

**Guidance note:**

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

## **5. Disrepute**

**As a Councillor:**

- **I do not bring my role or local authority into disrepute**

**Guidance note:**

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You should be aware that your behaviour in your personal capacity may result in action being taken under this Code of Conduct if you identify as being a Councillor whilst behaving in a manner which is in breach of the Code of Conduct or if you give members of the public the impression that you are a councillor despite acting in your personal capacity. One exception to this is where you are found guilty of certain criminal offences which would preclude you from being a councillor or would bring the role of councillor into disrepute regardless of whether you had identified yourself as a Councillor.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

## 6. Use position

### As a Councillor:

- **I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

#### **Guidance note:**

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## 7. Use of local authority resources & facilities

### As a Councillor:

- **I do not misuse council resources.**
- **I will, when using the resources of the local or authorising their use by others:**
  - **act in accordance with the local authority's requirements; and**
  - **ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

#### **Guidance note:**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include:

- office support
- stationery
- equipment such as phones and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

## 8. With the Code of Conduct

### As a Councillor:

- **I undertake Code of Conduct training provided by my local authority.**
- **I cooperate with any Code of Conduct investigation and/or determination.**
- **I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

- **I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

**Guidance note:**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

**Protecting your reputation and the reputation of the local authority**

**9. Interests**

**As a Councillor:**

- **I register and disclose my interests.**

**Guidance note:**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

**10. Gifts & hospitality**

**As a councillor:**

- **I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**



- I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.
- I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.

**Guidance note:**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

## **Appendices to the Councillor Code of Conduct**

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

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

## Appendix B – Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Non-pecuniary Interests.)**

**“Disclosable Pecuniary Interest”** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non-participation in case of Disclosable Pecuniary Interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

### Disclosure of Non-Pecuniary Interests

6. Where a matter arises at a meeting which **directly relates** to one of your non-pecuniary interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest

7. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
  - 8.1. your own financial interest or well-being;
  - 8.2. a financial interest or well-being of a relative, close associate; or
  - 8.3. a body included in those you need to disclose under non-pecuniary interests as set out in **Table 2**,you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter **affects** your financial interest or well-being:
  - 9.1. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision;
  - 9.2. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest; and
  - 9.3. you may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.
10. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
11. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

**Table 1: Disclosable Pecuniary Interests**

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. Any unpaid directorship.
<b>Sponsorship</b>	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
<b>Contracts</b>	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
<b>Land and Property</b>	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another)

Subject	Description
	a right to occupy or to receive income.
<b>Licenses</b>	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
<b>Corporate tenancies</b>	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
<b>Securities</b>	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* "director" includes a member of the committee of management of an industrial and provident society.

\* "securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

## Table 2: Non-Pecuniary Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
  - (i) exercising functions of a public nature
  - (ii) any body directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- c) A matter that **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate,
- d) A matter that **affects**:—
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative, close associate; or
  - c. a body included in those you need to disclose under non-pecuniary interests as set out in this **Table 2**

## **Schedule 10 – Employee Code of Conduct**

### **1. What is the Code of Conduct?**

The Code of Conduct outlines the standards of behaviour that Telford & Wrekin, as a Cooperative Council, expects from you as an employee, as well as the Council's responsibilities as an employer towards you. It has at its core, the Council's Co-operative values and sets out the way we do things and what we stand for. The Code forms part of your overall contract of employment.

### **2. Who is the Code of Conduct for?**

The Code of Conduct applies to all employees. We also require anyone acting as our agent or working on our behalf to uphold the standards set out in the Code, therefore it applies to volunteers, work experience placements, agency workers, contractors, suppliers, consultants and partners<sup>14</sup>.

### **3. What can you expect from the Council?**

3.1. As an employee, you can expect:

- 3.1.1. clarity about what is expected of you at work and, where relevant, outside work;
- 3.1.2. a safe and healthy working environment;
- 3.1.3. support for your rights and recognition of diversity;
- 3.1.4. opportunities for learning, development and support;
- 3.1.5. open and honest communication and involvement;
- 3.1.6. to be treated reasonably and fairly; and
- 3.1.7. recognition and feedback on your performance

### **4. What can the Council expect from you?**

4.1. In return, the Council has the following expectations of you:

- 4.1.1. commitment to the Co-operative Council's values of openness and honesty, ownership, fairness and respect and involvement;
- 4.1.2. to carry out your role with the best interests of customers in mind;
- 4.1.3. to protect the Council's well-earned reputation;
- 4.1.4. to act in accordance with Council policies and procedures and terms and conditions of employment; and
- 4.1.5. to speak up promptly about any concerns you have.

### **5. Our Principles:**

The following key principles should guide our decision-making, our behaviour and our actions on a daily basis.

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<sup>14</sup> The term employee is used in the Code to cover employees as well as all of the categories referred to in this paragraph.



## **6. Personal & Business Integrity**

6.1. Integrity is central to how we deliver services, and we will lead by example, as follows:

- 6.1.1. we work for and serve the whole Council, recognising our duty as public sector employees to discharge public functions reasonably and within the law;
- 6.1.2. we are open and honest and transparent in all we do;
- 6.1.3. we demonstrate high personal standards, treating others as we would expect to be treated ourselves, fairly and with respect;
- 6.1.4. we never ignore or condone wrongdoing; and
- 6.1.5. we are accountable for what we do and take responsibility for our actions and decisions.

## **7. Bribery**

We do not offer or accept bribes or facilitation payments or engage in any form of corruption whether directly or through a third party. Gifts and hospitality will be operated within strict council guidelines.

## **8. Fraud, deception and dishonesty**

We will not engage in, condone or ignore any kind of fraud, false claim, deception or dishonest behaviour or allow someone else to do this on our behalf.

## **9. Conflicts of Interest**

We will avoid situations in which our personal circumstances could lead to a conflict of interest. Our focus is work which will lead to improvements for our community and individuals within it.

## **10. Political Interests**

We follow every policy of the Council and will not allow our own personal or political opinions to interfere with our work. We will comply with statutory restrictions on political activity both at work and in our personal lives. We will respond to people's needs in a fair and consistent way.

## **11. Working with third parties**

We will conduct due diligence on all prospective suppliers/agents and partners and will work with third parties whose policies and standards support ours.

## **12. Legality and Competition**

We operate lawfully at all times encouraging fair, open and honest competition to achieve value for money and refuse to engage in practices that try to achieve an unfair competitive advantage.

**13. Further Information:**

- 13.1. Anti-Fraud & Corruption Policy
- 13.2. Gifts & Hospitality Guidance
- 13.3. Business Activities & Private Work
- 13.4. Contract Procedure Rules.

**14. Making Every Contact Count:**

- 14.1. Our sole aim as an employer is to serve the public. Without them we have no main function or purpose. Our employees are critical in achieving our ambition to 'make every contact count'.
- 14.2. We will treat our customers and the community as we would want to be treated ourselves and make every contact they have with us count.
- 14.3. We will work together with our community, involving them in decisions which affect their lives and being prepared to listen and take on new ideas.
- 14.4. We will be ambassadors for the Council when dealing with the public, acting as its eyes and ears.
- 14.5. We will live and breathe our values when serving the public and will be willing to go the extra mile; nothing will be too much trouble for our customers.
- 14.6. We will create an environment which enables our customers to access the help and support they need not only about our own services but those of our partners as well.

**15. Further information:**

- 15.1. Customer Charter
- 15.2. Customer Service Strategy

**16. Open & Honest Working Relationships:**

- 16.1. We aim to be an organisation where we treat each other with honesty and respect and where everyone has the opportunity to reach their full potential. We believe that no one should be harmed as a result of any work we do.
- 16.2. We select, promote, develop and reward on the basis of skills and merit and are committed to removing barriers to equal opportunity.
- 16.3. We will be truthful and open about decisions affecting working lives.
- 16.4. We treat each other with respect and dignity and support employee's rights and diversity.
- 16.5. We value and respect those who work for and with us.
- 16.6. We are committed to providing a healthy, supportive and safe working environment.

## **17. Health & Safety**

We will not compromise the safety of anyone involved in or affected by our services and recognise that safety is the responsibility of everyone.

## **18. Drugs and alcohol:**

18.1. We will not misuse any substance before or during working hours to the extent that:

- 18.1.1. it impairs our performance and/or
- 18.1.2. it potentially or actually puts our own or others health or safety at risk and/or

18.2. it adversely affects the public image of the Council.

## **19. Equalities**

We are committed to maintaining high standards of employment practice and undertake that all employees, and those who apply for employment, will be treated with fairness, respect and dignity.

## **20. Harassment and bullying**

We will treat all colleagues and customers with respect and dignity and will not tolerate any form of harassment, discrimination, bullying or victimisation.

## **21. Human rights**

We are committed to upholding the human rights of all those we serve, who work for us and with us.

## **22. Further Information:**

- 22.1. [Health & Safety Policy](#)
- 22.2. [Equality, Diversity & Inclusion Policy](#)
- 22.2. [Equal Opportunities Charter](#)
- 22.3. [Dignity at Work](#)
- 22.4. [Protocol on Member/Officer Relations](#)
- 22.5. [Disciplinary Procedure & Disciplinary Rules](#)
- 22.6. [Grievance Procedure](#)

## **23. Keeping assets and data safe**

- 23.1. When we are entrusted with personal information and Council data, we will keep it safe.
- 23.2. We respect and safeguard confidential and personal information.
- 23.3. We will use computer systems and communication devices appropriately.
- 23.4. We will be transparent and honest in our communications and our dealings with our community and stakeholders.

23.5. We record all financial transactions completely, accurately and honestly.

## **24. Protecting Personal information**

We respect individual's rights to privacy and will treat all personal information as confidential, complying with data protection and privacy laws.

## **25. Safeguarding confidential information**

We keep confidential information safe and protect it from unauthorised disclosure whether wilful or accidental.

## **26. Use of IT and communications systems**

We have secure IT and communications systems and use them responsibly to undertake our Council roles, with restricted personal use. We recognise that the improper use of social media sites, whether at work or in a personal capacity, can impact upon our employment relationship and responsibilities and commit to using these sites responsibly.

## **27. Financial controls and record keeping**

We ensure that the public funds entrusted to us are used responsibly, properly and in a lawful manner. We ensure we have suitable financial controls in place and that our records and reporting processes are complete, accurate and transparent.

## **28. Protecting the Council's assets**

We understand the value of all our assets and resources and will protect them from improper use. We will not utilise property, vehicles or other Council facilities for personal use unless authorised to do so.

## **29. Communications**

Our communications will be timely, honest, open and without misrepresentation. All external media communications will be managed through the Corporate Communications Team.

## **30. Further Information:**

- 30.1. [Corporate Information Security Policy](#)
- 30.2. [Financial Regulations](#)
- 30.3. [Media Protocol](#)
- 30.4. [Social Media Policy](#)

## **31. Protecting our community and environment**

- 31.1. We are committed to operating as a sustainable organisation by caring about our people, our communities and the environment we live in. We want to protect and improve our environment for the future.
- 31.2. We will operate proper and sustainable procurement policies to safeguard the environment.
- 31.3. We will ensure that our suppliers adopt similar environmental standards and controls.
- 31.4. We will be aware of our own role in promoting social responsibility and helping to keep our borough clean and safe and a borough to be proud of.

### **32. Why is it important to Speak Up?**

If you have any concerns that a breach of the Code of Conduct might be taking place, it is important to speak up about it. Speaking up early helps to protect you, makes investigation easier and could protect the Council's reputation. You can do this through the Council's Speak Up policy.

### **33. What if you are unsure?**

- 33.1. We all want to do the right thing. If you are unsure about whether a course of action is right or wrong just ask yourself the following questions:
- 33.2. Am I comfortable with it? Would I be happy if my colleagues or the press knew about it? Would I be proud to tell my friends and family about it? What would a reasonable member of the public think?
- 33.3. Is it in line with our values? The Council has clear values – openness & honesty, ownership, fairness & respect and involvement. Does this action sit well with these?
- 33.4. Does it seem honest? If something seems less than totally open and above board, it probably is.

### **34. Is it fair?**

Think carefully about whether the course of action gives someone unfair advantage over others, both internally or externally.

### **35. Could it damage our reputation?**

- 35.1. Reputations are hard earned. If you think our good reputation is at risk, seek **appropriate** advice.
- 35.2. If you are still unsure, or have any doubts, talk to someone. This could be your Line Manager, or if this is not appropriate, you can contact People Services or Audit & Information Governance.

## ***Schedule 11 - Financial Regulations***

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

- 1.1. Finance Regulations are part of the Council's control environment providing a framework for managing the authority's financial affairs and contributing to good corporate governance, internal control and the management of risks.
- 1.2. The Financial Regulations apply to all officers and Elected Members of the Council and anyone acting on behalf of the Council. They also apply to any partnerships or bodies that the Council is a member of and for which the Council is the accountable body. Where the Council is not the accountable body then the lead Council officer is responsible for ensuring propriety and proper processes are followed so that the Council's reputation is not at risk.
- 1.3. It is the responsibility of Directors to ensure that all staff in their service areas are aware of their responsibilities according to the Financial Regulations and comply with them.
- 1.4. Specific positions and/or officers are named in the Financial Regulations and it is their responsibility to ensure compliance. However, named officers can delegate their authority to another appropriate officer as long as this delegation has been recorded in writing.
- 1.5. Where the Executive has been named in Regulations it will be their responsibility to ensure compliance. The Executive can delegate such responsibility to one of its Cabinet members as set out in the Constitution.
- 1.6. All Elected Members and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, properly authorised and provides value for money.
- 1.7. Financial Regulations are set out in self-contained sections, each covering a specific area of control. Each section provides a contact point for further information or clarification. Where appropriate the Financial Regulations are supported by detailed internal procedure notes which can be accessed on the intranet.
- 1.8. These Financial Regulations cover all areas of Council activity with the exception of schools which have their own set of regulations as part of the Local Management of schools (LMS) Scheme.
- 1.9. Failure to comply with Financial Regulations, or procedures issued under them, may lead to disciplinary action for employees and an

investigation by the Chief Financial Officer. For Elected Members, any issues will be investigated by the Monitoring Officer.

## **2. Responsibilities**

- 2.1. Section 151 of the Local Government Act (LGA) 1972 places a duty on the Council to make arrangements for the proper administration of its financial affairs, including the appointment of a Chief Finance Officer.
- 2.2. Section 114 of the Local Government Finance Act (LGFA) 1988 requires the Chief Financial Officer to report to the Council if the authority, one of its committees, the Executive or one of its officers:
  - 2.2.1. has made – or is about to make – a decision which has or would result in unlawful expenditure;
  - 2.2.2. has taken, or is about to take, an unlawful action which has or would result in a loss or deficiency to the authority; or
  - 2.2.3. is about to make an unlawful entry in the Council's accounts.
- 2.3. The Chief Financial Officer must nominate a person who meets the criteria set out in LGFA s.114 (6)(a) or s.114(6)(b) to deputise, should the Chief Financial Officer be unable to perform the duties under section 114 of the LGFA personally.
- 2.4. CFO Responsibilities (s151 LGA /s114 LGFA) – are allocated to the Director: Finance, People & IDT and include:
  - 2.4.1. provision of financial advice for service delivery, strategic planning and policy making across the authority;
  - 2.4.2. provision of advice on the optimum use of available resources on the management of capital and revenue budgets;
  - 2.4.3. provision of financial management information;
  - 2.4.4. preparation of statutory and other accounts, associated grant claims and supporting records;
  - 2.4.5. provision of an effective internal audit function and assistance to management in providing safe and efficient financial arrangements;
  - 2.4.6. provision of effective financial management systems and procedures;
  - 2.4.7. provision of effective income collection and payments systems;

- 2.4.8. advising on treasury, investment and cash-flow management; and
- 2.4.9. advising on the safe custody of assets and insurance.
- 2.5. The Director Finance, People & IDT has delegated responsibility under the Accounts and Audit Regulations 2015 to maintain an adequate and effective Internal Audit service.
- 2.6. The Senior Management Team (SMT) (Chief Executive, Executive Directors and Directors) are responsible for ensuring that Directors provide services that meet the Council's overall policy objectives. This includes ensuring compliance by Directors with the Council's governance arrangements including Financial Regulations and Contract Procedure Rules.
- 2.7. The Chief Executive is responsible for leading on corporate governance issues throughout the Council.
- 2.8. The Finance Managers will act as deputy Section 151 Officers.
- 2.9. Directors are responsible for ensuring the delivery of services by their respective Delivery Units. This includes ensuring compliance by Delivery Managers with Financial Regulations and Contract Procedure Rules within their service areas.
- 2.10. Delivery Managers (this definition includes Service Delivery Managers, Group Managers and/or Team Leader with budget and staff responsibilities) are responsible for the day-to-day provision of services and the management of the associated budget. This includes ensuring that all staff comply with Financial Regulations and Contract Procedure Rules in performance of their duties.

### **3. Financial Training**

- 3.1. CFO and Monitoring Officer (MO) to provide relevant training that is sufficient to enable Executive members and appropriate officers to fulfil their respective roles (recognising the resource constraints on finance/service area staff and members) in respect to:
  - 3.1.1. financial planning and management;
  - 3.1.2. information governance and information security; and
  - 3.1.3. governance and fraud prevention.



#### **4. Financial Planning**

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

#### **5. Service & Financial Planning Strategy**

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

**CONTACT: Director – Finance, People & IDT**

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

- 6.1. Proper accounting records are one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare annual accounts which are subject to internal and external audit. The CFO should ensure that there is a proper retention policy for financial documents which all officers must follow.
- 6.2. The CFO is responsible for determining the accounting systems and procedures adopted by the Council. No variations shall be made to accounting records and procedures without the written agreement of the CFO. In particular Directors should confer with the CFO before introducing or amending any books, forms, records, administrative procedures or computerised systems used in conjunction with accounting for cash, income, expenditure, stores and financial transactions generally.
- 6.3. Directors are responsible for ensuring the completion and submission of Grant applications and financial returns. The CFO/Chief Executive/Audit, Governance & Procurement Lead Manager should have adequate notice to request appropriate explanations or information as may be required prior to signing and the Director forwarding to the relevant government department or agency.

**CONTACT: Corporate & Capital Finance Manager**

#### **7. Financial Management and Control – Revenue**

- 7.1. Preparation and Approval of Budget
  - 7.1.1. the Council will approve the overall spending plans of the Council;
  - 7.1.2. the revenue estimates shall be determined by the CFO in consultation with Senior Management Team within the

general guidelines of the Executive and relevant professional requirements. Estimates shall be prepared annually before the start of the financial year and revised, if the CFO considers appropriate, during the course of the year;

7.1.3. once the Council's budget for the year has been approved the Directors and Delivery Managers can authorise expenditure within the limits agreed subject to the separate rules on virement;

7.1.4. the Delivery Managers must exercise financial control including monitoring income and expenditure on a regular basis. Once approved, responsibility for budgets rests with the relevant Delivery Manager and Director.

## **7.2. Budgetary Control**

7.2.1. The corporate finance information system determined by the CFO is the Council's prime accounting record. It provides the mechanism for Directors and Delivery Managers to monitor and control their budgets.

7.2.2. Directors and Delivery Managers are required to monitor their budgets regularly during the year and take immediate action as necessary. If it is considered that a particular budget head requires increasing, virement must be sought before any overspending occurs (see Virement regulation 7.5). Under no circumstances should expenditure be incurred without appropriate provision being put in place first.

7.2.3. Regular financial updates will be taken to the Leader and Cabinet.

7.2.4. Generally, all Council budgets are prepared on a cash limited (outturn) price base. This means that no supplementary estimates will be provided for inflation or other increases once budgets have been approved, except in exceptional circumstances.

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

## **7.3. Supplementary Estimates**

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

Full Council outlining the reasons and seeking approval for additional spend and funding.

#### **7.4. Grants**

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

7.4.1.1. where the value is £50,000 or less approval should be given by the relevant Director;

7.4.1.2. where the value exceeds £50,000 but is less than £250,000 approval should be by SMT;

7.4.1.3. where the value exceeds £250,000 the relevant Cabinet Member and Director should give approval.

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

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

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

7.4.4. Directors are responsible for ensuring adequate records, financial and otherwise, have been maintained for all externally funded schemes subject to grant awarding bodies' requirements.

#### **7.5. Virement**

7.5.1. Virement between budget heads is an integral and important feature of budgetary control. It provides Senior Managers with the flexibility to adapt expenditure patterns which they consider appropriate in meeting changing locally determined service needs and objectives consistent with Council policy.

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

7.5.2.1. unforeseen cost increases,

- 7.5.2.2. demand for a particular service, in line with existing policies, exceeding estimates,
- 7.5.2.3. a local requirement to provide a different service from that anticipated when the budget was set, or utilising efficiency or other savings.
- 7.5.3. Except where allowed under the scheme of virement only the Council can approve changes to the budget it has previously agreed.
- 7.5.4. Approval is required where there is a proposed change to the use of budgets in terms of services being delivered, subject to the limits set out in the table below:

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

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

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

### **8. Reserves & Balances and the Robustness of Estimates**

- 8.1. The budget report will contain a comment by the CFO on the robustness of the estimates and the adequacy of reserves, in accordance with the requirements of the Local Government Act 2003 and CIPFA guidance. The CFO must also be satisfied that the decisions taken on balances and reserves represent proper stewardship of public funds.
- 8.2. Specifically, the budget report will include a statement on the adequacy of general reserves and provisions for the forthcoming year, linked to the medium-term financial strategy.

- 8.3. An annual review of earmarked reserves will be undertaken as part of the budget preparation process and a statement will be presented to Council alongside the budget report.
- 8.4. The level and purpose of reserves and balances held must be clearly defined and justified by Directors. Further regular reviews should be undertaken to ensure continuing relevance and adequacy.
- 8.5. There is no statutory minimum level of reserves required. This will be a matter of local judgement determined by the CFO but taking into account relevant national guidance.

**CONTACT: Corporate & Capital Finance Manager**

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

- 9.1. Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings and major items of plant and equipment or vehicles. Capital assets shape the way services are delivered for the long-term and create financial commitments for the future in the form of financing costs and revenue running costs. Capital resources can only be used to fund capital expenditure, unless a specific capital direction has been granted by the Secretary of State.
- 9.2. The Council will comply with the requirements of CIPFA's Prudential Code for Capital Finance in Local Authorities and will set and monitor a range of Prudential Indicators accordingly to ensure that borrowing is affordable, prudent and sustainable.
- 9.3. The Council will determine the capital programme for the Authority after considering overall Corporate Priorities, the Council's Asset Management Plan, the Highways & Transport Asset Management Plan, the Capital Strategy, availability of funding affordability and ongoing revenue implications.
- 9.4. The capital programme shall focus on the medium term service & financial planning period; the total cost and phasing of each approved scheme shall be identified along with the proposed source(s) of funding. The overall Service & Financial Planning Strategy will reflect the revenue implications of the capital programme.
- 9.5. The CFO shall determine the method of funding for each capital scheme within the context of the various capital resources available.
- 9.6. All proposed investments should be subject to a financial appraisal which takes into account the full costs of using the capital resources.
- 9.7. The CFO shall ensure that an effective monitoring system is in place during the year to control capital expenditure and funding. Delivery

Managers are responsible for the delivery of capital projects. Directors are responsible for notifying the CFO if it seems likely that there will be a significant variation in spending on a scheme and any changes to budgeted capital receipts.

- 9.8. Virements, can be approved by those designated below, subject to the limits shown, if there is no significant impact on the delivery of individual elements of the capital programme and/or on the overall capital strategy.

9.8.1. Up to £50,000 – CFO in consultation with the relevant Director

9.8.2. Over £50,000 up to £250,000 – Leader and Cabinet approval required

9.8.3. Over £250,000 – full Council.

## **10. Supplementary Capital Estimates**

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

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

## **11. Taxation and Leasing**

### **Taxation**

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

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

## **12. Leasing**

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

**CONTACT: Corporate & Capital Finance Manager**

## **13. Authorised Levels and Controlled Stationery**

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

<b>What</b>	<b>Who</b>	<b>Limits</b>
Authorising Orders and invoices	Requisitioners	Up to £100
	Budget Holders (Team Leaders/Group Managers/Specialists)	£100 - £19,999
	SDMs	£20,000 - £49,999
	SDM plus Director	£50,000 - £99,999
	Director plus Executive Director/Chief Executive or another specified	Over £100,000

Authorising use of the imprest account	Chief Finance Officer	All
Travel and subsistence claims Timesheets and overtime claims	Team Leader/Group Managers and below	SDM
	SDM	Director
	Director	Exec Director
	Executive Director	Chief Executive
	Chief Executive	Monitoring Officer, Chief Finance Officer
	Members	Monitoring Officer, Chief Finance Officer

- 13.2. All cheques and other controlled stationery, including receipt books, invoices, and Electronic Fund Transfer (EFT) forms may only be ordered by the CFO or an authorised representative who shall make proper arrangements for their safekeeping.
- 13.3. Only authorised signatories may commit the Council to expenditure, including electronically, in line with relevant procedure notes by:
- 13.3.1. authorising Orders & Supplier Invoices
  - 13.3.2. certifying expenses claims
  - 13.3.3. authorising petty cash purchase
  - 13.3.4. certifying timesheets and overtime claims
  - 13.3.5. signing and awarding contracts (see also Contract Procedure Rules)
  - 13.3.6. over certain limits more than one officer should be involved in the authorising process.
- 13.4. Directors are responsible for informing the CFO of any changes to authorised signatories and the responsibilities of officers.

## **CONTACT:**

**For authorised signatories: Finance Officers.**

**For controlled stationery: Print & Post Team.**

## **14. Internal Audit**

- 14.1. The Chief Finance Officer (CFO) under section 114 of the LGFA 1988 and the Accounts and Audit Regulations 2015 has a statutory



responsibility for the overall financial administration of the Council's affairs. Regulation 5(1) of the Accounts and Audit Regulations 2015, says that the authority "must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance". The Chief Finance Officer shall, therefore, in accordance with relevant legislation arrange for a continuous and current internal audit of all areas of Council activities.

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

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

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

or a service consistent with the definition of Internal Audit in paragraph **15.2.**

- 14.6. It is the responsibility of Audit & IG to review, evaluate and report:-
- 14.6.1. upon the soundness and adequacy of financial and other records and the processes for governance, risk management and control within the Council to provide their assurance for the Annual Governance Statement;
  - 14.6.2. the extent to which the Council's assets and interests are accounted for and safeguarded from losses of all kinds arising from:
    - 14.6.2.1. fraud and other offences
    - 14.6.2.2. waste and inefficient administration, poor value for money or other cause
    - 14.6.2.3. the suitability and reliability of financial and other management data developed within the organisation.
  - 14.6.3. the soundness and adequacy of the data quality systems operating to collect and report on performance information.
- 14.7. Save for where written instructions to the contrary are given the Monitoring Officer's authorised Audit & Information Governance representatives are authorised to:
- 14.7.1. enter at all reasonable times any Council premises or land;
  - 14.7.2. have access to all Council and partner records (includes business e-mail and internet records), documentation and correspondence relating to any financial and/or other transactions or other business of the Council, its employees or members, as considered necessary by the CFO, MO or Audit, Governance & Procurement Lead Manager;
  - 14.7.3. request access to records belonging to third parties such as contractors or partners when required;
  - 14.7.4. require and receive such explanations as are regarded necessary concerning any matter under examination from any employee, member, partner or third party; and
  - 14.7.5. require any employee or member of the Council or any partner/third party to account for cash, stores or any other Council property which is under his/her control or possession on behalf of the Council.

- 14.8. All work carried out shall have due regard for the requirements of the access to information legislation (e.g. Data Protection Act 2018, Freedom of Information Act 2000, etc.) and the Human Rights Act 1998, together with any other relevant legislation current at the time of the audit.
- 14.9. Service Delivery Managers should agree the draft report and indicate the actions they propose within one month of receipt of the draft report. Directors and Service Delivery Managers are responsible for implementing the agreed recommendations within Audit & IG reports within an appropriate timescale.
- 14.10. Failure to implement statutory, policy or financial regulation recommendations within the agreed timetables may be referred to the Chief Finance Officer and the appropriate members, following consultation with the appropriate Director.
- 14.11. Internal Audit has specific fraud related responsibilities which are set out in the corporate Anti-Fraud & Corruption Policy. It is the duty of any Officer or Member to follow the corporate Anti-Fraud and Corruption Policy. Any officer or member who suspects that an irregularity involving cash, materials or any other property of the Council may have occurred must inform the Director or report the matter directly to the Audit, Governance & Procurement Lead Manager or Section 151 Officer. Confidentiality, wherever possible, will be respected in any dealings on such matters. The Section 151 Officer shall report to the Chief Executive, the MO, the relevant Director, Executive Director and Cabinet or a specific member of the Cabinet and the Leader, if appropriate, any matter of a significant nature.
- 14.12. Any decision to refer a matter as outlined in paragraph 14.11 to the Police is to be taken by the Audit, Governance & Procurement Lead Manager after informing the Council's Section 151 Officer or their representative and the MO. Where a Member is involved the Chief Executive, MO and where appropriate, the External Auditor, will be consulted. Where Police advice is sought but it is not intended that any criminal prosecution shall take place, the Audit, IG & Insurance SDM shall ensure that the anonymity of the individual(s) concerned shall be maintained at all times.
- 14.13. Internal Audit will define and manage consultancy assignments as set out in the PSIAS.
- 14.14. The Audit, Governance & Procurement Lead Manager reports to the Audit Committee as defined in their terms of reference. This includes the following information:
- 14.14.1. the Internal Audit plan and Charter;
  - 14.14.2. quarterly reports summarising the internal audit work undertaken and any key findings; and

- 14.14.3. an Annual Report which provides Internal Audit assurance for the Annual Governance Statement.
- 14.15. The Audit, Governance & Procurement Lead Manager, MO and CFO have the authority to report, as appropriate, on any matter, without fear or favour, to all levels of the Council. This can include reporting directly to the Chief Executive, Leader or any Cabinet Executive (including the lead Member for Governance), Chairman of the Audit Committee, SMT, the Monitoring Officer or the Council's External Auditors.

**CONTACT: Audit, Governance & Procurement Lead Manager**

**15. Risk Management**

- 15.1. The Leader of the Council is the lead member for Governance for the Council, including risk management and is assisted by the Cabinet Portfolio Holder for Governance.
- 15.2. The Chief Executive is the lead officer in respect to Governance which incorporates risk management. The Chief Executive is responsible for the development, co-ordination and maintenance of the Council's Risk management processes which form part of the Service Planning process. However, it is the responsibility of all employees and members to ensure that the Council's risks are properly managed.
- 15.3. SMT will:
  - 15.3.1. regularly review the Council's strategic risks;
  - 15.3.2. report to the Cabinet on an exception basis when significant risk management issues arise; and
  - 15.3.3. keep the Cabinet Member for Finance, Governance & Customer Services updated on their reviews of strategic risks.
- 15.4. The Leader and Cabinet will:
  - 15.4.1. receive the exception reports on significant risk management issues arising during the year; and
  - 15.4.2. agree the Annual Governance Statement.
- 15.5. The Audit, Governance & Procurement Lead Manager will keep the Audit Committee informed of any issues arising from the risk management activities of the Council and exception reports presented to Cabinet. This will enable the Audit Committee to independently review the Council's risk management processes as set out in their terms of reference.

- 15.6. SMT is responsible for the management of risks within the services, projects and priorities that they lead. Directors are also responsible for ensuring that a proper risk assessment is undertaken for all new activities, projects, changes to services or partnership arrangements and that where required controls are implemented or revised to manage these new/revised risks.
- 15.7. Each Director submitting a report to the Leader and Cabinet, the Council or one of the Council's committees must ensure that any opportunities or risks arising from the proposed action or decision are clearly included in the impact assessment contained in the report.

## **16. Information Security**

- 16.1. The MO is the Council's designated Senior Information Risk Owner (SIRO) and is responsible for ensuring that there is a proper information governance framework in place.
- 16.2. The SIRO is responsible for approving all Information Sharing agreements.
- 16.3. SMT is responsible for ensuring compliance with the Council's Information Governance framework.
- 16.4. Directors are the owners of the information within their service areas and this information encompasses information stored on computers, transmitted across networks including the internet, printed out or written down or spoken in conversation.
- 16.5. SMT must ensure compliance with the Corporate Information Security Policy to ensure:
  - 16.5.1. confidentiality of information
  - 16.5.2. integrity of information
  - 16.5.3. availability of information
  - 16.5.4. proper retention of information
  - 16.5.5. all software installed is appropriate for business use and is properly licensed.
- 16.6. Directors must ensure appropriate Data Protection Registrations are in place for their service areas. This includes compliance with the regulation of information relating to individuals including obtaining, holding, using and the disclosure of individual's information.

**CONTACT: Audit, Governance & Procurement Lead Manager**

## **17. Public Accountability – Responsibilities**

- 17.1. Members and officers have a Code of Conduct and rules on Gifts and Hospitality which they must comply with.
- 17.2. Members and officers must not:
  - 17.2.1. accept any bribe or personal inducement in connection with council business;
  - 17.2.2. use Council property, assets, materials or information for other than the purposes of Council business; or
  - 17.2.3. subordinate their duty to the Council to their private interest or put themselves in a position where their duty and private interests conflict.
- 17.3. All members and officers must adhere to the Council's Anti-Fraud and Corruption Policy and report any suspected irregularities to the CFO.
- 17.4. SMT – the Chief Executive, Executive Directors and Directors are responsible for leading and demonstrating good governance and ensuring that the Council's Governance Statement is a true reflection of the Council's governance arrangements.

## **18. Purchasing Arrangements**

### **General**

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

### **Financial Thresholds & Limits**

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

### **Works/Goods/Services**

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

- 18.3. Every officer and member of the Council has a responsibility to declare any links or personal interests which they may have with purchasers or suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council. Officers should complete a Declarations of Interest Form and submit this to the Director or relevant Executive Director as soon as they become aware of such an interest. Members are responsible for amending their own entries in the

Register of Interests held by Member Services as soon as they become aware of such an interest.

- 18.4. Official Orders are to be issued only by officers authorised by Directors. Authorised officers are responsible for authorising orders within their control and in particular for ensuring that the expenditure is necessary, legal and within the approved estimates or covered by a special financial provision.
- 18.5. The CFO should be notified of all officers authorised by Directors to authorise official orders.
- 18.6. Official orders shall be issued for all work, goods or services to be supplied to the Council; this must be in the form of an electronic order generated by the approved Corporate Procurement System, unless the Government Procurement card is used (see section 19 below). Authorising officers must be able to demonstrate that the work, goods or services are required in order to provide Council Services. Orders should not be raised for supplies of utilities, periodic payments such as rent or rates, or for purchases made through imprest accounts. When ordering from an individual their status must be confirmed using the HMRC Employment Status Indicator and recorded on the financial system.
- 18.7. Telephone orders may be used in exceptional circumstances but when this happens they must be confirmed using an electronic emergency order.
- 18.8. All orders must be governed by the Authority's standard terms and conditions; these must not be varied without the prior approval of the Director: Policy & Governance.
- 18.9. Official orders must not be raised for any personal or private purchases, nor should personal or private use be made of Council contracts.
- 18.10. Directors and Service Delivery Managers shall separate the responsibilities for raising requisitions, authorisation of requisitions and receipt of goods, so that 2 different officers are involved.
- 18.11. Goods and services should be checked on receipt to ensure they are in accordance with the order and a Goods Receipt Note raised on the Financial Management System. Discrepancies should be dealt with in accordance with agreed procedures.
- 18.12. All payments, apart from the authorised use of imprest accounts (see Financial Regulation 21); due from Service Delivery Units and chargeable against their budgets shall be made in such manner as outlined by the CFO. Apart from payments from cheque imprest accounts, the normal method of payment of money due from the Council shall be by BACS or other instrument drawn on the Council's

bank account by the CFO. The use of direct debit and credit shall require the prior agreement of the CFO.

- 18.13. All invoices will be received by the Purchase Ledger team unless otherwise agreed. Once received the invoices will be scanned into the system and matched to the order and goods received note, where they exist. Mismatches will be resolved as per the agreed procedures.
- 18.14. Payments to construction contractors on account of contracts shall be made only on a certificate issued by a relevant member of SMT or other officer or external consultant nominated in writing for this purpose. This certificate shall show the total amount of the contract, the value of the work executed to date, retention money, amount paid to date and the amount now certified.
- 18.15. Any interest charged to the Council in respect of late payment under the Late Payment of Commercial Debts (Interest) Act 1998 will be passed on to the Delivery Unit that ordered the goods/services.
- 18.16. The Audit, Governance & Procurement Lead Manager and Revenues, Payments & Payroll Service Delivery Manager shall examine accounts to the extent considered necessary and shall be entitled to make such enquiries and to receive such explanations as may be required.
- 18.17. Detailed guidance on Requisitions, authorisation, orders, good received notes and payments can be found within specific procedure notes on the Intranet.

**CONTACT: Audit, Governance & Procurement Lead Manager Revenues, Payments & Payroll Service Delivery Manager**

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

- 19.1. Usage is restricted to the following:
  - 19.1.1. Corporate Credit Cards: The Leader and Directors may have corporate credit cards. The CFO also has a card which can be used by other Council officers following strict guidance and authorisation procedures.
  - 19.1.2. Government Procurement-Cards – as part of the process operated by the Procurement Team.
- 19.2. Corporate Credit Cards: there are strict guidelines and procedures associated with the use of corporate credit cards which clearly state card holder responsibilities and allowed expenditure. The cardholder is responsible to account for all expenditure that is incurred on their card. Expenditure must be for business purposes only and VAT receipts must be provided for each transaction. There are set limits for expenditure against the Corporate Credit Card Account which must not be exceeded. The CFO will approve any additional cardholders.



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

#### **CONTACT:**

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

#### **20. Income and debtors**

- 20.1. Directors and SDMs must ensure that all income due to the Council is identified, collected, receipted (and recorded and securely retained prior to banking) and properly banked. They should, wherever possible seek pre-payment for goods and services; otherwise income collection should be by the most cost-effective procedures.
- 20.2. Directors and SDM's are responsible for ensuring that there are proper refund procedures and that appropriate approval is recorded.
- 20.3. Directors and SDMs must monitor outstanding debt on a regular basis and, as far as possible, ensure transparent separation between those responsible for the identification of debt and those responsible for its collection.
- 20.4. The following are authorised to approve write off of debt up to the limits identified below:-

<b>What</b>	<b>Who</b>
Value up to the level of Revenues Court costs	Revenues & Benefits Team Leader
Revenues Court Costs to £1500	Revenues Group Manager
£1,500 to £9,999.99	Revenues SDM
£10,000 to £24,999.99	Director; Finance, People & IDT

What	Who
Where the debtor has been declared insolvent or bankrupt and all monies due in dividend has been received or, if the debtor is a company where it has ceased trading or is insolvent	Director; Finance, People & IDT
A debt of more than £25,000 which is not subject to insolvency or bankruptcy proceedings	Leader/Cabinet or within the reasonable opinion of both the Monitoring Officer and the S151 Officer the debt is unrecoverable or is not commercially viable to pursue.

- 20.4.1. Money held on behalf of the Council shall not be used to cash cheques for members, employees or third parties.
- 20.4.2. Directors will review charges made for services provided within their service delivery areas at least annually.
- 20.4.3. The Council will refund any monies due following appropriate checks to determine the refund is due. Authorisation levels will be as follows:

Up to £19,999	Revenues Team Leader / Revenues Group Manager
Up to £49,999	SDM
Up to £99,999	SDM plus Director
Above £100,000	Director plus Executive Director/Chief Executive

## CONTACT: CFO

### 21. Banking Arrangements

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

- 21.4. Standing order and direct debit payments may only be established by the CFO or such other identified senior officers as he/she may from time to time designate in writing.

**CONTACT: Corporate & Capital Finance Manager**

**22. Payments to Employees**

- 22.1. The Council's Pay Policy Statement must be adhered to in respect to all payments to employees.
- 22.2. Directors must ensure that the CFO is notified of all matters affecting the payment of employees and members as soon as possible after there has been a change made that will affect any employee/member.
- 22.3. Any pay records shall be in a form agreed by the CFO.
- 22.4. No payment will be made to a person deemed to be an employee other than through the normal payroll procedure. Directors and SDM's should confirm before engagement the employment status of self-employed consultants or "contractors" and clarify their payment mechanism with the CFO. Office Holders should also be engaged through payroll as they are subject to PAYE.
- 22.5. All claims (travel, subsistence, overtime, additional hours etc.) should be submitted within 3 months.
- 22.6. There are special rules on foreign travel available separately.

**CONTACT: Revenues, Payments & Payroll Service Delivery Manager or Human Resources & Organisational Development Manager**

**23. Imprests**

- 23.1. The CFO in consultation with appropriate Directors may make imprest advances to officers for the purposes of paying minor items of expenditure and any other items as may be approved by him/her.
- 23.2. The CFO reserves the right to withdraw imprest facilities from officers if it is deemed that they are being used inappropriately, the expenditure limit is exceeded, or the facility is rarely used.
- 23.3. The accounts should be maintained on an imprest basis using standard Council imprest stationery and recording procedures for this purpose. All officers should maintain a record of their receipts and payments in a form and manner prescribed by the CFO.

- 23.4. No income received on behalf of the Council may be paid into an imprest account but must be banked or paid into the Council as in section 16.12 of these regulations.
- 23.5. The imprest account should be continually kept in balance and records submitted as required by the CFO at regular intervals for examination and the reimbursement of expenditure.
- 23.6. The officer responsible for an imprest account shall, if requested, give the CFO a certificate confirming the amount held. Upon leaving the Council or at the request of the CFO the responsible officer shall repay to the Council the balance of the imprest held.
- 23.7. Cheque imprest accounts should not be allowed to go overdrawn. The Delivery Unit concerned will be responsible for all bank charges, interest payments and administration charges if this occurs as a result of failure to submit reimbursement claims or if they are submitted too late in order that timely processing can take place.
- 23.8. Imprest should not be used to pay or reimburse employees, or to purchase items from which they will benefit.
- 23.9. Detailed guidance on Imprest and Petty Cash Accounts is incorporated within specific procedure notes which are included on the Intranet.

**CONTACT: Corporate & Capital Finance Manager**

## **24. Insurance**

- 24.1. The MO will be responsible for the Council's insurance. Only the officer identified by the MO may obtain insurance cover on behalf of the Council.
- 24.2. Directors are responsible for ensuring that all new activities or assets that may introduce an insurable risk to the Council are notified to the Insurance Manager.
- 24.3. Directors must assess the risks associated with their services and notify the Audit, Governance & Procurement Lead Manager of any changes to risk exposure.
- 24.4. As soon as officers are aware of any loss, liability or damage-causing event that may give rise to a claim of any kind against the Council they must notify the Audit, Governance & Procurement Lead Manager who will take the appropriate action to safeguard the Council's position.
- 24.5. Appropriate officers will co-operate at all times with the investigations of the Audit, Governance & Procurement Lead Manager into any claims and will supply all information upon request. It is imperative that officers comply with the timescales for investigating claims. Failure could directly affect the authority's ability to defend a claim or could

result in financial penalties being imposed on the authority/Delivery Unit.

- 24.6. The appropriate officer will make an annual declaration of any claims or events likely to give rise to a claim not yet reported to the Chief Executive.
- 24.7. It is the responsibility of the Delivery Manager to ensure that all third parties using the Council's buildings are appropriately insured and that Contractors employed by the Council hold appropriate and valid insurance.
- 24.8. The Chief Executive will ensure that the CFO is regularly briefed on actual or pending insurance claims and in any event will notify the CFO of actual or pending claims when the potential liability is £50,000 or more.

### **CONTACT: Audit, Governance & Procurement Lead Manager**

## **25. Security and Control of Assets (Stocks and Stores)**

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

## **26. Inventories**

- 26.1. Inventories shall be maintained by all Delivery Units of all Council assets, including ICT (see 24.2). The CFO shall define the extent to which the assets of the Council shall be recorded and the form in which inventories shall be kept.

- 26.2. A corporate inventory for all ICT assets shall be maintained by the Director: Finance, People & IDT and as such all items will be clearly identified and labelled. Delivery Managers should not arrange relocation or disposal without appropriate notification to the Director: Finance, People & IDT.
- 26.3. All leased equipment should be clearly identified and labelled. The labelling should indicate that the item should not be sold (as it does not belong to the authority).
- 26.4. The Council's assets shall not be removed from Council premises except in accordance with the ordinary course of the Council's business unless specifically approved by the Director. Council property shall only be used for the Council's purposes unless specific instructions are issued by the appropriate Director. The Director shall be responsible for ensuring that any such agreements are recorded. Attractive and portable items such as computers, cameras, TVs, video recorders and playback/recording equipment should be identified with security markings as belonging to the Council.
- 26.5. All disposals will be in line with agreed Council procedures. In addition, special procedures are in place to deal with the disposal of leased equipment – any queries should be referred to the appropriate Finance Manager.
- 26.6. Service Delivery Managers are responsible for carrying out an inventory check at least once a year and ensuring that all items are accounted for. All discrepancies must be reported to their Finance Manager.
- 26.7. Detailed guidance on Inventories and Disposal of Assets is incorporated within specific procedure notes which are included on the Intranet.

## **27. Land and Buildings**

- 27.1. The Director: Prosperity & Investment shall be responsible for the Asset Management Plan and maintain or make arrangements for the maintenance of a terrier of all properties owned or rented by the Council.
- 27.2. The terrier should record:
  - 27.2.1. the date of acquisition or appropriation;
  - 27.2.2. Council authority;
  - 27.2.3. the holding Board;
  - 27.2.4. purpose for which held;

- 27.2.5. location, extent and plan reference;
- 27.2.6. purchasing details;
- 27.2.7. particulars of nature of interest and rent payable; and
- 27.2.8. particulars of tenancies granted.

## **CONTACTS**

**Stocks and Stores, Appropriate Finance Manager**  
**Inventories, Audit, Governance & Procurement Lead Manager**  
**Land and Buildings, Director: Prosperity & Investment**

### **28. Treasury Management**

- 28.1. The CFO shall arrange all borrowing of monies, and make all arrangements concerning the investment or utilisation of capital monies or other funds.
- 28.2. In exercising the function, the CFO should comply with the contents of CIPFA's 'Treasury Management in the Public Services'.
- 28.3. The Council shall adopt a Treasury Policy Statement and an annual Treasury Management Strategy. The responsibility for their implementation and monitoring will be delegated to the Executive.
- 28.4. The CFO shall report (at least half yearly) to the Audit Committee on the activities of the Treasury Management function and on the use of delegated Treasury Management powers.
- 28.5. The Audit Committee through their terms of reference (rather than the Budget & Finance Scrutiny Committee) will scrutinise the Councils Treasury management arrangements as set out in best practice guidance. The CFO will provide appropriate information to enable them to fulfil this role.

**CONTACT: Corporate & Capital Finance Manager**

### **29. Unofficial and Voluntary Funds**

- 29.1. An unofficial or voluntary fund is defined as any fund, other than an official fund for the Council, which is controlled wholly or in part by an officer by reason of his or her employment by the Council.
- 29.2. Staff should seek approval from the appropriate Director before establishing an unofficial fund.
- 29.3. The Director shall maintain a register of all such funds. The register will include the following details for each fund:

- 29.3.1. the name of the 'Responsible Officer', as defined in the procedure notes on Voluntary and Unofficial Funds, responsible for the day to day running of the fund;
  - 29.3.2. the accounting period (which should generally be 1st April to 31st March);
  - 29.3.3. bank account details; and
  - 29.3.4. cheque signatories.
- 29.4. Directors shall ensure that all such funds are audited by suitably qualified auditors and are submitted within 6 months of the end of the accounting period to the Council and any other parties (i.e. clients, sponsors, charitable bodies) with an interest in the fund.
- 29.5. The CFO reserves the right to inspect all documentation relating to unofficial funds and seeks such explanations that are necessary to ensure they are being appropriately managed.

**CONTACT: Corporate & Capital Finance Manager**



## **Schedule 12 - The Contract Procedure Rules**

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

### **1. Purpose**

- 1.1. The aims of the Contract Procedure Rules ("the Rules") are to:
  - 1.1.1. deliver value for money
  - 1.1.2. maximise public benefit
  - 1.1.3. ensure compliance with all legal requirements
  - 1.1.4. ensuring the sharing of information, non-discrimination, having regard to Small to Medium Enterprises (SME) and fair competition
  - 1.1.5. support the Council's corporate aims, values, priorities and good governance
  - 1.1.6. protect officers
  - 1.1.7. demonstrate probity, consistency, accountability and integrity
  - 1.1.8. assist in time management and planning for procurement
  - 1.1.9. comply with the Procurement Act 2023 ("PA2023"), the Procurement Regulations 2024, the Health Care Services (Provider Selection Regime) Regulations 2023 and all other legal requirements and guidance
- 1.2. The Rules are supported by internal Guidance documents. Officers should have due regard to this Guidance when planning and carrying out any activity as detailed below.

### **2. Scope**

- 2.1. The Rules apply to all contracts with outside organisations, or people, including agreements with or on behalf of other public sector organisations & partner agencies, where there is an agreement to supply goods, works or services, in return for money or payments in kind, whether that agreement is formal or informal. This includes:
  - 2.1.1. purchasing of all goods, services or works;
  - 2.1.2. loan or leasing arrangements (see Leasing Arrangements below)instruction of outside experts or consultants under contracts for services;
  - 2.1.3. tenders for sub-contracts;
  - 2.1.4. grants and external funding arrangements (see Grant Agreements below); and
  - 2.1.5. sale of services, goods and assets

- 2.2. These Contract Procedure Rules do not apply to the following contracts:-
- 2.2.1. employment contracts which make an individual a direct employee of the Council;
  - 2.2.2. disposal of assets;
  - 2.2.3. for contracts where suppliers will provide Free of Cost (FOC) goods, services or works to the Council (subject to obtaining legal or procurement advice);
  - 2.2.4. for purchases involving second hand goods instead of new;
  - 2.2.5. contracts for the acquisition, disposal or transfer of land (note that there are other statutory requirements which apply to these contracts and advice should be sought from Legal Services).

### **3. Legal and Statutory Requirements**

- 3.1. The Council is obliged by virtue of section 135 of the Local Government Act 1972 to make contract procedure rules to ensure competition and regulate the procurement process.
- 3.2. Every contract whether made by, or on behalf of, the Council must comply with the relevant statutory requirements. Any contract that the Council enters into must be reviewed by Legal Services prior to tender (if the contract documents are being issued as part of the competition) or signature.
- 3.3. Contracts must also comply with the Council's Financial Regulations and protect the Councils' interests fully.
- 3.4. The risks of non-compliance are significant and include awards of damages, a fine for the authority and contracts being terminated. A breach of these Rules could also constitute a disciplinary matter.
- 3.5. Where there is a conflict between the Rules and any statutory requirements then the statutory requirements will apply.

### **4. Value of Contracts**

- 4.1. In estimating the value of a Contract, officers must consider all the facts which are material to the estimate and available to the Council at the time it makes the estimate. For example, including all available extensions which may be utilised
- 4.2. Frameworks and Dynamic Markets – officers must estimate the value of a framework (whether open or closed) or dynamic market as the sum of the estimated values of all the contracts that may be awarded in accordance with that Framework or Dynamic Market including making reasonable assumptions as to likely value where they are available for use by other Contracting Authorities.

- 4.3. Where a Contract estimate is not possible (for example due to an unknown contract duration) the Council is to treat the Contract as exceeding the threshold for that type of Contract.

## 5. Conflict of Interest Assessments and Declarations

- 5.1. Every officer and member of the Council has a responsibility to declare any links or personal interests which they may have with purchasers or suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council.
- 5.2. A Conflicts Assessment must be prepared in accordance with s83 PA 2023. Officers must work with the Procurement Team to prepare this Conflicts Assessment prior to a tender; transparency notice or dynamic market notice being issued.
- 5.3. A Conflicts Assessment must also include the details of any steps taken or will take if circumstances arise in which a reasonable person could wrongly believe there to be a conflict or a potential conflict.
- 5.4. Members are responsible for amending their own entries in the Register of Interests held by the Democracy Team as soon as they become aware of such an interest.
- 5.5. Officers acting in relation to a Procurement must take all reasonable steps to identify and continuously review any conflicts of interest or potential conflicts of interest. Officers must work with the Procurement Team to mitigate any conflicts of interest (or potential conflicts of interest) in accordance with the PA 2023 and the Provider Selection Regime.

Designation	Responsibilities
Executive Directors and Directors	<p>Ensure that their teams comply with these Rules.</p> <p>Ensure that key strategic procurement projects are properly resourced and have legal, financial, procurement and, where necessary, HR input at the outset.</p> <p>Ensure that schemes of delegation are established as required.</p> <p>Take immediate remedial action in the event of a breach of the CPRs or any Code of Practice within their directorate or Service Area</p>
Service Delivery Managers or equivalent	<p>Ensure that their staff comply with these Rules</p> <p>Ensure that only officers with sufficient training, experience and knowledge of these Rules carry out procurement.</p> <p>Ensure that resources are available to allow compliance with these Rules.</p>

Designation	Responsibilities
	Ensure contracts are signed at the appropriate level in accordance with the <a href="#">Finance Regulations</a> and these Rules
Officers	<p>Comply with these Rules, <a href="#">Financial Regulations</a>, and the <a href="#">Code of Conduct</a> for employees and with all legislation. Ensure they and any team members they are responsible for are suitably trained before they procure and contract manage.</p> <p>Ensure that any agents, consultants and contractual partners acting on their behalf also comply with the Rules, where applicable.</p> <p>Maintain the Material Decision Report (s98) of all decisions made and authorities given in procurements to show how the Rules have been complied with in a fair and transparent process.</p> <p>Involve Procurement and Legal Services at the earliest opportunity and at all necessary stages of the procurement.</p> <p>Store all documents in electronic form, including any correspondence in a restricted shared drive or SharePoint site.</p>
Third Parties	<p>Must comply with the Rules where applicable and appropriate and Officers instructing third parties to procure contracts on the Council's behalf must supply them with a copy.</p> <p>Officers and third parties must ensure that any Conflict of Interest is considered and avoided in the first instance or declared to the appropriate Director using the Conflicts of Interest Assessment &amp; Conflicts of Interest Declaration Form. Legal advice must be obtained by Officers where any conflict has the potential to impact on a contractual relationship.</p>

## 6. General Requirements

### 6.1. The Public Services (Social Value) Act 2012

- 6.1.1. The Act requires public bodies in England and Wales to consider:
- (a) how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area, and

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

- 6.1.2. Officers should be mindful that there may be a legal requirement for other impact assessments to be undertaken. In this respect, Corporate Procurement should be consulted who will advise based on the procurement that you are undertaking.

**The Act must be considered at the pre–procurement stage for all contracts for services. For further information please refer to the [Social Value Guidance](#)**

## **7. Key Decisions**

- 7.1. If you are carrying out procurement which is likely to result in expenditure and/or savings of £500,000 or more this will constitute a [Key Decision](#) and the appropriate process must be followed. You should refer to Valuing Contracts above.
- 7.2. Where the procurement is a Key Decision, the Officer must obtain evidence of the Key Decision process being followed and store this for completeness with the tender and contract documentation. This must also be provided to Legal Services to enable the seal to be affixed.

## **8. Contract Classification and Forms of Contract**

- 8.1. Officers should consider which Procurement regime they need to follow. Any Contract/Procurement Activity which commence before 24 February 2025 will continue to be governed by the Public Contract Regulations 2015, this includes any modifications/variations which may be required.
- 8.2. Officers should seek advice and guidance on which regime should be followed from the Procurement Team and Legal Services.
- 8.3. Officers should consider which type of contract they are procuring:-
  - 8.3.1. a contract for goods;
  - 8.3.2. a contract for services;
  - 8.3.3. a contract for works.
- 8.4. If the procurement is for a “mixed” contract (for example works and services) then the predominant purpose will prevail and the appropriate thresholds will be applied for that type of contract.
- 8.5. The Council’s Terms and Conditions must be used for all tenders and contracts and the Council must avoid entering into contracts under provider’s/contractor’s terms and conditions (unless the contract is procured via a Framework or a Dynamic Market).

- 8.6. On occasion, there may be a requirement for a specialised service which brings with it a need for non-standard Terms and Conditions. In this case the Terms and Conditions must always be discussed with Procurement Team in advance and approved prior to any tender issue and contract award.
- 8.7. Officers must consider the total value of the contract at the outset (see [guidance to contract procedure rules](#)) and follow the prescribed route below using the [Procurement flow chart](#) for guidance.

Total Value	Action
Under £10,000	To ensure best value for the Council, procurement can be conducted through informal quotes, frameworks, marketplaces, G-Cloud, or any other approved route to market.
Between £10,001 and <a href="#">Relevant Procurement Threshold</a>	Below-threshold awards can be made via Request for Quotes, frameworks, marketplaces, G-Cloud, or any other approved route to market, using the eSourcing portal where applicable
Over procurement threshold	Covered procurements can be made via a formal procurement procedure, frameworks, marketplaces, G-Cloud, or any other approved route to market, using the eSourcing portal where applicable

- 8.8. For all works procurement, the following will apply:

Total Value	Action
Under £10,000	Direct contract or single quotation with supplier. If the opportunity is a Disabled Facilities Grant this must be advertised via the biT Team's DPS
Between £10,001 and £800,000	Use the biT team's Minor Works DPS if available. If not available or not appropriate then follow the requirements for the appropriate value in the non-works procurement above
Over £800,000	Use the biT team's Major Works DPS if available. If not available or not appropriate via a formal procurement procedure, frameworks, marketplaces, or any other approved route to market, using the eSourcing portal where applicable

## **9. Key Performance Indicators**

- 9.1. Any contract with an estimated value of more than £5,000,000 (subject to s52 PA 2023) must have at least three key performance indicators (KPI's). It will be the responsibility of Officers to determine these KPI's. These three KPI's must be reported via a contract performance notice at least every 12 months.
- 9.2. It will be the responsibility of the Officer or their service area to monitor/measure against the KPI's annually and upon termination of the contract. Performance records must be maintained through Contract Management by the Officer.

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

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

## **11. Established Frameworks and \*Dynamic Purchasing Systems ("DPS's") under PCR 2015 (\*valid until the 24<sup>th</sup> February 2029)**

- 11.1. Officers must ensure that they follow the rules in the framework or DPS which set out how individual contracts can be awarded. If permissible this may be a direct award but more often this will involve a further procurement activity, referred to as a mini or further competition. Officers must ensure the evaluation criteria and percentage ranges prescribed are used for any call off either through direct award or mini or further competition.
- 11.2. Under PA2023, the Council may use established Open Frameworks, Frameworks, and Dynamic Markets set up by purchasing organisations, where permitted. Officers may also establish such frameworks for use by other public bodies across the UK. The procedure for call-offs must be stated in the procurement documents.

## **12. Appointing Experts and Consultants**

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

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

### **13. eProcurement**

- 13.1. The Council's eSourcing Portal must be used for all procurement activity over £10,000 unless otherwise agreed with Corporate Procurement. This will ensure a robust audit trail and is a cost saving to both the Council and potential suppliers. Full details on how this can be used are available via the Procurement intranet page.
- 13.2. Prior approval must be obtained from the Director: Policy & Governance if you wish to procure without using the Council's eSourcing Portal.

### **14. Supporting the Economy and Advertising**

- 14.1. For procurements exceeding £2 million, officers must publish a pipeline notice at least 18 months before the tender notice is issued. For new, non-continuous contracts, a pipeline notice should be published as soon as the Council becomes aware of the requirement, allowing suppliers adequate time to prepare.
- 14.2. For procurement requirements over £10,000 that are not sourced through an established framework, G-cloud, marketplace or other valid source to market officers must ensure the appropriate notice is published via the Council's eSourcing Portal. Officers may also choose to advertise requirements below £10,000 if it is deemed beneficial to the Borough and the Council.
- 14.3. All requirements over £10,000 must be advertised, unless the procurement is conducted through an established and valid framework. This could be facilitated via the Council website for purchases below £10,000 or on Find a Tender Service.
- 14.4. For award notices and contract management, officers must ensure the appropriate notices and contract details are published. Please consult the Procurement Team for guidance.

### **15. IDT Facilities & Services**

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



- 15.2. The requirement must initially be logged with the IDT Service Desk by the Service Area that requires it. The IDT Service Desk will then take appropriate action to make the purchase or provide stakeholder input to an IDT Project Mandate, the specification and project plan.
- 15.3. IDT will also support negotiations regarding annual maintenance charges and system upgrades.

## **16. Leasing Arrangements**

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

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

- 17.1. Where a contract is to be re-procured and TUPE may apply, the contract manager must write to the existing supplier and request TUPE information to be supplied via a TUPE template well in advance of the tendering exercise commencing. Advice from HR should be sought where appropriate.
- 17.2. Officers must ensure that sufficient time is built into the procurement so that the costs and implications can be shared with potential bidders through standard TUPE provision within the tender documents.
- 17.3. The contract terms and conditions for any new service contract must contain an up-to-date TUPE clause to ensure that future TUPE details are shared well before any subsequent retendering.

## **18. Grants**

- 18.1. Officers shall confirm with their Finance Manager that the monies that they wish to issue to a third party can be done so in the form of a grant. If the monies to be issued have been received into the Council as a grant initially the terms of the grant should be referenced in the legal agreement to the final recipient.
- 18.2. Officers must adhere to the approvals limits as detailed in section 8.1 of the [Financial Regulations](#) and use the [Grant Conditions](#) document when issuing a grant.
- 18.3. The Officer is responsible for recording the grant on the contracts register held on the OneCouncil Procurement page.

**19. Memorandum of Understanding (MOU) and Service Level Agreements (SLA)**

- 19.1. SLAs and MOUs can only be used following agreement with Legal services.
- 19.2. All Directors have authority to sign a MOU or a SLA provided that legal approval has been given.

**20. Parent Company Guarantee and Bonds**

- 20.1. A performance bond or adequate security will be required where:
  - 20.1.1. the nature and length of the contract is such that the risk of failure is sufficiently high; or
  - 20.1.2. the estimated cost of re-establishing a service if the contract fails is
  - 20.1.3. relatively high; or
  - 20.1.4. the financial and technical standing of the contractor is such that the risk of the failure is sufficiently high.
- 20.2. The amount of the bond will be 10% of the total contract value unless otherwise agreed by the Director of Finance, People & IDT.

**21. Keeping Records and Updating Contracts Register**

- 21.1. Each Service Area must keep proper electronic records of:
  - 21.1.1. the different stages of the tendering process including all the quotes and letters received, and notes of phone calls and meetings about selecting suppliers in addition to all information already held on the eSourcing Portal
  - 21.1.2. the awarding of the contract.
  - 21.1.3. any information provided to tenderers or contractors.
  - 21.1.4. any decisions made, together with the reasons for those decisions.
  - 21.1.5. any exemptions granted to the number of quotes/tenders sought.
- 21.2. Officers must keep all procurement documents for specific periods of time as laid down in the [Council's Corporate Retention and Disposal Scheme \(CRDS\)](#).

- 21.2.1. all signed contracts over £10,000 must be sent electronically to the Procurement Team; and
- 21.2.2. original Sealed contracts must be stored in Legal Service's deeds room.
- 21.3. Officers must complete all information required on the Council's [Contracts Register](#) following award of the contract and remove from the pipeline notice

## 22. **Signing Contracts**

- 22.1. All contracts must be signed by an authorised officer as set out below:

Contract Value	Executed By
Up to £19,999	Team Leader or equivalent One signature is required
Up to £49,999	One signature required Service Delivery Manager or equivalent.
£50,000 to £499,999	One signature required Executive Director or Director or any officer authorised by one of them.
£500,000 and above	Contracts above this value will constitute a <b>KEY DECISION</b> and the key decision process must be followed as detailed at paragraph 7 above.  Contracts <b>CAN ONLY</b> be sealed by the Director: Policy & Governance or their authorised representative and must not be signed. Satisfactory authority to seal the contract must be provided in writing to Legal Services from the relevant service area together with evidence of the Key Decision process having been followed.

## 23. **Contract management**

- 23.1. Once awarded, all contracts over £10,000 must be recorded on the Council's [Contract Register](#). This document provides the data source for the Council's externally published Contracts Register.
- 23.2. The Contract Monitoring Document must be updated after each contract monitoring meeting and any savings resulting from the meetings reported through to the Procurement team for recording.

- 23.3. Under PA2023, Officers are required to manage contracts, track and report KPIs, ensure compliance with transparency obligations, and review the Debarment list for supplier's exclusions.

## **24. Contract Variations or Amendments**

- 24.1. Officers can enter into extensions, variations or a series of modifications provided for, in below and above threshold only in the event that:
- 24.1.1. there is provision within the contract to extend (and this has not already been utilised to its full extent); and
  - 24.1.2. the provision is within scope and does not constitute a material change; and
  - 24.1.3. the budget has been confirmed in writing; and
  - 24.1.4. if a below threshold contract is modified, either once or through a series of changes and the total value now exceeds the threshold, the contract will then be subject to above-threshold requirements; and
  - 24.1.5. the variation is in accordance with any statutory requirements.
- 24.2. Where a variation is not permitted under the contract and is above the relevant threshold the Council may utilise s74 PA 2023 and Permitted Contract Modifications in Schedule 8 of PA 2023 subject to compliance with the Act. This is subject to the original award following these CPRs, if the original contract was not compliant with these CPRs then the variation will not be considered. Procurement Team will arrange for a Contract Change Notice to be issued pursuant to PA 2023.
- 24.3. Where contracts have already expired, these contracts cannot be varied or extended.
- 24.4. Standard contract variation documentation is to be used to enact the changes of the extension or variation. If the contract to be varied was sealed then a deed of variation is required.
- 24.5. If a variation is signed an electronic copy of the variation should be sent to the Procurement team. If a variation is sealed the officer must send the original to legal services for storage in the Deed Room.
- 24.6. Legal advice must be sought if proposed changes may amount to a significant or material change.

## **25. Contract novation or assignment**

- 25.1. Novation involves an agreement to change a contract by substituting the original Supplier with another.
- 25.2. Any novation or assignment of a Contract above the Threshold must comply with Schedule 8 of the PA2023. Officers must ensure that Legal Services and the Procurement Team are consulted prior to agreement. A Change Notice under S75 PA 2023 must be approved by the Procurement Team and a novation or assignment agreement approved by Legal Services.
- 25.3. Officers must ensure that due diligence on the new supplier is undertaken including reviewing relevant data on the central digital platform, and credit checks and appropriate due diligence confirmed.

## **26. Debarment**

- 26.1. Under PA2023 (s.57-58) the Council must follow the debarment procedures for excluded and excludable suppliers. After a successful bid, suppliers are checked against the Debarment List. If a supplier is listed as excluded, they must be qualified and the evaluation restarted. If a supplier is excludable, the Council may use discretion on a case by case basis.
- 26.2. If a supplier on an existing contract is later added to the Debarment List, the Council may choose to terminate the contract. In such cases, emergency goods or services may be procured through direct award under urgency provisions while a new procurement is arranged.

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

- 27.1. Contracts that may be exempt from the statutory requirements and these Rules are:
  - 27.1.1. contracts relating solely to the acquisition or disposal of an interest in land and buildings;
  - 27.1.2. call-offs under framework agreements, dynamic purchasing systems and dynamic markets providing compliant with statutory requirements;
  - 27.1.3. transactions conducted by the Director of Finance, People & IDT in respect of dealing in the money market;
  - 27.1.4. in the cases of Social Care contracts for an individual, when there is immediate risk to an Individual's health or wellbeing;
  - 27.1.5. in the case of Social Care contracts where a change to a provider is not in the interests or needs of an Individual and such change would be detrimental to the Individual's

outcomes (provided this is approved by the Group Manager – Joint Commissioning;

- 27.1.6. in the case of Social Care contracts where an out of Borough placement is required to facilitate personal choice;
  - 27.1.7. where goods, services or execution of works are obtainable only from one source or contractor and there is no reasonably satisfactory alternative from a weak market;
  - 27.1.8. in the case of circumstances beyond the Council's control requiring emergency Works, Supplies or Services when the best value for money option to remedy will apply as a temporary solution.
- 27.2. Exceptions to the Rules may only be:
- 27.2.1. by the direction of the Council or (in relation to Cabinet functions) the Cabinet. The report to Council/Cabinet must clearly state the reasons why the exception is requested and the alternative contract letting method to be used to ensure best value;
  - 27.2.2. there is a case for urgent decisions outside the budget or policy framework;
  - 27.2.3. compatibility issues such that procurement from another source would be uneconomic given the investment in previous infrastructure;
  - 27.2.4. a waiver of the rules would be in the interests of the efficient management of the service;
  - 27.2.5. where there is a legal requirement to contract with a particular supplier;
  - 27.2.6. where tendering has resulted in insufficient competition (i.e. only 1 supplier) after two attempts at open competitive tender.
- 27.3. Where an Officer seeks an exemption or exception to the rules they must complete a Waiver Request Form and this will be considered by the Monitoring Officer.
- 27.4. Any such review should include consultation with the Chief Finance Officer (or his/her nominated deputy) and reference to the section of the Rules for which an exemption is being sought. The Monitoring Officer has delegated powers to approve, refuse or refer the request to Members (for Members to determine as set out at section 27.2.1 above).

- 27.5. Other than in exceptional circumstances Waivers will not be granted where poor time management and planning have resulted in insufficient time to carry out a compliant process.
- 27.6. No waivers can be granted for requirements which contravene any statutory requirements
- 27.7. Agreed waivers will be recorded by the Audit, Governance and Procurement Lead on the Council's waiver register.
- 27.8. All exemption decisions must be kept by the originating officer along with the contract/quotation documents in accordance with the Council's Retention and Disposal Policy.

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

- 28.1. When selling Council goods or assets Officers must comply with the aims of the Rules specifically the need to achieve best value, ensure transparency, openness, non-discrimination, probity and accountability.
- 28.2. Surplus goods and materials belonging to the Council may be sold by agreement of the appropriate Service Delivery Manager or Director subject to compliance with Financial Procedure Rules.
- 28.3. Where sales are proposed the procedures set out in these Rules for the purchase of goods shall be followed, but "highest" shall be substituted for "lowest" in respect of best bids.
- 28.4. Officers can make use of the Council's eBay account to sell lower value items. More information can be obtained via the Procurement Intranet page.
- 28.5. Officers undertaking selling goods must be aware of product safety regulations and take reasonable steps to ensure equipment is fit for purpose and safe to use. If electrical equipment it must bear a current valid electrical testing sticker. If there is any suggestion the product may be unsafe it should not be sold. Advice on product safety regulations is available from the Trading Standards section.
- 28.6. No IT related equipment or materials may be sold/disposed of by Officers. The Council's disposal policy specifies that all such equipment must be returned to IDT who will arrange disposal in accordance with statutory requirements. The principle should always apply that it should never cost more to dispose of an asset than its residual worth, except where this is governed by legislation.

## **29. Provider Selection Regime (PSR)**

- 29.1. The Health Care Services (Provider Selection Regime) Regulations 2023 ("PSR") introduces a new regime for arranging health care services. The PSR applies to the arrangement of health care and public

health services irrespective of who the provider is (i.e. whether the service is provided by NHS providers, other public sector bodies, local authorities, or providers within the voluntary, community, social enterprise (VCSE) and independent sectors).

- 29.2. All procurements which are to be delivered under the Provider Selection Regime (PSR) must be completed with support and supervision from Procurement Team.
- 29.3. The PSR is a specific set of rules for certain “relevant” health services which are in scope, defined by Common Procurement Vocabulary (CPV) contained within the PA 2023. Health care services in scope of the regime must fall within one or more of the adopted CPV codes.
- 29.4. Services that are not in scope of the regime must be arranged under the PA 2023 processes, unless they fall within the definition of a mixed procurement as set out below:
  - 29.4.1. goods (e.g., medicines, medical equipment);
  - 29.4.2. social care services;
  - 29.4.3. non-care services or health-adjacent services (e.g., capital works, business consultancy, catering, hospital administrative services, hospital bedding services or public health marketing campaigns) that do not provide health care to an individual.
- 29.5. When a contract comprises a mixture of in-scope health care services and out-of-scope services (social care) or goods, the PSR may only be used to arrange those services when both of the below requirements are satisfied:
  - 29.5.1. the main subject-matter of the contract is in-scope health care services, which is determined by the component that is higher:
    - 29.5.1.1. the estimated lifetime value of the health care services; and
    - 29.5.1.2. the estimated lifetime value of the other goods or services;
  - 29.5.2. the Council is of the view that the other goods or services could not reasonably be supplied under a separate contract.