

19 May 2011

**Name of Cabinet Member:**

Cabinet Member (Policy, Leadership and Governance) – Councillor J. Mutton

**Director Approving Submission of the report:**

Director of Customer and Workforce Services and Director of Finance and Legal Services

**Ward(s) affected:**

All

**Title:**

Changes to the Constitution

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**Is this a key decision?**

*No, but it will facilitate the Decisions made by and on behalf of the Council.*

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**Executive Summary:**

Changes are made to the Constitution in order to ensure that it remains up to date. It is important that the Constitution is an effective suite of powers, protocols, articles and procedures that facilitate the Council's Corporate Vision and Objectives and other key strategic objectives. This report brings forward proposed changes in order to meet these criteria.

**List of Appendices included:**

Appendix 1: Proposed tracked changes to the Constitution

**Background papers:**

None

**Has it or will it be considered by Scrutiny?**

No

**Has it, or will it be considered by any other Council Committee, Advisory Panel or other body?**

Some elements of Appendix 1 will be referred to the Standards Committee for information.

**Report title:  
Changes to the Constitution**

**1. Context (or background)**

- 1.1 The Council is legally required to keep up to date its Constitution and make copies available for inspection by members of the public.
- 1.2 Changes are made to the Constitution in order to ensure that it remains up to date. It is important that the Constitution is an effective suite of powers, protocols, articles and procedures that facilitate the Council's Corporate Vision and Objectives and other key strategic objectives. This report brings forward proposed changes in order to meet these criteria.
- 1.3 The Constitution also provides an opportunity to focus decision making so that it enables the Council to:
- Provide clear leadership to the community in partnership with local people. Communities, businesses and other organisations
  - Support the active involvement of local people and local communities in the process of Local Authority decision-making
  - Help Councillors represent their constituents more effectively
  - Create a powerful and effective means of holding decision makers to public account
  - Ensure that no one will review or scrutinise a decision in which they were directly involved
  - Be clear about who is responsible for making specific decisions and that they explain the reasons for decisions; and
  - Provide a means of improving the delivery of services to the community.

**2. Current Position**

- 2.1 The purpose of the Constitution is to ensure that the Council's decision making and governance arrangements help the Council to achieve its corporate objectives and vision effectively and efficiently. It also ensures that the Council meets its legal duties.
- 2.2 Attached at Appendix 1 are the proposed changes to be made and are shown as tracked changes, whether they be additions, clarifications, amendments or deletions.

**3. Recommendation**

Council is recommended to:

- 3.1 Approve the proposed tracked changes to the Constitution as set out in Appendix 1.

**4. Results of Consultation Undertaken**

- 4.1 Consultation with the Leader and Chief Executive of the Council has enabled the proposed changes to be made.

## **1. Options considered and recommended proposal**

- 5.1 It is recommended that the Council's Constitution is kept up to date and improvements made where appropriate in order to ensure that it is an effective suite of documents. Therefore it is proposed that the amendments at Appendix 1 are adopted. The changes are proposed in order to reduce duplication, provide clarification, remove working practices that no longer take place or to improve the efficiency of decision-making or process.

## **6. Timetable for implementing this decision**

- 6.1 The amendments will take immediate effect. In the future all appropriate amendments to the Constitution will be made by Cabinet/Council.

## **7. Comments from Director of Finance and Legal Services**

- 7.1 There are no financial implications.
- 7.2 Section 37 of the Local Government Act 2000 requires this Council to keep up to date its Constitution and is supplemented by Chapter 10 of the Statutory Guidance 'New Council Constitutions: Guidance to English Authorities'.

## **8. How will this contribute to achievement of the Council's key objectives / corporate priorities / Sustainable Community Strategy**

- 8.1 The Council's Constitution underpins and supports the Council's key objectives and vision. This will enable the Council to ensure that its decision making is in line with those objectives and vision.

## **9. How is risk being managed?**

- 9.1 No risk identified.

## **10 What is the impact on the organisation?**

- 10.1 Compliance with the Council's Constitution enables the Council to exercise all its powers and duties in accordance with the law and the requirements of its Constitution.

## **11 Equalities/ EIA**

- 11.1 There are no equality issues arising from the proposed amendments.

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**PART 1**

**SUMMARY AND EXPLANATION**



## 1. **Summary and Explanation**

### 1.1 **The Council's Constitution**

Coventry City Council has a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that decisions are efficient, transparent, and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 8 parts. Part 2 contains the 16 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in Parts 3 – 7. Part 8 contains procedural matters which enable and support the Constitution.

### 1.2 **What's in the Constitution?**

Article 1 of the Constitution commits the Council to operate open, responsive, and accountable decision-making in achieving its Corporate Plan. Articles 2 – 16 explain the rights of citizens and how the key parts of the Council operate. These are:-

- Councillors (Article 2)
- Citizens and the Council (Article 3)
- The Council meeting (Article 4)
- The Lord Mayor (Article 5)
- Scrutiny (Article 6)
- The Cabinet (Article 7)
- Regulatory, other committees, and the Emergency Planning Forum (Article 8)
- Standards and Audit Committees (Article 9)
- Joint arrangements (Article 10)
- Employees (Article 11)
- Decision-making (Article 12)
- Finance, contracts and legal matters (Article 13)
- Review and revision of the Constitution (Article 14)
- Suspension, interpretation and publication of the Constitution (Article 15)

### 1.3 **How the Council Operates**

The Council consists of 54 Councillors with one third elected three years in four. In the fourth year, there are not normally local elections. There may be a by-election at any time (including in the fourth year) if a Council seat becomes vacant during a Councillor's term of office.

Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee has overall

responsibility for ensuring training on the Code is available for Members. The Code of Conduct is set out in Part 5.

All Councillors meet together as the Council. Members of the public are welcome to attend Council meetings. Here Councillors decide the Council's overall policies and set the budget each year. The Council is responsible for electing the Leader who in turn will appoint a Deputy Leader and Cabinet. The Council is ultimately responsible for holding the Cabinet to account. The role of the Council is set out in Article 4.

#### **1.4 How Decisions are Made**

The Council has decided to adopt a Leader and Cabinet form of executive. The Executive is a group of Councillors responsible collectively for the functions of the Council. The Executive is known as the Cabinet. Individual Members of the Cabinet have responsibility for specific functions allocated to them by the Leader.

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of the Leader, a Deputy Leader and, in accordance with legislation, up to eight other Cabinet Members appointed by the Leader. When major decisions are to be discussed or made, these are published in the Cabinet Forward Plan insofar as they can be anticipated. If these major decisions are to be discussed with Council employees at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

#### **1.5 Scrutiny**

Scrutiny Boards support and challenge the work of the Cabinet and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet, the Council as a whole, and, in some cases, outside agencies on policies, budget, and service delivery.

The Scrutiny Co-ordination Committee manages scrutiny business and also monitors the decisions of the Cabinet. Non-Cabinet Members can 'call-in' a decision which has been made by the Cabinet, but not yet implemented. The Scrutiny Co-ordination Committee then considers whether the decision is appropriate. It may recommend that the Cabinet reconsider the decision.

Non-Cabinet Members may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

**1.6 Ward Forums**

In order to give citizens a greater say in Council affairs, Ward Forums have been created. These cover each of the Council's Wards, encouraging local involvement in Council decisions, and participation in the development of Council priorities and policies. They involve Councillors, Council employees, the Police, community representatives, and voluntary groups for each Ward and are held in public.

**1.7 Planning, Licensing and Regulatory, Emergency Planning Forum and Other Committees**

The Council has established a Planning Committee to deal with planning and development control matters.

The Council has established a Licensing and Regulatory Committee to deal with a range of functions relating to regulatory matters and licensing. Sub-Committees of the Licensing and Regulatory Committee deal with applications under the Licensing Act 2003 and the Gambling Act 2005.

The Council has established an Emergency Planning Forum to deal with executive decisions during an emergency and the Council's response to an emergency.

In addition, elected Members take part when required in Appeals Committees and Appointment and Advisory Panels.

All these are explained in more detail in Part 2.

**1.8 The Council's Employees**

The Council has people working for it (called 'employees') to give advice, implement decisions and carry out the day-to-day delivery of its services. Some employees have a specific duty to ensure that the Council acts within the law and uses its resources wisely.

A protocol governs the relationships between employees and Members of the Council and employees must also comply with a Code of Conduct. The protocol on Member/Employee relations and the Employees' Code of Conduct are set out in Part 5.

**1.9 Citizens' Rights**

The Council welcomes the participation of citizens in its work.

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Part 2, Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau and Coventry Law Centre can advise on individuals' legal rights.

Where members of the public use specific Council services, for example as a parent of a school pupil or as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:-

- Vote at local elections if they are registered
- Contact their local Councillor about any matters of concern to them [in their ward](#)
- [Contact the appropriate Cabinet Member about any matters of concern that relate to their portfolio](#)
- Obtain a copy of the Constitution
- Attend all meetings of the Council, Cabinet, Scrutiny Boards, Ward Forums, and its Committees except where personal or confidential matters are being discussed
- Petition the Council on any matter as provided for in Part 4.9.
- Find out, from the Forward Plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet Members or officers, and when those decisions will be made.
- See reports and background papers, and any record of decisions made by the Council, Cabinet, Scrutiny, and Committees (except personal and confidential information)
- Complain to the Council about something the Council should have done that it has not done, something it should have done differently or something it has done that it should not have
- Complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process.
- Compliment the Council where the service they have received has been exceptionally good or speedy and which could help spread good practice across the Council.
- Complain to the Council's Standards Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- Inspect the Council's accounts during the limited period of the audit each year and make their views known to the external auditor. The period when accounts are open to inspection is publicised.

- Complain to the Council about any officers actions or attitude



## **PART 2**

# **ARTICLES OF THE CONSTITUTION**



2.1 **Article 1 – The Constitution**

2.1.1 **Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

2.1.2 **The Constitution**

This Constitution, and all its appendices, are the Constitution of the Coventry City Council.

2.1.3 **Purpose of the Constitution**

The purpose of the Constitution is to ensure that the Council's decision making and governance arrangements help the Council to achieve its corporate aims, objectives and priorities effectively and efficiently. It also ensures that the Council meets its legal duties.

2.1.4 **Corporate Objectives and Values**

Coventry – proud to be a city that works...

...for jobs and growth

...for better pavements, streets and roads

...to support and celebrate our young people

...to protect our most vulnerable residents

We're proud to do this by...

...being honest, fair and transparent when we make decisions

...working with residents, communities and partners to get things done

...celebrating all that's good about our city and its future

The Council's current corporate objectives and priorities are set out in its Corporate Plan. This is available upon request.

~~2.1.5 **Our Values**~~

~~–The Constitution will help the Council promote its stated corporate values that underpin its activity:-~~

~~–to demonstrate good leadership, honesty, and responsiveness~~

~~–to put the customer first~~

~~–to provide good value for money~~

~~–to value diversity, social justice, and community cohesion~~

~~•to work in partnership and deliver the Sustainable Community Strategy~~

## 2.1.56 **Coventry Sustainable Community Strategy**

The central plan for the city is the Coventry Sustainable Community Strategy, developed by the Coventry Partnership and adopted by the Council. ~~The Council and the Partnership's vision set out in the Sustainable Community Strategy is for:~~

~~"Coventry to be a growing accessible city where people choose to live, work and be educated and businesses choose to invest".~~

The Coventry Partnership brings together agencies across the city, building on the existing good links between organisations in the public, voluntary community and business sectors to work together to find new ways to improve the lives of people who live or work in Coventry, with particular emphasis on helping those neighbourhoods and communities with priority needs.

~~Short-term priorities to deliver the Coventry Sustainable Community Strategy have been agreed with central government and are set out in the Coventry Local Area Agreement.~~

## 2.1.76 **Decision Making**

The Constitution also provides an opportunity to focus decision-making so that it enables the Council to:-

- Provide clear leadership to the community in partnership with local people, communities, businesses and other organisations
- Support the active involvement of local people and local communities in the process of local authority decision-making
- Help Councillors represent their constituents more effectively
- Create a powerful and effective means of holding decision makers to public account
- Ensure that no one will review or scrutinise a decision in which they were directly involved
- Be clear about who is responsible for making specific decisions and that they explain the reasons for decisions; and
- Provide a means of improving the delivery of services to the community

## 2.1.87 **Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose the option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

2.2 **Article 2 – Councillors**

2.2.1 **Composition and Eligibility**

2.2.1.1 **Composition** – The Council will comprise 54 Members, otherwise called Councillors. Three Councillors will be elected by the voters of each ward.

2.2.1.2 **Eligibility** – Only registered voters of the area or those living or working in the City of Coventry who are 18 years of age and over will be eligible to hold the office of Councillor.

2.2.2 **Election and Terms of Councillors**

An election of a third of Councillors will normally be held on the first Thursday in May in each year. One year in every four there will be no election. A Councillor will usually be elected for a four year term. If a Council seat becomes vacant for any reason, there will usually be a by-election to elect a new Councillor to fill the vacancy for the remainder of the four year term for that Council seat.

2.2.3 **Powers of Individual Members**

An individual Councillor, other than a Cabinet Member appointed by the Leader, cannot by law exercise the powers or duties of the Council. A Cabinet Member may only exercise those powers and duties that relate to the functions within his/her portfolio as determined by the Leader. Other Council bodies have delegated powers and duties. Functions and delegations are dealt with in Part 3.

2.2.4 **Roles and Functions of all Councillors**

2.2.4.1 **Key Roles**

All Councillors will:-

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions
- (ii) contribute to the good governance of the City and actively encourage community participation and citizen involvement in decision making
- (iii) effectively represent the interests of the communities of the City in their own ward and individual constituents
- (iv) respond to constituents' enquiries and representations, fairly and impartially
- (v) participate in the governance and management of the Council; and
- (vi) maintain the highest standards of conduct and ethics
- (vii) be available to represent the City Council on other bodies

- (viii) attend meetings of bodies to which they are appointed or, if they are unable to attend, present their apologies with their reason for absence.

**2.2.4.2 Rights and Duties**

- (i) Councillors will have rights of access to such documents, information, land, and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or employee entitled to know it.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

**2.2.5 Conduct**

Councillors will at all times observe the Code of Conduct for Elected Members and the Protocol on Member/Employee Relations set out in Part 5 of this Constitution.

**2.2.6 Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

2.3 **Article 3 – Citizens and the Council**

2.3.1 **Citizens' Rights**

Citizens have certain rights as set out below. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.

2.3.2 **Voting and Petitions**

Citizens who are on the electoral roll for the City have the right to vote. They also have the right to sign the petition to request a referendum for an elected Mayor form of Constitution. All Citizens, whether they are on the electoral roll or not, also have the right to sign and lodge petitions with the City Council. The rules for this are set out in Part 4.

2.3.3 **Information**

Citizens have the right to:-

- (i) attend meetings of the Council, Cabinet, Scrutiny Boards, Ward Forums and Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private.
- (ii) find out from the Forward Plan what key decisions will be taken by the Cabinet and when.
- (iii) see reports and background papers, and any records of decisions made by the Council, the Cabinet, Scrutiny Boards and other Committees, and
- (iv) inspect the Council's accounts and make their views known to the external auditor during the audit process.

2.3.4 **Participation**

Citizens have the right to participate in Planning Committee meetings and the rules of participation are set out in Part 4.

Citizens may be invited to contribute to investigations by Scrutiny Boards, and to speak at meetings of the Scrutiny Co-ordination Committee when they are conducting a review under S.17 of the Local Democracy, Economic Development and Construction Act 2009. Citizens who are organisers of petitions will be entitled to speak at a meeting of Full Council in accordance with the rules for petitions in Part 4

**2.3.5 Complaints**

Citizens have the right to complain to:-

- (i) the Council itself under its complaints scheme
- (ii) the Ombudsman after using the Council's own complaints scheme
- (iii) the Council's Standards Committee about a breach of the Councillor's Code of Conduct

**2.3.6 Citizens' Responsibilities**

Citizens must not be violent, abusive, or threatening to Councillors or employees and must not wilfully harm things owned by the Council, Councillors or employees.

## 2.4 **Article 4 – The Council Meeting**

### 2.4.1 **The Full Council**

When all the Councillors meet formally together, it is known as full Council. This Article sets out the responsibilities and duties that must be fulfilled and the decisions that must be taken by full Council. The Rules of Procedure for full Council are set out in Part 4.

In addition to the strictly procedural functions of Council as listed in 2.4.4 of the current constitution, the Council meeting

- 1) Is the only forum where *all* councillors meet together and have the opportunity for political debate on issues of importance to the City Council.
- 2) Can provide a showcase for the city and the City Council e.g. Coventry Citizen of the Month, debates on topical issues, questions.
- 3) Can provide the opportunity for promoting the importance of democracy and accountability by being the setting for, challenge of Leader and Cabinet members, presenting of petitions etc.

### 2.4.2 **Policy Framework**

City-wide priorities for the whole community are set out in the Coventry Sustainable Community Strategy ~~and the Coventry Local Area Agreement~~. As a Member of the Coventry Partnership, the City Council is committed to achieving the agreed outcomes and priorities.

Additional Council priorities are set out in the Corporate Plan.

There is a statutory requirement for the Council to continuously improve its performance; the duty of Best Value. The Council also has a statutory duty to inform, consult and involve local communities in the development and delivery of its policies and services.

The Council also set out how it intends to use its resources, including its capital and assets. Each year the Council produces a Budget. The term "budget" is taken to include a Capital Strategy and an Asset Management Plan.

The Council's Policy framework includes the following plans and strategies:-

#### [Exclude references to the years?](#)

- Coventry Sustainable Community Strategy
- ~~Coventry Local Area Agreement~~
- ~~Coventry Local Development Framework 2009~~ [Coventry Development Plan](#)
- Coventry Municipal Waste Strategy 2008-2020
- Coventry Children and Young People's Plan ~~2006-2010~~ [2011-2013](#)
- 14-19 Strategic Plan 2008-2013

- Coventry Equality Strategy ~~2007-2010~~[2011-2014](#)
- Medium Term Financial Strategy ~~2007-2011~~[2011-2014](#)
- Climate Change Strategy 2008-2050
- Air Quality Action Plan 2006-2017
- West Midlands Local Transport Plan ~~2006-2011~~[2011-2013](#)
- Coventry Community Safety Plan 2008-2011
- Child and Adolescent Mental Health Strategy ~~2007-2009~~[2010-2013](#)
- [Statement of Licensing Policy](#)

Additional plans and strategies may be approved or adopted as part of the Policy Framework from time to time, and may be subject to change due to statutory developments.

#### 2.4.3 **Budget**

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

#### 2.4.4 **Functions of the Full Council**

Only the Council will exercise the following functions:-

- Adopting and changing the Constitution
- Approving or adopting the component parts of the Budget and Policy Framework
- ~~Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is not covered by the Budget and Policy Framework or where the decision maker is minded to make it in a manner which would be contrary to the Budget and Policy Framework or not wholly in accordance with the Budget and Policy Framework.~~
- [Making an Executive function decision within the Budget or Policy Framework where the Executive is minded to determine the matter contrary to or not wholly in accordance within that Framework. However where an urgent decision is required this can be taken by the Executive provided it complies with the urgency procedure in Part 4.](#)
- Appointing the Leader
- Removing the Leader by resolution
- Appointing the Chairs and Deputy Chairs of the Scrutiny Board(s), Scrutiny Co-ordination Committee and other Committees

- Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council
- Electing the Lord Mayor and Deputy Lord Mayor
- Agreeing and/or amending the terms of reference for Council Bodies, deciding on their composition and making appointments to them
- Adopting an allowances scheme
- Conferring the title of Honorary Alderman or Freedom of the City
- Confirming the appointment of the Head of Paid Service, Monitoring Officer and S.151 Chief Finance Officer.
- Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills
- All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
- All other matters which, by law, must be reserved to Council

#### **2.4.5 Council Meetings**

There are three types of Council meeting:-

- (a) the annual meeting
- (b) ordinary meetings
- (c) extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

#### **2.4.6 Responsibility for Functions**

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

**2.5 Article 5 – The Lord Mayor**

2.5.1 Coventry was established as a City in 1346 and has had a Mayor since that time. In 1953 the position of Lord Mayor was created by Royal Charter. The Lord Mayor is the first citizen of the City.

The Lord Mayor is a Councillor who is elected as Lord Mayor by the Council at its annual meeting.

**2.5.2 Ceremonial Role**

The Lord Mayor and in his/her absence, the Deputy Lord Mayor will have the following roles and functions:-

2.5.2.1 The Lord Mayor as Coventry's first citizen will act as the non-political and ceremonial head of the City.

2.5.2.2 The office of Lord Mayor of the City of Coventry, together with the resources which the Office represents, are intended to benefit both the City and its citizens.

2.5.2.3 The Lord Mayor, as Coventry's "first citizen", will endeavour to focus engagements on promoting the Council's vision and the Coventry Community Plan whilst undertaking this traditional and civic role. To assist in meeting the City's needs, the Lord Mayor will promote the City to ensure it continually strives for prosperity and vitality, promotes equality of opportunity for Coventry citizens and builds cohesive communities.

2.5.2.4 To pursue this Mission the Lord Mayor will:-

- **Command** partnership working with other organisations to provide greater scope for the City.
- **Open doors** of opportunity and seek investment to maintain the City's image of success.
- **Value** the civic role and recognise its potential for the City.
- **Encourage** equal opportunities for all citizens within the community.
- **Network** with those who can bring benefit and prestige to the City.
- **Thank** those individuals and organisations who have brought success to the City.
- **Receive** visitors to the City promoting its historic past and exciting future.
- **Yield** opportunities to represent the City both at home, nationally and internationally acting as "Ambassador" for Coventry.

2.5.2.5 These key factors will be at the forefronts of minds as the Lord Mayorality undertakes its duties and strives to achieve the City Council's priorities.

2.5.2.6 In addition to the ceremonial role, the Lord Mayor and in his/her absence the Deputy Lord Mayor will have the following responsibilities:-

- To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary
- To Chair and preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community
- To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not in the Cabinet or who do not sit on committees or hold Chairs are able to hold the Cabinet Members, Chairs of Scrutiny and Committees Chairs to account.
- To promote public involvement in the Council's activities
- To attend such civic and ceremonial functions as the Council and s/he considers appropriate.

**The Deputy Lord Mayor**

2.5.3 The Deputy Lord Mayor will also be elected at the annual meeting of the Council. S/he will have the following responsibilities:-

- To assist and deputise for the Lord Mayor in carrying out the responsibilities of that office.
- In the absence of the Lord Mayor, to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interest of the community.
- To attend such civic ceremonial functions as the Council and the Lord Mayor may determine to be appropriate.

2.6 **Article 6 – Scrutiny**

2.6.1 **Terms of Reference of Scrutiny Boards**

The Council will appoint Overview and Scrutiny Committees known as Scrutiny Boards. The current Scrutiny Board Portfolios are as shown in Part 3 of this Constitution.

Those Scrutiny Boards will discharge the functions of scrutiny and overview conferred by s.21, 21A-D and s22A of the Local Government Act 2000 and regulations under s.32 of the Local Government Act 2000 in relation to the portfolios set out in Part 3.

The detailed Terms of Reference are set out in the Scrutiny Procedure Rules in Part 4.

2.6.2 **Appointment of Scrutiny Boards**

Each Scrutiny Board will be made up of members from the political groups on the Council. The Scrutiny Board will be treated as a body to which Section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.

The Chairs and Deputy Chairs of the Scrutiny Boards will be appointed by Council.

2.6.3 **General Role**

Within their Terms of Reference and Scrutiny Procedure Rules, Scrutiny Councillors will:

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions
- ii) make reports and/or recommendations to the full Council and/or the Cabinet and/or any other Committee/Other Bodies in connection with the discharge of any functions
- iii) consider any matter affecting the area or its inhabitants
- iv) exercise the right to call-in for reconsideration decisions made but not yet implemented by the Cabinet and/or any other Committee/Forum subject to limitations specified in Part 4.5.26 of this Constitution.
- v) Undertake a review of the way the Council has dealt with a petition under S.17 of the Local Democracy, Economic Development and Construction Act 2009

2.6.4 **Scrutiny Co-ordination Committee**

In addition to the Scrutiny Boards, the Council will appoint a Scrutiny Co-ordination Committee. The membership of the Scrutiny Co-ordination Committee will be determined by full Council and will reflect political proportionality.

The Chair and Deputy Chair of the Scrutiny Co-ordination Committee will be appointed by the Council.

The Scrutiny Co-ordination Committee is responsible for the overall management of the Scrutiny and overview function and for dealing with call-ins.

The procedure rules relating to Scrutiny Co-ordination Committee are set out in Part 4.

#### **2.6.5 Co-optees**

The Council encourages the involvement of the local community in its decision-making. Co-optees may be invited to sit on the Council's Scrutiny Boards.

Co-optees will be appointed by the Scrutiny Board to which they are to be appointed in accordance with the Scrutiny Procedure Rules in Part 4.

There are five standing co-optees appointed to the Scrutiny Board that has responsibility for the Education portfolio. One is nominated by the Church of England and one by the Roman Catholic Church as joint providers of schools in the City. Two are elected by parent governors to represent parents whose children are in schools or some other form of education provided by the Council. The fifth Education Co-optee will represent other faith groups in the City, and will be nominated by them.

The five Education Co-optees will be invited to attend and will be co-opted as Members of the Scrutiny Co-ordination Committee when items relating to Education matters have been called in and are being considered by that Committee.

#### **2.6.6 Sub-Groups**

Scrutiny Boards may choose to create a sub-group to investigate or review a particular topic. Those sub-groups will reflect the political composition of the Council. A sub-group will not have any decision making authority but will make recommendations to the Scrutiny Board that created it.

#### **2.6.7 Specific Functions**

##### **2.6.7.1 Policy development and review**

Scrutiny Boards may:

- assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues
- conduct research, community and other consultation in the analysis of policy issues and possible options
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options

- question members of the Cabinet and/or other Committees/Other Bodies and Chief Officers about their views on issues and proposals affecting the area
- liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

#### 2.6.7.2 Scrutiny

Scrutiny Boards may:

- review and scrutinise the decisions made by and performance of the Cabinet and/or other Committees/Forums and Council Officers both in relation to individual decisions and over time
- review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- question members of the Cabinet and/or other Committees/Other Bodies and Council Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
- make recommendations to the Cabinet and/or appropriate Committee/Forum and/or Council arising from the outcome of the scrutiny process
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Board and local people about their activities and performance
- request information from Partner Authorities as defined in s104 of the Local Government and Public Involvement in Health Act 2007.
- question and gather evidence from any person (with their consent)
- conduct scrutiny and health related activity/services within the City
- require a Member to attend before it and answer questions relating to any function that has been delegated to that Member by either the Council or the Leader (on behalf of the Cabinet) relating to that Member's Ward.
- In relation to petition matters, require senior officers to attend before it and answer questions on their work in accordance with S.16 of the Local Democracy, Economic Development and Construction Act 2009 and the Council petitions scheme at 4.9.6 of this Constitution.
- Review the way in which the Council has dealt with a petition under S.17 of the Local Democracy, Economic Development and Construction Act 2009

~~2.6.7.3 Best Value~~

~~Non Cabinet members will be selected to serve on Best Value Review Groups. Best Value Review Groups will be appointed by the Council annually to deal with the current programme of Best Value Reviews.~~

~~The Chair and Deputy Chair of any Best Value Review Group will be appointed by Council.~~

~~Any Best Value Review Group that has not completed its review by the date of the Annual Meeting will be re-appointed to conclude its review. Any member of a Best Value Review Group who is appointed to Cabinet or who ceases to be a Councillor will not be available for re-appointment to any continuing Best Value Review Group and will be substituted.~~

2.6.7.43 Finance

Finance may be made available to each Scrutiny Board to assist them in their functions and will exercise overall responsibility for the finances made available to Scrutiny.

2.6.7.45 Annual Report

Scrutiny Boards must report annually to inform Council of their work and make recommendations for future work programmes and amended working methods if appropriate.

2.6.7.56 Call-in

Decisions taken by the Cabinet or by a Cabinet Member can be called-in by any three Councillors (or co-opted members of Scrutiny Boards who have voting rights). The right to call-in any decision must be exercised in accordance with the call-in protocol set out in the Scrutiny Procedure Rules in Part 4.

The right to call-in does not apply to the limited categories of decision set out in the Scrutiny Procedure Rules in Part 4.

The Scrutiny Co-ordination Committee will review the decision called in and decide whether to refer it back to the Cabinet or Cabinet Member for reconsideration or to concur with the decision, or to refer it for the relevant Scrutiny Board for further consideration.

2.6.8 **Proceedings of Scrutiny Boards**

Overview and Scrutiny Committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.

2.7 **Article 7 – The Cabinet**

2.7.1 **Role**

The Cabinet will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution. Specific responsibilities of the Cabinet and individual Cabinet Members are set out in Part 3.

2.7.2 **Form and Constitution**

The Cabinet will consist of the Leader and Deputy Leader together with at least 1, but not more than 8 other Councillors appointed to the Cabinet by the Leader.

The Cabinet cannot include the Lord Mayor or Deputy Lord Mayor and there will be no substitutes or co-optees for Cabinet members.

To ensure that the Cabinet are aware of cross party views on matters to be decided by the Cabinet, representatives from the opposition groups will be entitled to attend meetings of the Cabinet but not to vote. There will be a maximum of four such representatives, two of whom will be nominees of the numerically-largest opposition group and one each from the next two numerically-largest ~~the other two of whom will come from the totality of the other (smaller)~~ opposition groups. ~~The two latter~~ nominations to be submitted by those opposition groups. Such representatives will be determined by the Council and will be entitled to nominate substitute members.

Members of the Cabinet cannot be members of any Scrutiny Board.

2.7.3 **Leader and Deputy Leader**

The Leader will be a Councillor elected to the position of Leader by the Council. The Leader will hold office until the date of the first annual meeting of the Council that takes place after the Leader's normal retirement as a Councillor, unless:-

- (a) s/he is removed from that office by resolution of the Council, or
- (b) s/he resigns from the office, or
- (c) s/he is no longer a Councillor, or
- (d) s/he is suspended from being a Councillor under Part III of the Local Government Act 2000 (although s/he may resume office at the end of the period of suspension).

The Deputy Leader will be a Councillor appointed to that position by the Leader. The Deputy Leader will hold office until the end of the term of the Leader unless:-

- (a) s/he is removed from that office by Leader, or
- (b) s/he resigns from the office, or
- (c) s/he is no longer a Councillor, or
- (d) s/he is suspended from being a Councillor under Part III of the Local Government Act 2000 (although s/he may resume office at the end of the period of suspension).

If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader will act in his/her place.

In the event that the Council does not elect a Leader at the first Annual Meeting of the Council that takes place after the existing Leader's normal retirement as a Councillor, then the existing Leader shall appoint a Deputy Leader and Cabinet and where this is not possible, the Deputy Leader shall become Leader, appoint a Deputy Leader and Cabinet and shall carry out Executive functions until a Leader is elected.

**2.7.4 Other Cabinet Members**

Other Cabinet Members will hold office until the end of the term of office of the Leader unless:-

- (a) they are removed from that office by the Leader, or
- (b) they resign from office, or
- (c) they are no longer Councillors, or
- (d) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension).

If for any reason the office of both the Leader and Deputy Leader are vacant or neither one able to act, then the remaining Cabinet Members shall appoint one from their number to act in place of the Leader and Deputy Leader or shall act collectively in place of the Leader and Deputy Leader.

**2.7.5 Proceedings of the Cabinet**

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

**2.7.6 Responsibility for Functions**

The Council will maintain a list in Part 3 of this Constitution setting out which individual members of the Cabinet are responsible for the exercise of particular functions.

Some functions must be carried out by full Cabinet and these functions are shown in Part 3 of this Constitution.

**2.7.7 Advisory Panels**

2.7.7.1 The Cabinet and Cabinet Members may appoint Cabinet Advisory Panels to provide advice and guidance to the Cabinet and Cabinet Members. Such Panels may be made up of Councillors and persons outside the Council. They need not reflect the political balance of the Council. Cabinet Advisory Panels will operate in accordance with Cabinet Procedure Rule 4.4.14.

2.7.7.2 The Chair of a Cabinet Advisory Panel will normally be the Leader of the Council (for Advisory Panels of the Cabinet) or the relevant Cabinet Member but an alternative Chair may be appointed by the Leader or relevant Cabinet Member.

2.8 **Article 8 – Regulatory, other Committees and the Emergency Planning Forum**

2.8.1 **Other Committees and Panels**

The Council will appoint the Committees and Panels as set out in Part 3 of this Constitution to discharge the functions described in Part 3.

2.8.1.1 These Committees/Panels include:-

Planning Committee  
Licensing and Regulatory Committee  
Appeals Committee  
Appointments Panels  
Remuneration Panel  
The Emergency Planning Forum  
Standards Committee  
Audit Committee

2.8.1.2 The Independent Remuneration Panel will comprise independent Members who are not Members of the Standards Committee to be determined by the Director of Customer and Workforce Services in consultation with the Political Group Leaders and will be responsible for making recommendations to the City Council on the Members Allowances Scheme as set out in Part 6 of this Constitution.

2.8.2 **Emergency Planning Forum**

2.8.2.1 An Emergency Planning Forum will be established, the purpose of which will be to take on full responsibility for executive decisions during an emergency and the Council's response to an emergency.

2.8.2.2 The Forum will comprise the following Members:-

Leader (Chair)	}
Deputy Leader	}
Appropriate Cabinet Member	} or nominee
Lord Mayor	}
Deputy Lord Mayor	}
Leader of the Main Opposition Group	}

2.8.2.3 All Members of the Forum should [receive emergency planning training](#)~~ideally have attended the Emergency Planning Course and any Member who becomes Deputy Lord Mayor should attend this course.~~

2.9.1 **Article 9 – Standards Committee and Audit Committee**

**Standards Committee**

2.9.1.1 The Council has established a Standards Committee

2.9.1.2 **Composition**

(a) The Standards Committee has a membership of thirteen, made up as follows:-

- (i) **three** Councillors, none of whom may be a Member of the Cabinet. One of the Councillors will be from the Main Opposition Group
- (ii) **eight** independent persons who are not Councillors or employees of the Council or of any other body having a Standards Committee. The independent members will be entitled to vote at meetings.
- (iii) **two** members of a Parish Council (who are not Members of the City Council) wholly or mainly in the Council's area, who will be entitled to vote at meetings.

(b) The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions. Any such sub-committee will be chaired by an independent member.

2.9.1.3 **Questions at Council**

The Committee will nominate a Councillor of the Standards Committee to attend Council, (or their nominee when unable to attend), to answer any questions ~~on the annual ethical report to the Standards Board for England or associated matters~~ that are not of a private or confidential nature in accordance with the procedure set out in paragraph 4.1.21 of the Constitution.

2.9.1.4 **Chairing the Committee**

The Committee will be chaired by one of the independent members. In the absence of the appointed Chair, or Deputy Chair, the Committee will be chaired by another independent member to be elected by the Committee.

2.9.1.5 **Quorum**

(a) The Quorum for Meetings of the Standards Committee will be two independent members (one of whom may be a Parish Councillor representative) and one Councillor. When matters relating to Parish Councils or their members are being considered, the Parish member must be present to constitute a quorum.

(b) The quorum for meetings of a sub-committee of the Standards Committee will be three members.

### 2.9.1.6 Standards Committee

The Standards Committee will have responsibility for the following functions which are reserved to it.

### 2.9.1.7 The Role and Function

The Standards Committee will have the following roles and functions:-

- promoting and maintaining high standards of conduct by Councillors, and co-opted Members and Church and Parent Governor representatives.
- assisting the Council's co-opted Members and Church and Parent Governor representatives to observe the Code of Conduct for Elected Members.
- to advise the Council on the adoption or revision of the Code of Conduct for Elected Members.
- monitoring the operation of the Code of Conduct for Elected Members.
- advising, training or arranging to train Councillors, co-opted Members and Church and Parent Governor representatives on matters relating to the Members' Code of Conduct.
- assessing written allegations of breaches of the Members' Code of Conduct.
- reviewing a decision that no action should be taken on a complaint, in response to the request of a complainant.
- dealing with any reports from a Case Tribunal or Interim Case Tribunal and any report from the Monitoring Officer on any matter which is referred to them for determination by the Monitoring Officer, Ethical Standards Officer or the Standards Board for England.
- reporting annually to Council on ethical governance within the City Council.
- considering and determining applications for exemptions from political restriction.
- give directions to the Council requiring it to include a post on its list of politically restricted posts.
- the exercise of the above functions in relation to the Parish Councils wholly or mainly in its area and the members of those Parish Councils.
- advising the Council on the adoption or revision of the Code of Conduct for Employees.

- to consider and adopt any Protocols in connection with Members/employee relations.
- oversight of other arrangements and maintenance of probity and ethical standards allocated from time to time by the Council.
- granting dispensations to Councillors, co-opted Members and church and parent governor representatives in relation to the Members Code of Conduct as permitted by the relevant legislation.
- assist in the recruitment of independent members.

#### ~~2.9.1.6 – The Role and Function~~

~~The Standards Committee will have the following roles and functions:-~~

- ~~•to promote and maintain high standards of conduct by Councillors, and co-opted Members and Church and Parent Governor representatives;~~
- ~~•To assist the Council's co-opted Members and Church and Parent Governor representatives to observe the Members' Code of Conduct;~~
- ~~•to advise the Council on the adoption or revision of the Members' Code of Conduct;~~
- ~~•to monitor the operation of the Members' Code of Conduct;~~
- ~~•to advise, train or arrange to train Councillors, co-opted Members and Church and Parent Governor representatives on matters relating to the Members' Code of Conduct;~~
- ~~•to assess written allegations of breaches of the Members' Code of Conduct;~~
- ~~•to review, on the request of a complainant, a decision that no action should be taken on a complaint;~~
- ~~•to deal with any reports from a Case Tribunal or Interim Case Tribunal and any report from the Monitoring Officer on any matter which is referred to them for determination by the Monitoring Officer, Ethical Standards Officer or the Standards for England;~~
- ~~•to report annually to Council on ethical governance within the City Council;~~
- ~~•to consider and determine applications for exemptions from political restriction;~~
- ~~•to give directions to the Council requiring it to include a post on its list of politically restricted posts;~~

- ~~•to exercise of the above functions in relation to the Parish Councils wholly or mainly in its area and the members of those Parish Councils;~~
- ~~•to advise the Council on the adoption or revision of the Code of Conduct for Employees;~~
- ~~•to consider and adopt any Protocols in connection with Members/employee relations;~~
- ~~•to exercise oversight of other arrangements and to maintain probity and ethical standards as may be required from time to time by the Council;~~
- ~~•to grant dispensations to Councillors, co-opted Members and Church and Parent Governor representatives from the requirement in the Members' Code of Conduct to disclose specific interests;~~
- ~~•to review and recommend to the Council, amendments to the Constitution in accordance with Article 2.14 of the Constitution;~~
- ~~•to assist in the recruitment of independent members of the Standards Committee.~~

~~(NOTE: This means that the Standards Committee are responsible for recommending amendments to the Constitution with the exception of:-~~

- ~~•changes to the Scheme of Delegation~~
- ~~•changes to the Cabinet Portfolios~~
- ~~•approval of the Calendar of Business and Schedule of Meetings~~
- ~~•Members' Allowances Scheme~~

### 2.9.1.87 **How to make a Complaint Relating to a Member of the Council or Parish Councillor Regarding a Breach of the Member Code of Conduct**

Where it is alleged that a Member or Parish Councillor has breached the Member Code of Conduct, contact should be made in the first instance providing details of the alleged breach with the Monitoring Officer, Coventry City Council, 1st Floor Christchurch House, Greyfriars Lane, Coventry, CV12QL.

### 2.9.2 **Audit Committee**

2.9.2.1 The Council has established an Audit Committee.

#### 2.9.2.2 **Membership**

Six elected members, who must not be Cabinet Members, to be appointed by full Council. The Committee must be politically balanced.

Three named substitute elected members (1 from Conservative Group, 1 from Labour Group and 1 from the Minority Groups) to be appointed by full Council.

If a Committee Member were unable to attend a meeting, he/she could nominate a substitute member to attend.

**2.9.2.3 Chair and Deputy Chair**

The full Council will appoint the Chair and Deputy Chair of the Committee, who must not be Cabinet Members or Chairs/Deputy Chairs of Scrutiny Boards.

**2.9.2.4 Quorum**

The quorum of the Committee will be 3 members.

**2.9.2.5 Sub-Committees**

The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions.

**2.9.2.6 Training**

The members and substitute members of the Committee will be required to undertake appropriate training for their role.

**2.9.2.7 Frequency of meetings**

The Committee will meet at least four times a year and meetings will be subject to the usual Access to Information requirements.

**2.9.2.8 Other meetings**

The Committee may meet privately (i.e. informally and with no other employees present) with the External Auditors and the Internal Audit Manager, but this would be the exception.

**2.9.2.9 Accountability**

Any recommendations the Committee wishes to make will be submitted to full Council.

The Chair of the Committee will answer questions on its work at full Council meetings.

The Committee will report annually to full Council on its work (see point 16 of Terms of Reference below).

**2.9.2.10 Terms of Reference**

**Audit Activities**

- To consider the Head of Internal Audit's Annual Report and Opinion, and a summary of internal audit activities (actual and proposed) and the level of

assurance given within the Annual Governance Statement incorporated in the Annual Accounts.

- To consider summaries of specific internal audit reports as requested.
- To consider reports dealing with the management and performance of internal audit.
- To consider a report from the Head of Internal Audit regarding recommendations contained in Internal and External Audit reports that have not been implemented within agreed timescales.
- To consider the External Auditor's annual letter, relevant reports and the report to those charged with governance.
- To consider specific reports as agreed with the External Auditor.
- To comment on the scope and depth of external audit work and to ensure that it gives value for money.

### **Regulatory Framework**

- To maintain an overview of the Council's Constitution in respect of contract procedure rules and financial regulations.
- To review any relevant issue referred to it by the Chief Executive, the Director of Finance and Legal Service or the Monitoring Officer.
- To monitor the Executive's effective development and operation of risk management.
- To monitor Council policies on "whistle blowing" and the anti-fraud and anti-corruption strategy.
- To consider the Annual Governance Statement, prior to its consideration by full Council.
- To consider the Council's compliance with its own and other published financial standards and controls.

### **Accounts**

- To monitor the City Council's revenue and capital programmes and to consider the City Council's Annual Statement of Accounts, prior to its consideration by full Council.
- To consider the External Auditor's report to those charged with governance on issues arising from the audit of the City Council's Accounts.

### **General**

- To report annually to full Council on its work.

2.10 **Article 10 – Joint Arrangements**

2.10.1 **Arrangements to Promote Well-being**

The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may:-

- (a) enter into arrangements or agreements with any person or body
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body

2.10.2 The following provisions will apply to any joint arrangements:-

2.10.2.1 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

2.10.2.2 The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of a joint committees with these other local authorities.

2.10.2.3 Except as set out below, the Cabinet may only appoint executive Members to a joint committee and those Members need not reflect the political composition of the Council.

2.10.2.4 The Cabinet may appoint Members to a joint committee from outside the Cabinet in the following circumstances:-

- The joint committee has functions for only part of the area of the Council, and that area is smaller than two-fifths of the area or population. In such cases, the Cabinet may appoint to the joint committee any Member who is member for a ward which is wholly or partly contained within that area.
- In this case the political balance requirements do not apply to such appointments.

2.10.2.5 Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

2.10.3 **Access to Information**

2.10.3.1 Generally, the Access to Information Rules in Part 4 of this Constitution will apply to joint arrangements.

2.10.3.2 If all the members of a joint committee are members of the Cabinet/Executive in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.

2.10.3.3 If the joint committee contains members who are not in the Cabinet/Executive of any participating authority then the access to information rules in the Local Government Act 1972 will apply.

#### **2.10.4 Delegation to and from Other Local Authorities**

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

2.10.4.2 The Cabinet may delegate Executive functions to another local authority or the executive of another local authority in certain circumstances.

2.10.4.3 The decision whether or not to accept such a delegation from another local authority will be reserved to the Council.

#### **2.10.5 Contracting Out**

The Council (for non-executive functions) and the Cabinet (for executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

#### **2.10.6 Partnership Working**

The Council will be working with existing partners and creating new partnerships that will assist the Council in fulfilling its corporate vision and objectives. In addition the way in which the Council delivers some of its services and functions to citizens and businesses will change in order to ensure value for money is delivered. In part this will be achieved through more creative and effective partnership working and some of the Council's partnerships include:-

- **The Coventry and Warwickshire Local Enterprise Partnership:** the key aims of a LEP are of a Public/Private partnership approach to provide a long term vision to create the right environment for growth and business through leadership, accountability and effective deployment of resources across the sub-region.
- **Health and Well Being Boards:** the key aims are to assess the needs of the Coventry population, develop a Health and Well Being Strategy for the City and integrating commissioning across the NSH, social care and public health. There will be a separate scrutiny board to oversee the work of the Board.
- **Cross Public Sector Shared Services**



2.11 **Article 11 – Employees**

2.11.1 **Management Structure**

2.11.1.1 General – The full Council may engage such staff (referred to as employees) as it considers necessary to carry out its functions. Employees are also sometimes referred to as officers. This terminology is no longer widely used and should be avoided.

2.11.1.2 Chief Officers – The full Council will engage persons for the posts designated in Part 2.12.13 on recommendation of an Appointments Panel.

2.11.1.3 Head of Paid Service, Monitoring Officer and Chief Financial Officer – The Council will designate the following posts as shown:-

Post	Designation
Chief Executive	Head of Paid Service
Council Solicitor	Monitoring Officer
Director of Finance and Legal Services	Chief Finance Officer

Such posts will have the function described in Article 2.12.2 – 2.12.4 below.

2.11.1.4 Structure – The Chief Executive will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of employees. This is set out at Part 7 of this Constitution.

2.11.2 **Functions of the Chief Executive**

2.11.2.1 The Chief Executive is the Council's most senior employee and has managerial and operational responsibility for all the Council's employees, resources, and services. [The Chief Executive in consultation with the Leader will also be able to make decisions required in an emergency](#)

2.11.2.2 Discharge of functions by the Council – The Chief Executive 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 employees required for the discharge of functions and the organisation of employees.

2.11.2.3 Restrictions on Functions – The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

2.11.3 **Functions of the Monitoring Officer**

(NOTE: the role of the Monitoring Officer falls within the remit of the Council Solicitor and Assistant Director (Legal Services), to be known as Council Solicitor)

2.11.3.1 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 Councillors, employees and the public.

- 2.11.3.2 Ensuring Lawfulness and fairness of decision making – After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Cabinet in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any 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.
- 2.11.3.3 Supporting the Standards Committee – The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- 2.11.3.4 Receiving Reports – The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- 2.11.3.5 Conducting Investigations – The Monitoring Officer will conduct investigations into matters referred by the Assessment Committee of the Standards Committee or by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- 2.11.3.6 Proper Officer for Access to Information – The Monitoring Officer will ensure that the Access to Information Procedure Rules are complied with and all relevant decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- 2.11.3.7 Advising whether Cabinet decisions are within the budget and policy framework – The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the budget and policy framework.
- 2.11.3.8 Providing Advice – The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.
- 2.11.3.9 Restrictions on Posts – The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.
- 2.11.4 **Functions of the Chief Finance Officer**
  - 2.11.4.1 Ensuring Lawfulness and Financial Prudence of Decision Making – After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Cabinet 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 in unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
  - 2.11.4.2 Administration of Financial Affairs – The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

2.11.4.3 Contributing to Corporate Management – The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

2.11.4.4 Providing Advice – The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.

2.11.4.5 Give Financial Information – The Chief Finance Officer will provide financial information to the media, members of the public and the community.

2.11.5 **Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer**

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

2.11.6 **Conduct**

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

2.11.7 **Employment**

The recruitment, selection and dismissal of employees will comply with the Employment Procedure Rules set out in Part 4 of this Constitution.

**2.12 Article 12 – Decision Making**

**2.12.1 Responsibility for Decision Making**

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

**2.12.2 Principles of Decision Making**

All decisions should be taken, as far as possible, in accordance with the following principles:-

- 2.12.2.1 There is a presumption in favour of decision-making being open and transparent. All decisions should be taken in public and members of the public should be afforded access to all relevant information (unless the decision concerns private or exempt business).
- 2.12.2.2 All appropriate consultation should take place with those affected or likely to be affected by any decision and the body or individual taking the decision should have regard to the outcome(s) of such consultation.
- 2.12.2.3 Decision making should be planned and the public given due notification of forthcoming decisions.
- 2.12.2.4 Decisions must be taken with regard to all relevant considerations and ignoring all irrelevant considerations.
- 2.12.2.5 Decisions should reflect the Council's overall corporate aims and objectives and have regard to all approved policies and procedures of the Council.
- 2.12.2.6 Decisions should be taken only after the decision making body or individual has obtained and considered professional advice from suitably qualified officers of the Council. If the Council does not have a suitably qualified individual to give the appropriate advice, consideration should be given to obtaining such advice from an external source.
- 2.12.2.7 Any decision taken must be justifiable in terms of being proportionate to the desired outcome – "the principle of proportionality".
- 2.12.2.8 Due regard must be had to any relevant statutory provisions and with respect for human rights protected by the Human Rights Act 1998.
- 2.12.2.9 Due regard must be had to the Council's obligations and desire to promote equality of opportunity and equal treatment.
- 2.12.2.10 Due regard must be had to the Council's desire to improve the quality of life for those working and visiting within the City particularly for those suffering highest levels of deprivation.

2.12.2.11 All decisions taken through the political management process should be taken only after a properly constructed report has been presented and considered. The report should make it clear what options were considered and the reason for the decision that was taken. Guidance on report writing is set out in the Report Writing Protocol in Part 5.

2.12.2.12 In some instances (in case of urgency or where private, confidential or exempt business is being considered) it may not be appropriate to comply with all these principles. Decision makers must be satisfied that the principles have been complied with as far as practicable and that in all the circumstances it is appropriate to take the decision.

### 2.12.3 **Types of Decision**

2.12.3.1 Under the Constitution, decisions may be taken by:-

- the full Council
- the Cabinet collectively
- individual Cabinet Members
- Committees
- Employees

2.12.3.2 Under the Constitution, decisions taken by:-

- Scrutiny Boards and Scrutiny Co-ordination Committee
- Advisory Panels
- ~~Best Value Review Groups~~
- Appointments Panels

will form recommendations or referrals (as appropriate) to the decision making bodies listed in 2.12.3.1 above.

2.12.3.3 Whichever body or individual is responsible for taking a decision, the decision will be formally minuted and recorded and unless it contains private or exempt information, will be open to public inspection.

2.12.3.4 Decisions relating to the functions listed in Article 2.4.4 and Part 3.3 will be made by the full Council and not delegated.

### 2.12.3.5 Key Decisions

A key decision is one which is likely to:-

- (a) result in the City Council incurring expenditure, making savings or receiving income which is/are significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) be significant in terms of its effects on communities living or working in an area comprising 2 or more wards or electoral divisions in the area of the City;

By the term "significant" the Council means a decision which:-

- (a) results in expenditure, savings, income, additional funding or virement of over £500,000 per annum being incurred or achieved and which additionally, in the case of a capital scheme, has not been identified in the "Approved Programme" within the Capital Programme; or
- (b) results in an outcome which will have a marked effect on communities living or working in an area comprising 2 or more wards.

The following will be deemed not to be key decisions:-

- (a) any decision to implement or take forward an earlier key decision.
- (b) any decision that is delegated to an employee.

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

#### **2.12.3.6 Decision Making by the Full Council**

Subject to Article 2.12.3.10, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **2.12.3.7 Decision Making by the Cabinet and Cabinet Members**

Subject to Article 2.12.3.10, the Cabinet and Cabinet Members will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

#### **2.12.3.8 Decision Making by Scrutiny Boards**

Scrutiny Boards and the Scrutiny Co-ordination Committee will follow the Scrutiny Board Procedural Rules set out in Part 4 of this Constitution when considering any matter.

#### **2.12.3.9 Decision Making by Other Committees and Sub-Committees Established by the Council**

Subject to Article 2.12.3.10, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

#### **2.12.3.10 Decision Making by Council Bodies Acting as Tribunals**

The Council, a Council body, a Councillor or an employee may from time to time act as a tribunal and exercise quasi, judicial decision making. When so acting, the body or individual will adopt and follow procedures so as to ensure all legal requirements including the rules of natural justice and Human Rights Act are

complied with. Details of the procedure applying to any such body can be made available upon request.

2.12.3.11 Decision Making by Employees

The Council may delegate responsibility for some decision making to employees of the Council. The responsibilities delegated to employees are set out in the Responsibility for Functions in Part 3.

2.13 **Article 13 – Finance, Contracts and Legal Matters**

2.13.1 **Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

2.13.2 **Contracts**

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 4 of this Constitution.

2.13.3 **Legal Proceedings**

The Council Solicitor is authorised to institute, defend or participate in 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 Council Solicitor considers that such action is necessary to protect the Council's interests.

2.13.4 **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 Council Solicitor or other person authorised by him/her unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

2.13.5 **Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Council Solicitor. 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 Council Solicitor should be sealed. The Common Seal will be attested by the signature (including the facsimile of the signature by whatever process reproduced) of the Council Solicitor or some other person authorised by him/her. A record of the attestation will be kept in a book to be provided for that purpose of every deed and other documents which the common seal has been affixed.

2.14 **Article 14 – Review and Revision of the Constitution**

2.14.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

2.14.2 **Protocol for Monitoring and Review of Constitution by Monitoring Officer**

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

1. observe meetings of the various Councillor and employee bodies
2. undertake an audit trail of a sample of decisions
3. record and analyse issues raised with him/her by Councillors, Employees, the public and other relevant stakeholders
4. compare practices in the Council with those in other comparable Councils, and/or national examples of Best Practice.
5. Take any other reasonable action that s/he deems appropriate to fulfil his/her duties.

2.14.3 **Changes to the Constitution**

2.14.3.1 All changes to the Constitution (except those specified in paragraphs 2.14.3.2, 2.14.4 and 2.14.5 below) can only be approved by full Council—~~after consideration of a recommendation by the Standards Committee.~~

2.14.3.2 The Monitoring Officer has authority to make amendments and corrections to the Constitution where in his/her opinion, such amendment is to any anomaly or ambiguity, to reflect any change following a review ( to include change of officer or directorate descriptions), is purely technical, to correct a clear typographical or other error and such amendment does not materially alter the terms or practical operation of the Constitution. (In cases of doubt about whether the change is purely technical, the Monitoring Officer should consult and agree the position with either the Chief Executive or Director of Customer and Workforce Services—~~and Council Solicitor should consult with the Chair of the Standards Committee~~).

**2.14.4 Changes to the Scheme of Delegation**

2.14.4.1 Changes to Part 3 of the Constitution (except those specified in paragraph 2.14.4.2) can only be approved by full Council after consideration of a recommendation by the Cabinet.

2.14.4.2 Changes to Part 3.8 (Functions delegated to Employees) will be made in accordance with paragraph 3.8.2 and changes to Cabinet Portfolios will be made in accordance with paragraph 3.2.5.

**2.14.5 Calendar of Business and Schedule of Meetings**

2.14.5.1 At its annual meeting the Council will approve its planned Calendar of Business and Schedule of Meetings but nothing in this paragraph will prevent amendments being made to the Calendar of Business and Schedule of Meetings during the following 12 months in accordance with Part 4 of the Constitution.

2.15 **Article 15 – Suspension, Interpretation and Publication of the Constitution**

**Suspension of the Constitution**

2.15.1 **Limit to Suspension** – The Articles of this Constitution may not be suspended.

2.15.2 The Rules specified in Part 4 may be suspended in the following circumstances:-

- By decision of the full Council
- By any body/individual only so far as permitted within those Rules and so far as the law permits and provided the specified procedures are followed.

2.15.3 **Interpretation**

The ruling of the Lord Mayor as to the construction or application of this Constitution or as to any proceedings of the Council will not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

2.15.4 **Publication**

- (a) The Chief Executive will give a printed copy of this Constitution to each Councillor upon delivery to him/her of that individual's declaration of acceptance of office on the Councillor first being elected to the Council.
- (b) The Chief Executive will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by the local press and the public on payment of a reasonable fee.
- (c) The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

2.15.5 **Previous Standing Orders**

All Standing Orders previously made by the Council are revoked and this Constitution will take effect immediately it is approved by the Council.

**Schedule 1: Description of Executive Arrangements**

**Option 1 – All Executive forms of Constitution**

The following parts of this Constitution constitute the Council's executive arrangements:-

1. Article 6 (Scrutiny) and the Scrutiny Board Procedure Rules
2. Article 7 (The Cabinet) and the Cabinet Procedure Rules
3. Article 11 (Joint arrangements)
4. Article 13 (Decision making) and the Access to Information Procedure Rules
5. Part 3 (Responsibility for Functions)



## **PART 3**

# **SCHEME OF DELEGATION**



### 3.1 **Introduction**

In this part "functions of the Executive" will mean functions of the Leader and "Cabinet" and "Council functions" shall mean functions of the full Council of the City of Coventry comprising its elected members and chairperson.

Section 13 of the Local Government Act 2000 provides that all functions of a local authority shall be functions of the Executive of that authority except in so far as they are reserved to Council by the Local Government Act 2000, by subsequent legislation or by regulations made under the Local Government Act 2000. The Local Authorities (Functions and Responsibilities) (England) Regulations sets out those functions:

- a) which must not be discharged by the Executive and are therefore reserved as Council functions;
- b) which may be the responsibility of the Executive subject to the Council's discretion;
- c) which may not be the sole responsibility of the executive, where the Council exercises a confirmatory function; and
- d) those circumstances in which functions that would otherwise be Executive functions fall to be discharged other than by the Executive, that is when they become Council functions.

The Council may make arrangements under section 101 of the Local Government Act 1972 for the discharge of certain of its functions by:

- a Committee;
- a Sub-Committee;
- a Joint Committee;
- another local authority;
- an employee.

Under section 14 of the Local Government Act 2000, the Leader may make provision that specific Executive functions shall be allocated to, and discharged by,

- the Executive as a body;
- an individual member of the Executive;
- a Committee of the Executive; or
- an employee.

This Part 3 gives details of the split of functions adopted by the City Council in accordance with the statutory regime.

**3.2 Functions Of Cabinet**

**3.2.1 Functions**

The Cabinet will carry out all of the Council's functions which are not the responsibility of any other part of the Council.

**3.2.2 Terms of Reference**

The Cabinet will specifically be responsible for:

3.2.2.1 Maintaining and improving governance of the City.

3.2.2.2 The financial management of the City Council in accordance with the Financial Procedure Rules, the Budget (see paragraph 2.4.3) and Policy Framework Procedure Rules (see paragraph 4.3) and any other relevant rules in Part 4.

3.2.2.3 Recommendations to the Council in respect of annual Policy Priorities and Resources allocation process and the resulting revenue and capital budgets or other aspects of the Budget and Policy Framework (see paragraph 3.32).

3.2.2.4 Decisions on resources and priorities within the Budget and Policy Framework agreed by the City Council.

3.2.2.5 Approval of the Council Tax Base and Recommendations to the Council in respect of the level of Council Tax to be levied each year.

3.2.2.6 Recommendations to the Council in respect of statutory plans, the Coventry Community Plan and other plans forming component parts of the Budget and Policy Framework.

3.2.2.7 Obtaining views within the Council and with other stakeholders, agencies and the business, voluntary and community sectors to identify and address local needs.

3.2.2.8 Obtaining views from Scrutiny, other Council Committees, appropriate employees and any other person or body necessary to ensure that proposals of the Cabinet are put forward on a properly informed basis.

3.2.2.9 Leading preparation of the Best Value Local Performance Plan and ensuring the implementation of that Plan and the duty of Best Value and continuous improvement.

3.2.2.10 Executive proposals/recommendations and effective implementation of Council policies and the setting and delivery of service standards in line with the approved Budget (see paragraph 2.4.3) and Policy Framework (see paragraph 2.4.2).

3.2.2.11 Forming partnerships with other agencies and the business, voluntary and community sectors.

- 3.2.2.12 Holding Members of the Management Board accountable for their strategic and management responsibilities.
- 3.2.2.13 Recommendations to the Council on matters which are Cabinet functions but in relation to which by virtue of the significance or importance of the matter, the Cabinet decides to seek the confirmation of the Council.
- 3.2.2.14 Agreement of responses, following consideration by the appropriate Scrutiny Board where this is practicable within the timescale of the relevant consultation to Government or other consultation papers having significant policy or financial implications for the City Council or the City of Coventry.
- 3.2.2.15 Recommendations to the Council on matters which by virtue of financial significance must be referred to Council for confirmation in accordance with the Council's Financial Procedure Rules in Part 4.
- 3.2.2.16 To consider (where appropriate) reports and recommendations from Scrutiny on matters considered under the Call-In arrangements, as part of a Scrutiny Review or any Best Value Review or otherwise respond to the relevant Scrutiny Board/Committee concerned.
- 3.2.2.17 To consider:-
- Motions referred from Full Council.
  - Petitions referred to them.
- 3.2.2.18 To make proposals to the Council from time to time as to the delineation of boundaries of Wards and Parliamentary Constituencies and any other matters relating to the administrative arrangements for local elections and electoral registration.
- 3.2.2.19 To take any urgent action in the name of the Council where it is impracticable to convene a meeting of the Council (other than decisions as to levying or issuing a precept for a rate or borrowing money or any matter statutorily requiring a decision of the Council). In such circumstances, the decision of the Cabinet will contain a statement justifying the grounds upon which the urgent action was taken.
- 3.2.2.20 The Cabinet may reallocate monies within the overall budget in response to new pressures or changing circumstances. However, the Cabinet is not empowered to incur additional expenditure which cannot be offset by additional income, contingency funds or one off resources without reference to the full Council.
- 3.2.3 Leader of the Council**
- 3.2.3.1 The Leader of the Council will be the Leader elected by the Council.

**3.2.4 Responsibilities of the Leader of the Council**

3.2.4.1 To lead the Council and the Cabinet in the governance of the City of Coventry and the strategic management of the Council in order to achieve the Council's vision. Within this overall role, the Leader of the Council will:-

- Represent and promote the City and the interests of its citizens to the outside world, in conjunction with the Lord Mayor.
- Make statements, or nominate another Member to make statements, on issues or matters at Council Meetings.
- Head, or nominate another Member to head delegations of Members and appropriate Employees from the Council to meet Ministers or other representatives of central government.
- Co-ordinate working arrangements/relationships with the Council's partners and other agencies within the City in the achievement of the best possible standards of living for its citizens.
- Chair meetings of the Coventry Partnership [or their nominee](#) whilst that body's constitution calls for it.
- Take action needed, including the authorisation of financial and other resources, in response to any incidents which result in the City Council's Emergency Planning Procedures being activated.

**3.2.5 Allocation of Cabinet Portfolios**

3.2.5.1 The Leader will appoint a Councillor to be the Deputy Leader and shall appoint at least one further Councillor as a Cabinet Member. The Leader may also appoint up to a further seven other Councillors as Cabinet Members. The Leader together with the Deputy Leader and the Cabinet Member(s) appointed by the Leader will form the Cabinet.

3.2.5.2 The appointment of the Deputy Leader and Cabinet Member(s) shall take effect upon the date that written notification of such an appointment is received by the Director of Customer and Workforce Services. The Leader shall report upon any such appointment at the next available Full Council meeting.

3.2.5.3 The Leader will determine those matters reserved to full Cabinet and the content of each Cabinet Member portfolio so as to ensure that the Executive Functions of the City Council are properly and effectively discharged.

3.2.5.4 The Leader will allocate Executive Functions amongst the Cabinet as he/she sees fit and may from time to time alter those arrangements. The allocation of Executive Functions and any alterations to such arrangements will take effect upon the date that written notification is received by the Director of Customer and Workforce Services. The Leader shall report upon the allocation of

Executive Functions within the Cabinet or any changes to such arrangements at the next available Full Council meeting.

3.2.5.5. The Leader may remove the Deputy Leader and any Cabinet Member from office. Such removal from office will take effect upon the date that written notification is received by the Director of Customer and Workforce Services. The Leader shall report upon any such removal from office at the next available Full Council meeting.

3.2.5.6 The Leader may as s/he sees fit delegate Executive Powers to employees and may amend such a scheme of delegation from time to time. Any such arrangements shall take effect upon the date that written notification is received by the Director of Customer and Workforce Services. The Leader shall report upon any such scheme of delegation or any changes to it at the next available Full Council meeting .

### 3.2.6 **Cabinet Portfolios**

3.2.6.1 The Cabinet Member responsible for each portfolio will be required to advise the Cabinet on the matters relating to his/her portfolio when the Cabinet is acting collectively.

3.2.6.2 The Cabinet Member responsible for each portfolio will take decisions on behalf of the City Council relevant to the portfolio other than those matters which:-

- Require approval by the Council; \_\_\_\_\_
- Where appropriate should be determined by the Council due to its significance or importance following consultation with the Leader
- Are delegated to Employees;
- Are reserved to Scrutiny;
- Are reserved to the Standards Committee;
- Are reserved to the Cabinet; or
- Are delegated to other City Council Committees;
- Are significant in financial terms as specified in the Financial Procedure Rules;
- Are key decisions as defined in Article 12.
- Are decisions which have an impact on any other Cabinet portfolio or portfolios and should be taken by Cabinet collectively or by the relevant Cabinet Members jointly.

- Notwithstanding 3.2.6.1 above, the Cabinet Member responsible for each portfolio may refer any matter which s/he considers should be dealt with by the Cabinet collectively because of its significance or importance.
- The Director of Customer and Workforce Services or his/her representative will be present at any Meeting where a Cabinet Member responsible for a portfolio makes a decision to advise and record that decision and, if the Director of Customer and Workforce Services or her/his representative is not present, no decision will be deemed to have been taken.
- Decisions of the Cabinet and Cabinet Members are subject to the Call-In arrangements.
- In any case where a Cabinet Member determines an urgent matter, the recorded decision will include the reason for the urgency and a report to Scrutiny will be required to justify why the matter was considered as urgent. Matters determined on this basis are not subject to the Call-In arrangements. In such circumstances, the Chair of the Scrutiny Co-ordination Committee, or her/his nominee, must attend meetings where urgent decisions are taken and agree the reasons for urgency.
- Any reports on which urgent decisions have been made are to be referred to Scrutiny Co-ordination Committee for them to understand the need for urgency, but this will not delay implementation of the urgent decision itself.

**CABINET PORTFOLIOS**

<b>Member</b>	<b>Name, Address and Ward</b>	<b>Portfolio</b>
The Leader (Policy, Leadership and Governance) Chair	Councillor John Mutton 13 Gunton Avenue COVENTRY CV3 3AF  Representing Binley and Willenhall Ward	Sustainable Communities Plan Local Strategic Partnership Corporate Plan Scrutiny Comprehensive Area Assessment External Relations/Public Relations Image and Reputation Partnership Companies Liaison with Management Board Emergency Planning Regional Matters Service Transformation Single Status

<p>The Deputy Leader Cabinet Member (Strategic Finance and Resources) Deputy Chair</p>	<p>Councillor George Duggins 17 Gayer Street COVENTRY CV6 7EW  Representing Longford Ward</p>	<p>Deputising on Leader Items Strategic Finance including budget setting External Resources Operational Finance including Revenues and Benefits Service Transformation Procurement Risk Management Community Cohesion Value for Money Medium Term Financial Strategy Corporate and Service Performance, Policy and Quality Local Area Agreement</p>
<p>Cabinet Member (Children and Young People)</p>	<p>Councillor Joe Clifford 340 Broad Lane COVENTRY CV5 7AT  Representing Holbrooks Ward</p>	<p>Children and Families Children and Young Peoples' Social Care Young People Youth Offending Service Key Staff – Recruitment and Retention</p>
<p>Cabinet Member (Education)*</p>	<p>Councillor Lynette Kelly 81 Broad Lane COVENTRY CV5 7AH  Representing Henley Ward</p>	<p>Post 16 Education and Training Schools Early Years Youth Service</p>
<p>Cabinet Member (City Development)</p>	<p>Councillor Linda Bigham 32 Hurst Road COVENTRY CV6 6EJ  Representing Longford Ward</p>	<p>Community Economic Development City Centre Facilities Management International Liaison (except Lord Mayor's) New Deal for Communities Inward Investment Property and Building Services Urban Regeneration Regional Housing and Planning</p>

<p>Cabinet Member (City Services)**</p>	<p>Councillor Lindsley Harvard 20 Avondale Road COVENTRY CV5 6DZ</p> <p>Representing Longford Ward</p>	<p>Building Cleaning Catering Highways and Lighting Liveability Street Services (Grounds Maintenance, Refuse, Street Cleansing) Waste Management</p>
<p>Cabinet Member (Housing, Sustainability and Local Infrastructure)</p>	<p>Councillor Tony Skipper 121 Blackwatch Road COVENTRY CV6 3GU</p> <p>Representing Radford Ward</p>	<p>Agenda 21 Climate Change Strategy Carbon Footprint Conservation Energy, Conservation and Renewal Green Travel Nottingham Declaration Sustainability Local Transportation Housing Strategy e-Government Information, Communication and Technology</p>
<p>Cabinet Member (Community Services)</p>	<p>Councillor Jim O'Boyle 80 Torrington Avenue COVENTRY CV4 9AR</p> <p>Representing St Michael's Ward</p>	<p>Social Care for Adults, Older People and Disabled People Carers Health Strategy and Policy Health Inequalities</p>
<p>Cabinet Member (Culture, Leisure, Sport and Libraries)</p>	<p>Councillor Abdul Khan 72 Princess Street COVENTRY CV6 5BU</p> <p>Representing Foleshill Ward</p>	<p>Adult Education Archives Arts Heritage Libraries Museums Parks Sport Tourism Olympics 2012</p>
<p>Cabinet Member (Corporate and Neighbourhood Services)**</p>	<p>Councillor Phil Townshend The Barn House 76 Birmingham Road COVENTRY CV5 9GX</p>	<p>Community Centres Community Safety Neighbourhood Management Refugees and Asylum Seekers Voluntary Sector Ward Forums</p>

	Representing Lower Stoke Ward	Welfare Advice Services Public Protection Customer Services Democratic Services Human Resources Equalities Legal Services Training Health and Safety
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**\*Cllr Kelly is designated as the Lead Member for Children's Services as required by Section 19 of the Children Act 2004**

**\*\*Licensing Policy Decisions under Executive Functions will be made by either of these members in accordance with their portfolio.**

3.3 **Functions of Council**

3.3.1 **The following functions will be the responsibility of the Council:-**

<b>Functions</b>	<b>Statutory Reference</b>
Adopting and changing the Constitution	Part II Local Government Act 2000 and subordinate Legislation
Approving or adopting the Policy Framework and the Budget	Sections 13 and 105 Local Government Act 2000; Regulation 4 and Schedule 3 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000
Making executive decisions which are contrary to the policy framework or executive decisions which are contrary to or not wholly in accordance with the budget	Sections 13 and 105 Local Government Act 2000; Regulation 5 and Schedule 4 of The Local Authorities (Functions and Responsibilities) (England) Regulations
Electing and removing the Leader	Sections 44B/44C Local Government Act 2000
In relation to functions which are not the responsibility of the Cabinet agreeing and/or amending the terms of reference for committees, or joint committees except where such function is a specified function of the Cabinet, deciding on their composition and making appointments to them	Sections 101 and 102 Local Government Act 1972 Section 21 and 53 Local Government Act 2000

Appointing the independent Members of the Standards Committee and if it thinks fit, the Chair of that Committee	Sections 53 Local Government Act 2000 and any regulations made thereunder
Power to alter governance arrangements	Section 33 Local Government Act 2000 (as amended)
Appointing representatives to outside bodies unless the appointment is an executive function or has been otherwise delegated by the Council	Sections 101 and 102 Local Government Act 1972 and any other enactment conferring powers on the Council
Adopting an allowances scheme under Article 2 and Part 6	Section 173 to 175 Local Government Act 1972; Section 18 Local Government and Housing Act 1989 and Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202) as amended by the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384) and any other regulations thereunder
Changing the name of the area	Section 74 Local Government Act 1972
Making, amending or revoking standing orders	Sections 106, 135, paragraph 42 Schedule 12 Local Government Act 1972; Sections 8 and 20 Local Government and Housing Act 1989 and the Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202) as amended by the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384) and any other regulations thereunder
Confirming the appointment of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer	Sections 151 Local Government Act 1972; Sections 4 & 5 Local Government and Housing Act 1989 and Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202) as amended by the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384)
Duty to provide staff etc, to person nominated by Monitoring Officer	Sections 82a (4) and (5) of the Local Government Act 2000 (a)

Powers relating to overview and Scrutiny Committees (voting right of co-opted Members)	Paragraph 12 and 14 of Schedule 1 to the Local Government Act 2000
Making, amending revoking, re-enacting or adopting bylaws	Any provision or any enactment (including a local Act) whenever passed; Section 14 Interpretation Act 1978
Promoting or opposing the making of local legislation or personal Bills	Sections 239 Local Government Act 1972
All local choice functions which the Council decide should be undertaken by itself rather than any other person or body or other matters reserved to full Council by this Constitution including the following: <ul style="list-style-type: none"> <li>• Appointing the Members Chairs and Deputy Chairs of the Scrutiny Boards and Scrutiny Co-ordination Committee</li> <li>• Electing the Lord Mayor and Deputy Lord Mayor</li> </ul>	Sections 13 105 Local Government Act 2000; Regulation 3(1) and Schedule 2 of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853
Determining whether or not to accept the delegation of any functions from another local authority	Sections 101 and 102 Local Government Act 1972
Appointing Proper Officers for the purposes of any particular functions	Section 270(3) Local Government Act 1972
Approval for the purposes of public consultation draft proposals associated with the preparation of alterations to, or the replacement of, a development plan (but excluding any SPG or development brief prepared under the Development Plan)	Regulation 10 or 22 Town and Country Planning (Development Plans) (England) Regulations 1999 (as amended by the Town and Country Planning (Transitional Arrangements) (England) Regulations 2004 (SI 2004/2205)

All other matters which, by law, must be reserved to the Council	Any provision of any enactment (including a local Act) whenever passed
Power to change the name of a parish	Section 75 of the Local Government Act 1972
Power to alter the dates of Parish Elections	Section 53 Local Government and Public Involvement in Health Act 2007
Power to undertake a Community Governance Review	Section 82 Local Government and Public Involvement in Health Act 2007
Power to confer title of honorary alderman or to admit to be an honorary freeman	Section 249 of the Local Government Act 1972 (ss(5), (6) amended by the Local Government, Planning and Land Act 1980 Section 180)
Functions relating to local government pensions etc	Regulations under section 7, 12 or 24 Superannuation Act 1972 (as amended by the Police Pensions Act 1976 s13(1))
Functions under the Fireman's Pension Scheme relating to pensions etc. to persons employed as members of fire brigades maintained pursuant to the Fire Services Act 1947	Section 26 Fire Services Act 1947 (most of this Act has been repealed by the Fire and Rescue Services Act 2004, Section 26 of this Act still has effect as it has been preserved by Section 36 of the new Act and the Firefighters' Pension Scheme (England and Scotland) Order (SI 1992/129), and the Firefighters' Pension Scheme (England and Scotland) Order 2004 (SI 2004/2306), the Firefighters' Pension Scheme (Amendment) (England) Order 2006 (SI 2006/1810) and the Firefighters' Compensation Scheme (England) Order 2006 (SI 2006/1811)
Power to make payments or provide other benefits in cases of maladministration	Section 92 of the Local Government Act 2000

<p>All functions relating to local, parliamentary and European elections</p>	<p>Sections 86 &amp; 87 of the Local Government Act 1972, Sections 8(2), 18, 21, 31, 39(4), 52(4), 54 of the Representation of People Act 1983 for Section 8(2) refer to the Representation of the People (England and Wales) (Amendment) (No. 2) Regulations (SI 2006/341) further amended by (SI 2006/2910), Section 18 of the Representation of People Act 1983 substituted by the Electoral Administration Act 2006 Sections 16(1) and 74(2). Also refer to the review of Polling Districts and Polling Places (Parliamentary Elections) Regulations 2006, (SI 2006/2965), Sections 21, 52 (4) and Sections 54 part repealed and substituted by the Representation of People Act 1985, Section 31 sub-sections 4 and 5 (repealed by the Local Government Act 1985 Sections 102(2) Sch. 17, Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 amended by the Local Elections (Principal Areas) (Amendment) (England and Wales) Rules 2004, (SI 2004/223) and the Local Elections (Principal Areas) (England and Wales) Rules 2006, (SI 2006/3304) Section 54 part amended by the Representation of People Act 1985, ss24, sch 4, para 14</p>
<p>Duty to declare vacancy in office in certain cases</p>	<p>Section 86 of the Local Government Act 1972 as amended by the Local Government Act 1985 Section 84, Sch 14, Pt 1, para 8</p>
<p>Duty to give public notice of a casual vacancy</p>	<p>Section 87 of the Local Government Act 1972</p>

**3.3.2 The Policy Framework Will Include the Following Plans and Strategies**

- Best Value Performance Plan
- Community Strategy
- Housing Strategy
- Coventry Development Plan
- Children and Young People's Plan
- Local Transport Plan
- Civil Contingencies Plan
- Air Quality Action Plan (only required where poor air quality is not due to transport)
- Municipal Waste Strategies (only required in two tier areas under arrangements introduced through the Waste and Emissions Trading Act 2003)

- Emergency Related Plans (Pipeline safety and off site emergencies where not integrated in the main civil contingencies plan)
- Youth Justice Plan (should be aligned with the Children's and Young Peoples Plan)
- Crime and Disorder Reduction Partnership/Drug Action Team Strategy
- Connexions Business Plan
- Child and Adolescent Mental Health Plan
- Refugee and Asylum Strategy
- Older People Strategy
- Coventry Community Plan
- Local Area Agreement
- Local Public Service Agreement (if applicable)

3.3.3 **Budget** The budget includes the allocation of capital and revenue resources, the precept level, the council tax, the planned use of reserves, the Council's borrowing limit and the virement limits. The approval of the Council Tax base will be determined by Cabinet.

NB: Whilst the Cabinet will have responsibility for the formulation of such plans and strategies the formal approval or adoption of any such plan or strategy will be a matter for full Council to determine.

3.4 **Functions of Scrutiny**

- 3.4.1 Scrutiny Boards will carry out the functions of scrutiny and overview as conferred by Section 21 of the Local Government Act 2000 to review or scrutinise decisions made or other actions taken in connection with the discharge of any functions which are the responsibility of the Cabinet (whether or not delegated to an employee) and to make reports or recommendations to the Cabinet or the Council with respect to the discharge of those functions.
- 3.4.2 Scrutiny Boards may also review or scrutinise decisions made or other action taken in connection with the discharge of any functions which are not the responsibility of Cabinet (subject to the limitations in paragraph 3.4.8 below) and may make reports or recommendations to the Council, the Cabinet, any Cabinet Member, or other Committee in relation to those functions.
- 3.4.3 Scrutiny Boards may also make recommendations to the Council or to Cabinet on any other matters which affect the City or any inhabitants of the City.
- 3.4.4 Scrutiny Boards will also have responsibility for the initial consideration of responses to Government or other consultation papers that have significant policy or financial implications for the City Council or the City and where such consideration is practicable within the timescale of the relevant consultation.
- 3.4.5 The Scrutiny Boards will carry out those functions having regard to Article 6, the Scrutiny Procedure Rules and the terms of reference for Scrutiny.
- 3.4.6 The Council will appoint Scrutiny Co-ordination Committee and Scrutiny Boards and will allocate remits to each based largely on the Cabinet Members' portfolios. One of the Scrutiny Boards will also be designated as the Council's crime and disorder committee.
- 3.4.7 The current Scrutiny remits are as follows:-

**Scrutiny Co-ordination Committee**

- Policy, Leadership & Governance, Strategic Overview, including overall Scrutiny Management and Call-in Corporate Cross Cutting Issues

**Finance, Corporate and Neighbourhood Services Scrutiny Board (Scrutiny Board 1)**

- Council Resources; Equality of Opportunity and Involved Cohesive Communities and Neighbourhoods.

**Children, Young People, Learning and Leisure Scrutiny Board (Scrutiny Board 2)**

- Children and Young People; Culture, Sport and Physical Activity

**Economy, Regeneration and Transport Scrutiny Board (Scrutiny Board 3)**

- Economy, Learning, Skills and Employment, Transport and Housing

**Environmental and Community Safety Scrutiny Board (Scrutiny Board 4)**

- Cleaner, Greener streets and open spaces: making a positive environmental contribution and tackling climate change; Community Safety

(Designated as the Council's Crime and Disorder Committee)

**Health and Social Care Scrutiny Board (Scrutiny Board 5)**

- Health, wellbeing and independence. Including Adult Social Care

(Designated as the Council's Health Overview and Scrutiny Committee)

3.4.8 Scrutiny Boards may review the work of another Committee or Panel but Scrutiny Boards are not permitted to call-in or review individual or particular decisions in respect of development control, licensing, regulation, consents or other permissions, or where an alternative appeal or dispute resolution procedure applies or where the rules of natural justice or human rights requirements would be compromised by such call-in or review.

**3.5 Licensing and Regulatory Committee**

Reference should also be made to **Part 4.12** – Licensing and Regulatory Committee Procedure Rules

**3.5.1 Functions Delegated to the Licensing and Regulatory Committee**

The Committee will have responsibility for the following delegated functions **except** where specific functions have been delegated to an employee of the Council by virtue of Part 3.8 of this Constitution and subject to those provisions regarding legal proceedings.

	<b>Function</b>	<b>Statutory Reference</b>
1.	Power to license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964
2.	Duty to keep list of persons entitled to sell non-medicinal poisons	Sections 3(1)(b)(ii), 5,6 and 11 of the Poisons Act 1972
3.	Power to issue licences for the movement of pigs	The Pigs (Records, Identification and Movement) Order 2007 (SI 2007/642)
4.	Power to license the sale of pigs	The Pigs (Records, Identification and Movement) Order 2007 (SI 2007/642)
5.	Power to license collecting centres for the movement of pigs	The Pigs (Records, Identification and Movement) Order 2007 ( SI 2007/642)
6.	Power to issue a licence to move cattle from a market	The Cattle Identification Regulations 2007 (SI 2007/529)
7.	Power to approve meat product premises	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 Food Hygiene (England) Regulations 2005 (SI 2005/2059)

**Part 3.5 - Functions of Licensing and Regulatory Committee**

8.	Power to approve premises for the production of minced meat or meat preparations	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (SI 1995/3205) Food Hygiene (England) Regulations 2005 (SI 2005/2059)
9.	Power to approve dairy establishments	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (SI 1995/1086) Food Hygiene (England) Regulations 2005 – (SI 2005/2059)
10.	Functions under any of the "relevant statutory provisions" for health, safety and welfare in connection with work, and control of dangerous substances	Within the meaning of Part 1 of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the authority's capacity as an employer
11.	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975 as amended by the Fire Safety and Safety of Places of Sport Act 1987
12.	Power to issue, cancel amend or replace safety certificates for regulated stands at sports grounds	Part III of the Fire Safety and Safety of Places of Sport Act 1987
13.	Power to issue licences authorising the use of land as a caravan site ("site licence")	Section 3(3) Caravan Sites and Control of Development Act 1960
14.	Power to license the use of moveable dwellings and camping sites	Section 269(1) of the Public Health Act 1936 as amended by the Caravan Sites and Control of Development Act 1960
15.	Power to license hackney carriages and private hire vehicles	Town Police Clauses Act 1847 as extended by s.171 of the Public Health Act 1875 and amended and section 15 of the Transport Act 1985 and Part II of the Local Government (Miscellaneous Provisions) Act 1976

**Part 3.5 - Functions of Licensing and Regulatory Committee**

16.	Power to license drivers of hackney carriages and private hire vehicles	(-"-)
17.	Power to license operators of private hire vehicles	Part II of the Local Government (Miscellaneous Provisions) Act 1976
18.	Power to register pool promoters	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by the Gambling Act 2005
19.	Power to grant track betting licences	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by the Gambling Act 2005
20.	Power to license inter-track betting schemes	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by the Gambling Act 2005
21.	Power to grant permits in respect of premises with amusement machines	Schedule 9 to the Gaming Act 1968 as saved for certain purposes by the Gambling Act 2005
22.	Power to register societies wishing to promote lotteries	Schedule 1 to the Lotteries Amusements Act 1976 as saved for certain purposes by the Gambling Act 2005
23.	Power to grant permits in respect of premises where amusements with prizes are provided	Schedule 3 to the Lotteries and Amusements Act 1976 as saved for certain purposes by the Gambling Act 2005
24.	Licensing the supply of alcohol, regulated entertainment and late night refreshment	All licensing functions under the Licensing Act 2003
25.	Power to license sex-shops and sex cinemas	Local Government (Miscellaneous Provisions) Act 1982 Section 2 and Schedule 3
26.	Power to license performances of hypnotism	The Hypnotism Act 1952 as amended by Licensing Act 2003

**Part 3.5 - Functions of Licensing and Regulatory Committee**

27.	Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982
28.	Power to license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907 as amended by Local Government (Miscellaneous Provisions) Act 1976
29.	Power to license market and street trading	Part III and Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982
30.	Power to license dealers in game and the killing and selling of game	Sections 5,6,17,18 and 21 to 23 of the Games Act 1831. Sections 2 to 16 of the Game Licences Act 1860, as amended Section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 and section 213 of the Local Government Act 1972
31.	Power to register and license premises for the preparation of food	Section 19 of the Food Safety Act 1990 and Food Standards Act 1991 section 40(1)
32.	Power to license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 and Section 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999 There will be the power to repeal licensing activities under the Animal Welfare Act of 2006 section 13(8) but this is not yet in force
33.	Power to license pet shops and other establishments where animals are bred or kept for the carrying on of a business	Section 1 of the Pet Animals Act 1951, section 1 of the Animal Boarding Establishments Act 1963, the Riding Establishments Acts 1964 and 1970, Section 1 of the Breeding of Dogs Act 1973 and Sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
34.	Power to register animal trainers and exhibitions	Section 1 of the Performing Animals (Regulation) Act 1925 and Animal Welfare Act 2006 when in force)

**Part 3.5 - Functions of Licensing and Regulatory Committee**

35.	Power to license dogs and dangerous wild animals	Section 1 of the Dangerous Wild Animals Act 1976
36.	Power to license Zoos	Section 1 of the Zoo Licensing Act 1981
37.	Power to license the employment of children	Part II of the Children and Young Persons Act 1933, byelaws made under that Part and Part II of the Children and Young Persons Act 1963
38.	Power to license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 and Sections 2 of the House to House Collections Act 1939 (amended by the Charities Act 2006 section 75(1) and (2), sch 8 sch 9 but note not yet in force
39.	Power to grant consent for the operation of a loud speaker	Schedule 2 of the Noise and Statutory Nuisance Act 1993
40.	Power to grant a street works licence	Section 50 of the New Roads and Street Works Act 1991
41.	Power to approve egg product establishments	The Food Hygiene (England) Regulations 2005 (SI 2005/2059)
42.	Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and supplying or selling both raw meat and ready to eat foods	The Food Hygiene (England) Regulations 2005 (SI 2005/2059)
43.	Power to register and duty to keep register of food business premises	Regulations 5 and 9 of the Food premises (Registration) Regulations 1991 (SI 1991/2828)
44.	Duty to appoint an electoral registration officer and returning	Sections 8(2) and 35 of the Representation of the Peoples Act 1983

**Part 3.5 - Functions of Licensing and Regulatory Committee**

	officer for local government elections	
45.	Power to divide electoral divisions into polling districts at local government elections	Section 31 of the Representation of the People Act 1983 (as amended by the Local Government Act 1985)
46.	Power to determine fees and conditions for supply of copies of, or extracts from, elections documents	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (SI 1986/2214) and any other regulations made thereunder
47.	Power to license knackers' yard	The Animal By-Products Order 1999 (SI 1999/646) and the Animal By-Products Regulations 2005 (SI 2005/2347) Reg 54(1)(a)(E)
48.	Power to approve fish products premises	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I 1998/994), The Food Hygiene (England) Regulations 2005 (SI 2005/2059)
49.	Power to approve dispatch or purification centres	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998, The Food Hygiene (England) Regulations 2005 (SI 2005/2059)
50.	Power to register auction and wholesale markets	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998, The Food Hygiene (England) Regulations 2005 (SI 2005/2059)
51.	Power to make payments or provide other benefits in cases of maladministration	Section 92 of the Local Government Act 2000
52.	Guard Dogs Act 1975 Transport Act 1985, Section 19 (Licensing of Minibuses) Clean Air Act 1983 Environmental Protection Act 1990 (Part 1) (Pollution Control) as modified by the Waste	"statutory provisions as listed"

	<p>Management Licensing Regulations 1994 (SI 1994/1056)          Pollution Prevention &amp; Control Act 1999          Part 1 of the Vehicles (Crime) Act 2001 (register of motor salvage operators)          Marriage Act 1949 (approval of premises for the solemnisation of marriages)          Celluloid and Cinematograph Film Act 1922 (storage of celluloid)          Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (closing orders for takeaways)          Section 13 of the Criminal Justice and Public Places Act 2001 (Designated Public Places Orders)          Section 16 Violent Crime Reduction Act (Alcohol Disorder Zones)</p>	
53.	<p>Power to issue Premises Licenses and Permits; powers in respect of temporary use notices and occasional use notices; powers in respect of small society lotteries; power to set fees; power to authorise prosecutions; powers of entry/inspection</p>	<p>Gambling Act 2005: Section 39, Part 8, Part 9, Part 15, Section 3, 4, 6, Schedules 10, 11, 12, 13, 14</p>
54.	<p>Functions relating to smoke-free premises, etc</p> <ol style="list-style-type: none"> <li>1. Duty to enforce Chapter 1 and regulations made under it</li> <li>2. Power to authorise officers</li> <li>3. Functions relating to fixed penalty notices</li> <li>4. Power to transfer enforcement functions to another enforcement authority</li> </ol>	<p>Section 10(3) of the Health Act 2006</p> <p>Section 10(5) of and paragraph 1 of Schedule 2 to the 2006 Act</p> <p>Paragraphs 13, 15 and 16 of Schedule 1 to the 2006 Act</p> <p>Smoke-free (Vehicle Operators and Penalty Notice) Regulations 2007 (SI 2006/760)</p> <p>Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368)</p>

**Matters incidental to the exercise of the Committee's delegated functions**

3.5.2 The exercise of the above functions by the Licensing and Regulatory Committee will include the power to impose any condition limitation or other restriction on any approval consent licence permission or registration granted in the exercise of those functions and the power to determine any other terms to which any such approval consent licence permission or registration is subject.

3.5.3 The exercise of the above functions by the Licensing and Regulatory Committee will include the power to determine whether, and in what manner, to enforce any failure to comply with any approval consent licence permission or registration granted or any failure to comply with the condition limitation or term to which a such approval consent licence permission or registration is subject or any other contravention in relation to a matter with regard to which the function has been exercised.

3.5.4 The exercise of the above functions by the Licensing and Regulatory Committee will include the power to amend modify or vary any such approval consent licence permission or registration or any condition limitation or term to which it is subject and the power to revoke any such approval consent licence permission or registration.

3.5.5 **Legal Proceedings**

The Licensing and Regulatory Committee shall (except where delegated to an Employee under Part 3.8) have the power to institute, defend and conduct legal proceedings in furtherance of or arising from the discharge of functions delegated to it.

The Licensing and Regulatory Committee has retained the responsibility for authorising all legal proceedings in relation to those functions delegated to the Assistant Director (Public Safety) and the Assistant Director (Housing Policy) as set out in Part 3.8, other than where specifically indicated.

**3.6 Planning Committee**

Reference should also be made to **Part 4.11** – Planning Committee Procedure Rules

**3.6.1 Functions Delegated to the Planning Committee.**

The Planning Committee will have responsibility for the following delegated functions **except** where specific functions have been delegated to an employee of the Council by virtue of Part 3.8 of this Constitution.

	<b>Function</b>	<b>Statutory Reference</b>
1.	Powers and duties relating to local development documents which are development plan documents	Sections 20 to 23 and 25, 26 and 28 of the Planning and Compulsory Purchase Act 2004 (c.5) and the Planning and Compulsory Purchase Act 2004 (Commencement Order No. 2, (Transitional Provisions and Savings) Order 2004 (SI 2004/2202) in so far as they confer a power or impose a duty
2.	Power to agree to establish a Joint Committee to be, for the purposes of Part 2 of the Planning and Compulsory Act 2004, a local planning authority	Section 29 of the Planning and Compulsory Purchase Act 2004 and the Planning and Compulsory Purchase Act 2004 (Commencement Order No. 2, Transitional Provisions and Savings) Order 2004 (SI 2004/2202) in so far as they confer a power or impose a duty
3.	Power to agree to confer additional functions on a joint committee	Section 30 of the Planning and Compulsory Purchase Act 2004
4.	Power to request the dissolution of a joint committee	Section 31 of the Planning and Compulsory Purchase Act 2004
5.	Power to determine application for planning permission	Sections 70 (1) (a) and (b) (modified by the Town and Country Planning (Trees) Regulations 1999 (SI 1999/1892) Reg. 2(1)) and 72 of the Town and Country Planning Act 1990 (c.8)

**Part 3.6 – Functions of Planning Committee**

6.	Power to determine applications to develop land without compliance with conditions previously attached	Section 73 of the Town and Country Planning Act 1990
7.	Power to grant planning permission for development already carried out	Section 73A of the Town and Country Planning Act 1990
8.	Power to decline to determine application for planning permission	Section 70A of the Town and Country Planning Act 1990
9.	Duties relating to the making of determinations of planning applications	Sections 69, 76 (repealed by the Planning and Compulsory Purchase Act 2004 Sch 6, paras. 1, 4, Schedule 9) and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2005 (SI 2005/85) and directions made thereunder
10.	Power to determine application for planning permission made by a local authority, alone or jointly with another person	Section 316 of the Town and Country Planning Act 1990 substituted by the Planning and Compensation Act 1991 section 12(1) and the Planning and Compulsory Purchase Act sub-sections 118(1), 120, sch 6, para 1, 5, sch 9 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492) and any other regulations thereunder
11.	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights	Schedule 1 and Parts 2, 5, 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) and any other enactment and regulations thereunder

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12.	Power to enter into agreement regulating development or use of land	Section 106 of the Town and Country Planning Act 1990
13.	Power to issue a certificate of existing or proposed lawful use or development	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990 (substituted by the Planning and Compensation Act 1991 section 10(1))
14.	Power to serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004 section 51(2)(b), 6
15.	Power to grant consent for the display of advertisements	Section 220 of the Town and Country Planning Act 1990, the Environment Act 1995, section 120(1), sch 22, para 233(1), and the Antisocial Behaviour Act 2003 section 48(1)(a) and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (SI 2007/783) and any other regulations made thereunder
16.	Power to authorise entry onto land	Section 196A of the Town and Country Planning Act 1990
17.	Power to require the discontinuance of a use of land	Section 102 of the Town and Country Planning Act 1990
18.	Power to serve or withdraw a planning contravention notice, breach of condition notice, stop notice or temporary stop notice	Sections 171C, 171E, 187A and 183(1) (now revised by the Planning and Compensation Act 1991 section 9 of the Town and Country Planning Act 1990
19.	Power to issue an enforcement notice, vary or withdraw an enforcement notice	Section 172 and Section 173a of the Town and Country Planning Act 1990 (substituted by the Planning and Compensation Act 1991 section 5)

20.	Power to apply for an injunction restraining a breach of planning control	Section 187B of the Town and Country Planning Act 1990
21.	Power to determine applications for hazardous substances consent, and related powers	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 as amended by the Environmental Protection Act 1990
22.	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991 as modified by the Planning and Compulsory Purchase Act 2004, s 87, (c.34), paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act
23.	Power to require proper maintenance of land and to extend the compliance period to comply with a notice issued in this respect	Section 215(1) and Section 216(7) of the Town and Country Planning Act 1990
24.	Power to determine application for listed building consent, and related powers	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)
25.	Power to determine applications for conservation area consent	Section 16(1) and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act
26.	Duties relating to applications for listed building consent and conservation area consent	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 as amended by the Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2003 (SI 2003/2048), the Planning (Listed Buildings and Conservation Areas)

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		(Amendment) (England) Regulations 2004 (SI 2004/2210), the Planning (Listed Buildings and Conservation Areas) (Amendment) (No 2) (England) Regulations 2004 (SI 2004/3341) and paragraphs 8, 15 and 22 of the Department of the Environment Circular 14/97
27.	Power to serve a building preservation notice, and related powers	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990
28.	Power to issue enforcement notice in relation to demolition of a listed building in conservation area	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990
29.	Powers to acquire a listed building in need of repair and to serve a repairs notice	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990
30.	Power to apply for an injunction in relation to a listed building	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990
31.	Power to execute urgent works	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990
32.	Powers relating to the preservation of trees	Sections 197 to 214D Town and Country Planning Act 1990 and Trees Regulations 1999 (SI 1999/1892) as amended by the Transport Act 2000 (Consequential Amendments) Order 2001(SI 2001/4050) and any regulations made thereunder
33.	Power to make limestone pavement order	Section 34(2) Wildlife and Countryside Act 1981
34.	Power to create footpaths, bridleways and restricted byways	Sections 25 and 26 of the Highways Act 1980

**Part 3.6 – Functions of Planning Committee**

35.	Duty to keep register of information with respect to maps, statements and declarations	Section 31 Highways Act 1980
36.	Power to apply for judicial stopping up or diversion of a highway	Section 116 Highways Act 1980
37.	Power to stop up footpaths, bridleways and restricted byways	Section 118 of the Highways Act 1980
38.	Powers to divert footpaths bridleways and restricted byways	Section 119 of the Highways Act 1980 (and Restricted Byways (Application and Consequential Amendments of Provisions) Regulations 2006 (SI 2006/1177)
39.	Duty to assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980
40.	Power to authorise temporary disturbance of surface of footpath, bridleway and restricted byways	Section 135 Highways Act 1980 (and Restricted Byways (Application and Consequential Amendments of Provisions) Regulations 2006 (SI 2006/1177)
41.	Powers relating to the removal of things so deposited on highways as to be a nuisance	Section 149 of the Highways Act 1980
42.	Duty to keep a definitive map and Statement under review	Section 53 of the Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000, s 51
43.	Duty to reclassify roads used as public footpaths Power to grant permission for provision of services, amenities, recreation and refreshment facilities on highway and related powers	The Countryside and Rights of Way Act 2000, ss 47(1), 102, sch 16, pt II  Sections 115E-K Highways Act 1980

**Part 3.6 – Functions of Planning Committee**

44.	Power to permit deposit of a builder's skip on highway	Section 139 of the Highways Act 1980
45.	Power to license planting retention and maintenance of trees etc in part of highway	Section 142 of the Highways Act 1980
46.	Power to authorise erection of stiles etc on footpaths and bridleways	Section 147 of the Highways Act 1980
47.	Power to license works in relation to buildings etc which obstruct the highway	Section 169 of the Highways Act 1980
48.	Power to consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980
49.	Power to dispense with obligation to erect hoarding or fence	Section 172 of the Highways Act 1980
59.	Power to restrict the placing of rails, beams etc over highways	Section 178 of the Highways Act 1980
51.	Power to consent to construction of cellars, etc under highways	Section 179 of the Highways Act 1980
52.	Power to consent to the making of openings into cellars etc under streets, and pavement lights	Section 180 of the Highways Act 1980
53.	Power to register common land or town and village greens except where the power is exercisable solely for the purpose of giving effect to –  (a) an exchange of lands effected by an order under section 19(3) or paragraph 6(4) of Schedule 3 Acquisition of Land Act 1981 as	Regulation 6 Commons registration (New Land) Regulations 1969 (SI 1969/1843) amended by the Coal Industry Act 1994 (Consequential Modifications of Subordinate Legislation) Order 1994 (SI 1994/2567)

	amended by The Planning and Compensation Act 1991 or	
	(b) an order under section 147 of the Inclosure Act 1845 (and Commons Act 2006 not yet in force)	
54.	<p>Power to register variation of rights of common</p> <p>Functions relating to the registration of common land and town or village greens</p> <p>Powers to apply for enforcement orders against unlawful works on common land, to protect and take enforcement action in respect of unclaimed common land and town or village greens.</p>	<p>Regulation 29 of the Commons Registration (General) Regulations 1996 (S.I 1996/1471)</p> <p>Part 1 Commons Act 2006 and the Commons registration (England) Regulations 2008</p> <p>Sections 41 and 45 Commons Act 2005</p>
55.	Power to determine applications for public path extinguishment orders and special extinguishment orders	Section 118ZA and 118C(2) of the Highways Act 1980
56.	Power to make a rail crossing extinguishment order	Section 118A of the Highways Act 1980
57.	Power to make a special extinguishment order	Section 118B of the Highways Act 1980
58.	Power to determine applications for a public path diversion order and special diversion order	Section 119ZA and 119C(4) of the Highways Act 1980
59.	Power to make a rail crossing diversion order	Section 119A of the Highways Act 1980
60.	Power to make a special diversion order	Section 119B of the Highways Act 1980

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61.	Power to require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980
62.	Power to make an SSSI diversion order	Section 119D of the Highways Act 1980
63.	Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980
64.	Power to decline to determine certain applications	Section 121C of the Highways Act 1980
65.	Duty to serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980
66.	Power to apply for variation of order under section 130B of the Highways Act 1980	Section 130B of the Highways Act 1980
67.	Power temporarily to divert footpath, bridleway and restricted byways	Section 135A of the Highways Act 1980
68.	Functions relating to the making good of damage and the removal of obstructions	Section 135B of the Highways Act 1980
69.	Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981 (c.67)
70.	Power to include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
71.	Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981 and the Wildlife and Countryside Act 1981 (England) (Regulations) 2005 (SI 2005/2461)

72.	Power to prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981 and the regulations under the Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993 (as amended by (SI 2006/1177) reg 2 sch. Part 2)
73.	Power to designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984 (c.38)
74.	Power to extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1985 (c.68)
75.	Power to authorise stopping-up or diversion of footpath or bridleway	Section 257 of the Town and Country Planning Act 1990
76.	Power to extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990
77.	Power to enter into agreements with respect of means of access	Section 35 of the Countryside and Rights of Way Act 2000. (c.37)
78.	Power to provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000
79.	Power relating to the protection of important hedgerows	The Hedgerows Regulations 1997 (SI 1997/1160) and any other regulations thereunder
80.	Power to adjudicate on high hedges complaints	Part 8 of the Anti Social Behaviour Act 2003
81.	Power to require the removal of any advertisement displayed or the discontinuance of the use of any site for the display of advertisements	Section 224 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007 and any other regulations thereunder

**3.6.2 Matters incidental to the exercise of the Committee's delegated functions**

3.6.2.1 The exercise of the above functions by the Planning Committee will include the power to impose any condition limitation or other restriction on any approval consent licence permission or registration granted in the exercise of those functions and the power to determine any other terms to which any such approval consent licence permission or registration is subject.

3.6.2.2 The exercise of the above functions by the Planning Committee will include the power to determine whether, and in what manner, to enforce any failure to comply with any approval consent licence permission or registration granted or any failure to comply with the condition limitation or term to which a such approval consent licence permission or registration is subject or any other contravention in relation to a matter with regard to which the function has been exercised.

3.6.2.3 The exercise of the above functions by the Planning Committee will include the power to amend modify or vary any such approval consent licence permission or registration or any condition limitation or term to which it is subject and the power to revoke any such approval consent licence permission or registration.

**3.6.2.4 Legal Proceedings**

The Planning Committee shall have the power to institute, defend, and conduct legal proceedings in furtherance of or arising from the discharge of functions delegated to it.

### ~~3.7 Standards Committee~~

~~The Standards Committee will have responsibility for the following functions which are reserved to it.~~

#### ~~3.7.1 The Role and Function~~

~~The Standards Committee will have the following roles and functions:-~~

- ~~•promoting and maintaining high standards of conduct by Councillors, and co-opted Members and Church and Parent Governor representatives.~~
- ~~•assisting the Council's co-opted Members and Church and Parent Governor representatives to observe the Code of Conduct for Elected Members.~~
- ~~•to advise the Council on the adoption or revision of the Code of Conduct for Elected Members.~~
- ~~•monitoring the operation of the Code of Conduct for Elected Members.~~
- ~~•advising, training or arranging to train Councillors, co-opted Members and Church and Parent Governor representatives on matters relating to the Members' Code of Conduct.~~
- ~~•assessing written allegations of breaches of the Members' Code of Conduct.~~
- ~~•reviewing a decision that no action should be taken on a complaint, in response to the request of a complainant.~~
- ~~•dealing with any reports from a Case Tribunal or Interim Case Tribunal and any report from the Monitoring Officer on any matter which is referred to them for determination by the Monitoring Officer, Ethical Standards Officer or the Standards Board for England.~~
- ~~•reporting annually to Council on ethical governance within the City Council.~~
- ~~•considering and determining applications for exemptions from political restriction.~~
- ~~•give directions to the Council requiring it to include a post on its list of politically restricted posts.~~
- ~~•the exercise of the above functions in relation to the Parish Councils wholly or mainly in its area and the members of those Parish Councils.~~
- ~~•advising the Council on the adoption or revision of the Code of Conduct for Employees.~~
- ~~•to consider and adopt any Protocols in connection with Members/employee relations.~~

- ~~•oversight of other arrangements and maintenance of probity and ethical standards allocated from time to time by the Council.~~
- ~~•granting dispensations to Councillors, co-opted Members and church and parent governor representatives in relation to the Members Code of Conduct as permitted by the relevant legislation.~~
- ~~•to review and recommend to the Council, amendments to the Constitution in accordance with Article 2.15 of this Constitution.~~

3.8 **Scheme of Functions Delegated to Employees**

3.8.1 **General Delegations**

In this part Management Board shall mean the Chief Executive, the Director of Children Learning and Young People, the Director of Community Services, the Director of City Services and Development, the Director of Finance and Legal Services, the Director of Strategic Planning and Partnerships and the Director of Customer and Workforce Services

All Directors includes the Assistant Director (Human Resources).

All Members of Management Board have the power to exercise the following functions and those functions may be exercised by those officers indicated:

<b>Description</b>	<b>Exercised By</b>
Compilation of lists of, and identification of, background papers under Sections 100D(1)(a) (Subs by the Local Government Act 2000 section 97(1) and 5(a) and (b) of Local Government Act 1972	Member of Management Board in whose name a report has been prepared or who has led in preparation of a joint report (as Proper Officer)
Data Protection Act 1998 – to sign the formal registration for their area(s) of service of the Council's use of personal data held electronically	Member of Management Board
To designate employees under their management as "authorised officers" for the purposes of carrying out any of the Council's functions relevant to that employee	Member of Management Board
Investigation of recruitment and selection complaints	Customer Services Manager
To sign (as Proper Officer) any notice, order or other document on behalf of the City Council in exercise of any functions s/he is authorised to discharge	Any employee exercising any function s/he is authorised by the Council to discharge

### **3.8.2 Specific Delegations**

The following employees have the powers and functions delegated to them as listed. Where indicated those powers and functions may be exercised on his/her behalf by the officer so nominated. The delegations are subject to any limitations specified.

- 3.8.2.1 If the office of any Director is vacated or the Director is absent or otherwise unable to act then the Chief Executive, in consultation with the relevant Cabinet Member shall be authorised to act in place of that Director in so far and to the extent that any of the functions of that Director have not been delegated in accordance with paragraph 3.8.2.

Where any powers have been delegated in accordance with 3.8.2 then the Chief Executive having assumed the authority to exercise the functions of the relevant Director shall be responsible for that delegation to the extent outlined in paragraph 3.8.5 and 3.8.5.4 in particular.

The Chief Executive shall only remain authorised to act in place of the relevant Director for so long as that Director's post remains vacant or until the Director is fit to resume his or her office.

- 3.8.2.2 The following delegations may be added to, amended or revoked by the body [either the Council or the Executive] that has responsibility for the function that is the subject of the additional delegation, amendment or revocation. Nothing contained in this part will interfere with or prevent another body from exercising such function in any particular circumstances should it so choose.
- 3.8.2.4 Any function specifically delegated to an employee under any of the following primary legislation will also include:

any secondary legislation made under the Act; and

any amendments made to or under the Act;

in so far as that secondary legislation or amendment is applicable to the manner in which the employee discharges his delegated function.

### **3.8.3 Statutory Appointments**

- 3.8.3.1 The Chief Executive is the Head of the Paid Service (Section 4, Local Government and Housing Act 1989).
- 3.8.3.2 The Council Solicitor is the Monitoring Officer (Section 5, Local Government and Housing Act 1989).
- 3.8.3.3 The Director of Finance and Legal is responsible for the administration of the Council's financial affairs (Section 151, Local Government Act 1972).
- 3.8.3.4 The Assistant Chief Executive is designated as the Council's Scrutiny Officer

(Section 31, Local Democracy, Economic Development and Construction Act 2009).

**3.8.4 Proper Officer Designations**

3.8.4.1 Legislation specifies certain functions as the responsibility of "the Proper Officer". The Council has designated particular posts for these purposes and these are identified in the scheme of delegation. In the event of any such Proper Officer appointment not being expressly made, the officer to whom a function is delegated is deemed to be the Proper Officer for that function.

**3.8.5 Exercising Powers Delegated to Employees**

3.8.5.1 Members of the Management Board are accountable for the efficient and effective management of the services for which they are responsible and the performance of their statutory functions

3.8.5.2 Members of the Management Board may use whatever means they consider appropriate to discharge the functions for which they have responsibility.

3.8.5.3 All employees must, in the exercise of their delegated powers, act within the law, comply with the Council's Standing Orders, financial rules and human resource policies and act in accordance with Council policy.

3.8.5.4 An employee to whom powers are specifically delegated may authorise another employee to exercise those powers on his/her behalf but remains responsible for any decisions taken.

**Chief Executive**

**Statutory or other Functions**

**Nominee/Limitations**

**Local Government Act 1972**

Witness and receipt of Declarations of acceptance of office

Director of Customer and Workforce Services, Assistant Director (Democratic Services)

**Local Government Act 2000**

Power to make payments or provide other benefits in cases of maladministration

Director of Finance and Legal Services

To assure the reinstatement of services as result of a major disaster in line with the Corporate Disaster Recovery Plan

Head of Facilities Management in consultation with relevant Cabinet Member

Authorising paid overtime working below spinal column point 29

All Managers

Control and management of TOIL and working hours in accordance with Health and Safety requirements

All Directors

**Promoting Health at Work and Sick Pay**

Authorising extensions to sick pay

All Directors and Assistant Director (Human Resources) and reported quarterly to relevant Cabinet Member

Ensure compliance with absence control policies and performance targets

All Directors

Authorise payments within the JNC for Chief Officers pay and grading structures

Director of Customer and Workforce Services/Human Resources Managers

Approval of special payment arrangements

Director of Customer and Workforce Services/Human Resources Managers

Authorise payments within JNC pay and grading structure

Management Board

**Electoral Functions**

To exercise functions under the Representation of the People Act 1983 and in particular, to act as Registration Officer/Returning Officer for local elections and Acting Returning Officer for parliamentary elections and Local Returning Officer for European Parliamentary Elections.

Deputy Returning Officers and Acting Returning Officers may be appointed

To act as Electoral Registration Officer

Assistant Director (Democratic Services)/  
Manager (Electoral Services) as Deputy  
Electoral Registration Officers

**Foreign Travel by Employees**

Approval of foreign travel by employees where the direct cost to the City Council does not exceed £100

All Directors

**Director of Customer and Workforce Services**

**Statutory or other Functions**

**Nominee/Limitations**

**Human Resources Functions**

To appoint a nominated officer to carry out police checks in respect of those persons who are employed to work with children and vulnerable adults

Assistant Director (Human Resources)

To approve the pattern of holidays each year

Assistant Director (Human Resources)

To agree a fit for work protocol appropriate to the circumstances of older employees and which will be produced by the Occupational Health Unit

Assistant Director (Human Resources)

Approval of special leave arrangements, carry over of annual leave and closures

Directorate Human Resources Managers

**Post Entry Training**

To decide whether a course has been approved for Post Entry Training Support after the Assistant Director (Human Resources) has recommended that these facilities should be given

Assistant Director (Human Resources) and Assistant Director (Customer Services)

To exclude approved courses from the conditions of the Post Entry Training Scheme where the cost of the course does not justify the administration involved

Assistant Director (Human Resources) and Assistant Director (Customer Services)

To waive repayment under the two years agreement in cases where individual would suffer personal distress and financial difficulties if the fees were repaid

Directorate Human Resources Managers

Payment of ex gratia payments to employees in respect of loss of and damage to personal property during the course of their duties

Assistant Directors (payments over £150)  
Service Managers (payments up to £150)

Approval of requests from employees to allow them to continue to work beyond the age of 75

Assistant Director (Human Resources)

**Part 3.8 – Functions Delegated to Employees**

Maintaining list of politically restricted posts and issuing certificates of opinion for submission with applications for exemption from the list [Local Government and Housing Act 1989]

Senior Human Resources Manager (Corporate Support) or Director of Finance and Legal Services in consultation with relevant Cabinet Member in relation to issuing certificates in cases of doubt

Approval for early retirement on the grounds of efficiency and redundancy

Assistant Director (Human Resources) and Director of Finance and Legal Services in consultation with relevant Cabinet Member for requests proposing added years

Approval for buying out employment conditions up to 1 year's value

Directorate Human Resources Managers

Approval for buying out employment conditions for 1 to 2 years

Assistant Director (Human Resources) in consultation with relevant Cabinet Member

To authorise the issue of Welfare Loans to employees, in line with agreed criteria

Human Resources Manager (Occupational Health)

Council Policy and monitoring of overtime

Assistant Director (Human Resources) in consultation with relevant Cabinet Member

Authorising overtime for which the compensation is TOIL

All Managers

Authorising payments of planned and emergency overtime above spinal column point 29

Assistant Directors

**Promoting Health at Work and Sick Pay**

Promoting health at work, monitoring reports and controls

Senior Human Resources Manager (Corporate Support)

**Pay and Conditions**

Authorise changes to pay policy and terms and conditions of employment and ensure the Council's policies comply with the requirements of all employment legislations

Assistant Director (Human Resources)

Authorise changes to Job Evaluation Scheme

Assistant Director (Human Resources)

**Part 3.8 – Functions Delegated to Employees**

Authorise operation and outputs of job evaluation results and appeals

Senior Human Resources Manager  
(Corporate Support)

**Recruitment, Retention and Development**

Authorise changes to recruitment and retention policies and set standards for practice to comply with the requirements of Local Government and Housing Act, RRA, SDA and DDA

Senior Human Resources Manager  
(Resourcing)

Ensure compliance with policy and codes of practice in the recruitment, retention and development of the workforce

Human Resources Managers

Monitor the composition of the workforce and authorise changes to practice, which enables the City Council to meet performance targets in relation to equal opportunities

Assistant Director (Human Resources) or  
Senior Human Resources Manager  
(Corporate Support)

Authorise payment of market related pay and market related supplements

Assistant Director (Human Resources) or  
Senior Human Resources Manager  
(Corporate Support)

**Local Government Act 1972**

Parish Trustee

Assistant Director (Democratic Services)

Receipt of Notice of Resignation of Office

Assistant Director (Democratic Services)

Convening of meeting of Council to fill casual vacancy in office of Chairman

Assistant Director (Democratic Services)

Receipt of Notice of casual vacancy from two local government electors

Assistant Director (Democratic Services)

Keeping a record of disclosures of Members' Interests

Assistant Director (Democratic Services)

Power to transfer charity functions of holders of office with authorities before 1<sup>st</sup> April 1974 to equivalent office with authorities existing on or after 1<sup>st</sup> April 1974 or if there is no such office, to the Proper Officer

Assistant Director (Democratic Services)

Deposit of documents with Proper Officer

Assistant Director (Democratic Services)

**Part 3.8 – Functions Delegated to Employees**

To send copies of byelaws for parish records	Assistant Director (Democratic Services)
Certification of byelaws	Assistant Director (Democratic Services)
Keeping of the Roll of Freemen	Assistant Director (Democratic Services)
Signature of summonses to Council meetings	Assistant Director (Democratic Services)
Receipt of Notices regarding address to which summons to meetings is to be sent	Assistant Director (Democratic Services)
Certification of resolutions	Assistant Director (Democratic Services)
Exclusion from public copies of agendas, reports etc of items not to be open to members of the public	Assistant Director (Democratic Services)
Supply of committee papers to the Press	Assistant Director (Democratic Services)
Preparation of summaries of minutes	Assistant Director (Democratic Services)
Identification of background papers in the case of a report prepared by an elected or co-opted Member	Assistant Director (Democratic Services)
Papers not open to Members	Assistant Director (Democratic Services)
<b>West Midlands County Council Act 1980</b>	
Freedom of Coventry	Assistant Director (Democratic Services)
<b>Local Government and Housing Act 1989 and Local Government Act 2000</b>	
All Proper Officer functions including to hold on deposit the list of politically restricted posts	Assistant Director (Democratic Services)
Access to Information provisions	Assistant Director (Democratic Services)
Ensuring publication of the Forward Plan containing details of key decisions / urgency provisions	Assistant Director (Democratic Services)

To produce a record of every decision taken at a meeting including a statement of:

Assistant Director (Democratic Services)

the reasons for the decision; and alternative options considered and rejected. Power of rectification of the record of decision

**Local Government (Committees Political Groups) Regulations 1990**

To provide notification

Assistant Director (Democratic Services)

**Appeals Functions**

To determine the membership of Appeals Committees, having regard to the knowledge, expertise and preferences of Members, to hear appeals against decisions of the City Council, with the exception of school admission and exclusion appeals and those matters where there is a statutory right of appeal.

Assistant Director (Democratic Services)

Access to Information provisions

Assistant Director (Democratic Services)

Ensuring publication of the Forward Plan containing details of key decisions / urgency provisions

Assistant Director (Democratic Services)

To produce a record of every decision taken at a meeting including a statement of:

Assistant Director (Democratic Services)

the reasons for the decision; and alternative options considered and rejected. Power of rectification of the record of decision

**City Council Code of Governance**

In consultation with the Chair and Vice-Chair of the Audit Committee to make any technical changes to the Code to ensure that it is kept up to date

Assistant Director (Democratic Services)

**Foreign Travel by Employees**

Approval of foreign travel by employees where the direct cost to the City Council does not exceed £100

All Directors

**Consultant in Communicable Disease Control as Proper Officer**

**Proper Officer Function**

Section 47, National Assistance  
Act 1948 (subject to amendments)

Public Health (Control of Disease)  
Act 1984 (subject to amendments)

**Statutory or other Function**

Consultant in Communicable Disease  
Control (Health Protection Agency)  
up to date list maintained by the  
Joint Director of Public Health

Consultant in Communicable Disease  
Control (Health Protection Agency)  
up to date list maintained by the  
Joint Director of Public Health

**Director of Children, Learning and Young People**

**Statutory or other Functions**

**Nominee/Limitations**

**The Local Government Act (Miscellaneous Provisions) 1982 as amended by the Education Act 1996.**

To authorise any proceedings necessary to nuisance on education premises.

In consultation with the Director of Finance and Legal Services/Council Solicitor

Education (School Teacher Appraisal) Regulations (Chief Advisor).

In consultation with the Director of Finance and Legal Services/Council Solicitor

**Child Protection Functions**

Approval of applications for registration of day care for under 8's/childminders and to propose cancellation/refusal of registration in appropriate cases and to issue certificates where cancellation/refusal is not opposed [Children Act 1989].

Service Manager

Children Act 1989 – institution of care proceedings and associated proceedings relating to children

Integrated Service Manager

Children Act 1989 – Approval to place children in care with relatives and friends  
Approval of recommendations made by the Fostering Panel

Integrated Service Manager

Approval of car lease subsidy for selected posts, where recruitment and retention needs are identified in accordance with specified criteria

Service Manager

Child Care Act 1980, this enactment is repealed with savings by the Children Act 1989, section 108(6), 7, sch 14, 15 – Financial assistance to foster parents within policy guidelines

Service Manager

Approval of Discretionary Rate Relief Applications

Service Manager

**Adoption of Children Act 2002**

Approval of recommendations made by the Adoption Panel on: Assistant Director (Specialist Services)

Whether a child should be placed for adoption

Whether a child should be adopted

Whether a child should be matched with a prospective adopter/adopters

Approval of adoptive parent(s)

**Children Act 2004**

Setting up Local Safeguarding Board

Director of Children, Learning and Young People

Prepare and publish A Plan setting out the Council's Strategy for discharging their functions in relation to children and relevant young persons

Director of Children, Learning and Young People

Any related ancillary matters

**The Education Act 2005**

Production of commentary on governing bodies Action Plan and production and approval of an LEA Action Plan for schools in serious weakness/special measures.

In consultation with the Director of Finance and Legal Services

To appoint a nominated officer(s) to carry out relevant police checks for those employed to work with children/young adults.

Appointment of teaching staff.

To make statements of Special Educational Need.

Approval of placements in out of city schools and colleges.

Approval of requests for additional holidays "occasional days".

In consultation with the relevant Cabinet Member.

Approval of premature retirement compensation for teachers.

**School Standards and Framework Act 1998**

Approval and making of school Instruments of Government and any subsequent changes prepared by governing bodies.

Jointly with the Council's Solicitor and Assistant Directors

**Admissions**

Subject to the provisions of the Education Act 1996 and the School Standards Framework Act 1998 relating to County and Voluntary Schools:	Director of Children, Learning and Young People
to consult annually with governing bodies about admission arrangements as required by the School Standards and Framework Act 1998, section 140 (1), (3) sch 30, paras 57, 109, sch 31.	Director of Children, Learning and Young People
to keep standard numbers under review and to implement any necessary changes, where these are agreed by the governing body (as requested);	Director of Children, Learning and Young People
to respond to any proposals from governing bodies to increase standard numbers;	Director of Children, Learning and Young People
to set admission limits which exceed the standard number where this is considered appropriate.	Director of Children, Learning and Young People
To administer arrangements for admissions to nursery schools and classes in accordance with policies agreed by the Local Education Authority.	Director of Children, Learning and Young People
To exercise on behalf of the Authority the power under the School Standards and Framework Act 1998, to issue a direction that a child be admitted to a named school within the Authority's area.	Director of Children, Learning and Young People
To comply with any requirements made by the Secretary of state to implement a scheme for co-ordination arrangements for admission in accordance with the School Standards and Framework Act 1998.	Director of Children, Learning and Young People
To administer arrangements for the admission of individual pupils to primary and secondary schools including designated areas and other relevant factors and to present the case on behalf of the Authority to admission appeals panels.	Director of Children, Learning and Young People

To ensure that relevant publication on schools is available. Director of Children, Learning and Young People

**Attendance at School**

To ensure that appropriate transport arrangements are made in accordance with the authority's policies. Director of Children, Learning and Young People

To exercise the powers and duties of the Authority in respect of children excluded from (school and to make arrangements for the continuing education of pupils who are excluded or otherwise unable to attend school). Director of Children, Learning and Young People

To authorise any proceedings necessary to enforce any enactment relating to the non-attendance of pupils at school or education other than at school. Director of Children, Learning and Young People

To undertake the powers and duties of the Authority under section 36 of the Children Act 1989 under the School Standards and Framework Act 1998 regarding Education Supervision Orders. Refer to the Education Act 2005 also. Director of Children, Learning and Young People

**Special Educational Needs**

To arrange for children to be assessed in accordance with the requirements of the Education Act 1996 and the Special Educational Needs and Disability Act 2001 to determine the special educational provision which should be made for them and to maintain and review a statement of special educational need in accordance with any Regulations. Director of Children, Learning and Young People

To represent the Authority at statutory appeal tribunals in connection with the assessment of special educational needs. Director of Children, Learning and Young People

To ensure that the requirement of any statutory codes of practice or other regulations are complied with. Director of Children, Learning and Young People

To determine and authorise the payment of boarding awards, grants awards, tuition fees and expenses at schools where fees are payable. Major and further educational awards, maintenance allowances and tuition fees for correspondence courses and requests for the refund of grants in accordance with the policy of the Council.

Director of Children, Learning and Young People

To determine applications for assistance towards travelling expenses for pupils to special schools and units.

Director of Children, Learning and Young People

**Miscellaneous**

To determine awards to pupils, students and parents.

Director of Children, Learning and Young People

Approval of grants to voluntary bodies.

Director of Children, Learning and Young People

Approval of work experience places.

Director of Children, Learning and Young People

**Appeals**

The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools (b).

Director of Children, Learning and Young People

The making of arrangements pursuant to the School Standards and Framework Act 1998 sections 94(1), (1A) and (4) (admissions appeals) ©.

Director of Children, Learning and Young People

The making of arrangements pursuant to section 95(2) of the 1996 Act (Children to whom section 87 applies: appeals by governing bodies) (d) and any regulations made thereunder.

Director of Children, Learning and Young People

**Statutory Proposals**

To determine Statutory Proposals for Schools where no objections have been received to the proposals contained in the publicised Statutory Notice.

Director of Children, Learning and Young People

**Foreign Travel by Employees**

Approval of foreign travel by employees where the direct cost to the City Council does not exceed £100

All Directors

**Director of Community Services**

**Statutory or other Function**

**Nominee/Limitations**

Approval of the expenditure of Capital Funding for support to foster carers and adopters.

In consultation with the relevant Cabinet Member

Approval of expenditure relating to the provision of assistance under National Assistance Act 1948 and any regulations made thereunder and Chronically Sick and Disabled Persons Act 1970 up to £8,000 and to take such action to recover appropriate charges from those with a duty to pay.

In consultation with the relevant Cabinet Member

Applications to Court under the Mental Health Act 1983 (as amended) or the Mental Capacity Act 2005 (as amended)

Service Managers

Determination of applications for grants to voluntary bodies up to £10,000.

Assistant Directors

**Foreign Travel by Employees**

Approval of foreign travel by employees where the direct cost to the City Council does not exceed £100

All Directors

**Housing Policy and Services**

Signing any documentation on behalf of the Council in exercise of any function that he or she is at any time authorised to discharge.

Assistant Director (Public Safety & Housing)

The Assistant Director (Public Safety & Housing)(as Proper Officer) is authorised to do anything necessary, incidental or ancillary to or in consequence of the exercise of his/her functions or the carrying into effect of any decision (but this will not confer authority to prosecute any person).

He/she has power to authorise other employees to exercise any of the functions described in this part who may do so in the name of the Assistant Director (Public Safety & Housing) , as the case may be, notwithstanding that such post is vacant or the holder thereof is absent or otherwise unable to act.

Building Act 1984  
Caravan Sites Act 1968  
Caravan Sites and Control of Development Act 1960  
Energy Conservation Act 1996  
Environmental Protection Act 1990  
Home Energy Conservation Act 1995  
Homelessness Act 2002  
Housing Act 1985, **except: -**

Section 265 (making demolition order)  
Section 275 (substitution of closing order for demolition order)  
Section 278 (determination of closing order)  
Section 279 (substitution of demolition order for closing order)  
Section 274(3) (making obstructive building order)  
Section 304 (closing order for listed buildings)  
Section 334 (reports and proposals on overcrowding).  
Section 346 (making a registration scheme).  
Section 380 (modifying control order)  
Section 392(2) (revoking control order).

**(Note:** Making a closing order under Section 264 or a control order under Section 379(1) of the Housing Act 1985 is delegated only if the officer exercising the delegation is satisfied that it is necessary to do so without delay because of a serious and imminent threat to the safety or health of any person and such action will be reported to the next meeting of the appropriate Committee). Refer to relevant sections for any amendments and repeals by the Housing Act 2004.

All the following statutes are in force, subject to amendments and repeals in part. Refer to relevant enactment.

Housing Act 1996  
Housing Act 2004  
Housing Association Act 1985  
Housing Grants, Construction and Regeneration Act 1996  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Local Government and Housing Act 1989, **except:** -  
Sections 127-130 (group repair schemes)  
Section 169 (provision of services to persons repairing or improving dwellings).  
Prevention of Damage by Pests Act 1949  
Protection from Eviction Act 1977  
Public Health Act 1936  
Public Health Act 1961  
Public Health (Control of Disease) Act 1984  
Rent Act 1977  
Water Act 1989  
Water Industry Act 1991

The preparation and submission to the Secretary of State of the Housing Investment Programme and schemes for the development of housing accommodation and for the development of housing accommodation and land and implementation of such schemes pursuant to decisions of the relevant Cabinet Member.

Functions concerning enforcement of the statutory rights of occupants of rented accommodation, mobile homes and caravans.

Administration and supervision of the List of Contractors undertaking grant assisted works and suspension of contractors from the List pending consideration of removal from the List.

To recommend whether all/part of a renovation grant needs to be repaid to the City Council.

## **Environmental and Public Protection Matters**

To determine applications for Street Collection Permits, House to House Collection Permits, Small Lotteries Registration, Gaming Machine Permits except where:

Assistant Director (Public Safety & Housing)

There is a history of non-compliance; or the application is non-routine; or reservations are expressed by a consultee.

To conduct underage test purchasing of age-restricted products

## **Legal Proceedings**

The following delegations **DO NOT** imply the power to commence legal proceedings in any court or tribunal except in the case of:

- a) "acid house parties" or any entertainments of a similar kind;
- b) noise nuisance proceedings relating to domestic premises under sections 79(1)g and 80(4) of the Environmental Protection Act 1990, the Noise Act 1996 section 9 and the Clean Neighbourhoods and Environmental Act 2005, section 75 ;
- c) an alleged offender arrested by the police and charged whilst in police custody.
- d) under the Enterprise Act 2002
- e) proceedings under Sections 33 and 34 of the Environmental Protection Act 1990 and the Controlled Waste Regulations 1992, (SI 1992/588) as amended by (SI 2005/2900), reg 4.

And any other regulations made thereunder

### Home Office Cautions

In appropriate cases, the Assistant Director (Public Safety & Housing), following consultation with the Director of Finance and Legal Services, is authorised to administer Home Office Cautions without prior reference to the Licensing and Regulatory Committee.

In all other cases except where specifically indicated below, authority to commence legal proceedings will vest with the Licensing and Regulatory Committee.

The following legislation contains those powers delegated to the Assistant Director (Public Safety & Housing) with respect to matters concerning environmental protection, licensing and trading standards. These will in turn be exercised by and on behalf of the Assistant Director (Public Safety & Housing) by Environmental Health Managers (Public Health and Commercial), and the Trading Standards Manager.

Accommodation Agencies Act 1953

Administration of Justice Act 1970 (subject to amendments and repeals)

Agriculture (Miscellaneous Provisions) Act 1968 (subject to amendments and repeals)

Agricultural Produce (Grading and Marking) Acts 1928 and 1931

Agriculture Act 1970 (subject to amendments and repeals) and (SI 1999/2325) regs. 7 to 13

Animal Boarding Establishments Act 1963

Animal Health Act 1981 and Animal Health Act 2002

Animal Health and Welfare Act 1984 and Animal Welfare Act 2006

Anti-Social Behaviour Act 2003 (Part 6)

Breeding of Dogs Act 1973

Breeding and Sale of Dogs (Welfare) Act 1999

Building Act 1984

Business Names Act 1985 is to be repealed by the Companies Act 2006 (when in force)

Cancer Act 1939

Children and Young Persons Act 1933 and Children and Young Persons Act 1963

Children and Young Persons (Protection from Tobacco) Act 1991

Clean Air Act 1993

Clean Neighbourhoods and Environment Act 2005

Companies Act 1985 and Companies Act 2006 (in force October 2008)

Consumer Credit Act 1974 and Consumer Credit Act 2006

Consumer Protection Act 1987

Control of Pollution Act 1974

Control of Pollution (Amendment) Act 1989

Copyright Designs and Patents Act 1988

Courts and Legal Services Act 1990

Constitutional Reform Act 2005

Cremation Acts 1902 and 1952 and (SI 2006/92)

Criminal Attempts Act 1981

Criminal Justice Act 1988 as amended by the Offensive Weapons Act 1996

Criminal Justice and Police Act 2001

Criminal Justice and Public Order Act 1994

Criminal Law Act 1977

Crossbows Act 1987

Dangerous Dogs Act 1989 and 1991

Dangerous Dogs (Amendment) Act 1997

Dangerous Wild Animals Act 1976

Development of Tourism Act 1969

Dogs Act 1871

Dogs Act 1906

Dogs (Amendment) Act 1928

Education Reform Act 1988

Enterprise Act 2002

Environment Act 1995

Environment and Safety Information Act 1988  
Environmental Protection Act 1990  
Employment Agencies Act 1973  
Energy Act 1976 and Energy Act 1983  
Energy Conservation Act 1996  
Estate Agents Act 1979  
European Communities Act 1972  
European Communities (amendment) Act 1986 and European Communities  
(amendment) Act 1986, 1993, 1998, 2002  
Fair Trading Act 1973  
Farm and Garden Chemicals Act 1967  
Fire and Rescue Services Act 2004  
Financial Services and Markets Act of 2000  
Firearms Act 1968 (as amended)  
Food Act 1984  
Food and Environment Protection Act 1985  
Food Safety Act 1990  
Food Standards Act of 1999  
Forgery and Counterfeiting Act 1981  
Fraud Act 2006 and Fraud Act 2007  
Gambling Act 2005 (see \* below)  
Game Act 1831  
Game Licences Act 1860  
Guard Dogs Act 1975  
Hallmarking Act 1973  
Health Act 2006  
Health and Safety at Work etc Act 1974  
Home Safety Act 1961  
Housing Act 2004  
Hypnotism Act 1952  
Intoxicating Substances (Supply) Act 1985  
Licensing Act 2003 (see \* below)  
Litter Act 1983  
Local Government Act 1972  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Malicious Communications Act 1988  
Medicines Act 1968  
Mock Auctions Act 1961  
Motor Cycle Noise Act 1987  
Motor Vehicles (Safety Equipment for Children) Act 1991  
National Lottery, Etc. Act 1993  
Noise Act 1996  
Noise and Statutory Nuisance Act 1993  
Pet Animals Act 1951  
Poisons Act 1972  
Pollution Prevention and Control Act 1999  
Powers of Criminal Courts (Sentencing) Act of 2000  
Prevention of Damage by Pests Act 1949  
Prices Acts 1974

Property Misdescriptions Act 1991  
Protection of Animals Act 1911  
Public Health Amendment Act 1980  
Public Health Act 1936  
Public Health Act 1961  
Public Health (Control of Disease) Act 1984  
Refuse Disposal (Amenity) Act 1978  
Riding Establishments Acts 1964 and 1970  
Road Traffic Acts 1988 and 1991  
Road Traffic (Foreign Vehicles) Act 1972  
Road Traffic Offenders Act 1988  
Scrap Metal Dealers Act 1964  
Slaughterhouses Act 1974  
Slaughter of Poultry Act 1967  
Sunday Trading Act 1994  
Telecommunications Act 1984  
Timeshare Act 1992  
Tobacco Advertising and Promotion Act 2002  
Trade Descriptions Act 1968  
Trade Marks Act 1994  
Trading Representations (Disabled Persons) Acts 1958 and 1972  
Unsolicited Goods and Services Acts 1971 and 1975  
Video Recordings Act 1984 and 1993  
Water Act 1989  
Water Consolidation (Consequential Provisions) Act 1991  
Water Industry Act 1991  
Weights and Measures Act 1985  
Weights and Measures and c Act 1976  
West Midlands County Council Act 1980  
Zoo Licensing Act 1981

\* Licensing Act 2003

1. The functions of the Council as "responsible authority" under the Licensing Act 2003 in relation to:
  - (a) Health and Safety
  - (b) Pollution Control/Environmental Health
  - (c) Weights and Measures
  
2. The functions of the Council as Licensing Authority under the Licensing Act 2003 to:
  - (i) Determine applications for licences and certificates where there are no objections
  - (ii) Deal with requests to be removed as a designated premises supervisor
  - (iii) Decisions on whether an objection/representation is irrelevant, frivolous, vexatious etc

- (iv) The ability to set any fees required under the Act where not specified by statutory instrument.
- (v) Receive/acknowledge temporary event notices and serve S.107 counter-notices

3. The Council's enforcement function under Part 7

\* Gambling Act 2005

1. The functions of the Council as "responsible authority" under the Gambling Act 2005 in relation to:
  - (a) the Licensing Authority
  - (b) Environmental Health/Pollution
2. The functions of the Council as "licensing authority" under the Gambling Act 2005 to:
  - (a) processes applications for premises licences (including variation and transfer), provisional statements and determines such applications and applications for club gaming machine permits where no representations are outstanding.
  - (b) process and determine applications for all other types of permit, not referred to above.
  - (c) receive/acknowledge temporary use and occasional use notices.
  - (d) cancel licensed premises gaming machine permits.
  - (e) process and determine small society lottery registrations.
  - (f) exercise the Council's powers of entry/inspection.
  - (g) maintain the public register.
  - (h) determine whether representations received from external, responsible authorities and interested parties are frivolous, vexatious or would certainly not influence the determination of an application.

Fly Posting

The Assistant Director (Public Safety & Housing) , and duly authorised officers are delegated with the authority to:

- (a) enforce the relevant regulations made under Sections 220 and 224 of the Town and Country Planning Act 1990, (the 1990 Act) and the Antisocial Behaviour Act 2003 Section 48 as they relate to fly posting and, as may be extended from time to time, to areas designated as areas of special control

under Section 221 of the 1990 Act and the Town and Country Planning (Control of Advertisements) (England) Regulations 2007/283

- (b) remove or obliterate placards under powers contained in Section 225 of the 1990 Act and the Clean Neighbourhood and Environment Act 2005 Section 34(1) and (2) and authorise in writing, officers to enter land for the purpose of exercising powers in Section 225 of the 1990 Act, provided that the land on premises are unoccupied and the power cannot be exercised without entering the land.

**Land and Property Affecting Amenity**

Powers of entry for Section 215 of the Town and Country Planning Act 1990 purposes as prescribed by Section 324 of that Act.

**Clean Neighbourhood and Environment Act 2005**

To authorise legal proceedings for offences relating to non-payment of fixed penalty fines

Assistant Director (Public Safety & Housing) /Assistant Director (Planning, Transport and Highways)

Littering

Assistant Director (Public Safety & Housing)

Street litter control notices

Assistant Director (Public Safety & Housing)

Free distribution of material

Assistant Director (Public Safety & Housing)

Fly Posting

Assistant Director (Public Safety & Housing)

Produce authority to transport waste

Assistant Director (Public Safety & Housing)

Failing to furnish waste documentation

Assistant Director (Public Safety & Housing)

Waste offences commercial receptacles

Assistant Director (Public Safety & Housing)

Dog control orders

Assistant Director (Public Safety & Housing)

**Culture and Leisure Functions**

Adoption of open space areas in accordance with policy

Assistant Director (Culture, Leisure and Libraries) in consultation with the relevant Cabinet Member

To erect, alter or remove notices prohibiting vehicles or cycles or the playing of ball games under Section 6, West Midlands County Council Act 1980.

Assistant Director (Culture, Leisure and Libraries)

**Except** for disposal for highway purposes, to determine applications for the disposal of land of up to 250 sq. yds and, in the case of disposals of "open space" land to advertise the intention to do so under Section 123 of the Local Government Act 1972 and any amendments by the Local Government, Planning and Land Act 1980

Assistant Director (Culture, Leisure and Libraries) with terms for disposal delegated to the Assistant Director (Property Asset Management).

Any decisions made under delegated powers will:

Be in full compliance with all appropriate City Council policies or guidance;

Not be the subject of any unresolved public objection; and

Not be the subject of any unresolved conflicts of advice from other Council Departments or Committees.

Approval of events and activities at parks, open spaces and other cultural facilities in accordance with agreed policy

Assistant Director (Culture, Leisure and Libraries)

Approval of small grants up to maximum value of £1,000

Assistant Director (Culture, Leisure and Libraries)

**Part 3.8 – Functions Delegated to Employees**

To vary fees and charges annually in accordance with inflation

Assistant Director (Culture, Leisure and Libraries)

Approval of amendments to Museum Acquisitions and Disposal Policy.

in consultation with relevant Cabinet Member

Approval of minor items to be de-accessioned and disposed of from Museum collections.

in consultation with relevant Cabinet Member

**Director of Finance and Legal Services**

The Director of Finance and Legal Services is also the Proper Officer for the purposes of any reference to a Proper Officer of the Council in any enactment or instrument where no other specific Proper Officer appointment has been made.

The Director of Finance and Legal Services shall also have authority, to make changes to the Scheme of Delegation as set out in Part Three of this Constitution to ensure that all delegated powers are assigned to relevant employees and to ensure that any new legislation of a technical nature is delegated to the appropriate Council body.

**Statutory or other Function**

Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October, 1972 to the treasurer of a council or a borough which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the council

Any reference in any local statutory provision to the treasurer of a specified council or a specified borough or a specified county borough which, by virtue of Article 8(1) of The Local Authorities etc (Miscellaneous Provisions) Order 1974, is to be construed as a reference to the Proper Officer of the Council

**Local Government Act 1972**

Receipt of money due from officers

Declarations and certificates with regard to securities

Accounts of Proper Officer open to inspection by any member

Statement in Demand Note that precepts of joint authorities comply with maxima

**Nominee/Limitations**

Director of Finance and Legal Services (as Proper Officer) or Assistant Director (Financial Management)

Director of Finance and Legal Services (as Proper Officer) or Assistant Director (Financial Management)

Director of Finance and Legal Services (as Proper Officer) or Assistant Director (Financial Management)

Director of Finance and Legal Services (as Proper Officer) or Assistant Director (Financial Management)

Director of Finance and Legal Services (as Proper Officer) or Assistant Director (Financial Management)

Director of Finance and Legal Services (as Proper Officer) or Assistant Director (Financial Management)

**Accounts and Audit Regulations 1996**

To maintain an adequate and effective system of internal audit of accounting records and control systems, to ensure proper accounting practice and sign and date statement of accounts

Director of Finance and Legal Services (as Proper Officer) or Assistant Director (Financial Management)

**Accounts and Audit Regulations 1996**

Audit of the Authority's accounts

Director of Finance and Legal Services (as Proper Officer) or Assistant Director (Financial Management)

**Local Government Pensions Scheme (Discretionary Payments) Regulations 1986**

Approval of early non-ill health retirements

Director of Finance and Legal Services and Assistant Director (Human Resources) jointly

**Local Government Pension Scheme Regulations 1986:**

Augmentation of service on leaving and granting added years for employees retiring early;

Director of Finance and Legal Services and Assistant Director (Human Resources) jointly

Augmentation of service on joining;

Director of Finance and Legal Services and Assistant Director (Human Resources) jointly

Introduction of shared cost AVC scheme.

Director of Finance and Legal Services and Assistant Director (Human Resources) jointly

Council Tax and National Non-domestic Rates Liability Order and Committal Court Costs

Director of Finance and Legal Services or Assistant Director (Revenues and Benefits)

Authority to increase costs

**Local Government Finance Act 1988**

Responsibility for making reports to Council in specified circumstances

Assistant Director (Financial Management)

University of Warwick Science Park Ltd

Director of City Services and Development and Director of Finance and Legal Services in

To determine request to change the priority of loans

**Part 3.8 – Functions Delegated to Employees**

	consultation with the relevant Cabinet Member
Community Led Environmental Strategy Foleshill	Director of City Services and Development , Director of Finance and Legal Services in consultation with the relevant Cabinet Member
To negotiate and make annual grant-aid agreements with Groundwork Coventry	
Hillfields Shop Improvement Scheme	Director of City Services and Development , Director of Finance and Legal Services in consultation with the relevant Cabinet Member
Approval of applications	

**Local Government and Housing Act 1989**

Determinations	Director of Finance and Legal Services or Assistant Director (Financial Management)
To capitalise expenditure to be reimbursed or met out of monies provided by any other person	Director of Finance and Legal Services or Assistant Director (Financial Management)
To capitalise expenditure, enter or vary a credit arrangement on the strength of a credit approval	Director of Finance and Legal Services or Assistant Director (Financial Management)
To fund expenditure from useable capital receipts or use useable receipts as credit cover to enter or vary a credit agreement	Director of Finance and Legal Services or Assistant Director (Financial Management)
To use revenue monies as credit cover to enter into or vary a credit arrangement	Director of Finance and Legal Services or Assistant Director (Financial Management)

**Local Authorities (Companies) Order 1995**

Determinations:	
To treat a credit approval as reduced as credit cover for the transactions of a regulated company	Director of Finance and Legal Services or Assistant Director (Financial Management)
To set aside useable capital receipts or revenue credit cover for the transactions of a regulated company	Director of Finance and Legal Services or Assistant Director (Financial Management)
The relevant liabilities of a regulated company	Director of Finance and Legal

**Part 3.8 – Functions Delegated to Employees**

	Services or Assistant Director (Financial Management)
The excess of a company's liabilities over its current assets as at the date immediately before the company became regulated	Director of Finance and Legal Services or Assistant Director (Financial Management)
To treat a Basic Credit Approval (BCA) as increased when a regulated company reduces its liabilities.	Director of Finance and Legal Services or Assistant Director (Financial Management)
To accept grant terms and conditions and to sign finance-related contracts on behalf of the City Council to enable policies and decisions of the City Council to be carried out.	Director of Finance and Legal Services, Assistant Director (Financial Management), Assistant Director (Revenues and Benefits), Assistant Director (Special Projects Finance) and Assistant Director (Procurement)
Implement and monitor approved Treasury Management Strategy.	Assistant Director (Financial Management)
Make revisions to the lending list in accordance with approved criteria, decide the timing, source, maturity and type of interest for long-term borrowing, authorise rescheduling of long-term loans, including taking out new replacement loans.	Assistant Director (Financial Management)
Reduce the lending limits or remove institutions from the lending list, according to the agreed criteria, decide the timing, source, maturity and type of interest for short-term borrowing and lending, authorise the repayment of maturing long-term loans (These decisions are subject to controls by a Finance Officer and an Authorised Signatory before any funds leave the bank account.)	Assistant Director (Financial Management)
Decide investment counterparties within agreed lists or procedures, decide investment instruments, amounts, maturities within agreed constraints, decide the timing of the purchase and sale of investments, enter into contracts making investments on behalf of the City Council.	External Fund Managers
To award all contracts relating to the supply of works, goods and services.	Director of Finance and Legal Services and all Assistant Directors
Post-tender negotiation and/or clarification in respect of above contracts	Assistant Director (Procurement)

**Local Government Act 2003**

Director of Finance and Legal  
Services

The creation of Local Authority Companies for trading purposes

The power to give financial assistance to external bodies

**Authority to Write-Off Debts – Revenues and Benefits Division**

**Limits**

**Exercisable By**

0-£5000

Service Manager

£5000- £14,999

Assistant Directors

£15,000 - £100,000

Director of Finance and Legal  
Services

Over £100,000

Report to relevant Cabinet Member

**Procurement Functions**

To oversee the operation of standing lists

Director of Finance and Legal  
Services

To make selections from standing lists

Director of Finance and Legal  
Services

To refuse further applications from contractors who have been excluded from the lists within the preceding two years

Director of Finance and Legal  
Services

To limit to three (including initial application) the number of attempts allowed to contractors to provide satisfactory policies relating to health, safety and equal opportunities

Director of Finance and Legal  
Services

To remove contractors who are in receivership/liquidation or have ceased trading

Director of Finance and Legal  
Services

**Part 3.8 – Functions Delegated to Employees**

To suspend contractors who are in receivership but still trading pending clarification of their financial status and suitability for inclusion or future tender lists  
Director of Finance and Legal Services

To add contractors to lists in accordance with approved criteria  
Director of Finance and Legal Services

**Local Government Act 1972**

Certification of photographic copies of documents  
Council Solicitor

Authentication of documents  
Council Solicitor

General supervisory responsibility over births, marriages and deaths registration service.  
Council Solicitor

**Local Government (Miscellaneous Provisions) Act 1976**

To serve notices in accordance with Section 16 of the Local Government (Miscellaneous Provisions) Act 1976  
Council Solicitor

**Rates Act 1984**

Statement in Notice of Rate that precepts of Joint Authorities comply with Maxima  
Council Solicitor

**Planning and Housing Functions**

**Town and Country Planning Act 1990**

To make and where unopposed, confirm public path extinguishments/diversion orders.  
Council Solicitor

To make and, where unopposed, to confirm Tree Preservation Orders.  
Council Solicitor

To serve planning contravention notices in accordance with section 171c(2), (3) of the Town and Country Planning Act 1990; The service of a breach of condition notice under section 187(a) of the Act, to serve stop notices and temporary stop notices under section 183 and 171(e) of the Act.  
Council Solicitor/Development Manager and Outer City Manager

To serve breach of condition notices and notices extending time for compliance with such notices in accordance with section 187A(2) of the Town and Country Planning Act 1990.  
Council Solicitor

To issue, vary or withdraw planning enforcement notices in respect of security shutters and grilles in accordance with section 172 of the Town and Country Planning Act 1990. Council Solicitor

To prosecute in respect of failure to comply with requisitions for information in accordance with section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and section 330 of the Town and Country Planning Act 1990, planning contravention notices, enforcement notices, temporary stop notices in accordance with section 171E of the Town and Country Planning Act and Part 4 of the Planning and Compulsory Purchase Act 2004, advertisement regulations in accordance with the relevant legislation and the Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007 (SI 2007/1739), and Listed Buildings Enforcement Notices in accordance with section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Breach of Condition Notices, Notices requiring proper maintenance of land in accordance with section 215 of the Town and Country Planning Act 1990 and remedial notices in respect of high hedges in accordance with section 68 of the Antisocial Behaviour Act, Part 4 and the High Hedges (Appeals) (England) Regulations 2005 Council Solicitor

To reduce the charge for making a public path order by 20% or 40% where it is considered that the charge would otherwise be unreasonably in excess of the actual costs of the City Council. Council Solicitor

**Legal Proceedings**

Section 28, Town Police Clauses Act 1847 Prosecution of Offences (amended by the Police and Criminal Evidence Act 1984, Sexual Offences Act 2003 and various regulations made thereunder). Council Solicitor

Sections 1, 9, 16A, 19, 29, 35, 38, 45, 46, 49, 61, 83, 84 Road Traffic Regulation Act 1984 as amended by the New Roads and Street Works Act 1981 and Parking Act 1989 – to confirm Traffic Regulation Orders where no objections have been received to the proposals or any objections have been withdrawn. Council Solicitor

Section 223 of the Local Government Act 1972 and any other legislation/ enactment that confers authorisation thereunder – Authorisation of officers of Finance and Legal Services Directorate to prosecute or defend on behalf of the Council, or to appear on their behalf, in proceedings before a Magistrates' Court. Council Solicitor

Section 60 – County Courts Act 1984 Authorisation of officers of Finance and Legal Services Directorate to appear on behalf of the City Council Council Solicitor

Section 49 of the Children Act 1989 – to prosecute for offences of removing children from care. In consultation with the Director of Children, Learning and Young People

To prosecute for offences under the Care Standards Act 2000 and Part XA of the Children Act 1989 (Nurseries, full day, sessional care and childminding). In consultation with the Director of Children, Learning and Young People and Director of Community Services (for Registered Homes)

**Highways Functions**

**Highways Act 1980**

Confirmation of unopposed footpath creation orders Council Solicitor

Confirmation of unopposed footpath extinguishment order Council Solicitor

Confirmation of unopposed footpath diversion orders Council Solicitor

Confirm and make unopposed gating orders Council Solicitor

**Wildlife and Countryside Act 1981**

Making of legal event definitive map modification orders Council Solicitor

Confirmation of unopposed evidential event definitive map modification orders Council Solicitor

Power to include modifications to the definitive map in other relevant orders Council Solicitor

**Cycle Tracks Act 1984**

Confirmation of unopposed cycle track conversion orders Council Solicitor

**Miscellaneous Functions**

Serve requisitions for information in connection with any of the functions of the Council. Council Solicitor

**Coroners Acts 1988**

Revision of scale of fees for mortuary staff Council Solicitor

**The Local Land Charges Act 1975**

Maintenance of Land Charges Register Council Solicitor

Community led Strategy –to negotiate and make annual grant-aid agreements In consultation with Director of City Services and Development and the relevant Cabinet Member.

**School Standards and Frameworks Act 1998**

Approval and making of school instruments of government and any subsequent changes approved by governing bodies Jointly with the Director of Children, Learning and Young People

**Gambling Act 2005**

To determine whether a representation received from the Licensing Authority, Local Planning Authority or Environmental Health Authority whilst acting as responsible authorities are vexatious, frivolous or would certainly not influence the determination of an application Council Solicitor

**General Delegation**

Authorisation of employees to appear in Court on the City Council's behalf Director of Finance and Legal Services, Council Solicitor

**Appeals Functions**

To make arrangements for school admission and exclusion appeals under the School Standards and Framework Act 1998 and to determine applications for further appeals in accordance with the set criteria

Council Solicitor

**Council Solicitor**

**Monitoring Officer Responsibilities**

Deputy Monitoring Officer may be appointed

**Constitution**

Authority to make amendments and corrections to the Constitution where in his/her opinion, such amendment is to correct any anomaly or ambiguity is purely technical, to correct a clear typographical or other error and such amendment does not materially alter the terms or practical operation of the Constitution.

In cases of doubt about whether the change is purely technical, the Monitoring Officer should consult with the Chair of the Standards Committee.

**Legal Proceedings**

To institute, defend or participate in any legal proceedings in any case where action is necessary to give effect to the decisions of the Council or in any case where the Director of Finance and Legal Services considers that such action is necessary to protect the Council's interest

Council Solicitor

To institute any legal proceedings under the Proceeds of Crime Acts 2002 & 2008

Council Solicitor

**Foreign Travel by Employees**

Approval of foreign travel by employees where the direct cost to the City Council does not exceed £100

All Directors

To make amendments to incorporate changes in primary and secondary legislation

**Director of City Services and Development**

**Statutory or other Function**

**Nominee/Limitations**

To identify and order maintenance work required within the Central Repairs Fund.

Director of City Services and Development

**New Roads and Street Works Act 1991 and the Traffic Management Act 2004**

Power to issue street works licences

Director of City Services and Development

Council's function as a Street Authority

Director of City Services and Development

**Refuse Disposal (Amenity) Act 1978**

Powers in respect of abandoned vehicles

Assistant Director (Street Pride and Fleet Management)

To take decisions in respect of applications for free or concessionary use of St Mary's Hall, the Armoury and Crypt

Assistant Director (Property Asset Management) in consultation with the relevant Cabinet Member

**Highways Act 1980**

s 184 Vehicle Crossings

Director of City Services and Development

ss 139 – 140A Builders Skips

Director of City Services and Development

**Land and Property Affecting Amenity**

Powers of entry for Section 215 of the Town and Country Planning Act 1990 purposes as prescribed by Section 324 of that Act.

**Clean Neighbourhood and Environment Act 2005**

Nuisance Parking

Assistant Director (Planning, Transport and Highways)/Assistant Director (Planning, Transport and Highways)

Abandoned Vehicles

Assistant Director (Street Pride and Fleet Management)

Graffiti	Assistant Director (Street Pride and Fleet Management)
Waste offences domestic receptacles	Assistant Director (Street Pride and Fleet Management)

**Highways**

**Common Law**

To exercise the Council's common law powers to remove obstructions and abate nuisances on the highway	Assistant Director (Planning, Transport and Highways)
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**Town Police Clauses Act 1847**

Orders closing streets for processions etc.(S.21)	Assistant Director (Planning, Transport and Highways)
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**Chronically Sick and Disabled Persons Act 1970**

Issue/revocation of disabled parking badges(S.21) Highways Act 1980	Assistant Director (Planning, Transport and Highways)
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Recovery of expenses for excessively heavy traffic (S.59)	Assistant Director (Planning, Transport and Highways)
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Placing/licensing amenities in the highway (Part VIIA)	Assistant Director (Planning, Transport and Highways)
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Powers to take action to protect highway rights (Part IX)	Assistant Director (Planning, Transport and Highways)
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Urgent repairs to private streets (S.230)	Assistant Director (Planning, Transport and Highways)
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Erection of emergency barriers (S.287)	Assistant Director (Planning, Transport and Highways)
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Powers of entry (Ss.289 –294)	Assistant Director (Planning, Transport and Highways)
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Requisitions for information (S.297)	Assistant Director (Planning, Transport and Highways)
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Recovery of expenses (S.305)	Assistant Director (Planning, Transport
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and Highways)

Authenticating documents (S.321)

Assistant Director (Planning, Transport and Highways)

**Local Government (Miscellaneous Provisions) Act 1976**

Service of notice and subsequent action to make trees safe and to recover costs from owners/occupiers

Assistant Director (Planning, Transport and Highways)

**Road Traffic Regulation Act 1984**

Power to instruct Director of Finance and Legal Services to make experimental traffic orders and to advertise proposed traffic orders and notices of intent to install road humps, traffic calming or pedestrian crossings where the Cabinet Member and relevant Ward Councillors have been consulted and have not objected.

Assistant Director (Planning, Transport and Highways)

Temporary road closure orders/ notices (s 14)

Assistant Director (Planning, Transport and Highways)

Permits for heavy trailers (s 21)

Assistant Director (Planning, Transport and Highways)

Power to permit use of traffic signs (ss 65, 68, 69, 71, 72)

Assistant Director (Planning, Transport and Highways)

Powers to remove vehicles (ss 99 102)

Assistant Director (Planning, Transport and Highways)

**Road Traffic Act 1988**

Power to prohibit use of overloaded vehicles (s 70)

Assistant Director (Planning, Transport and Highways)

Powers to weigh vehicles (s 78)

Assistant Director (Planning, Transport and Highways)

**Criminal Justice and Public Order Act 1994**

Power to direct unauthorised campers to leave highway land (s 77)

Assistant Director (Planning, Transport and Highways)

Power to apply for court order to remove vehicles off highway (s 78)

Assistant Director (Planning, Transport and Highways)

**Transport Act 2000**

The Council's functions as a bus lane enforcement authority, including the issue of penalty charge notices, recovery of charges and making representations to the adjudication service

Parking Services Manager (or nominee)

**Traffic Management Act 2004**

To act as the Traffic Manager (s 17)

Assistant Director (Planning, Transport and Highways)

Refer to any amendments and regulations made thereunder

Council's powers as a Civil Enforcement Authority (Part 6)

Assistant Director (Planning, Transport and Highways)

The cancellation of Penalty Notices where appropriate (Part 6)

Parking Services Manager or nominees

**Foreign Travel by Employees**

Approval of foreign travel by employees where the direct cost to the City Council does not exceed £100

All Directors

**Director of City Services and Development**

**Statutory or other Function**

**Nominee/Limitations**

**Local Government Act 1972 modified by the Ordnance Survey Act 1841**

Functions with regard to ordnance survey

**Safety of Sports Grounds Act 1975 and Fire Safety and Safety of Places of Sport Act 1987**

To issue or amend certificates and carry out all associated functions and to authorise emergency action

Assistant Director (Planning, Transport and Highways)

**Local Government (Miscellaneous Provisions) Act 1976**

Serving requisition of Information Notices

All Directors

Authorisation of action and service of notices to make trees safe and recovery of costs from owner or occupier

Assistant Director (Planning, Transport and Highways)/  
Development Manager

Serving of notices and subsequent action to provide protection to the public from dangerous excavations on private land to which the public has access.

Assistant Director (Planning, Transport and Highways)/Building Control Manager

**Local Government (Miscellaneous Provisions) Act 1982**

Power of entry

Assistant Director (Planning, Transport and Highways)/  
Development Manager

Protection of Buildings

Assistant Director (Planning, Transport and Highways)  
/Development Manager

Buildings on operational land of certain statutory undertakers

Assistant Director (Planning, Transport and Highways)/  
Development Manager

**The Building Act 1984**

Determination of applications for Building Regulation consent; applications for dispensation from, or relaxation of, Building Regulation Requirements

Assistant Director (Planning, Transport and Highways)/Building Control Manager

Building over sewers

Assistant Director (Planning, Transport and Highways)/Building Control Manager

Use of short lived materials

Assistant Director (Planning, Transport and Highways)/Building Control Manager

Use of materials unsuitable for permanent building

Assistant Director (Planning, Transport and Highways)/Building Control Manager

Provision of drainage

Assistant Director (Planning, Transport and Highways)/Building Control Manager

Drainage of buildings in combination

Assistant Director (Planning, Transport and Highways)/Building Control Manager

Provision of facilities for refuse

Assistant Director (Planning, Transport and Highways)/Building Control Manager

Provision of fire exits

Assistant Director (Planning, Transport and Highways)/Building Control Manager

Provision of water supply

Assistant Director (Planning, Transport and Highways)/Building Control Manager

Provision of closets

Assistant Director (Planning, Transport and Highways)/Building Control Manager

Provision of bathrooms

Assistant Director (Planning, Transport and Highways)/Building Control Manager

Provision for feed storage

Assistant Director (Planning, Transport and Highways)/Building Control Manager

**Part 3.8 – Functions Delegated to Employees**

Site containing offensive material	Assistant Director (Planning, Transport and Highways)/Building Control Manager
Determination of questions	Assistant Director (Planning, Transport and Highways)/Building Control Manager
Proposed departure from plans	Assistant Director (Planning, Transport and Highways)/Building Control Manager
Lapse of deposit of plans	Assistant Director (Planning, Transport and Highways)/Building Control Manager
Test for conformity with building regulations	Assistant Director (Planning, Transport and Highways)/Building Control Manager
Means of escape from fire	Assistant Director (Planning, Transport and Highways)/Building Control Manager
Raising of chimneys	Assistant Director (Planning, Transport and Highways)/Building Control Manager
Cellars and rooms below sub-soil water level	Assistant Director (Planning, Transport and Highways)/Building Control Manager
Notices and action in respect of Dangerous buildings and structures	Assistant Director (Planning, Transport and Highways)/Building Control Manager
Ruinous dilapidated buildings and neglected sites	Assistant Director (Planning, Transport and Highways)/Building Control Manager
Notices in respect of demolition	Assistant Director (Planning, Transport and Highways)/Building Control Manager
Maintenance of entrances to courtyards	Assistant Director (Planning, Transport and Highways)/Building Control Manager

**West Midlands County Council Act 1980**

Allocation of street numbers

Assistant Director (Planning, Transport and Highways)/Building Control Manager

Approval of plans to be void after certain interval

Assistant Director (Planning, Transport and Highways)/Building Control Manager

**Party Wall etc Act 1996**

Appointment of surveyors when requested for resolving disputes through arbitration

Building Control Manager

**Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004)**

Power to issue temporary stop notices

Director of City Services and Development (In consultation with the Chair or Deputy Chair of Planning Committee)

Power to apply for an injunction restraining a breach of planning control (Section 187B of the Town and Country Planning Act 1990)

Director of City Services and Development (or Nominee) in consultation with the Chair or Vice-Chair of Planning Committee

**Drainage**

The Council's powers as a drainage authority under the following legislation:  
Sections 14,25,66 and 68 of the Land Drainage Act 1991  
Section 100 of the West Midlands County Council Act 1980  
Sections 262-265 of the Public Health Act 1936  
Flood Risk Regulations 2009

Assistant Director (Planning, Transport and Highways)

**Highways**

**Countryside Act 1968**

Signposting of footpaths etc.(s 27)  
Refer to amendments by the Wildlife and  
Countryside Act 1981, and the Road Traffic  
Regulation Act 1984

Building Control  
Manager/Transportation Group  
Manager

**Highways Act 1980 (as amended by any  
enactment thereunder)**

Maintaining a register of adopted streets (s 36)

Building Control  
Manager/Transportation Group  
Manager

Agreements for adopting highways (s 38)

Building Control  
Manager/Transportation Group  
Manager

Adoption of private streets by notice  
(Section 228)

Building Control  
Manager/Transportation Group  
Manager

Advance Payments Code (ss 219 – 225)

Building Control  
Manager/Transportation Group  
Manager

Highway funding agreements (s 278)

Building Control  
Manager/Transportation Group  
Manager

**Wildlife and Countryside Act 1981 and any  
regulations made thereunder**

Keeping Definitive Maps and Statements of  
Rights of Way & associated registers (Part III)

Building Control  
Manager/Transportation Group  
Manager

**Public Passenger Vehicles Act 1981**

Power to object to PSV operator licences  
(s 14A)

Building Control Manager/Transport  
Delivery Unit Manager

**Transport Act 1985**

Power to make representations regarding local  
bus services (s 6 and any amendments by the  
Railways Act 2005)

Building Control Manager/Transport  
Delivery Unit Manager

**Goods Vehicles (Licensing of Operators) Act 1995**

Power to object to licences (s 12)

Building Control Manager/  
Development Manager

Power to object to variation of licences (s 19)

Building Control  
Manager/Development Manager

**Property Matters – Methods of Disposal**

By tender, in accordance with Constitution  
Or:  
Marketing at fixed rent or price of any property

Assistant Directors (Property Asset  
Management) and (City  
Centre and Development  
Services)

Marketing for disposal in the open market (other  
than by tender or auction) through an external  
agent

Assistant Directors (Property Asset  
Management) and (City  
Centre and Development  
Services)

Direct negotiation with a single party where it is  
in the best interests of the Council Assistant  
Director (Property Asset Management)

Assistant Directors (Property Asset  
Management) and (City  
Centre and Development  
Services)

Approval to sell property at auction

Assistant Directors (Property Asset  
Management) and (City  
Centre and Development  
Services)  
in consultation with Cabinet Member

**Approval of Terms**

Transactions at below market value

Cannot be delegated

Minor land transactions of up to £50,000 not  
below market value

Assistant Directors (Property Asset  
Management) and (City Centre  
and Development Services)

Terms for rent reviews and lease renewals not  
below market value

Assistant Directors (Property Asset  
Management) and (City  
Centre and Development  
Services)

Terms for any new lettings or licences not below  
market value

Assistant Directors (Property Asset  
Management) and (City  
Centre and Development  
Services)

**Part 3.8 – Functions Delegated to Employees**

Approval of acquisition terms by agreement or Compulsory Purchase Order where principal budget has prior agreement

Assistant Directors (Property Asset Management) and (City Centre and Development Services)

Acceptance of highest tenders for property disposals

Assistant Directors (Property Asset Management) and (City Centre and Development Services)

**Surrenders**

Acceptance of surrenders where in Council's best interest

Assistant Director (Property Asset Management)

Acceptance of surrenders where it is agreed that there are or could be arrears of rent which are unlikely to be recovered

Assistant Director (Property Asset Management)

**Lease Variations**

Any lease variation

Assistant Director (Property Asset Management)

**Landlord's consent**

Any consent under the terms of a Lease

Assistant Director (Property Asset Management)

**Other**

Naming of new development

Assistant Director (City Centre and Development Services)

**Authority to Authorise Action**

Any legal notice (eg. s146/s.17 etc) for breach of Lease Covenant

Assistant Director (Property Asset Management)

Submission of planning applications where application consistent with approved policy

Assistant Director (Property Asset Management)

Appointment of consultants for all property related matters subject to compliance with procurement rules

Assistant Director (Property Asset Management)

Any action to protect the Market's Charter

Assistant Director (Property Asset Management)

**Part 3.8 – Functions Delegated to Employees**

Management)

Requisition for information and decision to prosecute under s.16 Local Government (Miscellaneous Provisions) Act 1976 in relation to compulsory purchase

Assistant Director (Property Asset Management)

Taking action for Summary Possession against itinerants and other unlawful occupiers of Council-owned land

Assistant Director (Property Asset Management)

**Authority to Sign Documentation**

Agreement or licences under hand conferring an interest of 3 years or less

Assistant Director (Property Asset Management)

Wayleave or easement consents between Council and service providers

Assistant Director (Property Asset Management)

Landlords consent in respect of any matter relating to the lease

Assistant Director (Property Asset Management)

Valuation certificates verifying consideration within market limits.

Assistant Director (Property Asset Management)

Rating Agreement Forms

Assistant Director (Property Asset Management)

**Appropriation**

Transferring development land or other surplus land to be held pursuant to section 122 of the Local Government Act 1972, so that the land is appropriated and held for planning purposes

Assistant Director (Property Asset Management)

**Foreign Travel by Employees**

Approval of foreign travel by employees where the direct cost to the City Council does not exceed £100

All Directors

**Planning Functions**

All applications and ancillary submissions under Planning Acts (including Listed Buildings and Conservation Area Consents; applications for express consent; notifications and prior approvals under the General Permitted Development Order; submission of details under the General Permitted Development Order; Notifications under Circular 14/90; notifications by the Coal Authority; Consultations from Government Departments under Circular 18/84; Circular 21/91 and Circular 6/93 applications under Hedgerow Regulations; Hazardous Substances Consents; matters under the Land Compensation Act 1961; Certificates of Lawful Development (subject to the agreement of the Director of Finance and Legal Services; all powers and requirements under Environmental Impact Assessment Regulations.

Assistant Director (Planning,  
Transport and  
Highways)/Development Manager

**Safeguards**

It is expected that officers shall not determine matters in exercise of the above delegation unless the following safeguards 2 to 5 are met in the cases of householder and minor development and all the following safeguards are met in all other cases provided that (for the avoidance of doubt) failure to observe the safeguards shall not affect the validity of any determination:-

1. Any decision being in full compliance with the Unitary Development Plan and all other appropriate City Council policies, standards or guidelines. (This criterion does not apply to householder and minor developments).
2. Any decisions not being the subject of any unresolved public representations.
3. Any decision not being the subject of any unresolved conflicts of advice from other City Council Directorates as statutory consultees.
4. No Member of the City Council having objected to the application being a delegated decision and requested it to be considered by Committee.

5. The matter not being one in respect of which a Member of the City Council or an officer of the Planning and Transportation Division has a prejudicial interest.

Other functions as delegated at present are not proposed to be affected.

**Licensing Act 2003**

The functions of the Council as a "responsible authority" under the Licensing Act 2003 – in relation to being the local planning authority

Assistant Director (Planning, Transport and Highways)/  
/Development Manager

**Gambling Act 2005**

The functions of the Council as a "responsible authority" under the Licensing Act 2003 and Gambling Act 2005 – in relation to being the local planning authority

Assistant Director (Planning, Transport and Highways)

**Commons Act 2006**

To receive and process applications under the Commons Act 2006 for the registration of Town or Village Greens, including the power to reject applications not duly made or to reject applications which do not raise any new issues for consideration

Development Manager

**Hackney Carriage and Private Hire Licensing Scheme of Delegation.**

The following schedule lists the delegated authority for the **Director of City Services and Development** or his nominated officer, the **Licensing Manager**, to undertake various matters on behalf of the City Council. Any matters that are not delegated must be referred to the Licensing and Regulatory Committee.

This schedule supersedes and replaces all previous delegations to employees.

1. **Hackney Carriage and Private Hire Drivers**

1.1 **Grant/Renewal of Licence**

To grant, renew or re-grant where:

- (a) Convictions endorsed on a DVLA licence are for driving offences where not more than 3 penalty points are endorsed for any offence or where no more than 6 penalty points are endorsed in total; or
- (b) Apart from driving convictions to which paragraph (a) above applies, there are no other convictions or cautions recorded against the applicant, or

where any other recorded convictions or cautions would have been spent for the purposes of the Rehabilitation of Offenders Act 1974; or

- (c) The Licensing Manager is satisfied that the applicant complies with the Council's Guidelines Covering Driver Applicants who have been absent from the UK, or
- (d) Driving or other convictions have previously been considered by the Licensing Committee or an appeal court and found not to render the applicant unsuitable (provided no further offences have been recorded since the Committee or court decision was made).

## **1.2 Refusal of Licence**

To refuse to grant, renew or re-grant where:

- (a) A DVLA licence (or equivalent) has not at any time prior to the application been held for a full continuous period of 12 months; or
- (b) The applicant has not successfully completed one or more of the following elements of the licensing application process: Road Knowledge Test, Driving Test, Medical Test, Driver Training Test; or
- (c) Where less than 12 months has elapsed from the date of a previous refusal, revocation or unsuccessful appeal, unless a lesser period has been stipulated by the Licensing Committee or an appeal court

## **1.3 Suspension of Licence**

To suspend where:

- (a) A driver is disqualified from driving during the term of a licence issued by the City Council and the driver's DVLA licence will be restored during that term; or
- (b) In the opinion of the Licensing Manager in consultation with the Chair of the Licensing Committee (or in his/her absence the Deputy Chair or in the absence of either, the Director of Finance and Legal Services) it is necessary that immediate steps be taken to suspend a licence in the interests of public safety.

## **1.4 Revocation of Licence**

To revoke where:

- (a) A driver is disqualified from driving during the term of a licence issued by the City Council and where the driver's DVLA licence will not be restored during that term

2. **Hackney Carriage and Private Hire Vehicles**

2.1 **Grant, renewal or transfer of Licence**

To grant, renew or transfer where:

- (a) The vehicle complies with all relevant legislative requirements and the policies of Coventry City Council.

2.2 **Refusal to grant, renew or transfer Licence**

To refuse to grant where:

- (a) The vehicle does not comply with the relevant legislative requirements or the policies of Coventry City Council.

To refuse to renew or transfer where:

- (a) The vehicle is unfit for use as a Hackney Carriage or Private Hire Vehicle;  
or
- (b) The vehicle's operator or driver has committed an offence under or has otherwise failed to comply with the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976; or
- (c) There is reasonable cause to do so.

2.3 **Revocation/suspension of Licence**

To revoke or suspend where:

- (a) The vehicle is unfit for use as a Hackney Carriage or Private Hire Vehicle;  
or
- (b) The vehicle's operator or driver has committed an offence under or has otherwise failed to comply with the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 or;
- (c) There is reasonable cause to do so.

N.B. In relation to the testing or inspection of vehicles the power to suspend a licence may be exercised by a CCS Transport Services Vehicle Inspector where a vehicle fails an inspection on a MOT testable item.

**2.4 Private Hire Vehicle Exemptions**

To issue notices of exemption under Section 75(3) of the Local Government (Miscellaneous Provisions) Act 1976 where:

- (a) In the reasonable opinion of the Licensing Manager, the vehicle is a recognised prestige/executive model or specification of model, or is a recognised vintage or classic model; and
- (b) The vehicle is used solely for contract or account work with businesses/organisations or one-off bookings for special occasions such as birthdays, anniversaries or other similar occasions requiring a chauffeur-driven service; and
- (c) The vehicle is not fitted with a data-box, taximeter or two-way radio.

**2.5 Advertisements on Hackney Carriages**

To authorise requests for the display of advertisements inside or outside licensed hackney carriages in accordance with City Council policy.

**3. Private Hire Operators**

**3.1 Grant/renewal of licences**

To grant or renew where:

- (a) There are no convictions or cautions recorded against the applicant or where any recorded convictions or cautions are spent for the purposes of the Rehabilitation of Offenders Act 1974; or
- (b) Convictions or Cautions have previously been considered by the Licensing Committee or an appeal court and have been found not to have rendered the applicant unsuitable (provided no further offences have been recorded since the Committee or court decision was made).

**3.2 Refusal to grant/renew licences**

To refuse to grant or renew a licence where:

- (a) Less than 12 months has elapsed from the date of a previous refusal, revocation or unsuccessful appeal, unless a lesser period been stipulated by the Licensing Committee or appeal court.

**3.3. Miscellaneous**

- 3.3.1 Sign licences and all other documents relevant to this schedule on behalf of the City Council.
- 3.3.2 To issue departmental warnings, home office cautions and to instruct the Director of Finance and Legal Services to commence legal proceedings where offences have been committed under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and Section 143 Road Traffic Act 1988 (as authorised by Section 222 Local Government Act 1972 (and as amended by any regulations) and to defend any appeal or challenge brought against a Hackney Carriage or Private Hire licensing decision made by the City Council.
- 3.3.3 To refer any matter within the scope of this schedule to the Licensing Committee for their determination where in the opinion of the Director of City Services and Development or the Licensing Manager it is appropriate to do so.

**3.9 Functions of the Appeals Committee, Appointments Panel and Remuneration Panel**

**3.9.1 The Appeals Committee**

3.9.1.1 The Appeals Committee will have responsibility for functions relating to appeal set out below except where specific functions have been delegated to an employee of the Council by virtue of Part 3.8 of this Constitution

3.9.1.2 With the exception of School Admission and Exclusion Appeals and those matters where there is a statutory right of appeal, appeals against decisions of the Council made by members or by employees under delegated powers will be heard by the Appeals Committee established by the Director of Customer and Workforce Services on an ad hoc basis from the Appeals Panel.

3.9.1.3

1. The determination of an appeal against any decision made by or on behalf of the authority	Any enactment conferring a power on the Council to determine such appeals
2. The making of arrangements for appeals against exclusion of pupils	The Education Act 2002 Section 215(2), Schedule
3. The making of arrangements for school admissions appeals	Section 94(1) and (4) School Standards and Framework Act 1998 as amended by Education Act 2002 and Education and Inspections Act 2006, and any other regulations made thereunder
4. The making of arrangements for appeals by governing bodies against an LEA decision to admit a child permanently excluded from two schools	Sections 87 and 95(2) School Standards and Framework Act 1998

There is a separate appeal body for school admissions and exclusion appeals.

**3.9.2 The Appointments Panel**

An appointments panel will carry out functions specified in the Employees Employment Procedure Rules in Part 4.8.

**3.9.3 The Independent Remuneration Panel**

The Independent Remuneration Panel will be responsible for the function of making any scheme for basic, attendance and special responsibility allowances for Local Authority Members or amending, revoking or replacing any such scheme.

## **PART 4**

# **RULES OF PROCEDURE**



**4.1 Council Procedure Rules**

**ANNUAL MEETING OF THE COUNCIL**

**4.1.1 Timing and Business**

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The Annual Meeting will:-

- 4.1.1.1 elect a person to preside if the Lord Mayor and the Deputy Lord Mayor are not present;
- 4.1.1.2 receive any apologies for absence;
- 4.1.1.3 receive any correspondence and announcements of the Lord Mayor;
- 4.1.1.4 elect the Chair of the Council (being Lord Mayor of the City);
- 4.1.1.5 elect the Vice-Chair of the Council (being Deputy Lord Mayor of the City);
- 4.1.1.6 elect the Leader of the Council in any year in which the current Leader's term of office expires. If the Council does not elect the Leader at the Annual Meeting, the election of the Leader shall be an item on the agenda at every ordinary meeting of the Council after the Annual Meeting until the Leader is elected. The existing Leader appoints a Deputy Leader and Cabinet for the discharge of Executive Functions until the Leader is elected; where this is not possible, the Deputy Leader shall become Leader and appoint a Deputy Leader and Cabinet for the discharge of Executive Functions until the Leader is elected.
- 4.1.1.7 agree the minutes of the last meeting and their signature;
- 4.1.1.8 receive the return of persons elected as Councillors (when applicable);
- 4.1.1.9 receive any declarations of interest from Councillors;
- 4.1.1.10 receive the report of the Leader of the Council on the appointment of the Deputy Leader and the composition of the Cabinet and the allocation of Executive Functions within the Cabinet
- 4.1.1.11 establish the Scrutiny Co-ordination Committee, Scrutiny Boards, Audit Committee, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions as set out in Part 3, Table 1 of this Constitution. This also includes the appointment of the Chair and Deputy Chair of those bodies (with the exception of the Standards Committee which shall appoint its own chair from amongst its membership).
- 4.1.1.12 decide the size and terms of reference for those Scrutiny Boards and Committees

- 4.1.1.13 decide the allocation of seats to political groups in accordance with the political balance rules;
- 4.1.1.14 receive nominations of Councillors to serve on each Scrutiny Board, Committee and outside body; and
- 4.1.1.15 appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet
- 4.1.1.16 agree the scheme of delegation as set out in Part 3 of this Constitution;
- 4.1.1.17 decide the date and time of the next Annual Meeting;
- 4.1.1.18 approve a programme of ordinary meetings of the Council, Cabinet, Scrutiny Boards and Committees for the year; and
- 4.1.1.19 consider any business set out in the notice convening the meeting.

NOTE: Procedural matters relating to the Annual Meeting are detailed in Paragraph 8.7.

#### **ORDINARY MEETINGS**

- 4.1.2 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:-
  - 4.1.2.1 elect a person to preside, if the Lord Mayor and the Deputy Lord Mayor are not present;
  - 4.1.2.2 receive any apologies for absence;
  - 4.1.2.3 agree the minutes of the last meeting and their signature;
  - 4.1.2.4 receive any return of persons elected as Councillors;
  - 4.1.2.5 present the Citizen of the Month Award;
  - 4.1.2.6 receive any correspondence and announcements of the Lord Mayor;
  - 4.1.2.7 receive any petitions in accordance with the Petitions Procedure Rules set out in Part 4.9;
  - 4.1.2.8 receive any declarations of interest by Councillors;
  - 4.1.2.9 determine any matters left for determination by the City Council;
  - 4.1.2.10 consider recommendations for the City Council;
  - 4.1.2.11 receive questions and provide answers to Councillors (except at the Council Tax/Budget setting meeting);

- 4.1.2.12 receive any statement by the Leader of the Council or her/his nominated speaker on any changes to the composition of the Cabinet or allocation of executive functions within the Cabinet or to employees or on any matter of significant importance to the City;
- 4.1.2.13 consider motions;
- 4.1.2.14 approve extensions to the programme of ordinary meetings of the Council, Cabinet, Scrutiny Boards and Committees;
- 4.1.3 Any ordinary meeting of the Council may be cancelled, rearranged or relocated by the Director of Customer and Workforce Services after consultation with the Lord Mayor and the Leader of the Council. A further procedure for dealing with the cancellation of "If Necessary" council meetings is detailed in paragraph 8.9.1 of this Constitution.

### **EXTRAORDINARY MEETINGS**

#### **4.1.4 Calling Extraordinary Meetings**

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:-

- 4.1.4.1 the Council by resolution;
- 4.1.4.2 the Lord Mayor
- 4.1.4.3 the Director of Customer and Workforce Services/Monitoring Officer
- 4.1.4.4 any five Councillors if they have signed a requisition presented to the Lord Mayor and s/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
- 4.1.4.5 Any requisition under Rule 4.1.4.4 will be addressed to the Lord Mayor by being left for the Lord Mayor at a location designated by the Director of Customer and Workforce Services. The requisition will indicate the business to be transacted at the meeting.

\*NB: The location currently designated is Room 60 in the Council House.

- 4.1.6 The date, time and location of any extraordinary meeting will be fixed by the Director of Customer and Workforce Services after consultation with the Lord Mayor and the Leader of the Council.

### **TIME AND PLACE OF MEETINGS**

- 4.1.7 The time and place of meetings will be determined by the Director of Customer and Workforce Services and notified in the summons.
- 4.1.8 There will be no restriction on the duration of meetings except that if any Council meeting continues for a period of more than 3 hours, there will be a break in proceedings as soon as 3 hours has elapsed since the start of the meeting unless the

Council votes unanimously to continue without a break or the Lord Mayor or other person chairing the meeting determines that the remainder of the business of the meeting can be concluded within a reasonable time so as to render any break unnecessary. The break will be for a minimum of 5 minutes and a maximum of 15 minutes. This provision is intended to safeguard the health and wellbeing of Councillors and employees present at any meeting.

### **NOTICE OF AND SUMMONS TO MEETINGS**

- 4.1.9 The Director of Customer and Workforce Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Director of Customer and Workforce Services will send a summons signed by him or her by post to every Councillor or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

### **CHAIR OF MEETING**

- 4.1.10 The Lord Mayor or, in her/his absence, the Deputy Lord Mayor will chair meetings of the City Council. In the absence of both the Lord Mayor and the Deputy Lord Mayor, the City Council will elect another Councillor, other than a Councillor of the Cabinet, to chair the meeting.
- 4.1.11 If it is necessary to select a Councillor to chair the meeting in the absence of the Lord Mayor and the Deputy Lord Mayor, the Chief Executive (or, in her/his absence, the Council Solicitor) will call for a Councillor to move that another Councillor should be nominated to chair the meeting.
- 4.1.12 If discussion arises on that motion, the Chief Executive (or, in her/his absence, the Council Solicitor) will exercise the powers of the Chair to regulate that discussion and to maintain order at the meeting.
- 4.1.13 The Lord Mayor will be addressed "Lord Mayor". The Deputy Lord Mayor when chairing the meeting will be addressed as "Deputy Lord Mayor" and any other Councillor elected to chair a meeting will be addressed as "Chair".
- 4.1.14 The Deputy Lord Mayor or other Councillor chairing the meeting will be entitled to exercise any power of the Lord Mayor in relation to the conduct of that meeting.

### **QUORUM**

- 4.1.15 Subject to Rule 4.1.19, no business will be dealt with unless there is a quorum of 14 Councillors.
- 4.1.16 If, at the expiration of 15 minutes after the time at which any meeting is appointed to be held, there is no quorum present, the meeting will not take place.

- 4.1.17 If during any meeting, the Lord Mayor, after counting the number of Councillors present, declares that there is not a quorum present, the meeting will stand adjourned for fifteen minutes.
- 4.1.18 If, after 15 minutes, there is no quorum present, the meeting will end. The consideration of any business not transacted will be adjourned to a date, time and location fixed by the Lord Mayor at that time or, if she/he does not fix a date, time and location at that time, to the next ordinary meeting.
- 4.1.19 If Councillors are required to leave the meeting under the Code of Conduct for Elected Councillors their leaving the meeting will not affect the quorum.

### **QUESTIONS BY COUNCILLORS**

At ordinary meetings of the Council, except the Council Tax and/or Budget setting meeting, there will be a Question Time. The procedure for dealing with Written Questions at Council Meetings is set out at paragraph 8.8.

- 4.1.20 A Councillor may put in writing a question concerning any matter relating to Council business to be answered at the meeting by the appropriate Cabinet Member, Chair or other Councillor. Such questions must be delivered to the Director of Customer and Workforce Services at a location\* designated by her/him not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. An answer may be written and circulated to Councillors at the meeting, given orally by the Cabinet Member, Chair or other Councillor replying, or a combination of both. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any such question which in her/his opinion, is irrelevant or frivolous or a repetition of or substantially similar to a question already asked upon that part of the proceedings.  
\*NB The location currently designated is Room 60 in the Council House.
- 4.1.21 A Councillor may ask a Chair of a Scrutiny Board, the Scrutiny Co-ordination Committee or the Chair of any other Body any oral question relating to the work of that Board, Committee or Body. The Lord Mayor will call on Councillors in the order in which they catch her/his eye. The Chair will reply orally at the meeting or a written answer will be circulated to Councillors after the meeting within 7 working days of the meeting. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any oral question which, in her/his opinion, is irrelevant or frivolous or a repetition of or substantially similar to the question(s) already asked.
- 4.1.22 A Councillor may ask the nominated spokespersons of the West Midlands Police Authority, West Midlands Fire & Rescue Authority or the West Midlands Passenger Transport Authority a written question about any matter which relates to the work of that Authority. The question must be delivered to the Director of Customer and Workforce Services at a location\* designated by her/him not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. An answer may be written and circulated to Councillors at the meeting, given orally by the nominated spokesperson or a combination of both. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any oral

questions which, in her/his opinion, is irrelevant or frivolous or a repetition of or substantially similar to a question or question(s) already asked.

\*NB The location currently designated is Room 60 in the Council House.

- 4.1.23 A Councillor may ask another Councillor or an Employee, who is a director of an authorised company as defined by Section 71(1) of the Local Government and Housing Act 1989, a written question about any matter which relates to the activities of that company. The question must be delivered to the Director of Customer and Workforce Services at a location\* designated by her/him not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. An answer may be written and circulated to Councillors at the meeting, given orally or a combination of both. Nothing will require the other Councillor or the Employee to disclose any information about the company which has been communicated to her/him in confidence. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any oral questions which, in her/his opinion, is irrelevant or frivolous or a repetition of or substantially similar to a question or question(s) already asked. \*NB The location currently designated is Room 60 in the Council House.
- 4.1.24 A Councillor may ask a Council representative on an outside body an oral question at the meeting without prior notice being given on any matter pertaining to that outside body. The Lord Mayor will call on Councillors in the order in which they catch her/his eye. An answer may be given orally by the representative on the outside body at the meeting or a written answer circulated to Councillors after the meeting, within 7 working days of the meeting. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any such question which in her/his opinion is irrelevant or frivolous or a repetition of or substantially similar to a question or question(s) already asked.
- 4.1.25 A Councillor may ask a Cabinet Member an oral question at the meeting without prior notice being given on any other matter relating to the Cabinet Member's portfolio. The Lord Mayor will call on Councillors in the order in which they catch her/his eye. An answer may be given orally by the Cabinet Member at the meeting or a written answer circulated to Councillors after the meeting, within 7 working days of the meeting. The Lord Mayor will have the power to allow supplementary oral questions and to disallow any such question which, in his/her opinion, is irrelevant or frivolous or a repetition of or substantially similar to a question or questions already asked.
- 4.1.26 All questions referred to in Rules 4.1.20, 4.1.22 and 4.1.23 will be considered in the order received by the Director of Customer and Workforce Services. The Lord Mayor may change the order of questions at the meeting if she/he considers it expedient. Copies of all questions will be circulated to all Councillors and made available to the public attending the meeting.
- 4.1.26.1 No paperwork may be circulated at the meeting in respect of oral questions.

#### **MOTIONS ON NOTICE**

- 4.1.27 Every notice of motion to be inserted in the summons for the next meeting of the City Council will be in writing and signed by the Councillor intending to move it and by the

Councillor intending to second it. The notice must be delivered to the Director of Customer and Workforce Services at a location\* designated by her/him not later than 9.00 a.m. at least 5 clear working days before the date scheduled for the meeting of the City Council. The Director of Customer and Workforce Services will only accept notices of motion which fulfill these requirements and will not accept more than one notice of motion intended to be moved (and seconded) by a Councillor(s) of any one Political Group. The Director of Customer and Workforce Services will enter every such motion and the time and date of its receipt in a book to be kept in a location designated by her/him and such book will be open to the inspection of every Councillor and will be open for public inspection.

\*NB The location currently designated is Room 60 in the Council House.

- 4.1.28 The Director of Customer and Workforce Services will set out in the summons for every meeting of the City Council, all motions of which notice has been duly given under the heading "Debates", in the order in which they have been received unless the Councillor giving such notice intimated in writing, when giving it, that she/he proposed to move it at some later meeting, or has since withdrawn it in writing.
- 4.1.29 If a motion set out in the summons is not moved and seconded either by the Councillor who gave notice thereof, or by some other Councillors on their behalf it will, unless postponed by consent of the City Council, be treated as withdrawn and will not be moved without fresh notice.
- 4.1.30 The mover of a motion or amendment will speak for no more than 5 minutes. All other speeches on the motion will each be for no more than 3 minutes.
- 4.1.31 An amendment to a notice of motion will not be discussed unless it has been moved and seconded. It will be put in writing and handed to the Director of Customer and Workforce Services before it is put to the meeting.
- 4.1.32 When a motion is made in pursuance of a notice of motion, and the subject is referred by the City Council to a Body, the Director of Customer and Workforce Services will send notice of the meeting at which the subject will be considered to the proposer and seconder of the motion, unless they are themselves members of that Body. The proposer and seconder will not be entitled to vote unless either of them is a member of the Body.
- 4.1.33 If a motion is made in pursuance of a notice of motion which would increase expenditure of the City Council, or reduce income to the City Council, then the motion will be regarded as tentative only and will be referred by the City Council to the appropriate Body for them to consider and make their views known to the City Council before formal approval is given.
- 4.1.34 The tentative decision will be included in the summons for the next appropriate meeting of the City Council where the City Council may confirm, amend or rescind it, having regard to the views of the appropriate Body.

**MOTIONS WITHOUT NOTICE**

- 4.1.35 The following motions may be moved without notice:
- 4.1.35.1 to elect a Councillor to chair the meeting;
  - 4.1.35.2 to agree the minutes of the previous meeting;
  - 4.1.35.3 to re-order the business on the agenda;
  - 4.1.35.4 to refer an item to the agenda of the next ordinary meeting, or to the Cabinet, Scrutiny or a City Council Committee;
  - 4.1.35.5 to combine debates on items on the agenda;
  - 4.1.35.6 to withdraw an item from the agenda;
  - 4.1.35.7 to suspend particular Council Procedure Rules;
  - 4.1.35.8 not to hear, on the motion of the Lord Mayor, a Councillor further or to require a Councillor to leave a meeting;
  - 4.1.35.9 to record the Council's appreciation or condolence;
  - 4.1.35.10 to receive a petition;
  - 4.1.35.11 to refer a matter raised by a petition or question to the Cabinet, Scrutiny, City Council Committee or to an external body;
  - 4.1.35.12 to obtain the agreement of the meeting in any case where a particular Council Procedure Rule requires it;
  - 4.1.35.13 to appoint Councillors or other persons to an external body;
  - 4.1.35.14 to proceed to the next business;
  - 4.1.35.15 that the questions now be put;
  - 4.1.35.16 to adjourn a debate; (see also 4.1.54 and 4.1.55)
  - 4.1.35.17 to adjourn a meeting;
  - 4.1.35.18 to exclude the press and public in accordance with the Access to Information Rules

**PETITIONS**

- 4.1.36 Petitions will be presented as provided for in the Petitions Procedure Rules set out in Part 4.9 of this Constitution.

**STATEMENT BY THE LEADER OF THE COUNCIL OR A NOMINATED SPEAKER**

- 4.1.37 The Leader of the Council, or a Councillor nominated by her/him, will be entitled to make a statement on an issue or matter of significant importance to the City. The statement will last no more than 10 minutes.
- 4.1.38 Where there is to be a Statement by the Leader, the Leaders of the other political groups will be notified of the subject matter at the earliest opportunity.
- 4.1.39 A Councillor from each of the other Groups represented on the Council will be entitled to respond to the statement. The response will last no more than 10 minutes.
- 4.1.40 The Leader of the Council or the nominated Councillor will be entitled to a right of reply lasting no more than 5 minutes, but there will be no further debate.

**RECOMMENDATIONS SUBMITTED TO THE CITY COUNCIL**

- 4.1.41 Recommendations submitted to the City Council will be reproduced and a copy will be issued to each Councillor prior to or with the summons for the meeting of the City Council at which they are to be submitted. In case of urgency, such recommendations may be issued during the interval between the summons and the meeting, provided that due notice of the business is included in the summons.
- 4.1.42 Recommendations submitted to the City Council will include all matters which are listed in Part 3 as being functions of the Council.
- 4.1.43 In case of doubt whether a delegated matter ought, under this Standing Order, to be dealt with in any particular manner, the Director of Customer and Workforce Services will have the power to decide the point and her/his decision will be final.
- 4.1.44 The Director of Customer and Workforce Services will reproduce the recommendations submitted to the City Council for consideration in such order as will appear to her/him to be the most convenient for consideration by the City Council.
- 4.1.45 Upon the consideration of the recommendations before Council for consideration, the motion for the confirmation of the recommendations will be submitted by the Cabinet Member, Chair, Deputy Chair, or other Councillor having charge thereof. In doing so, she/he may, with the consent of the City Council (signified without discussion), withdraw from consideration a specified item of business or move the confirmation of recommendations with a specified alteration. On the consideration of the motion, it will be competent for any Councillor to call the attention of the City Council to, and fully discuss, any subject matter referred in the recommendations which still remains before the City Council, having regard to any earlier withdrawal or amendment.
- 4.1.46 The rules of debate in Rules 4.1.47–65 will apply to recommendations.

## **RULES OF DEBATE**

A diagram detailing the Process for Debates is appended as Annex 1 to this section.

- 4.1.47 A Motion or amendment will not be discussed unless it has been proposed and seconded, and it will, unless the Lord Mayor dispenses with this requirement, be produced in writing and handed in to the Director of Customer and Workforce Services before it is further discussed or put to the meeting. A copy of any amendment(s) will be circulated to all members at the meeting when the amendment(s) has/have been moved and seconded. Every amendment must be the subject of a vote unless the amendment, having been moved and seconded, is withdrawn by the proposer.
- 4.1.48 A Councillor intending to move an amendment will declare that intention, together with the wording of the amendment and the name of the Councillor then present in the meeting who has agreed to second the amendment, within three minutes of starting to speak in the debate on a Motion. Once the amendment has been moved and seconded the debate is then on the amendment. The Councillor named to second the amendment will, immediately upon being so named, indicate her/his agreement to the Lord Mayor by show of hand. The mover of the amendment may thereupon continue to speak, provided that, in total, the length of her/his speech will not exceed five minutes.
- 4.1.49 If the mover of an amendment does not, for whatever reason, name his seconder as prescribed in 4.1.48 or, if the named seconder fails to indicate agreement by show of hand, the mover of the amendment will speak for no more than three minutes and will then sit. The Lord Mayor will then call for a seconder of the amendment. If any Councillor present seconds the amendment, the mover of the amendment will have the right to resume his speech for a further period not exceeding two minutes. If no Councillor present seconds the amendment, the mover of the amendment will not speak further upon the amendment.
- 4.1.50 The mover of an original motion will have the right of reply at the close of a debate upon the recommendation immediately before:-
- i) it is put to the vote or;
  - ii) before a motion is put that:-
    - "the question now be put"
    - "the debate be now adjourned", or
    - "that the Council so now proceed to the next business"

If an amendment is proposed:-

- (1) the mover of the original motion will be entitled to speak on any amendment to the motion immediately before the reply and;
- (2) the mover of the amendment will have the right of reply at the close of the debate on the amendment immediately before:-
  - (i) it is put to the vote; or

(ii) before a motion is put that:-

- "the question now be put"
- "the debate be now adjourned" or
- "that the Council so now proceed to the next business"

4.1.51 A Councillor, when seconding a motion or an amendment, may reserve her/his right to speak until later in the debate provided that she/he clearly signifies her/his intention to do so.

4.1.52 A Councillor may speak once in relation to any motion; and once more in relation to any amendment to that motion; and once more in relation to each and every further amendment in any debate. This is in addition to any right of reply on a point of order or by way of personal explanation. All contributions to any debate must refer directly to the motion or the amendment before the Council.

4.1.53 A Councillor, who has not participated in the debate then before the City Council, may at the conclusion of a speech of another Councillor, move without comment "that the question be now put". On the seconding of that motion the Lord Mayor (if in her/his opinion the question has been sufficiently discussed) will put this motion to the vote. If it is carried, the question before the meeting will then be put to the vote following the reserved right to second in 4.1.51 above and the right of reply in 4.1.50 above.

4.1.54 A Councillor may move:-

- i) "that the Council do now adjourn"
- ii) "that the Council do now proceed to the next business", or
- iii) "that the debate be now adjourned"

The Councillor moving such a motion will give her/his reasons for the motion in a speech not exceeding 2 minutes. The motion must be seconded without speech.

On the seconding of that motion the Lord Mayor (if in her/his opinion the question has been sufficiently discussed) will put this motion to the vote. If it is carried, the question before the meeting will then be put to the vote following the reserved right to second in 4.1.51 above and the right of reply in 4.1.50 above.

4.1.55 A second motion "that the Council do now adjourn", "that the Council do now proceed to the next business" or "that the debate be now adjourned" will not be made within a period of 15 minutes unless it is moved by the Lord Mayor or unless some business or subject of debate is before the City Council when the second motion is moved which was not before the City Council when the first motion was moved.

4.1.56 On the resumption of an adjourned debate, the Councillor who moved the adjournment will be entitled to speak first.

4.1.57 A Councillor, when speaking must stand and address the meeting through the Lord Mayor. If more than one Councillor stands, the Lord Mayor will ask one to speak and the others will sit. Other Councillors must remain seated whilst a Councillor speaks, unless they wish to make a point of order or of personal explanation. (see 4.1.65)

- 4.1.58 Except as provided for in 4.1.59 below, a Councillor moving a motion or amendment may speak for not more than 5 minutes and other speeches will last no more than 3 minutes.
- 4.1.59 The time limits referred to in 4.1.58 above will not apply to:-
- 4.1.59.1 Business at annual meetings of the City Council
- 4.1.59.2 The proposer of a recommendation to the City Council in respect of the level of Council Tax/Council Budget to be levied each year and the Leader (or nominee) of each Political Group (or their nominated speaker) on the Council budget in respect of that recommendation.
- 4.1.60 Every amendment must relate to the motion on which it is moved and may:-
- 4.1.60.1 refer a matter back to the Body concerned;
- 4.1.60.2 leave out words;
- 4.1.60.3 add or insert words; or
- 4.1.60.4 leave out words and add or insert words
- but such omissions, insertions or additions of words will not have the effect of negating the motion before the City Council
- 4.1.61 If an amendment is rejected, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended will become the Substantive Motion and be the motion upon which any further amendment may be moved.
- 4.1.62 A further amendment will not be moved until the City Council has disposed of every amendment previously moved. When an amendment is proposed, the Proposer of the original or amended Motion may decide to accept that amendment. Should the Proposer accept the amendment, then the wording contained in the amendment will be incorporated into the original or amended Motion and will be treated as part of the Motion then under debate. Where an amendment is accepted, the right of reply of the Mover of the amendment set out in paragraph 4.1.50 will not apply.
- 4.1.63 **Council Tax/Budget Debate Process**
- (i) The proposer of the recommendation will move the budget. This speech will not be time limited.
- (ii) This will be seconded and the seconder will speak or reserve the right to speak.
- (iii) The Leader of the Main Opposition Group (or nominated speaker) will move any amendment to the recommendation. This speech will not be time limited.

- (iv) The Deputy Leader of the Main Opposition Group (or nominated speaker) will second the amendment and speak or reserve the right to speak.
- (v) The debate on the amendment will take place; the vote on the amendment will take place and the amendment will be carried or lost. If carried, this would become the substantive motion.
- (vi) The Leader of the largest of the minority Groups (or nominated speaker) will move any amendment to the motion. This speech will not be time limited.
- (vii) A representative of that Group will second the amendment and speak or reserve the right to speak.
- (viii) As (v) above.
- (ix) The Leader (or nominated speaker) of any of the remaining minority Groups will move any amendment (in the order in which they catch the eye of the Lord Mayor). These speeches will not be time limited. Representatives of those Groups will second the amendment and speak or reserve the right to speak. This will apply to any remaining minority Groups.
- (x) As (v) above.
- (xi) Any further amendments will be moved in the order in which the proposer catches the eye of the Lord Mayor.
- (xii) When there are no more amendments, the debate on the substantive motion takes place and the vote is taken.

- Notes: 1. In accordance with the Council Procedure Rules, the mover of the original motion (or substantive motions if the original motion is amended) is entitled to speak on any amendment immediately before the reply by the mover of the amendment.
- 2. Should adjournments be necessary during the course of the meeting, rooms will be made available.
  - 3. If the proposer of the recommendation is not the Leader of the Council, then the Leader of the Council will get one opportunity for a speech that is not time-limited.

**4.1.64 Point of Order**

- (a) A point of order is a request by a Councillor to the Lord Mayor to rule on an alleged irregularity in the constitutional conduct of the meeting.
- (b) The Councillor will rise to make the point immediately she/he notices it and state the Procedural Rule in question, and how it is broken. Immediately after the point of order has been raised, the Councillor will resume her/his seat.

- (c) The Lord Mayor will decide the issue raised in the point of order and announce her/his ruling before the debate continues. There will be no discussion on that ruling.

**4.1.65 Point of Personal Explanation**

- (a) A Councillor may find that she/he has made a statement which is misquoted by a later speaker, or that another Councillor has misunderstood or misquoted what was said.
- (b) If this happens, she/he may rise on a point of personal explanation and, with the permission of the Lord Mayor, interrupt the speaker to correct the misunderstanding.

**SIX MONTH RULE**

4.1.66 No Councillor may move a motion or amendment to rescind a decision made at a meeting of the full City Council within the previous six months.

4.1.67 No Councillor may move a motion or amendment in similar terms to one which has been rejected at a meeting of the City Council in the previous six months.

Paragraph 4.1.67 does not apply to a motion to remove the Leader from the role of Leader.

**VOTING**

4.1.68 The vote on every question will be taken by the voice, except where by law or in these Rules it is otherwise provided, but if the Lord Mayor is unable to decide upon the voices or if any two Councillors challenge her/his decision thereon, the vote will be taken by a show of hands. Councillors are required to be seated in their allocated position when the vote is taken.

4.1.69 If, before the Lord Mayor finally declares the result of the vote (whether taken by the voice or by show of hands), any 2 Councillors require a recorded vote, this will supersede any vote taken under 4.1.68 above.

4.1.70 A recorded vote will be taken immediately afterwards and recorded in the minutes. A Councillors vote will only be recorded if the Councillor personally answers "For", "Against" or "Abstain" immediately after her/his name is called by the Council Solicitor.

4.1.71 Where any Councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

4.1.72 In the case of an equality of votes, the Lord Mayor will have a casting vote in addition to her/his vote as a Councillor.

*NOTE: As a matter of convention, at full Council meetings only where there is an equality of votes, the Lord Mayor will cast her/his casting vote in favour of the largest political group represented on the Council.*

- 4.1.73 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

#### **MINUTES**

- 4.1.74 The minutes of every meeting of the City Council will be reproduced and a copy sent before the next subsequent meeting to each Councillor. At such subsequent meeting, the Lord Mayor will call for a motion that the minutes of the previous meeting be signed as a correct record. Once such motion is approved, the minutes will be signed by the Lord Mayor. The only part of the minutes that can be discussed is their accuracy.
- 4.1.75 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of Schedule 12 relating to signing of minutes.

#### **EXCLUSION OF PUBLIC**

- 4.1.76 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 4.1.83.

#### **MEMBERS' CONDUCT**

- 4.1.77 When the Lord Mayor stands during a debate, any Councillor speaking at the time will sit down. All Councillors must be silent.
- 4.1.78 If a Member persistently disregards the ruling of the Lord Mayor by behaving improperly or offensively or deliberately obstructs business, the Lord Mayor may move that the Member is not heard further. If seconded, the motion will be voted on without discussion.
- 4.1.79 If the Member continues to behave improperly after such a motion is carried, the Lord Mayor may move that either the Member leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- 4.1.80 In the event of general disturbance which, in the opinion of the Lord Mayor renders the due and orderly despatch of business of the meeting impossible, the Lord Mayor (in addition to any other power invested in her/him) may, without question, adjourn the meeting for such period as she/he in her/his discretion will consider expedient.

4.1.81 In accordance with Rule 4.1.19, if Members are required to leave the meeting under Rule 4.1.79 their leaving the meeting will not affect the quorum.

4.1.82 All electronic devices ~~Mobile telephones~~ will be switched off during meetings of the City Council.

#### **DISTURBANCE BY THE PUBLIC**

4.1.83 If a member of the public disrupts the proceedings at any meeting, the Lord Mayor will issue a warning. If the member of the public continues the interruption, the Lord Mayor will order the removal of the member of the public from the Council Chamber. In the case of general disturbance in any part of the Council Chamber open to the public, the Lord Mayor will order that part to be cleared.

#### **SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

##### **4.1.84 Suspension**

All of these Council Rules of Procedure except Rule 4.1.72 and 4.1.84 may be suspended by motion on notice or without notice. Suspension can only be for the duration of the meeting.

##### **4.1.85 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

#### **APPLICATION OF COUNCIL PROCEDURE RULES TO OTHER BODIES**

4.1.86 These rules where they can be appropriately applied, apply to all formal meetings of bodies of the Council. These rules will not apply where the specific rules of procedure relating to any such body already make provision for the activity to be undertaken and/or procedure to be followed at meetings of that body.



4.2 **Access to Information Procedure Rules**

4.2.1 **Scope**

These rules apply to all meetings of the Council, Scrutiny Boards, the Standards Committee and other committees and public meetings of the Cabinet or any Cabinet Member (together called meetings).

4.2.2 **Additional Rights to Information**

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

4.2.3 **Rights to Attend Meetings**

Members of the public may attend all meetings subject only to any exceptions in this Constitution.

4.2.4 **Notice of Meetings and Adjourned and Reconvened Meetings**

The Council will give at least five clear working days notice of any meeting by posting details of the meeting at the Council House, Earl Street, Coventry ("the designated office") and including the details on the Council's website.

When a meeting is adjourned and reconvened, there must be at least 5 working days notice of the date of that reconvened meeting.

4.2.5 **Access to Agenda and Reports Before the Meeting**

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Director of Customer and Workforce Services will make each such report available to the public as soon as the report is printed and sent to Councillors. At each of these stages the relevant documentation will be included on the Council's website.

4.2.6 **Supply of Copies**

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Director of Customer and Workforce Services thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person on payment of a charge for postage and any other costs. This information will also be made available on the Council's website.

**4.2.7 Access to Minutes and Other Documents After the Meeting**

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meetings or records of decisions taken, together with reasons, for all meetings of the Cabinet or any Cabinet Member, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspect would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

**4.2.8 Background Papers**

**4.2.8.1 List of Background Papers**

The proper officer preparing any report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in 4.2.10.4) and in respect of Cabinet or Cabinet Member reports, the advice of any political advisor.

**4.2.8.2 Public Inspection of Background Papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

**4.2.9 Summary of Public's Rights**

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council House, Earl Street, Coventry.

*As the Constitution is available to the public and located on the Council's website, these Rules constitute that written summary.*

**4.2.10 Exclusion of Access by the Public to Meetings**

**4.2.10.1 Confidential Information – Requirement to Exclude Public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

**4.2.10.2 Exempt Information – Discretion to Exclude Public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6 of the Human Rights Act.

**4.2.10.3 Meaning of Confidential Information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

**4.2.10.4 Meaning of Exempt Information**

Exempt information means information falling within the following categories (subject to any condition):

Description of exempt information	Qualification	Notes
	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.	Applies to all categories of otherwise exempt information.

<p>1. Information relating to any individual.</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table.</p>	<p>Names, addresses or telephone numbers can identify individuals.</p> <p>Also consider the Council's Data Protection Act responsibilities.</p>
<p>2. Information which is likely to reveal the identity of an individual.</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table.</p>	<p>Names, addresses or telephone numbers can identify individuals.</p> <p>Also consider the Council's Data Protection Act responsibilities.</p>
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table.</p> <p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under:-</p> <ul style="list-style-type: none"> <li>a) the Companies Act 1985</li> <li>b) the Friendly Societies Act 1974</li> <li>c) the Friendly Societies Act 1992</li> <li>d) the Industrial and Provident Societies Acts 1965 to 2002</li> <li>e) the Building Societies Act 1986</li> <li>f) the Charities Act 1993</li> </ul>	<p>The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined (etc).</p> <p>Financial or business affairs includes contemplated, as well as past or current activities.</p> <p>Registered in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).</p>

<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table.</p>	<p>The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not fails to be determined (etc).</p> <p>Employee means a person employed under a contract of service.</p> <p>Labour relations matter means:-</p> <ul style="list-style-type: none"> <li>a) any of the matters specified in paragraphs (a) to (g) of section 218 of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or</li> <li>b) any dispute about a matter falling within paragraph (a) above.</li> </ul> <p>(applies to trade disputes relating to office holders as well as employees)</p> <p>Office holder in relation to the authority, means the holder of any paid office appointments which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who</p>
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**Part 4.2 – Access to Information Procedure Rules**

		holds any such office or is an employee of the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table.	Privilege lies with the "client" which broadly is the Council. Seek the view of the relevant Chief Officer whether they wish to waive privilege.
6. Information which reveals that the authority proposes:-  a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or  b) to make an order or direction under any enactment	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table.	The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not fails to be determined (etc).
7. Information relating to any action taken in connection with the prevention, investigation or prosecution of crime.	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table.	

Description of exempt information relating to Standards Committee ONLY (in addition to paragraph 1-7 above)	Qualification	Notes
8. Information which is subject to any obligation of confidentiality.	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table.	This will not apply to all the papers before a Standards Committee but is likely to need careful consideration in the circumstances of a Local Investigation or Determination.
9. Information which relates in any way to matters concerning national security.	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table.	
10. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64 (2), 70 (4) or (5) or 71(2) of that Act.	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table.	This will apply in relation to Local Determinations whether the original report came from an Ethical Standards Officer or from a Local Investigator.

**NOTE:**

**Public Interest**

In each case before information can be exempt the Council must be satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The changes bring the exemptions and access to information into line with those exemptions available under the Freedom of Information Act 2000.

There is no legal definition of what the public interest test is but the following identifies some of the relevant considerations.

- The public interest in disclosure is particularly strong where the information in question would assist public understanding of an issue that is subject to current national debate.
- The issue has generated public or parliamentary debate.
- Proper debate cannot take place without wide availability of all the relevant information.
- The issue affects a wide range of individuals or companies.
- The public interest in a local interest group having sufficient information to represent effectively local interests on an issue.
- Facts and analysis behind major policy decisions.
- Knowing reasons for decisions.
- Accountability for proceeds of sale of assets in public ownership.
- Openness and accountability for tender processes and prices.
- Public interest in public bodies obtaining value for money.
- Public health.
- Contingency plans in an emergency.
- Damage to the environment.

**4.2.11 Exclusion of Access by the Public to Reports**

If the Director of Customer and Workforce Services thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 4.2.10, the meeting is likely not to be open to the public. Such reports will be marked "PRIVATE" together with the category of information likely to be disclosed. To allow the public access to all public information contained in reports, all private reports must be accompanied by a corresponding public report, unless there are extreme exceptional circumstances. (See 5.4.4.21).

**4.2.12 Application of Rules to the Cabinet and Cabinet Members**

Rules 4.2.13 to 4.2.22.3 apply to the Cabinet. If the Cabinet meets to take a key decision then Rules 4.2.1-4.2.11 must also be complied with unless Rule 4.2.15 (general exception) or Rule 4.2.16 (special urgency) apply.

If the Cabinet meets to formally discuss a key decision to be taken collectively, with an employee other than a political assistant) present, within 28 days of the date according to the Forward Plan by which it is to be decided, then it must also comply with

Rules 4.2.1-4.2.11 unless Rule 4.2.15 (general exception) or Rule 4.2.16 (special urgency) apply.

A key decision is as defined in paragraph 2.12.3.5 of this Constitution as:-

A key decision is one which is likely to:-

- (a) result in the City Council incurring expenditure, making savings, or receiving income which is/are significant having regard to the Council's budget for the service or function to which the decision relates; or
- (b) be significant in terms of its effects on communities living or working in an area comprising 2 or more wards or electoral divisions in the area of the City;

By the term "significant" the Council means a decision which:-

- (a) results in expenditure, savings, income, additional funding or virement of over £500,000 per annum being incurred or achieved and which additionally, in the case of a capital scheme, has not been identified in the "Approved Programme" within the Capital Programme; or
- (b) results in an outcome which will have a marked effect on communities living or working in an area comprising 2 or more wards.

The following will be deemed not to be key decisions:-

- (a) any decision to implement or take forward an earlier key decision.
- (b) any decision that is delegated to an employee

This requirement does not include meetings, the sole purpose of which is to brief Councillors.

#### **4.2.13 Procedure Before Taking Key Decisions**

Subject to Rule 4.2.15 (general exception) and Rule 4.2.16 (special urgency), a key decision may not be taken unless:

- (a) a notice (called a Forward Plan) has been published in connection with the matter in question;
- (b) at least 5 clear working days have elapsed since the publication of the Forward Plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4.2.4 (notice of meetings).

**4.2.14 The Forward Plan**

**4.2.14.1 Period of Forward Plan**

The Forward Plans will be prepared by the Leader (in consultation with the Chief Executive) to cover a period of four months, beginning with the first day of any month. It will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan and so on.

**4.2.14.2 Contents of Forward Plan**

The Forward Plan will contain matters which the Leader has reason to believe will be the subject of a key decision to be taken by the Cabinet or under joint arrangements in the course of the discharge of a Cabinet function during the period covered by the Forward Plan.

It will describe the following particulars insofar as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identify of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

**4.2.14.3 Publication of the Forward Plan**

The Forward Plan must be published at least 14 days before the start of the period covered.

The Director of Customer and Workforce Services will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (a) that key decisions are to be taken on behalf of the Council;
- (b) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;

- (c) that the Forward Plan will contain details of the key decisions that is anticipated are to be made for the four month period following its publication;
- (d) that each Forward Plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- (e) that each Forward Plan will contain a list of the documents submitted to the decision taker for consideration in relation to the key decisions on the plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;
- (g) that other documents may be submitted to any decision taker;
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (i) the dates on each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.

Exempt information need not be included in a Forward Plan and confidential information cannot be included.

#### **4.2.15 General Exception**

If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 4.2.16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
- (b) the Director of Customer and Workforce Services has informed the Chair of the Scrutiny Co-ordination Committee, by notice in writing, of the matter to which the decision is to be made;
- (c) the Director of Customer and Workforce Services has made copies of that notice available to the public at the offices of the Council; and
- (d) at least 5 clear working days have elapsed since the Director of Customer and Workforce Services complied with (b) and (c).

Where such a decision is taken by the Cabinet collectively, it must be taken in public.

#### **4.2.16 Special Urgency for Key Decisions**

- 4.2.16.1 If by virtue of the date by which a decision must be taken Rule 4.2.15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chair of the decision taking body (or his/her nominee) obtains

the agreement of the Chair of the Scrutiny Co-ordination Committee who must attend the meeting and confirm that the taking of the decision cannot be reasonably deferred. If the Chair of the Scrutiny Co-ordination Committee is unable to act, then s/he can appoint a nominee to attend the meeting. However, no decisions can be made unless the Chair of the Scrutiny Co-ordination Committee or his/her nominee is present at the meeting at which the urgent item is considered.

- 4.2.16.2 Any reports on which urgent decisions have been made are to be referred to Scrutiny Co-ordination Committee for them to understand the need for urgency, but this will not delay implementation of the urgent decision itself.

**4.2.17 Report to Council**

**4.2.17.1 When an Overview and Scrutiny Committee can require a report**

If a Scrutiny Board thinks that a key decision has been taken which was not:

- (a) included in the Forward Plan; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with the Chair of Scrutiny Co-ordination Committee under Rule 4.2.16;

the Board may require the Cabinet to submit a report to the Council within such reasonable time as the Board specifies. The power to require a report rests with the Board, but is also delegated to the Chief Executive, who will require such a report on behalf of any Scrutiny Board when so requested by the Chair or any 5 members of that Scrutiny Board. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Scrutiny Board. A copy of any such report must also be submitted to the Standards Committee.

**4.2.17.2 Cabinet Report to Council**

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Scrutiny Board, then the report may be submitted to the next meeting after that. The report to Council will set out particulars of the decision, the individual or body taking the decision, and if the Leader is of the opinion that it was not a key decision, the reasons for that opinion.

**4.2.17.3 Quarterly Reports on Special Urgency Decisions on Key Decisions**

In any event the Leader will submit quarterly reports to the Council on any key decisions taken in the circumstances set out in Rule 4.2.16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken. A similar report must also be submitted to the Standards Committee.

**4.2.18 Record of Decisions**

After any formal meeting of the Cabinet or any Cabinet Member or any Cabinet Committee, whether held in public or private, the Director of Customer and Workforce Services or, where no employee was present, the person presiding at the meeting, will produce a record or minute of every decision taken at that meetings as soon as practicable.

The provisions of Rules 4.2.7 and 4.2.8 (inspection of documents after meetings and background papers) will also apply to the making of decisions by an individual Cabinet member. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

**4.2.19 Notice of Private Meeting of the Cabinet**

Members of the Cabinet will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

In such circumstances, the recorded decision will include the reason for the urgency and the Cabinet Member may be required to explain that reason to the Scrutiny Co-ordination Committee. In such circumstances, the Chair of the Scrutiny Co-ordination Committee or his nominee will be invited to attend the meeting, (paragraphs 4.2.16.1 and 4.4.10 refer).

**4.2.20 Scrutiny Board Access to Documents**

**4.2.20.1 Rights to Copies**

Subject to Rules 4.2.21.1 and 4.2.21.2 below, a Scrutiny Board (including any Sub-group) will be entitled to copies of any document which is in the possession or control of the Cabinet or Cabinet Member and which contains material relating to:

- (a) any business transacted at a meeting of the Cabinet or Cabinet Member; or
- (b) any decision taken by an individual Cabinet Member.

**4.2.20.2 Limit of Rights**

A Scrutiny Board will not:

- (a) have an automatic right to any document that is in draft form;
- (b) be entitled to any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or

(c) be entitled to the advice of a political assistant (if any).

**4.2.21 Additional Rights of Access for Members**

**4.2.21.1 Material Relating to Previous Business**

All members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or any Cabinet Member and contains material relating to any business previously transacted at a meeting unless either (a) or (b) below applies.

(a) it contains exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the categories of exempt information; or

(b) it contains the advice of a political adviser.

**4.2.21.2 Material Relating to Key Decisions**

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or any Cabinet Member which relates to any key decision unless paragraph (a) or (b) above applies.

**4.2.21.3 Nature of Rights**

These rights of a member are additional to any other right s/he may have.

**4.3 Budget and Policy Framework Procedure Rules**

**4.3.1 The Framework for Executive Decisions**

The full Council will be responsible for the adoption of the Budget & Policy Framework as set out in Article 4. Once the Framework is in place it will be the responsibility of the Cabinet to implement it.

**4.3.2 Process for Developing the Framework**

4.3.2.1 The Cabinet will publicise by including in the Forward Plan a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Budget & Policy Framework, and its arrangement for consultation after publication of these initial proposals. The consultation period shall in each instance be no less than 8 weeks. A copy of the Forward Plan will also be sent to the Chairs of the Scrutiny Boards so that they are aware that proposals are to be made.

4.3.2.2 At the end of the consultation period, Cabinet will then draw up firm proposals having regard to the responses it has received to the consultation. If a Scrutiny Board wishes to respond to the Cabinet in that consultation process then it may do so. As the Scrutiny Boards have responsibility for fixing their own work programme, it is open to the Scrutiny Board to investigate, research or report in detail the policy recommendations before the end of the consultation period. The Cabinet will consider responses from the Scrutiny Boards and take those into account in drawing up firm proposals for submission to the Council and the Cabinet report to Council will reflect the comments made by consultees and the Cabinet's response.

4.3.2.3 Once the Cabinet has approved the final proposals the Director of Customer and Workforce Services will refer them at the earliest opportunity to the full Council for decision.

4.3.2.4 In reaching a decision the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration or, in principle, substitute its own proposals in their place.

4.3.2.5 If it accepts the recommendations of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise it may only make an "in principle" decision. In either case the decision would be made on the basis of a simple majority of votes cast at the meeting.

4.3.2.6 A copy of the Council decision shall be given to the Leader.

4.3.2.7 An "in principle" decision will automatically become effective 7 days from the date of the Council decision unless the Leader informs the Director of Customer and Workforce Services in writing within 5 days of the decision that s/he objects to the decision becoming effective and provides reasons why.

**4.3.3 Conflict Resolution Mechanism**

4.3.3.1 Where the Leader has objected, on behalf of the Cabinet, to an in principle decision of the Council, under paragraph 4.3.2 above, the Director of Customer and Workforce Services will within 7 days call a meeting of the full Council. This meeting should take place as soon as possible after the expiry of the 7 day period and, in any event, within 28 days of the original decision. At that meeting the Council will be required to reconsider its decisions together with any further information or documentation which may be submitted by the Leader. The Council may:-

- (i) approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or
- (ii) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority of votes cast at the meeting.

4.3.3.2 The decision shall then be made public and shall be implemented immediately.

**4.3.4 Virements and Policy Changes**

In approving the Budget & Policy Framework the Council will also specify the extent of the virement within the budget and the degree of in year changes to the Policy Framework which may be undertaken by the Cabinet in accordance with paragraphs 4.3.5 and 4.3.6 of these Rules. Any other changes to the Policy and Budgetary Framework are reserved to full Council.

**4.3.5 Decisions Outside the Budget & Policy Framework**

4.3.5.1 Subject to the provisions of paragraph 4.3.4 (Virements and Policy Changes) the Cabinet, Cabinet Members, and officers discharging executive functions may only make decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework or contrary to and not wholly in accordance with the budget approved by full Council then that decision may only be taken by the Council subject to paragraph 4.3.6 below.

4.3.5.2 If the Cabinet, Cabinet Members, or officers discharging executive functions wish to make such a decision then they must take advice from the Monitoring Officer and/or the Director of Finance and Legal Services as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or Policy Framework then the decision must be referred by that body or officer to full Council for decision, unless the decision is a matter of urgency, in which case the provisions of paragraph 4.3.6 (Urgent Decisions outside the Budget & Policy Framework) shall apply.

**4.3.6 Urgent Decisions Outside the Budget & Policy Framework**

4.3.6.1 The Cabinet, or a Cabinet Member or officer discharging executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly

in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:-

- (i) if it is not practicable to convene a quorate meeting of the full Council; and
- (ii) the Chair of the Scrutiny Co-ordination Committee, or Deputy, agrees that the decision is a matter of urgency.

4.3.6.2 The reasons why it is not practicable to convene a quorate meeting of full Council and the Chair of the Scrutiny Co-ordination Committee, or his/her Deputies, 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 Chair of the Scrutiny Co-ordination Committee and his/her Deputy then the consent of the Lord Mayor, or in his/her absence, the Deputy Lord Mayor, shall be sufficient.

4.3.6.3 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.

#### 4.3.7 **Virements**

4.3.7.1 For **revenue** budget virements (including contributions to/from reserves), the following delegated scheme applies:

- a) All virements up to £250,000 – approval by relevant Director(s) (Including the Director of Finance and Legal Services for virements to/from employee budgets)
- b) Virements over £250,000 but below £500,000 – within the same portfolio, Cabinet Member approval; between portfolios, the appropriate Cabinet Members, approval
- c) All virements over £500,000 but below £1 million – Cabinet approval
- d) All virements over £1 million – full Council approval
- e) All technical adjustments - Each year there are a number of technical adjustments made to the Council's budget, for example asset charges. A feature of these adjustments is that there is no overall impact on the Council's "bottom-line" and they are internal transfers, involving no cash transactions with third parties. In addition, these transfers do not increase the budget over which individual budget holders have spending discretion. Such technical adjustments can be approved by officers, even though they are not wholly in accordance with the budget approved by Council.

**N.B.** The above scheme does not apply to Schools, for which separate financial rules are set out in the financial regulations of the Fair Funding scheme of delegation.

4.3.7.2 For **capital** programme virements, the following delegated scheme applies:

Approval levels for individual schemes not in the Capital Programme which are added during the year are subject to the identification of additional resources to fund the

scheme (eg grant, supported borrowing approval, capital receipts etc.) or a virement of resources from existing schemes and are as follows:

- Schemes up to £0.25m can be approved by the Capital Working Group, subject to reporting to Management Board at the next available opportunity.
- Schemes between £0.25m and £0.5m can be approved by the Management Board (supported by the Director of Finance and Legal Services and relevant Service Director).
- Schemes between £0.5m and £2.5m require Cabinet approval.
- Schemes over £2.5m require full Council approval.

**Any proposed schemes which are unfunded require the approval of the full Council.**

#### 4.3.8 **In Year Changes to Policy Framework**

4.3.8.1 The responsibility for agreeing the Budget & Policy Framework lies with the Council and decisions by the Cabinet, Cabinet Member or officers must be in line with it. No changes to any policy and strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:-

- (i) which will result in the closure or discontinuance or reduction of a service or part of a service to meet a budgetary constraint;
- (ii) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (iii) in relation to the Policy Framework in respect of a Policy which would normally be agreed annually by the Council following consultation but where the existing Policy document is silent on the matter under consideration;
- (iv) which relate to Policy in relation to schools where the majority of School Governing Bodies agree with the proposed change;
- (v) where the Chair of the Scrutiny Co-ordination Committee or in his/her absence their Deputy, agrees that the proposed change is sufficiently minor in the context of the Policy concerned and is an appropriate change in the circumstances;
- (vi) where, when approving the Framework, the Council gave specific authority to the Cabinet to make in-year changes.

**4.3.9 Call-in of Decisions Outside the Budget or Policy Framework**

4.3.9.1 Where a Scrutiny Board is of the opinion that an Executive decision is, or if made, would be contrary to the Policy Framework or not wholly in accordance with the Council's budget then it shall seek advice from the Director of Finance and Legal Services.

4.3.9.2 In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or the Chief Financial Officer's report shall be to the Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Scrutiny Board if the Monitoring Officer or the Chief Finance Officer conclude the decision was not a departure.

4.3.9.3 If the decision has yet to be made, or has been made but not yet implemented, the advice from the appropriate officer is that the decision is, or would be, contrary to the Policy Framework or not wholly in accordance with the budget, the Scrutiny Board may refer the matter to Council. In such cases, no further action shall be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 28 days of the request by the Scrutiny Board. At the meeting it will receive the report of the decision or proposals and the advice of the officer. The Council may either:-

- (i) endorse a decision or proposal of the Executive decision taker as falling within the existing Budget & Policy Framework. In this case no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- (ii) amend the Council's Financial Procedure Rules, Financial Regulations or Policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case no further action is required save the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- (iii) where the Council accepts the decision or proposal is contrary to the Policy Framework or not wholly in accordance with the budget, and does not amend the existing Framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer or Chief Financial Officer.

## 4.4 Cabinet Procedure Rules

### 4.4.1 How Does the Cabinet Operate?

#### 4.4.1.1 Who may make Cabinet Decisions:-

Under the arrangement for the discharge of functions set out in the executive arrangements adopted by the Council (Part 2 Schedule 1), the Leader may decide how such functions are to be exercised. S/He may provide for the executive functions to be discharged by:-

- i. the Cabinet as a whole
- ii. an individual Member of the Cabinet
- iii. an Employee
- iv. joint arrangements; or
- v. another local authority

#### 4.4.1.2 An Advisory Panel or Panels may be established to provide advice and guidance to the Cabinet or an individual Cabinet Member.

### 4.4.2 Delegation of Cabinet Functions

At its annual meeting the Council will receive a report from the Leader on the delegations of executive functions made by him/her for inclusion on the Council's scheme of delegation at Part 3 to this Constitution. The scheme of delegation will contain the following information about Cabinet functions in relation to the coming year.

- ~~I. The names, addresses and wards of the people appointed to the Cabinet~~
- II. The extent of any authority delegated to Cabinet Member individually including details of the limitation of their authority
- III. The nature and extent of any delegation of Cabinet functions to any other authority or any joint arrangements and the names of those Cabinet Members appointed to any joint committee for the coming year; and
- IIIV. The nature and extent of any delegation to employees with details of any limitation on that delegation, and the title of the employee to whom the delegation is made.

- (a) The Leader is also able to decide whether to delegate Cabinet functions, and s/he may amend the scheme of delegation relating to Cabinet functions at any time during the year. To do so, the Leader must give written notice to the Director of Customer and Workforce Services and Council. ~~to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole. The Leader will present a report to the next ordinary meeting of the Council setting out the changes made by him/her.~~

### 4.4.3 Sub-delegation of Cabinet Functions

- (a) Where the Cabinet or an individual Cabinet Member is responsible for a Cabinet function, they may delegate further to joint arrangements or an employee.

- (b) Unless the Council directs otherwise, the Cabinet may delegate further to an employee.
- (c) Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

**4.4.4 Conflicts of Interest**

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Elected Members in Part 5 of this Constitution.
- (b) If every Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Elected Members in Part 5 of this Constitution.
- (c) If the exercise of a Cabinet function has been delegated to an individual Cabinet Member or an employee and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Elected Members in Part 5 of this Constitution.

**4.4.5 Cabinet Meetings – When And Where?**

The Cabinet and Cabinet Members will meet at the times specified in the Council's Calendar of Meetings.

The Cabinet and Cabinet Members will meet at the Council's main offices or another location to be agreed by the Leader as specified on the relevant agenda.

The date and time of any meeting may be altered or the meeting postponed or cancelled or additional meetings arranged by the Director of Customer and Workforce Services in consultation with the Leader (for Cabinet) or relevant Cabinet Member.

**4.4.6 Public or Private Meetings of the Cabinet**

The Cabinet or Cabinet Member meetings will be open to the public, unless the nature of the business to be transacted requires the meeting to take place in private in accordance with the Access to Information Rules detailed in Part 4.2.

**4.4.7 Quorum**

The quorum for a meeting of the Cabinet will be 5.

**4.4.8 How are Decisions to be Taken by the Cabinet**

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

4.4.9 All decisions of the Cabinet and Cabinet Members will be open to the Call-In arrangements and subject to the call-in criteria.

(The Call-In procedure is referred to in Paragraph 4.5.25).

4.4.10 In any case where the Cabinet or Cabinet Member determine an urgent matter, the recorded decision will include the reason for the urgency and the Cabinet or Cabinet Member may be required by Scrutiny to justify why the matter was considered as urgent. Matters determined on this basis are not subject to the Call-In arrangements. In such circumstances, the Chair of the Scrutiny Co-ordination Committee must be invited to attend Meetings where urgent decisions are taken to determine if the matter is urgent. If the Chair of the Scrutiny Co-ordination Committee is unable to attend, then s/he can appoint a nominee to attend the meeting. However, no decisions can be made unless the Chair of the Scrutiny Co-ordination Committee or his/her nominee is present at the meeting at which the urgent item is considered. Any reports on which urgent decisions have been made are to be referred to Scrutiny Co-ordination Committee for them to understand the need for urgency, but this will not delay implementation of the urgent decision itself.

4.4.11 The Director of Customer and Workforce Services or her/his representative will be present at any Meeting where a Cabinet Member responsible for a portfolio makes a formal decision to advise and record that decision and, if the Director of Customer and Workforce Services or her/his representative is not present, no decision will be deemed to have been taken.

4.4.12 In the absence of a Cabinet Member responsible for a portfolio, a decision in respect of a function under that portfolio may not be taken by another Cabinet Member unless he or she has been reassigned that function by the Leader of the City Council, or in her/his absence, the Deputy Leader of the City Council. Unless this is the case, the decision will be referred to the Cabinet.

4.4.13 In the case of a Cabinet Member responsible for a portfolio declaring an interest in a matter and being unable to act, that matter should be referred to the Cabinet for their consideration.

4.4.14 Advisory Panels may be established for each portfolio and for the Cabinet to provide advice and guidance to the Cabinet Member responsible for that portfolio on the development of policy. Advisory Panel meetings will not generally be public meetings although Cabinet or Cabinet Member may invite any person with particular expertise to an Advisory Panel meeting.

4.4.15 **How are Cabinet Meetings Conducted?**

4.4.15.1 Who Presides?

At any Cabinet meeting, if the Leader is present s/he will preside. In his/her absence if the Deputy Leader is present s/he will preside. In the absence of the Leader or Deputy Leader/his/her nominee will preside. In all absence of any nominee, the Cabinet will elect a member of the Cabinet to preside.

4.4.15.2 Who May Attend?

These details are set out in the Access to Information Rules in Part 4 of this Constitution.

4.4.15.3 What Business?

At each meeting of the Cabinet the following business will be conducted:-

- I. Consideration of the minutes of the last meeting
- II. Declarations of interest, if any
- III. Matters referred to the Cabinet (whether by Scrutiny Board or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution.
- IV. Consideration of reports from Scrutiny Boards, and
- V. Matters set out in the agenda for the meeting, and which will indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

4.4.15.4 Consultation

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

4.4.15.5 Who can put Items on the Cabinet Agenda?

- (a) The Leader may put on the agenda of any Cabinet meeting any matter which s/he wishes, whether or not authority has been delegated to the Cabinet, a Cabinet Committee or any Member or employee in respect of that matter. The Director of Customer and Workforce Services will comply with the Leader's requests in that respect.
- (b) In the absence of the Leader, the Deputy Leader may exercise the function at (a) above.
- (c) Any Member of the Cabinet may require the Director of Customer and Workforce Services to make sure that any appropriate item is placed on the agenda of the next available meeting of the Cabinet for consideration. If s/he receives such a request the Director of Customer and Workforce Services will comply.
- (d) The Director of Customer and Workforce Services will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant Scrutiny Board or the full Council have resolved that an item be considered by the Cabinet.

- (e) The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Director of Customer and Workforce Services to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

**4.4.15.6 Referrals to Cabinet/Cabinet Members by Scrutiny**

Scrutiny Boards can refer items to Cabinet/Cabinet Members with the agreement of the Chair of the Cabinet or the appropriate Cabinet Member. However, this does not prejudice consideration of call-ins as detailed in 4.5.25 and Scrutiny's right to make a recommendation to the Cabinet or Cabinet Member to amend a decision.

**4.5 Scrutiny Procedure Rules**

**Scrutiny Arrangements**

**4.5.1 Constitution of Scrutiny Boards and Scrutiny Co-ordination Committee**

4.5.1.1 The Council will have Scrutiny Boards as set out in Article 6 with functions as set out in Part 3 and will appoint to them as it considers appropriate from time to time. Scrutiny Boards may appoint time limited sub-groups to assist their work.

4.5.1.2 There will also be a Scrutiny Co-ordination Committee whose main functions will be to co-ordinate the work of the Scrutiny Boards and will be responsible for the consideration of call-ins and undertake review of the way the Council deals with petitions under S.17 of the Local Democracy, Economic Development and Construction Act 2009.

**4.5.2 Terms of Reference – Scrutiny Boards**

4.5.2.1 Scrutiny Boards will have the power to investigate any matters they consider relevant to their work area and to make recommendations to the Council, the Cabinet, any Cabinet Member or any other Committee of the Council as they see fit.

4.5.2.2 The terms of reference of each Scrutiny Board will be:-

- (i) To perform all overview and scrutiny functions on behalf of the Council in relation to the area of work allocated to that Scrutiny Board;
- (ii) To appoint such time limited sub-groups as it considers appropriate to help fulfil those overview and scrutiny functions;
- (iii) Taking into account the views of the Scrutiny Co-ordination Committee, to approve a work programme for the Scrutiny Board, including the programme of work of any sub-group it appoints so as to ensure that time is effectively and efficiently utilised;
- (iv) To receive requests from the Cabinet, any Cabinet Members, the Scrutiny Co-ordination Committee and/or the full Council to undertake investigations or other work and to respond accordingly;
- (v) To review proposals from the Cabinet in relation to the Budget and Policy Framework;
- (vi) To consider Performance Management information;
- (vii) To scrutinise Cabinet and any Cabinet Member decisions and the activities of relevant external organisations;
- (viii) To consider reports back by Members and/or employees on their attendance at conferences;
- (ix) To consider petitions referred to it by the Cabinet or any Cabinet Member.
- (x) To refer any matter that potentially also falls within the remit of another Scrutiny Board to Scrutiny Co-ordination Committee for a decision in accordance with paragraph 4.5.3.1 (ii) below.

**4.5.3 Terms of Reference - Scrutiny Co-ordination Committee**

4.5.3.1 The Scrutiny Co-ordination Committee's terms of reference will be:-

- (i) To receive the annual work programmes prepared by the Scrutiny Boards to ensure that there is efficient use of the Scrutiny Boards' time and that the potential for duplication of effort is minimised;
- (ii) Where matters potentially fall within the remit of more than one Scrutiny Board, to determine which Scrutiny Board will be responsible for any particular issue or to consider proposals from Scrutiny Boards that they set up joint arrangements, and to resolve any issues of dispute between them.
- (iii) To ensure consistency of approach in the work of Scrutiny Boards and Sub-Groups;
- (iv) At the request of the Cabinet or any Cabinet Member to make decisions about the priority of referrals made (in the form of reports or recommendations for reconsideration) by the Scrutiny Boards to the Cabinet or any Cabinet Member if the volume of such referrals creates difficulty for the management of Cabinet or any Cabinet Member business or jeopardises the efficient running of Council business.
- (v) To determine whether or not a report to Cabinet or Cabinet Member is urgent and not subject to call-in where the Chair (or their nominee) has not already made that decision.
- (vi) To have the powers in relation to the call-in of Cabinet or any Cabinet Member's decisions made but not implemented as set out in section 21 (2a) and (3) of the Local Government Act 2000.
- (vii) To receive reports back on attendance at Conferences etc relating to the Lord Mayoralty.
- (viii) Receive reports back on the work of Outside Bodies.
- (ix) Receive details of any urgent decisions taken in order for them to understand the need for urgency (see paragraph 4.4.10).

**4.5.4 Membership of Scrutiny Boards, Review Groups and the Scrutiny Co-ordination Committee**

4.5.4.1 Any Councillor except a member of the Cabinet may be appointed as a member of a Scrutiny Board. However, no Member may be involved in scrutinising a decision in which s/he has been directly involved.

4.5.4.2 Any Councillor except a member of the Cabinet may be invited by Scrutiny Board to be a member of a sub-group appointed by that Scrutiny Board, whether or not s/he is a member of that Scrutiny Board.

4.5.4.3 The Membership of the Scrutiny Co-ordination Committee will be determined by full Council and will reflect political proportionality.

**4.5.5 Co-optees**

4.5.5.1 Each Scrutiny Board or Sub-Group will be entitled to appoint non-voting co-optees.

4.5.5.2 Co-opted Members will be required to attend at least one appropriate meeting every six months or else their co-option will cease. Any exemptions to this rule, for example long-term illness, would need to be approved by the full Council.

**4.5.6 Education Representatives**

4.5.6.1 The Scrutiny Board responsible for Education matters will include the following:-

- (a) One person nominated by the Church of England.
- (c) One person nominated by the Roman Catholic Church.
- (d) One parent governor elected by the parent governors in the City in respect of the Primary phase of education.
- (d) One parent governor elected by the parent governors in the City in respect of the Secondary phase of education.
- (e) One representative from other faith groups in the City

4.5.6.2 Such appointees, with the exception for the time being of the representative appointed under 4.5.6.1(e) above, may vote on education issues only, but may speak on other issues.

4.5.6.3 They will also be invited to attend the meetings of Scrutiny Co-ordination Committee and of other Scrutiny Boards if education matters are to be considered at those meetings.

**4.5.7 Frequency of Meetings of Scrutiny Boards and Scrutiny Co-ordination Committee**

4.5.7.1 At its annual meeting, the Council will determine a schedule of dates of meetings for the period up to the next annual meeting.

4.5.7.2 Additional meetings will be convened by the Director of Customer and Workforce Services after consultation with the Chair of the relevant Scrutiny Board or Scrutiny Co-ordination Committee or, in her/his absence, the Deputy Chair.

4.5.7.3 The Director of Customer and Workforce Services, with the agreement of the Chair, or in her/his absence the Deputy Chair, may alter, cancel/postpone or bring forward a meeting.

4.5.7.4 If at least 3 members of a Scrutiny Board or of the Scrutiny Co-ordination Committee notify the Director of Customer and Workforce Services in writing that they wish a meeting to be called, the Director of Customer and Workforce Services will do so as

soon as possible, and in any event within 15 working days, the date and time being determined in consultation with the relevant Chair (or in her/his absence the Deputy Chair).

4.5.7.5 Such a notification must specify the business to be dealt with and must contain sufficient information to enable Members to be acquainted with the issues. Where such a special meeting is summoned, the agenda will set out the business to be considered at that meeting.

**4.5.8 Quorum for Scrutiny Boards and Scrutiny Co-ordination Committee**

4.5.8.1 The Quorum for Scrutiny Boards will be four elected Members.

4.5.8.2 The Quorum for the Scrutiny Co-ordination Committee will be three elected Members.

**4.5.9 Substitute Members for Scrutiny Boards and Scrutiny Co-ordination Committee**

Any elected Member of a Scrutiny Board or the Scrutiny Co-ordination Committee will be entitled to nominate another elected member (except any Cabinet Member) to substitute for her/him at a meeting or part of a meeting of a Scrutiny Board or Scrutiny Co-ordination Committee, provided that notice of the nomination of that substitution is given to the Director of Customer and Workforce Services at least one hour in advance of the meeting.

**4.5.10 Chairing Meetings of Scrutiny Boards, Scrutiny Co-ordination Committee and Sub-Groups**

4.5.10.1 Chairs and Deputy Chairs of the Scrutiny Boards and the Scrutiny Co-ordination Committee will be appointed by the Council from amongst the Members appointed to those bodies.

Chairs of Sub-Groups will be appointed by the Scrutiny Board which established the Sub-Group from amongst the members of that Sub-Group, unless the appointment of a chair is delegated by the Scrutiny Board to the Sub-Group. The Chair of any Joint Sub Group will be appointed by the Scrutiny Co-ordination Committee.

**4.5.11 Work Programme and Annual Report**

4.5.11.1 Each Scrutiny Board will, subject to the views of the Scrutiny Co-ordination Committee, be responsible for setting its own work programme and in doing so it will consult with relevant Cabinet members and the Management Board. They will also consider the wishes of those Members of the Scrutiny Board who are not members of the largest political group on the Council.

**4.5.12 Agenda Items of Scrutiny Boards**

4.5.12.1 Any member of a Scrutiny Board will be entitled to give notice in writing to the Director of Customer and Workforce Services that s/he wishes an item relevant to the function of that Scrutiny Board to be included on the agenda for the next available meeting of the Scrutiny Board. S/He must give full details and reasons for the request. On receipt of

such a request, the Director of Customer and Workforce Services will ensure that it is included on the next available agenda, provided it falls within the Scrutiny Board's terms of reference. The Chair of the Scrutiny Board will decide, at the start of the meeting at which such item is referred, whether it is appropriate for the Board to deal with the items so notified.

- 4.5.12.2 The Scrutiny Board will also respond, as soon as its work programme permits, to a request from the Council, Cabinet, or any Cabinet Member or any other Committee of the Council, to review particular areas of Council activity. Where it does so, the Scrutiny Board will report its findings and any recommendations back to the Council, the Cabinet or any Cabinet Member or the relevant Committee, as it deems appropriate.

In the event of any dispute or disagreement about whether an item should be included on an agenda for a Scrutiny Board the Chief Executive or in her/his absence the Director of Customer and Workforce Services will arbitrate.

### **Policy Review and Development**

#### **4.5.13 Role of Scrutiny Boards in Relation to Budget and Policy Framework**

The role of the Scrutiny Boards in relation to the development of the Council's budget and policy framework will be as set out in the Budget and Policy Framework Procedure Rules.

#### **4.5.14 Role of Scrutiny Boards in Relation to Other Matters**

In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, Scrutiny Boards may make proposals to the Cabinet or any Cabinet Member for developments in so far as they relate to matters in their Terms of Reference.

#### **4.5.15 Further Role of Scrutiny Boards in Relation to Policy Development**

- 4.5.15.1 Scrutiny Boards may hold enquiries and investigate the available options for future directions in Policy Development and may appoint advisors and assessors to assist them in this process.

- 4.5.15.2 Subject to budget availability, 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.

- 4.5.15.3 They may pay advisors, assessors or witnesses any reasonable fee and expenses.

### **Reports from Scrutiny Boards**

#### **4.5.16 Preparation of Reports**

- 4.5.16.1 As soon as it has formed recommendations or proposals for development, a Scrutiny Board will prepare a full report and submit it to the Director of Customer and Workforce

Services who will arrange for its consideration by the Cabinet or the appropriate Cabinet Member or the City Council.

4.5.16.2 If the proposals are consistent with the existing Budget and Policy Framework the Cabinet or Cabinet Member or the City Council will consider the report and take such actions as the Cabinet or Cabinet Member or City Council deem appropriate.

4.5.16.3 If the recommendation concerns a departure from or a change to the agreed Budget and Policy Framework, the Cabinet will consider the report and refer it to full Council with such recommendations as the Cabinet deem appropriate.

#### 4.5.17 **Minority Reports**

4.5.17.1 If a Scrutiny Board cannot agree one single final report to the Cabinet or Cabinet Member on any matter, no more than one minority report may be prepared and submitted to the Cabinet or Cabinet Member. Any minority report so submitted must be supported by at least two Councillors who are members of the relevant Scrutiny Board.

4.5.17.2 Any minority report so submitted will be appended to the report of the Scrutiny Board to the Cabinet in such a manner that makes it clear that there is a minority view on the subject matter of the report and indicating the nature and substance of that minority view. This will be done notwithstanding disagreement of the Scrutiny Board.

#### 4.5.18 **Consideration of Scrutiny ~~Board~~ Reports/Recommendations**

4.5.18.1 As soon as ~~a~~ Scrutiny ~~Board~~ produces a report/recommendation on any matter which is the responsibility of the Cabinet or any Cabinet Member, ~~and~~ which has been considered and approved by ~~that~~ Scrutiny and which requires a decision by Cabinet/Cabinet Member ~~Board~~ it will be included on the agenda of the next available meeting of the Cabinet or Cabinet Member, unless the matter which is the subject of the report is scheduled to be considered by the Cabinet or Cabinet Member within a period of six weeks from the date the report is approved by ~~the~~ Scrutiny ~~Board~~. In such cases, the report of ~~the~~ Scrutiny ~~Board~~ will be considered by the Cabinet or Cabinet Member when it considers that matter.

4.5.18.2 If the Cabinet or Cabinet Member disagree with the recommendations of Scrutiny, they will inform Scrutiny giving their reasons. In such circumstances, Scrutiny can either accept the Cabinet/Cabinet Member decision or refer the matter back to Cabinet/Cabinet Member for reconsideration giving their reasons. If Cabinet/Cabinet Member still disagree, they will inform Scrutiny giving their reasons. Scrutiny can either accept the Cabinet/Cabinet Member decision or refer the matter to Council for a decision on the dispute. In these circumstances the Council will have before them the views of both Scrutiny and the Cabinet/Cabinet Member.

~~4.5.18.2 If for any reason the Cabinet or Cabinet Member does not consider the report within six weeks the Director of Customer and Workforce Services will refer the matter to the next available meeting of the Council for them to consider the report and make a recommendation to the Cabinet or Cabinet Member.~~

**4.5.19 Rights of Scrutiny Board Members to Documents**

4.5.19.1 In addition to their rights as Councillors, members of Scrutiny Boards have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure rules in Part 4 of this Constitution.

**4.5.20 Liaison and Communication**

4.5.20.1 To facilitate effective communication, liaison between the Cabinet or Cabinet Member and the Scrutiny Boards may take place depending on the particular matter under consideration.

4.5.20.2 To facilitate the effectiveness of liaison and communication the Scrutiny Co-ordination Committee and Cabinet may meet jointly to agree arrangements and protocols for effective liaison and communication.

**4.5.21 Members and Employees Giving Account**

Any Scrutiny Board may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within the Portfolio allocated to the Scrutiny Board. As well as reviewing documentation, in fulfilling the Scrutiny role a Scrutiny Board may require any member of the Cabinet, the Chief Executive and/or any senior employee to attend before it to explain in relation to matters within their remit:-

- (i) any particular decision or series of decisions.
- (ii) the extent to which the actions taken implement Council policy.
- (iii) their performance

and it is the duty of those persons to attend.

**4.5.22 Notice of Attendance**

Where any Member or employee is required to attend a Scrutiny Board, the Director of Customer and Workforce Services will inform the Member or employee of the meeting at which s/he is required to attend. The notice will state the nature of the item on which s/he is required to attend and whether any documentation is required to be produced for the Scrutiny Board. Where this will require the production of a report, the Member or employee concerned will be given sufficient notice to allow for preparation of that report.

**4.5.23 Member/Employee Unable to Attend**

If, in exceptional circumstances, a Member or employee is unable to attend on the required date, the Chair of the Scrutiny Board will, either

- (a) in consultation with the Member or employee, arrange an alternative date for attendance.
- (b) agree to consider the item of business in the absence of the Member or employee.

**4.5.24 Attendance by Others**

A Scrutiny Board or Sub-Group may invite people other than those referred to in Rule 4.5.21 to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents or other stakeholders, community representatives, members of minority ethnic communities and Members and Officers in other public sector or partner organisations and may invite such people to attend. However, they are not obliged to attend unless this is specified in legislation.

**4.5.25 Call-in Procedure**

4.5.25.1 In this context call-in means the right for non-Cabinet Members to look at and consider issues decided by the Cabinet or any Cabinet Member subject to the limitations on this right set out in paragraph 4.5.26 below.

4.5.25.2 Information about decisions to be taken by the Cabinet or any Cabinet Member will be issued at least five clear working days before the Cabinet or Cabinet Member meeting. A summary sheet will be communicated to all Members of the Council at the end of each week setting out decisions taken and the deadline for calling items in.

4.5.25.3 Decisions of the Cabinet or Cabinet Member on which information has been issued can be called in by no fewer than three persons comprising Members (or, in respect of Education matters only, Co-opted Members) who are not Cabinet Members. To call-in an item, Members must complete the appropriate form which may be submitted in person, by fax or electronically, or a combination of these, which must include the specific decision being called in, a written reason for the call-in and an indication of whether or not they wish the relevant Cabinet Member(s) to attend Scrutiny Co-ordination Committee when the matter is considered, and submit it to the Director of Customer and Workforce Services by no later than 9.00 a.m. on the specified date. Any decisions not called in by this deadline will immediately become effective.

4.5.25.4 The appropriateness of a call-in under these procedures will be determined by the Chair of the Scrutiny Co-ordination Committee (or in her/his absence, her/his nominee), in accordance with the criteria decided by the Committee, on advice by the Assistant Director (Democratic Services), in conjunction with the Council Solicitor where appropriate. The Chair of the Committee will also determine whether the relevant Cabinet Member(s) is required to attend the Scrutiny Co-ordination Committee when the matter is considered, taking into account the wishes of the Members calling in the decision, however, this does not preclude Cabinet Member(s) from attending and speaking if they so wish. At this stage, there is no requirement for any Members who called in a decision to be present. If a call-in is rejected as being inappropriate, the Members who have submitted the call-in will be advised of the decision and the reason for it.

4.5.25.5 Once the deadline for calling in items has passed and the appropriateness of call-ins has been determined, the Assistant Director (Democratic Services) will inform all Members of the Council and Co-opted Members of Scrutiny Boards of the items called-in and will arrange for these to be considered at the next appropriate meeting of the Scrutiny Co-ordination Committee. The agenda for that meeting will show the written reasons given for the call-ins and enclose the relevant documents. The Chair of the

relevant Scrutiny Board will be invited to attend the meeting when the call-in is to be considered to ensure that they are kept informed of issues relevant to their Board.

- 4.5.25.6 At least one of the Members who called in a decision must attend and speak at the meeting of the Scrutiny Co-ordination Committee mentioned in 4.5.25.5 (if they are not already a Member of that Committee). If none of the Members attend, the call-in will fail unless the Committee decide that the matter can be referred to a subsequent meeting when at least one Member can attend or that the call-in can be considered in their absence.
- 4.5.25.7 A call-in may only be withdrawn by notification in writing, by fax or electronically from all the Members who requested the call-in, and submitted to the Director of Customer and Workforce Services.
- 4.5.25.8 The Scrutiny Co-ordination Committee will consider the decisions called in and will have at its disposal the information which has been submitted to the Cabinet or Cabinet Member, including any advice/recommendations from Advisory Panels. They can require the relevant Cabinet Member(s) and appropriate employee(s) to attend the meeting to answer questions about the issue. If the Scrutiny Co-ordination Committee accepts the original decision by the Cabinet or Cabinet Member it becomes effective. If the Scrutiny Co-ordination Committee makes a recommendation to the Cabinet or Cabinet Member to amend a decision, this will be considered by the Cabinet or Cabinet Member.
- 4.5.25.9 If the Cabinet or Cabinet Member disagree with the recommendation of the Scrutiny Co-ordination Committee to amend a decision they will inform the Scrutiny Co-ordination Committee. In such circumstances, the Scrutiny Co-ordination Committee may refer the matter to the Council for decision on the dispute. In these circumstances the Council will have before them the views of both the Scrutiny Co-ordination Committee and the Cabinet or Cabinet Member. If the Cabinet or Cabinet Member decides further work needs to be done, they may defer the item for this to be carried out.
- 4.5.25.10 Scrutiny Co-ordination Committee may refer any issue which arises during the consideration of a call in to the appropriate Scrutiny Board for further detailed consideration. Where the call in is referred to an appropriate Scrutiny Board, that Board will follow the procedure detailed in paragraphs 4.5.25.8 and 4.5.25.9 above in relation to accepting the original decision, making recommendations to the Cabinet or Cabinet Member to amend a decision, or, in the case of a dispute, referring the matter to Council for decision.

**4.5.26 Limitations on Call-in**

A call-in will normally be regarded as appropriate **UNLESS**:-

1. it falls within paragraph 4.5.26 of the Scrutiny rules (part 4 of the Constitution) – ie. it relates to:-
  - (i) a matter which is to be determined by the Council.
  - (ii) a decision of the Cabinet/Cabinet Member taken as a matter of urgency and the Chair of the Scrutiny Co-ordination Committee (or his/her nominee) had been

- invited to attend the meeting where the urgent decision had been taken or the Scrutiny Co-ordination Committee has previously agreed the need for urgency.
- (iii) a decision made by an employee exercising delegated authority.
  - (iv) decisions of the Licensing and Regulatory Committee.
  - (v) decisions of the Planning Committee.
  - (vi) decisions of the Appeals and Appointments Panels.
  - (vii) decisions of the Audit Committee.
  - (viii) a matter where the associated report has already been considered by the Scrutiny Co-ordination Committee or a Scrutiny Board who have endorsed the recommendations or made recommendations that have been accepted by the Cabinet/Cabinet Member.
2. The call-in form is not completed correctly.
  3. The call-in form is received after the specified time.
  4. The reason for the call-in is unclear or does not relate directly to the decision specified on the call-in form.
  5. The reason for the call-in is a question, the answer to which can be found in the report relating to the decision which is being called in.

**4.5.27 Call-in - Urgent Decisions**

- 4.5.27.1 Decisions of the Cabinet or any Cabinet Member which are urgent (ie. any delay likely to be caused by the call-in process would prejudice the Council's or the public's interest) will not be subject to call-in.
- 4.5.27.2 The records of such decisions will reflect the reasons for urgency and state that therefore they are not subject to call-in.
- 4.5.27.3 The Chair of the Scrutiny Co-ordination Committee, or her/his nominee, will be invited to and must attend meetings where urgent decisions are to be taken and will be asked to agree the need for urgency unless the Scrutiny Co-ordination Committee has already given its approval to a decision being taken urgently so that call-in does not apply.
- 4.5.27.4 Any reports on which urgent decisions have been made are to be reported to Scrutiny Co-ordination Committee for it to understand the need for urgency, but this will not delay implementation of the urgent decision itself.

**4.5.28 The Party Whip**

When a Scrutiny Board considers any matter in respect of which a Member of that Board is subject to a Party Whip, the Member must declare the existence of the Whip, and the nature of it, before the commencement of the Scrutiny Board's consideration of the matter. The declaration, and the details of the Whipping arrangements, will be recorded in the minutes of the meetings.

**4.5.29 Business of Scrutiny Boards**

At each meeting of the Scrutiny Boards the following business will be conducted:-

- (a) Notification of substitutes
- (b) Minutes of the last meeting
- (c) Declarations of interest
- (d) Responses of the Council, Cabinet or any Cabinet Member or other Committees to reports of the Scrutiny Board
- (e) Other business set out on the agenda for the meeting including reports back on attendance at Conferences etc except those relating to the Lord Mayoralty which will be considered by the Scrutiny Co-ordination Committee.

**4.5.30 Investigations/Reviews**

When the Scrutiny Board conducts investigations/reviews (including by means of a Sub-Group) it may ask people to attend to give evidence at meetings, which are to be conducted in accordance with the following principles:-

- (a) The investigation/review will be conducted fairly and all Members of the Scrutiny Board or Sub-Group will be given the opportunity to ask questions of those attending and to contribute and speak.
- (b) Those assisting the Scrutiny Board or Sub-Group to give evidence will be treated with respect and courtesy.
- (c) The investigation/review will be conducted so as to maximise the efficiency and effectiveness of the investigation/review.

**4.5.31 Report Following Investigations/Reviews**

If an investigation/review is carried out by a Scrutiny Board that Scrutiny Board will prepare a report for submission to the Council, Cabinet, Cabinet Member or other Committee as it deems appropriate and will make its report and findings public except when the Information Rules require otherwise.

If an investigation/review is carried out by a Sub-Group, that Sub-Group will prepare a report for submission initially to the Scrutiny Board which appointed it, and will make its report findings public except when the Information Rules require otherwise. The Scrutiny Board will then refer the report to the relevant body.

**4.5.32 Referrals to Scrutiny by Cabinet/Cabinet Members**

With the agreement of the Chair of the appropriate Scrutiny Board/Scrutiny Co-ordination Committee, Cabinet/Cabinet Members can refer items to Scrutiny. However, call-in will still apply to referred items.

NOTE: Reports should not normally be referred to Scrutiny for information.

4.6 **Financial Procedure Rules**

4.6.1 **Introduction**

The City Council is a very large and complex organisation with an annual turnover in excess of £500 million. It requires robust systems and procedures to ensure that there is public accountability for the use of these resources as well as the appropriate level of probity demanded by the public.

4.6.2 **Proper Financial Administration**

The Director of Finance and Legal Services is the City Council's nominated officer for the proper administration of its financial affairs. The day to day discharge of the duties of proper financial administration is carried out through a framework of delegated authority set by the Director of Finance and Legal Services.

4.6.3 **Finance Structure in Coventry**

Coventry City Council operates a decentralised finance structure – finance staff are located in service departments, working closely with service officers who are delivering services and managing their finances. Each finance team is headed by a Principal Finance Officer.

The Director of Finance and Legal Services, working with the relevant service Director, designates an employee in each department as Finance Manager to assist the service Director to ensure compliance with the proper administration of financial affairs.

4.6.4 **Financial Responsibilities of the Cabinet**

The Cabinet and Cabinet Members will exercise their financial responsibilities in accordance with the Constitution and terms of reference of the Cabinet and Cabinet Portfolios.

4.6.5 **Framework of Delegated Authority**

The bulk of finance related tasks are undertaken by decentralised finance teams. The Director of Finance and Legal Services has retained central responsibility for a limited number of specialist tasks, e.g. treasury management, financial co-ordination work, and to provide support and advice to ensure that Principal Finance Officers carry out their duties to a standard commensurate with the Director of Finance and Legal Services section 151 responsibilities. A key part of this strategic role is acting as system authorising officer for each of the Council's financial systems. Thus central finance officers have responsibility for specifying financial systems, advising on their use in service departments, and monitoring systems' compliance. Specifying normally takes the form of the publication of Finance Function manuals which lay down best practice for each financial system, and identifies responsibilities.

The specific responsibilities of the Director of Finance and Legal Services, service Directors and Principal Finance Officers are set down in these Finance Function manuals. Each Director and each service Head of Function must ensure compliance

with the Council's financial rules, as set out in Finance Function manuals. They must report to the Director of Finance and Legal Services if they become aware of a failure to comply with the rules.

Furthermore, the Director of Finance and Legal Services must report to the Cabinet Member whose portfolio includes resources any breach of the City Council's financial rules which may jeopardise the sound financial management of the City Council.

#### **4.6.6 General Responsibilities**

Below are the general responsibilities for proper financial administration for the Director of Finance and Legal Services, service Directors and Principal Finance Officers. These general responsibilities and a summary of their responsibilities for specific financial systems are contained in the Principal Finance Officers Finance Function manual. Also set out below are the responsibilities of Councillors and employees.

#### **4.6.7 Director of Finance and Legal Services**

- 4.6.7.1 To act as the City Council's accountant and financial adviser and to carry out all responsibilities as the officer responsible for the proper administration of financial affairs in accordance with Section 151, Local Government Act 1972 (i.e. to act as "the responsible financial officer").
- 4.6.7.2 To determine the accounting systems; to ensure that the accounting systems are observed and that the accounts of the City Council and supporting records are kept up-to-date; to prepare and submit to Cabinet Member and Cabinet meetings, and the City Council's external auditors, the accounts relating to all the authority's activities; to prepare and submit the authority's Annual Accounts and financial returns. In carrying out responsibilities, the Director of Finance and Legal Services will take into account the requirements of the Accounts and Audit Regulations 1996 (as amended 2001) and CIPFA Accounting Code of Practice.
- 4.6.7.3 To compile the City Council's longer term capital and revenue programmes and annual budgets; to forecast the availability of financial resources; to provide financial advice relating to future spending proposals and commitments.
- 4.6.7.4 To prepare and revise finance function manuals; to provide advice on the meaning of their contents and on the principles underlying their contents; and to monitor, as a matter of routine, the extent to which they are being complied with.
- 4.6.7.5 To maintain an adequate and effective internal audit service; to prepare and submit to Directors (and, if necessary, Cabinet Member and Cabinet meetings) reports on the adequacy of internal control and the economic use of resources; to conduct investigations into major fraud, irregularity and loss; to report annually to the Management Board on internal audit work over the last year.
- 4.6.7.6 To have a particular concern for the efficient and effective use of the Council's resources in achieving value for money, while recognising the responsibilities of Directors and heads of function generally, the Assistant Director (Human Resources) (with regard to Human Resources and Information Systems/Technology) and the

Director of City Services and Development (with regard to land and property) in this respect.

4.6.7.7 Under Section 114, Local Government Finance Act 1988, to issue a formal report to the City Council's external auditors and to each member of the City Council where it appears that the authority, a Cabinet Member or the Cabinet, or an employee of the authority:-

- (i) has made or is about to make a decision which involves or would involve the authority incurring spending which is unlawful;
- (ii) has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the authority;
- (iii) is about to enter an item of account, the entry of which is unlawful.

4.6.7.8 The Director of Finance and Legal Services is also required to issue a formal report to the same persons if it appears to her/him that the spending of the authority (including planned spending) in a financial year is likely to exceed the resources available to it to meet the spending.

#### **4.6.8 Service Directors**

4.6.8.1 To be responsible to the appropriate Cabinet Member for all the financial duties delegated to and undertaken in the department as set out in this document and the Finance Function manuals, and in other instructions, rules and guidance issued by the City Council through the appropriate Cabinet Member.

4.6.8.2 In particular, to be responsible for the following requirements:-

- (i) to ensure compliance with the City Council's financial rules agreed by the Council (such as Finance Function manuals and other instructions);
- (ii) to report to the Director of Finance and Legal Services when they become aware that there is a failure to comply with the rules;
- (iii) to ensure that their employees consider and address the financial, personnel and legal implications when making operational decisions and also when proposing potential policy developments;
- (iv) to supply to the Director of Finance and Legal Services details of any proposal which they intend to submit to a Cabinet Member or Cabinet meeting and which has financial implications or is of financial importance, in order that they and the Director of Finance and Legal Services may report jointly to the meeting;
- (v) (in conjunction with the Director of Finance and Legal Services to appoint a responsible officer (i.e. the Principal Finance Officer) for their department.

4.6.8.3 To collaborate with the Director of Finance and Legal Services and other Strategic Directors in undertaking any matters with financial implications and achieving value for money in the provision of services.

4.6.8.4 To ensure that adequate facilities are made available to both internal and external auditors and that reasoned and timely responses are made to audit reports and reports from Systems Authorising Officers.

#### **4.6.9 Finance Managers**

4.6.9.1 To undertake day-to-day responsibility on behalf of both the Director of Finance and Legal Services and the service Director for the proper and efficient conduct of financial affairs within the department, and to aid the department in obtaining value for money. In discharging this responsibility, the Finance Manager has professional responsibility to the Director of Finance and Legal Services on accounting principles, financial standards, systems and performance; and day to day have management responsibility to the service Director for the effective delivery of financial services to their department

4.6.9.2 To provide assurance to the service Director and the Director of Finance and Legal Services that, as far as possible, financial business within the department is legal and regular. The primary source of advice on questions of legality is obtained from the Legal Services Department which should be consulted when there is any doubt.

4.6.9.3 To play a key role in ensuring that the processes of the City Council's Policies, Priorities and Resources (PPR) system are undertaken within the department; to assist positively the departmental management team in identifying the department's financial needs, the problems that need to be addressed and their value for money implications. In relation to specific proposals, to ensure that the objectives are clear and appropriate, that the alternatives have been explored, that the proposal has been properly evaluated and that the resource implications have been set out.

4.6.9.4 To organise the annual estimates exercise, including preparation of the capital programme so that the City Council's timetables are met, that budget holders are able to contribute to the process and that the resulting revenue budget and capital programme accords with the guidelines and standards set by the Director of Finance and Legal Services.

4.6.9.5 To ensure that there is a satisfactory system of budgetary control within the department, that information provided to budget holders enables them to carry out their responsibilities, that budget holders are carrying out those responsibilities, and that their Director is advised of the overall budgetary control position and of any issues which need to be resolved.

4.6.9.6 To organise the annual closure of the accounts in accordance with the Director of Finance and Legal Services standards, guidelines and timetable. There is a specific responsibility on the Finance Manager to ensure that the accounts present fairly the financial position of the department and that they adhere to accounting principles.

- 4.6.9.7 To give financial advice to the department and to Member meetings through the signing of reports on behalf of the Director of Finance and Legal Services and by attending formal and informal meetings as her/his representative.
- 4.6.9.8 To define, allocate or agree the allocation of, and monitor the discharge of responsibilities for all the financial activities within the department.
- 4.6.9.9 To agree or specify, and monitor compliance with, the methods of operation for all the financial activities within the department.
- 4.6.9.10 To provide, when necessary, officers in the department with information on the contents of Finance Function Manuals, and advice on their interpretation, and act as a link between the department and Coventry Finance on such matters.
- 4.6.9.11 To report directly and promptly to their service Director and Director of Finance and Legal Services, (and where she/he thinks it is appropriate, to the Chief Executive) on any actual failure or a risk of failure to achieve sound financial management of her/his department or directorate. This must include any actual, suspected or potential significant irregularity.
- 4.6.9.12 In the event of a Finance Manager facing conflict in a material respect between the instructions of her/his service Director and the proper administration of the City Council's financial affairs, to report the matter to the Director of Finance and Legal Services immediately and inform her/his Director of any such action or proposed action.

#### 4.6.10 **Capital Working Group**

The Capital Working Group meets on a regular basis in order to provide recommendations to Management Board on a number of issues including medium term capital issues, asset management planning, corporate property (including disposals) strategy and the Council's five year Capital Programme.

Within the scheme of delegation, the Capital Working Group has delegated authority to approve new schemes up to £250,000 where funding has already been identified or can be vired from existing approved schemes.

#### 4.6.11 **Members**

This Constitution contains the responsibilities of Members. For example, there are statutory financial duties – to approve a balanced budget. In addition, Members need to make policy decisions as necessary to ensure that sound financial management is maintained.

#### 4.6.12 **Managers and Their Staff**

Managers and their staff are responsible for actively managing all the resources under their control so as to achieve policy and service objectives as set by Members. This active management must include securing value for money, maximising resources and staying within the approved budget. All of this should be done within the financial control framework as set down in the Finance Function manuals.

#### 4.6.13 Financial Systems and Processes

In support of the general responsibilities set out above, the Director of Finance and Legal Services publishes a series of Finance Function manuals which set out best practice for financial systems and processes – the details of the financial framework for which s/he is responsible as section 151 officer. These are identified in summary form below.

4.6.13.1 **Account maintenance:** The purpose of this manual is to ensure the accurate recording of transactions in the Council's computerised accounts. It provides the framework within which officers are expected to use and maintain the Council's General Ledger, which holds details of all financial transactions incurred by the City Council. The manual sets out the principles for ensuring that the Council's General Ledger provides accurate and timely financial information.

4.6.13.2 **Bank Accounts:** This manual provides the framework within which the City Council exercises control over the operation of its bank accounts, and ensures that the opening, operating and closing of bank accounts is done in a controlled, uniform and proper manner.

4.6.13.3 **Budgetary Control:** The purpose of this manual is to ensure revenue budgets and spending are regularly monitored and appropriate action taken so that budgets are not overspent. It provides the framework of rules within which the City Council exercises control over the revenue (spending on day to day activities e.g. salaries) budgets of its services.

In it, the specific responsibilities of budget holders (service managers who have a budget allocated to them to deliver services) are set down. These include the management of their services within the cash-limited budget provided by the Council, and the paying of continuous attention to their budgetary control position, identifying potential variations (between budget and actual spending) and taking corrective action.

The manual also specifies the rules for transferring amounts between budgets, the technical name for which is virement. At the budget holder level, this enables the service officer to respond to changing circumstances within his/her budget. The manual permits Directors to authorise virements between any two budget heads provided they are within approved policy, and will not give rise to budgetary pressures in the current or future years.

Virements which are outside specific approved policy require the approval of the individual Cabinet Member for amounts up to £100,000, and the approval of the full Cabinet for amounts over £100,000.

4.6.13.4 **Capital:** The purpose of this manual is to ensure that the Council's capital spending is managed and monitored effectively. Within local government finance, a distinction is drawn between revenue and capital expenditure. In broad terms capital spending is one off spending on, or related to, longer lasting assets such as roads and buildings, Revenue spending is on day to day spending like salaries. Revenue and Capital spending are both financed and accounted for separately in local government.

The Director of Finance and Legal Services publishes this manual to guide officers, mainly but not exclusively finance staff, on what is a very technically complex area. The manual covers the definition of capital spending, capital accounting requirements, government rules surrounding capital, and the requirements for the approval of capital expenditure.

- 4.6.13.5 **Cash Control:** The purpose of this manual is to ensure the effective control of the Council's cash. Cash (coins, banknotes, cheques, postal orders, stamps etc) is the one negotiable asset of the City Council which is available for use by anyone, authorised or unauthorised, and whether employed by the council or not. This manual lays down the rules for the strict control of cash in order that potential losses are minimised, and actual losses are identified and reported as soon as possible after they occur.
- 4.6.13.6 **Contracts:** The Contract Procedure Rules (currently Rules for Contracts) are set out in Part 4.7. The City Council has established written standing orders and administrative procedures – rules to govern its business in relation to contracts for the supply of works and services including consultancies. These are not limited to financial rules, and are issued by the Director of Finance and Legal Services, but for completeness they are included here. They exist to protect the City Council, its Members, Directors and other officers involved in the award of contracts, to demonstrate that the City Council is obtaining value for money in the award of contracts, and to prevent corruption, or allegations of corruption, in the award of contracts. They provide the means of securing competition in the award of contracts, to regulate the manner in which tenders are invited, and to monitor and control the performance and delivery of contracts awarded.
- 4.6.13.7 **Creditors:** The purpose of this manual is to ensure that the Council pays invoices to its suppliers in a controlled way. The City Council pays 300,000 invoices each year to its suppliers of goods and services. The Director of Finance and Legal Services publishes a manual to set out the means by which proper control can be established and maintained over these payments, so that they can be made in an accurate, and timely way and accounted for correctly.
- 4.6.13.8 **Debtors:** The purpose of this manual is to ensure that the Council bills its customers and manages the receipt of income in a controlled way. The City Council issues 275,000 invoices each year to customers of its services. The Director of Finance and Legal Services sets down in the Debtors Finance Function manual best practice, guidance and controls for the prompt raising of these invoices, credit management, and control and recovery of debts.
- 4.6.13.9 **Education – Fair Funding:** The Fair Funding scheme of delegation defines the status of financial regulations and the responsibility of schools to observe them. The scheme contains regulations which cover all aspects of financial management, and are designed to assist Governing Bodies in discharging their responsibilities. Governing Bodies are responsible for proper financial management and financial probity of their schools, and are publicly accountable for the money spent. Governors should conduct the business of the school in a manner consistent with public expectations of legality and propriety. The Director of Finance and Legal Services' responsibility for the proper administration of the City Council's financial affairs includes all aspects of financial management

undertaken by Governing Bodies, which is discharged through the Finance Manager for the Education service.

- 4.6.13.10 **Estimates:** The purpose of this manual is to set down best practice in the preparation of the Council's annual budget. Each year, the City Council's Cabinet approves the Budget Requirement for the following financial year. The budget is a detailed presentation of the Council's plans and objectives, expressed in £s. The preparation of these estimates is a part of the Budget and Policy Framework which is set down separately in this Constitution. The Director of Finance and Legal Services publishes Estimates guidance notes each year to assist officers prepare estimates in a uniform way which reflects the service and financial policies and decisions of the Council.
- 4.6.13.11 **Final Accounts:** The purpose of this manual is to set down best practice in the preparation of the Council's annual accounts. At the end of each financial year, the City Council is required by law to produce and publish its Statement of Accounts. Our External Auditors audit these accounts and give their audit opinion. The Director of Finance and Legal Services produces Final Accounts guidance notes to assist officers throughout the Council to make their contribution to the year end closedown process. The guidance covers accounting principles and practices, best practice and timetable.
- 4.6.13.12 **Funding of External Organisations:** The purpose of this manual is to ensure that resources provided to external organisations are utilised in a way which is consistent with the Council's controls. The City Council works with the community and voluntary sectors to provide some services. The Funding of External Organisations manual seeks to ensure that management and financial arrangements are in place so that the funding of external organisations is administered in a manner which will achieve City Council policies, safeguard public money, and demonstrate that funding has been awarded fairly.
- 4.6.13.13 **Grants Claims:** The purpose of this manual is to ensure the Council's grant submissions and claims are managed effectively from a financial point of view. The City Council receives significant sums of money from external organisations in the form of grant. It is very much in the Council's interest that eligible grants are identified, grant claims are accurately calculated, grant claims are made at the appropriate time, grant income received is monitored, and grant bids are evaluated (so there is no undue risk if bids are unsuccessful). The Grant Claims manual gives general guidance on the necessary procedures and control requirements to be followed surrounding grant claims.
- 4.6.13.14 **Inventories:** This manual has been established to give guidance on the provision of records of portable and attractive items so that loss can be deterred and/or detected.
- 4.6.13.15 **Joint Financial Reports:** The purpose of this manual is to ensure that Members of the Council have the right financial advice to assist them when they make policy decisions (establish new policy or change existing policy). In Coventry City Council, these policy decisions are taken either by individual Cabinet Members, or the Cabinet, following the receipt of written reports from Strategic Directors and Heads of Function. The Director of Finance and Legal Services gives financial advice to individual Cabinet Members, or the full Cabinet, by contributing to these written reports.

The preparation of these written reports is supported by the Protocol for the Production of Reports contained in this Constitution. The relevant Finance Manager must be consulted on all reports to determine whether there are any financial implications. If the Finance Manager confirms there are financial implications, the report must reflect this, and the financial information contained in the report must have regard to these Finance Procedure Rules, and the supporting financial regulations contained in Finance Function manuals, especially the Joint Financial Reports manual. This sets out the full requirement for financial information in order to ensure that Members can make an informed decision. (The need for an analysis of the alternative ways to achieve an objective, contained in this manual, is now enshrined in the options analysis required by the 2000 Act).

A key issue is the circumstances in which proposals (in the form of written reports) are presented to full Cabinet rather than individual Cabinet Members. The general policy of the Council is that all proposals to spend resources where the total spend is £500,000 or more, and all virement requests over £100,000 (see the definition in the Budgetary Control section above). In addition, a proposal will be referred to Cabinet:

- (a) when a Cabinet Member refers, although the financial implications are not significant,
- (b) when the Cabinet Member whose portfolio includes resources refers, because of corporate/resource considerations
- (c) when the Director of Finance and Legal Services refers because of technical financial considerations.

4.6.13.16 **Payroll:** The purpose of this manual is to ensure that there are effective arrangements for the administration of the Council's payroll. The City Council's City Pay business unit makes over 400,000 individual payments each year. The Payroll Finance Function manual establishes the control and procedural framework designed to ensure that these payments are made accurately, on time, in accordance with the City Council's conditions of service, and with the minimal risk of error or fraud.

4.6.13.17 **Private and Unofficial Funds:** This manual sets out the arrangements to ensure that funds not provided by the Council are managed in a way which is consistent with the way the Council manages its own funds. Private and Unofficial funds is a term used to describe those resources which are not provided by the City Council. For some Council services, these funds can be significant. Whilst the City Council recognises that these funds are separate from its own resources, nevertheless proper financial administration is still essential. The Private Funds Finance function manual contains guidance on the administration of such funds.

4.6.13.18 **Procurement (of works, services and supplies):** The purpose of this manual is to ensure that the Council's procurement is conducted in a controlled and cost effective way. The Procurement Manual sets out the rules and responsibilities for the commissioning of contracts for the provision of works and services and for the supply of goods and materials. The manual also provides guidance on the need to use central purchasing arrangements where these exist.

- 4.6.13.19 **Reserves:** The purpose of these regulations is to ensure continuity in the way that reserves are created and held centrally on behalf of the Council as a whole. In all cases, all reserves must have an auditable written purpose for their usage including how and when they may be used.
- 4.6.13.20 **Risk Management and Insurance:** Every officer employed by Coventry City Council has a risk management responsibility. In the delivery of its services, the City Council is affected by many risks which lead to loss. These losses include financial losses, and also disruption of service, and inconvenience to service users and staff. Some losses can be insured against, whilst others cannot. The Risk Management and Insurance manual sets out the Council's policies, practices, procedures and mechanisms in relation to insurance and self-insurance, and also the proactive approach of risk management which seeks to identify risks, to implement strategies for risk elimination or risk reduction, to put in place financial mechanisms for remaining risks, and to monitor ongoing performance.
- 4.6.13.21 **Stores:** This manual sets out procedures for the accounting for stores transactions, security of storage, stock checking, stock adjustment procedures, stock balance certification, monitoring of stocks and disposal of surplus stocks.
- 4.6.13.22 **Trading Services:** The purpose of this manual is to set out the framework for the effective management of the finances of the Council's trading services. This manual provides guidance on financial and related matters for the operation of trading and quasi-trading services within the City Council. Whilst all Finance Function manuals apply equally to trading and non-trading services, this manual supplements the other manuals by focusing on requirements specific to trading services. In particular, each such organisation will submit its annual report and accounts to the Cabinet.
- 4.6.13.23 **Treasury Management:** The purpose of this manual is to set out the control framework for the effective management of the Council's treasury authorities. The City Council has to manage its cash flows, its banking, its money market and capital market transactions, the effective control of the risks associated with those activities, and the pursuit of optimum performance consistent with those risks. This is called Treasury Management. The City Council defines the policies and objectives of its treasury management activities in the same way as set down in the Chartered Institute of Public Finance and Accountancy Treasury Management in the Public Services: Code of Practice 2001. The City Council's Cabinet at its meeting on 19 March 2002 approved and adopted the Code.
- 4.6.13.24 **Value Added Tax:** This manual ensures that the Council complies with VAT registration and rules. VAT is a complex tax. This manual describes what is required to understand the general principles of the tax and its application to local authorities, not only for employees involved in making payments and collecting income, but also employees involved in making policy decisions about the disposal and acquisition of property, provision of services and the initiation of capital projects.
- 4.6.13.25 **Working through Partnership – Joint Ventures:** The objective of this manual is to establish a framework for guidance and control of the Council's partnership arrangements. Partnerships are a means of achieving the City Council's service and policy objectives through joint working with outside parties. This manual, part of the

management framework necessary to ensure that Members' policies are implemented effectively and in a controlled way, sets out a framework of accountability and responsibility, covering the process for creating partnerships as well as the ongoing accountability.

4.7 **Contracts and Disposal of Land Procedure Rules**

4.7.1 The Council's Rules for Contracts apply.

4.7.2 Part G of former Standing Orders (Sale or other Disposal of Land) will also apply

4.8 **Employment Procedure Rules**

4.8.1 **Recruitment and Appointment**

4.8.1.1 **Recruitment Policy**

Recruitment of employees will be in accordance with the Council's adopted recruitment and appointment policy and the Council will recruit from the widest possible field and will appoint on the sole criteria of merit, except where race and gender is a genuine occupational qualification, or where the Council seeks to avoid redundancy by identifying alternative employment opportunities or there are exceptional circumstances.

4.8.1.2 **Legislation**

The Council's Recruitment and Selection Policy and Procedures are governed by extensive legislation particularly the laws relating to discrimination. The Employment Procedure Rules reflect existing statutory provisions and in particular the Local Authorities (Standing Orders) (England) Regulations 2001 and are based on the model provided by the Secretary of State for Communities and Local Government.

4.8.1.3 **Declarations**

These will be considered as follows:-

- The Council will draw up a statement requiring any candidate for appointment as an employee to state in writing whether they are related to or a partner of an existing Councillor or an employee of the Council, or the partner of such persons.
- A candidate who fails to disclose such a relationship will be disqualified for the appointment and if appointed will be liable to dismissal without notice.
- Every Member and employee of the Council at JNC for Chief Officers level will disclose to the Chief Executive any relationship known to him/her to exist between themselves and any person they know is a candidate for an appointment with the Council.
- No candidate so related to any Member or an employee will be appointed to the same service unit without the authority of the Chief Executive or relevant Chief Officer.
- Any employee who develops a personal relationship with a Councillor, or with another employee in the same service, or any employee covered by the JNC for Chief Officers who develops a personal relationship with any other employee, will disclose that relationship to his/her manager.
- The purpose of such disclosures is to ensure openness, probity, equality and effectiveness of management and Councillor/employee relationships.

**4.8.1.4 Seeking support for an appointment**

- Subject to Rule 4.8.1.5, the Council will disqualify any applicant who directly or indirectly seeks the support of any Member of the Council for any appointment with the Council.
- Subject to Rule 4.8.1.5 below, no Member of the Council will seek support for any person for any appointment with the Council.
- The content of this Rule will be included in any recruitment information.

**4.8.1.5 References**

Nothing in Rule 4.8.1.4 above will preclude a Member of the Council from giving a written reference for a candidate for submission with any application for employment. Any member giving such a reference will take no part in the recruitment process.

**4.8.2 Recruitment of Chief Executive, Chief Officers and "Deputy Chief Officers"**

For the purpose of these employment procedure rules, a Chief Officer or "Deputy Chief Officer" is as defined in Sections 2(6)(7) and (8) of the Local Government and Housing Act 1989. The definition of a "Deputy Chief Officer" means a person who, as respects all or most of the duties of his/her post, is required to report directly or is directly accountable to one or more Chief Officer. This definition applies to a number of senior employees in the City Council, as determined by the Chief Executive, who for the purpose of these procedure rules, are designated "Deputy Chief Officers"

Where the Council proposes to appoint a Chief Executive, Chief Officer or "Deputy Chief Officer" and it is not proposed that the appointment be made exclusively from among their existing employees, the Council will:

Draw up a statement specifying:

- The duties of the employee concerned; and
- Any qualifications or qualities to be sought in the person to be appointed.
- To make arrangements for the post to be advertised in such a way that is likely to bring it to the attention of the persons who are qualified to apply for it; and
- make arrangements for a copy of Rule 4.8.1.4 to be sent to any person on request.

The appointment of employees other than those specified in 4.8.3 and 4.8.4 (other than assistants to political groups) is the responsibility of the Chief Executive or his/her nominee.

No appointments except Chief Executive, Chief Officer or "Deputy Chief Officer" (as defined in Rule 4.8.2 above) (other than assistants to political groups) may be made by any Member or Members of the Council.

**4.8.3 Selection Process for Chief Executive and Chief Officers and "Deputy Chief Officers"**

4.8.3.1 Detailed arrangements with regard to the recruitment processes and selection techniques to be used, any additional procedures to those set out in these rules or the need for external advice will be decided by the Chief Executive or his/her nominee (unless excluded) on the advice of the appropriate senior HR Manager (unless excluded).

4.8.3.2 Any existing employee who is a candidate or a potential candidate or has any other personal interest in the recruitment process is excluded from taking any part in the process. In such circumstances Management Board will nominate a suitable replacement for that postholder.

4.8.3.3 The Chief Executive or his/her nominee (unless excluded) and the appropriate senior HR Manager (unless excluded) will identify all applicants who meet the requirements of the post, as detailed in the statement referred to in Rule 4.8.2 above, who will progress to the next stage of the selection process.

4.8.3.4 Applicants to posts of Chief Executive, Chief Officer and "Deputy Chief Officer" (as defined in Rule 4.8.2 above) will then go through a screening and/or assessment process by a selection panel which will select candidates to go forward to the Appointments Panel. The selection panel will comprise of the following:-

- The appropriate Cabinet Member(s), responsible for the service or services concerned;
- The Chief Executive or her/his nominee
- The appropriate Senior Human Resources Manager or her/his nominee.
- For an appointment other than a Member of the Management Board, the Member of the Management Board responsible for the post;
- One other Member of the Management Board nominated by the Chief Executive at his/her discretion;
- An appropriate professional advisor

4.8.3.5 Where no suitable qualified person has applied, arrangements will be made to re-advertise the post in accordance with the procedure set out in Rule 4.8.2.

**4.8.4 Appointment of the Chief Executive**

4.8.4.1 The Appointments Panel for the appointment of any Chief Executive will be established by full Council on a recommendation from the Cabinet.

4.8.4.2 The Appointments Panel for the appointment of the Chief Executive must include at least one Member of the Cabinet and will comprise at least the following:-

- the Leader and the Deputy Leader of the Council or their respective nominees;
  - the Chair of the Scrutiny Co-ordination Committee or nominee;
  - Such other Opposition Member(s) of Scrutiny to ensure the political balance.
- 4.8.4.3 The full Council will approve the appointment of the Chief Executive following the recommendations of an Appointments Panel.
- 4.8.4.4 The Appointments Panel will be advised by any relevant Chief Officer(s) (or Senior Manager) or external professional advisers as nominated by the Cabinet on advice from any relevant Chief Officer (for the Chief Executive or Senior Manager).
- 4.8.4.5 The Quorum for the Appointments Panel for the Chief Executive will be 3 Members.
- 4.8.5 **Chief Officer and "Deputy Chief Officer" Appointments**
- 4.8.5.1 All Chief Officers or "Deputy Chief Officers" (as defined in Rule 4.8.2 above) will be appointed by an Appointments Panel.
- 4.8.5.2 The Appointments Panel should comprise the following:-
- The Leader and/or Deputy Leader of the Council or their respective nominees;
  - The appropriate Cabinet Member(s) having responsibility for the area of service concerned, determined by the Director of Customer and Workforce Services in consultation with the Leader of the Council or her/his nominee;
  - The Chair of the Scrutiny Co-ordination Committee or her/his nominee;
  - Such other opposition non-Cabinet Member(s) to ensure the political balance.
- 4.8.5.3 The Appointments Panel will be advised by the Chief Executive and any other relevant Chief Officer(s) (or Senior Managers) or external professional advisers as nominated by the Chief Executive.
- 4.8.5.4 The appointment of the Monitoring Officer and Chief Finance Officer will be approved by full Council following a recommendation of an Appointments Panel.
- 4.8.5.5 The Assistant Director (Human Resources) will ensure that all appropriate Criminal Records Bureau (CRB) checks are obtained before an appointment is confirmed.
- 4.8.5.6 The Quorum for the Appointments Panel for Chief Officers or "Deputy Chief Officers" (as defined in Rule 4.8.2 above) will be 3 Members.

**4.8.6 Offer of Appointment of Chief Officers and "Deputy Chief Officers"**

- 4.8.6.1 Any offer of employment to any post of Chief Officer or "Deputy Chief Officer" (as defined in Rule 4.8.2 above), will only be made by an Appointments Panel where no well founded objection from any Member of the Cabinet has been received.
- 4.8.6.2 Before an Appointments Panel considers an appointment to Chief Officer or "Deputy Chief Officer" (as defined in Rule 4.8.2 above), the Director of Customer and Workforce Services will be notified of the shortlisted candidates names and any other relevant particulars.
- 4.8.6.3 The Director of Customer and Workforce Services will notify all Cabinet Members of the names, the relevant particulars and the period within which any objection to any of the shortlisted candidates can be made (this will be a minimum of three working days).
- 4.8.6.4 Any objection by a Cabinet Member must be notified to the Leader who will respond to the Director of Customer and Workforce Services on behalf of the Cabinet.
- 4.8.6.5 No appointment can be made until the expiry of the objection period and notification is received from the Leader that neither s/he nor any Member of the Cabinet objects to the appointment.
- 4.8.6.6 If an objection is received, the Director of Customer and Workforce Services will notify the Appointments Panel and the appointment can only be made if the Appointments Panel determines that the objection is not material or well-founded.
- 4.8.6.7 The terms "Chief Officer" and "Deputy Chief Officer" are the statutory definitions of those terms and these requirements are compulsory.

**4.8.7 Dismissal**

- 4.8.7.1 Members of the Council will not be involved in the dismissal of any employee other than Chief Executive, Chief Officer or "Deputy Chief Officer" (as defined in Rule 4.8.2 above) except where such involvement is necessary for any investigation or inquiry into alleged misconduct. The Council's Disciplinary, Capability and related Procedures as adopted from time to time may allow a right of appeal to Members in respect of dismissals.

**4.8.8 Objections to Dismissal**

- 4.8.8.1 Any dismissal from any post of Chief Executive, Chief Officer or "Deputy Chief Officer" (as defined in Rule 4.8.2 above) will only be made where no well founded objection from any Member of the Cabinet has been received.
- 4.8.8.2 When any person is minded to dismiss any Chief Officer or "Deputy Chief Officer", (as defined in Rule 4.8.2 above) the Director of Customer and Workforce Services will be notified of the proposed dismissal and any other particulars relevant to the dismissal.
- 4.8.8.3 The Director of Customer and Workforce Services will notify all Cabinet Members of the name, the relevant particulars and the period within which any objection to the proposed dismissal is to be made.

4.8.8.4 Any objection by a Cabinet Member must be notified to the Leader who will respond to the Director of Customer and Workforce Services on behalf of the Cabinet.

4.8.8.5 If no objection is received within the specified period or if the Leader has stated that neither he or any Member of the Cabinet objects to the proposed dismissal, the dismissal can be made.

4.8.8.6 If an objection is received, the Director of Customer and Workforce Services will notify the person proposing to make the dismissal and the dismissal can only be made if that person determines that the objection is not material or well-founded.

4.8.9.1 **Suspension of Chief Executive, Monitoring Officer and Chief Finance Officer**

The Chief Executive, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will last no longer than 2 months.

4.8.9.2 **Independent Person**

No other disciplinary action may be taken in respect of any of these employees except in accordance with a recommendation in a report made by a designated independent person.

4.8.9.3 Members of the Council will not be involved in a disciplinary action against any officer below "Deputy Chief Officer" (as defined in Rule 4.8.2 above) except where such involvement is necessary for any investigation or inquiry into alleged misconduct. The Council's Disciplinary, Capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

4.8.9.4 For the avoidance of doubt, any disciplinary action against the Chief Executive, Monitoring Officer and Chief Finance Officer will be conducted strictly in accordance with the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 and any disciplinary action against Chief Officers and "Deputy Chief Officers" (as defined in Rule 4.8.2 above) will be conducted strictly in accordance with the Joint Negotiating Committee for Chief Officers.

4.8.10 **Assistants to Political Groups**

4.8.10.1 The appointment of any assistant to a political group will be made in accordance with the statutory provisions in that regard.

4.8.10.2 The appointment of an assistant to a political group will be made in accordance with the wishes of that political group.

4.8.10.3 There will be no political assistants unless such a post is allocated to all political parties that are so entitled. Any party that does not qualify may not have one. Before making any appointment to the post of political assistant, the Council must decide which group(s) would be entitled to such a political assistant.

**4.8.11 Interests in Employee Negotiations**

Any Councillor who is in the employment of any local authority or who is an official or an employee of a Trade Union whose Members include employees of the Council is prohibited by law from representing the interests of the Council in any negotiations with respect to the terms and conditions of Council employees. Nothing in this paragraph will prevent any member from taking part in any Appeal Panel not involving terms and conditions of service.

**4.8.12 Human Resource Matters**

**Management of Employees**

4.8.12.1 All Members of the Management Board will be accountable to the Cabinet for the management of their Directorates or Departments.

4.8.12.2 In fulfilling this management role, all Members of the Management Board will comply with the City Council's human resource policies with regard to recruitment, selection and employment of employees, as may be agreed from time to time by the Cabinet.

4.8.12.3 All senior Managers are responsible for the effective recruitment, development and promotion of a workforce which is representative of the community and provides training and, if appropriate, adaptations for under-represented groups.

4.8.12.4 All employment policy and precedent advice to an Appeal Panel or member level dispute panel will be provided by the Assistant Director (Human Resources) or his/her nominee.

**4.8.13 Proposals with Human Resource Implications**

4.8.13.1 Any proposal to establish or change policy must be supported by a written report to the appropriate Cabinet Member by the relevant Member(s) of the Management Board.

4.8.13.2 The Assistant Director (Human Resources) must report any breaches of the City Council's human resources policy, which may jeopardise the sound management of human resources within the City Council.

**4.8.14 Human Resources Managers**

4.8.14.1 The Assistant Director (Human Resources) will, in consultation with each Member of the Management Board, designate an Employee as Human Resources Manager to help each Member of the Management Board ensure compliance with the human resource policies of the City Council.

4.8.14.2 Decisions of any Appointments Panel or Appeal Committee are not subject to call-in.

**4.9 Petitions Procedure Rules**

**4.9.1 General**

4.9.1.1 This part of the Constitution shall be referred to as the Petitions Scheme. The Petitions Scheme is based on the framework set out in the Local Democracy, Economic Development and Construction Act 2009 and takes account of the Guidance issued by the Department for Communities and Local Government issued on 30 March 2010.

4.9.1.2 The Council welcomes petitions and recognises that these are one way in which citizens of Coventry can raise concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out how the Council plans to deal with the petition, including an assessment of which of the three routes the petition should follow (see 4.9.4-4.9.9 below).

4.9.1.3 The Council will treat something as a petition if it is identified as being a petition, or if it seems to the Council that it is intended to be a petition, and it has at least 5 signatories on it.

4.9.1.4 Subject to these rules, petitions can be submitted by members of the public, or presented by a Councillor on their behalf.

4.9.1.5 Petitions can be submitted in two ways - on paper and electronically. The option to submit e-petitions does not come into effect until 15 December 2010.

4.9.1.6 Paper petitions should be sent to the Petitions Officer:

Assistant Director, Democratic Services  
Customer and Workforce Services  
Coventry City Council  
Council House  
Earl Street  
Coventry  
CV1 5RR

**4.9.2 Guidelines for Submitting a Petition**

4.9.2.1 Petitions submitted to the Council must include:-

- a clear and concise statement covering the subject matter of the petition.
- what action the petitioners wish the Council to take.
- the name, address, postcode and signature of any person supporting the petition.

4.9.2.2 Petitions should be accompanied by contact details including an address for the Petition Organiser. This is the person the Council will contact to explain how it intends to respond to the petition. This can be, but does not have to be, a Councillor. That person

will need to indicate which personal data can be published on the Council's website in order to enable the Council to meet its obligations under the Data Protection Act 1988. If the petition does not identify a Petition Organiser, signatories to the petition will be contacted, starting with the first signatory, to agree who will act as the Petition Organiser.

- 4.9.2.3 Petitions which have less than 5 signatures or are considered to be vexatious, abusive or otherwise inappropriate (as determined by either the Petitions Officer or Monitoring Officer) will not be accepted.
- 4.9.2.4 In the period immediately before an Election or referendum the Council may need to deal with the petition differently – if this is the case the Council will explain the reasons and discuss the revised timescales which will apply.
- 4.9.2.5 In all cases, if the petition does not follow the guidelines set out above, the Council may decide to take no further action with the petition. If this is the case the Council will set out the reasons for this action.

### **4.9.3 e-Petitions**

- 4.9.3.1 Petitions can be created electronically and submitted through the Council's website. E-petitions will follow the same guidelines as paper petitions.
- 4.9.3.2 The e Petition Organiser must provide their name, postal address and email address and specify how long the petition is to be open for signatures. He or she must also give their consent to their personal data being published on the Council's website in order to enable the council to meet its obligations under the Data Protection Act 1988. Most petitions are expected to run for 6 months but a shorter or longer timeframe can be applied by the e-Petition Organiser up to a maximum of 12 months.
- 4.9.3.3 An e-petition will be published online within ten working days. The Council will check that the content of the e-petition is suitable before it is published in accordance with section 4.9.3.4 below. If the petition cannot be published then the Petition Organiser will be advised within ten working days, and will have the opportunity to make changes to the petition. If the e-petition is not altered and re-submitted, a summary of the petition and the reason why it has not been accepted will be published under the ' rejected petitions' section of the website.
- 4.9.3.4 When an e–petition has closed for signature, it will be automatically submitted to the Council's Petitions Officer. All e-petitions will be checked using the name, email address and the postcode supplied by the signatories. It will then follow the normal routing process referred to below, depending on the number of signatures on the e-petition and what it is asking the Council to do.

### **4.9.4 Council Action on Receipt of a Petition**

- 4.9.4.1 A written acknowledgement will be sent to the Petition Organiser within five working days of receiving the petition. Details of the petition will be sent to the relevant ward Councillors. For city-wide petitions, all Councillors will be notified via the weekly Petitions

Register update. Any Councillor wishing to act as 'Sponsor' for a petition will need to contact the Petition Organiser and seek their agreement, and then inform the Petitions Officer. The Councillor's name will be added to the Petition Register. Both the Petition Organiser and a Sponsor will receive correspondence relating to the petition. Where the Petition Scheme states that the Petition Organiser will be informed, the Sponsor will also be informed.

4.9.4.2 On receipt of the petition, the Council's Petitions Officer [the Assistant Director (Democratic Services)] will review the petition and check which of the four applicable routes that the petition should follow. The four routes that are available to a petition are as follows:-

- A petition requiring Council debate.
- A petition requiring a senior officer to give evidence.
- A petition which relates to a Planning, Licensing or Regulatory matter
- Other petitions

4.9.4.3 If the petition is a statutory petition (for example requesting a referendum on having an Elected Mayor) or relates to a matter where there is already an existing right of appeal, such as Council Tax banding or non-domestic rates, other procedures will apply and the petition will not be routed in any of the four ways above by the Petitions Officer.

4.9.4.4 The Petitions Officer will check that the petition complies with the requirements with regard to the details above and then publish details of the petition received on the Council's website. The petition will be published within ten working days of receipt.

4.9.5 **Petitions being submitted or Sponsored by a Councillor**

4.9.5.1 Councillors may submit a petition as Petition Organiser or support an existing petition, acting as its 'Sponsor'. In these cases, where there are at least 5 signatures:

4.9.5.2 If a Councillor presents a petition to a meeting of the City Council, the Councillor submitting the petition will be entitled to speak for two minutes.

4.9.5.3 If a Councillor presents a petition to the Cabinet or appropriate Cabinet Member, the Councillor submitting the petition will be entitled to attend the Cabinet or Cabinet Member meeting to present the petition and entitled to speak for two minutes.

4.9.5.4 If a Councillor presents a petition to either the Planning or the Licensing and Regulatory Committee, that Committee's rules with regard to speaking and responding will apply.

4.9.5.5 Where two or more Councillors present the same petitions, both Councillors will be entitled to the rights regarding speaking at council meetings and attending the appropriate meeting to present the petition as outlined in 4.9.1.1-4.9.1.4 above and 4.9.6 below.

**4.9.6 A Petition Requiring Full Council Debate**

- 4.9.6.1 If a petition contains more than 15,000 signatures it will be debated by a Full Council meeting, unless it is a petition requiring senior officer attendance. This means that the issue raised in the petition will be discussed at a Full Council meeting when all Councillors can attend. The Council will endeavour to consider the petition at its next available meeting, although on occasions this will not be possible and the matter will be passed to the next Full Council meeting.
- 4.9.6.2 The Petition Organiser and Sponsoring Councillor(s) will each be allowed 3 minutes to present the petition at the Full Council meeting and the petition will then be discussed by Councillors – there is no time limit set for this.
- 4.9.6.3 The Council will decide how to respond to the petition at this meeting. The Council may decide to take the action the petition requests, not to take the action requested for the reasons put forward in debate, or to commission further investigation into the matter, for example by a relevant Committee.
- 4.9.6.4 When dealing with the petition, the Council may consider one or more of the following responses to the petition:-
- Taking the action requested in the petition
  - Referring the petition to Cabinet, a Cabinet Member or relevant Committee
  - Holding an enquiry into the matter
  - Undertaking research into the matter
  - Holding a public meeting
  - Holding a consultation
  - Holding a meeting with the petitioners
  - Referring the petition for consideration by the Council's Scrutiny Boards
  - Calling a referendum
  - Writing to the Petition Organiser setting out the views of the Council about the request in the petition.
  - Any other appropriate action
- 4.9.6.5 In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in the petition.
- 4.9.6.6 For example, if the petition relates to something over which the Council has no direct control (for example a railway or hospital) it may consider making representations on behalf of the community to the relevant body. The Council works with a large number of Local Partners and where possible will work with these Partners to respond to the petition.
- 4.9.6.7 If the Council is not able to do this for any reason then it will set out the reasons for this in writing to the Petition Organiser.
- 4.9.6.8 Where the issue is one on which the Council Executive are required to make the final decision, the Council will decide whether to make recommendations to inform that

decision. The Petition Organiser will receive written confirmation of this decision. This confirmation will also be published on the Council's website.

4.9.6.9 In all cases the Council will advise the Petition Organiser of the action is has taken.

#### **4.9.7 Petitions Requiring Attendance by a Senior Council Officer**

4.9.7.1 If a petition asks for a Senior Council Officer to give evidence at a public meeting about something for which the officer is responsible as part of their job, the petition must contain at least 10,000 signatures. Those senior officers that can be called to give evidence are as follows:-

- Chief Executive
- Assistant Chief Executive
- Director of Customer and Workforce Services
- Director of City Services and Development
- Director of Community Services
- Director of Children, Learning and Young People
- Director of Finance and Legal Services
- Director of Strategic Planning and Partnerships
- Monitoring Officer

4.9.7.2 Only these officers can be called to give evidence under this section of the petition scheme.

4.9.7.3 If a petition has the requisite number of signatures, the Council's Scrutiny Co-ordination Committee will decide which of the Council's Scrutiny Boards, the senior officer will be asked to attend before. The Scrutiny Co-ordination Committee may decide that it is better for a different officer to give evidence and may also decide to call the relevant Councillor to attend the meeting.

4.9.7.4 Scrutiny Board members will ask the questions at the meeting, but the Petition Organiser may suggest questions to the Chair of the Committee by contacting the Petitions Officer up to three working days before the meeting.

4.9.7.5 In all cases the Council will advise the Petition Organiser of the action is has taken.

#### **4.9.8 Other Petitions**

4.9.8.1 If a petition has at least 5 but less than 15,000 signatures on it, the Petitions Officer will review the content of the petition and decide whether the petition should be addressed to Full Council, Cabinet or Cabinet Member. If the Petition has been presented by a Councillor as the Petition Organiser, then the Councillor will be able to present the Petition.

- 4.9.8.2 Petitions can be presented to Full Council by the Petition Organiser (a Councillor or a citizen), but will not be debated by them. Instead Full Council will refer the petition to the relevant Cabinet, Cabinet Member or Committee to deal with the matter.
- 4.9.8.3 The Petitions Officer will notify the Petition Organiser which Cabinet/ Cabinet Member/ Committee the matter relates to and advise them of the date of the meeting when the Cabinet / Cabinet Member / relevant Committee will consider the matter, The Petitions Officer will also notify the relevant Ward Councillor/s. If the Petition Organiser is a Councillor, he or she will not be entitled to vote at any meeting unless she/he is a member of the Cabinet or Committee [or the Cabinet Member concerned].
- 4.9.8.4 The Petition Organiser (including any Councillor as Petition Organiser) may attend the Cabinet Member / Cabinet / relevant committee meeting and speak about the petition. Only the Petition Organiser is entitled to speak and they should confirm their attendance to the Council at least 3 working days before the meeting.
- 4.9.8.5 Where more than one petition is presented in relation to a particular item, then the Petitions Officer will endeavour to ensure that all petitions are dealt with at the same meeting. In the event that petitions have an "opposing" viewpoint, the Petitions Officer will invite the Petitioner Organiser to nominate a spokesperson for each of the petitions to the meeting at which the petitions are to be considered. Each spokesperson will be entitled to attend the meeting and to speak upon the consideration of the petition. If a spokesperson is unable to attend, for any reason, this would not prevent the meeting considering all the petitions and coming to a decision.
- 4.9.8.6 Where a petition stands referred by the Petitions Officer to the Cabinet, appropriate Cabinet Member or appropriate City Council Committee, no discussion will take place upon it in the City Council prior to its consideration by the Cabinet, appropriate Cabinet Member or appropriate City Council Committee except that the Councillor presenting a petition will be allowed to speak for not more than two minutes in explanation of the contents of that petition.
- 4.9.8.7 The Cabinet, appropriate Cabinet Member or relevant Committee will have the following courses of action available:-
- Taking the action requested in the petition
  - Referring the petition to Full Council or another relevant Committee
  - Holding an enquiry into the matter
  - Undertaking research into the matter
  - Holding a public meeting
  - Holding a consultation
  - Holding a meeting with the petitioners
  - Referring the petition for consideration by the Council's Scrutiny Boards
  - Calling a referendum
  - Writing to the Petition Organiser setting out the views of the Council about the request in the petition.
  - Refer the matter to an Advisory Panel and ask them for advice
  - Any other appropriate action

4.9.8.8 When considering the matter, the Cabinet Member/ Committee may decide that the petition is such a matter that requires Full Cabinet consideration, in which case he or she can refer the matter to the Cabinet for the next available meeting, for example if it appears to relate to a City Council-wide or cross-cutting issue.

4.9.8.9 In all cases the Council will advise the Petition Organiser of the action is has taken.

**4.9.9 Petitions which relate to matters by Planning Committee and Licensing and Regulatory Committee**

4.9.9.1 Petitions relating to planning, licensing or regulatory matters will be referred to the respective Committee by the Petitions Officer and proceed in accordance with the rules of procedure relating to that Committee.

4.9.9.2 In the case of a petition that relates to a particular application, the petition will be considered at the same time as the application rather than within a period of two months. Any petition relating to a planning or licensing issue, for which an application has not been received within a 12 month period and where there is no on-going process, will automatically be considered by the relevant Cabinet Member and the petition put on file in planning or licensing for future reference.

4.9.9.3 Deadline for Receipt of Petitions to Planning Committee

4.9.9.4 In relation to the receipt of petitions to Planning Committee, only those petitions received by 12.00 noon on the day before the meeting will be treated as a petition, with the Petition Organiser ( including any Councillor presenting the petition) and the applicant (or their agent/representative) being invited to attend and speak at the meeting; and that any 'petition' received after this deadline be treated as a 'late representation' and summarised by the Development Manager on the 'late representations report' which is tabled at the meeting.

4.9.9.5 Length of Speeches at Planning Committee

4.9.9.6 At Planning Committee, in line with the public speaking scheme, the length of the Petition Organiser's speech will be limited to three minutes. In addition, the applicant (or their agent/representative) will have the right of reply when a petition is presented in respect of a Planning Application. The Chair of the Planning Committee will have the discretion to ensure that any right of reply by an applicant (or their agent/representative) in response to a petition spokesperson's speech (which is limited to three minutes) will be of a proportionate amount of time.

4.9.9.7 In all cases the Council will advise the Petition Organiser of the action is has taken.

**4.9.10 Petitions – The Right of Appeal**

4.9.10.1 If the Petition Organiser considers that the Council has not responded to a petition (except those petitions which are dealt with by the Planning, Licensing and regulatory

Committees) properly, he or she has the right to request the Council's Scrutiny Co-ordination Committee to review the steps that the Council has taken in response to the petition.

- 4.9.10.2 If a Petition Organiser wishes to operate his or her right of appeal, he should write to the Council's Scrutiny Officer no later than 5 working days after final determination of the petition. The letter should set out the reasons why the Petition Organiser considers a review should be conducted.
- 4.9.10.3 The Scrutiny Officer will arrange for the matter to be considered by the next available meeting of the Council's Scrutiny Co-ordination Committee and will notify the Petition Organiser of the date of this meeting.
- 4.9.10.4 If the Council's Scrutiny Co-ordination Committee considers the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter. This includes instigating an investigation, making recommendations to the Council's Cabinet or arranging for the matter to be considered at a meeting of Full Council.
- 4.9.10.5 Once the appeal has been considered the Petition Organiser will be informed of the results within 5 working days. The results of the review will also be published on the Council's website.

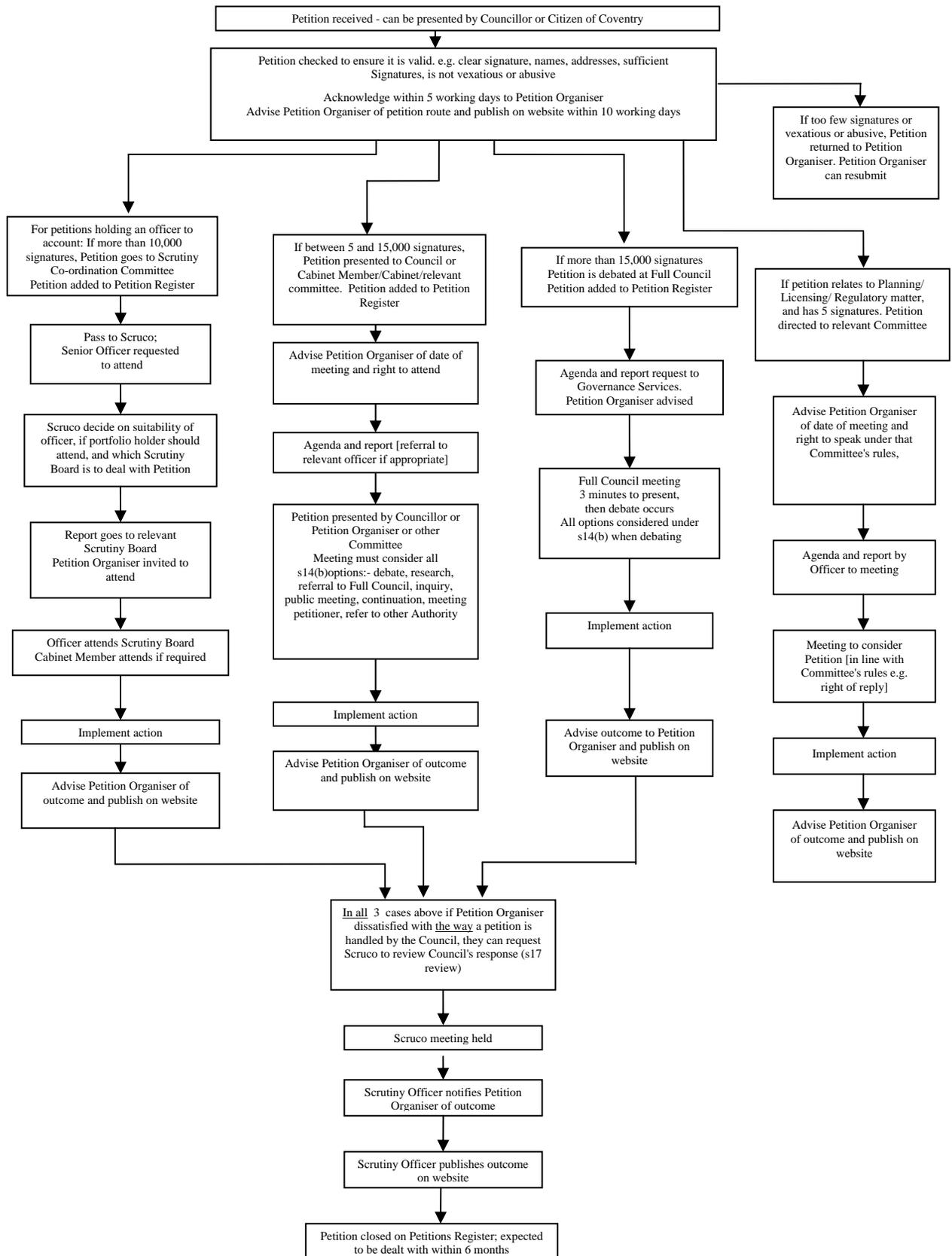
**4.9.11 Summary**

- 4.9.11.1 A summary of the Council's process for dealing with petitions is set out on the diagram attached.

**4.9.12 Reviewing the petition procedure rules (the petition scheme)**

- 4.9.12.1 The Council can revise this petition scheme at any time in accordance with Section 11 of the Local Democracy Economic Development and Construction Act 2009.

**Part 4.9 – Petitions Procedure Rules**



4.10 **Planning Committee Procedure Rules**

4.10.1 The procedure at Planning Committee (the Committee) will be as follows.

4.10.1.1 **General**

The Committee will comprise the number of Councillors of the City Council appointed by the full Council at their annual meeting. There will be no provision for substitute Councillors to attend Committee meetings.

The quorum for all meetings (including site visits) will be five Councillors and no business will be transacted if any meeting or part of a meeting (or site visit) will not be quorate.

The Committee will meet at times and places appointed and published in accordance with the requirements of the Local Government Act 1972, as amended.

The Chair will preside over meetings of the Committee and, where the Chair is absent for the whole or part of the meeting, the Deputy-Chair will preside over the meeting or that part of it. In the absence of both the appointed Chair and Deputy-Chair for either the whole of or part of a meeting, the Committee will appoint from those Councillors then present a person to act as Chair for the duration of that meeting or part of it. (All references to 'Chair' in these rules will be read as referring to the person acting as Chair at the relevant meeting or part of it).

The Chair of the Committee meeting will be responsible for:

- (i) calling items for consideration as they appear on the Agenda,
- (ii) calling and allowing persons to speak at the Committee meeting,
- (iii) calling any matters for consideration which do not appear on the Agenda and for giving the reason(s) for the urgency of hearing such matters,
- (iv) maintaining good order at the Committee meeting. For this purpose, the Chair has the right to curtail any speaker (including a Councillor of the Committee), or to suspend the Committee meeting, in cases of disorder, until good order has been restored.

In all matters of procedure and interpretation of these rules, the Chair's decision will be final.

Decisions of the Planning Committee are not subject to call-in.

4.10.1.2 **Declarations**

4.10.1.2.1 **Declarations of Interests**

Councillors and Employees will, in accordance with their respective Model Codes of Conduct, declare any interests they have in respect of any items appearing on that

Committee's Agenda. These declarations will be made at the outset of the meeting under the item listed as 'declarations' on that Committee's Agenda or when that item is reached on the Agenda.

~~A Member of the Planning Committee who has asked that a particular application should be placed upon the agenda, rather than dealt with under delegated powers, will automatically be regarded as having a prejudicial interest in the application and must not take part in the deliberations on it.~~

#### 4.10.1.2.2 Declarations of 'Contacts'

Councillors and certain Planning Employees (being the Committee Planning Officer who presents the report and the Planning Case Officer) will declare all 'contacts' they have received in respect of planning applications appearing on that Committee's Agenda.

Councillors' declarations of 'contacts' will be made at the outset of the meeting under the item listed as 'contacts' on that Committee's Agenda or when the application is reached on the Agenda.

Planning Employees' declarations will be made in the written report in respect of that application or verbally if received after publication of that report.

Councillors and Planning Employees will declare as 'contacts' those matters as they are defined in the 'Code of Good Planning Practice' as it appears elsewhere in this Constitution.

#### 4.10.1.3 Petitions

The Procedure in relation to petitions to Planning Committee are set out in paragraph 4.9.4.

At Planning Committee the length of speeches will be limited to five minutes for Members (other than as a private resident) and three minutes for all other speakers (including petition spokespersons, applicants or their nominees).

#### 4.10.1.4 Consideration of Business on the Public Agenda and Public Speaking Scheme

The Committee will determine all applications for permissions, approvals and consents made to and consultations with the Council under the terms of reference of the Committee (all of which matters are referred to in these rules as 'applications'). All applications to be decided by the Committee will be dealt with as follows:

The Planning Officer will present the written report on the Agenda in respect of each item as called by the Chair. The Planning Officer may refer to photographs, plans, diagrams and such other aids as are necessary whilst presenting the written report. All these aids will be displayed at the meeting. The Planning Officer will update the written report verbally in respect of matters occurring after publication of the Agenda and which have subsequently been communicated to the Planning Officer.

Where the matter is one to which the Council's Scheme of Public speaking at the Planning Committee applies, the Chair will then call speakers who have been registered to speak on that application.

- (i) A 'registered speaker' will be a person (other than the applicant or their representative) who has made written representations on the application to planning employees and have registered to speak with the Customer and Workforce Services Directorate.
- (ii) Any registered speaker may request a ward Councillor for the ward containing the application site to speak on their behalf. No member of the Committee may speak under the Public Speaking Scheme and participate in consideration of that application as a Committee member.
- (iii) Members addressing the Planning Committee in whatever capacity will be limited to 5 minutes (other than as a private resident), with a further 2 minutes to summarise after all speakers have spoken. All other speakers addressing Planning Committee under the Public Speaking Scheme will be allowed up to 3 minutes to address the Committee. Speakers will address the Committee in the following sequence:
  - objectors,
  - supporters, and
  - the applicant (or their representative).
- (iv) Speakers will only be allowed one opportunity to address the Committee, irrespective of whether the application is deferred to a later Planning Committee. However, if material changes arise following deferment, or there are exceptional reasons submitted by the speakers to address the Committee again, the Chair of Planning Committee has discretionary power to allow registered speakers an opportunity to address the Committee on new issues.
- (v) There shall be no more than 2 nominated speakers (apart from a Member) speaking in support of an application and no more than 2 nominated speakers (apart from a Member) speaking against an application. But in the case of a planning application that is defined as a Major Application, the limit on the number of speakers would be at the discretion of the Chair of Planning Committee. A major application is defined as:-
  - for dwellings - where 10 or more dwellings are proposed, or if the number of dwellings is not given, the site area is more than 0.5 hectares;
  - for all other development where the floor area to be built is over 1,000 sq.m or the site area is more than 1 hectare and
  - For any other development that the Chair determines is a major application
- (vi) No written additional information shall be circulated to Members of the Planning Committee on the day of Committee. A registered speaker wishing to have supporting information displayed to the Planning Committee during the meeting will be required to submit this to Officers 24 hours before the start of Planning

Committee, and the content of the information to be displayed will be with the agreement of the Development Manager or nominee.

- (vii) For the purposes of good order in the meeting and to avoid repetition, the Chair will be entitled to curtail public speaking where he or she deems this necessary.

Following any speakers under the Public Speaking Scheme, Committee members (including the Chair) may speak on the application as called by the Chair and, where needs be, may question Employees on matters arising out of the application.

Employees may be required at any time after public speakers have been heard to address the Committee to answer questions asked or to comment or clarify any points that have been raised during consideration of the application or to advise the Committee.

Following consideration of the application the Chair will request the Committee to decide upon the application. Where the Committee are unanimous as to its decision on the application a vote will not be required. Where there is a difference of opinion as to its decision amongst Committee members, the Committee will move to a vote on the application.

Any dispute or question as to procedure at the Committee, including the operation of the Public Speaking Scheme, will be determined by the Chair, whose decision on all matters will be final.

#### 4.10.1.5 Voting

In order to vote on an application, a member of the Committee must be present throughout the entire debate on an individual application.

All members of the Committee will have one vote. The Chair will have an extra casting vote in the event of the votes cast being tied. Matters subject to a vote will be decided by a simple majority of the votes cast.

The Chair will call for a vote where the Committee are not unanimous as to its decision on an application, unless no amendment to the recommendation is proposed or such amendment is withdrawn.

Voting will be either for the recommendation as it appears in the written report (or as amended by the Planning Officer verbally at the meeting) or for the amendment to the recommendation (as proposed by a member of the Committee). Where there is more than one amendment proposed, they will be voted on in the order in which they are proposed.

Any Councillor of the Committee may request that their name be recorded in the Minutes of the meeting recording the way they have voted in respect of any item.

Where there is ambiguity in the way votes are cast, the Chair may request Committee members to confirm their votes before the Committee's decision is recorded.

**4.10.1.6 Private Items**

In accordance with section 100 and Schedule 12A to the Local Government Act 1972 certain reports to the Committee, most notably those on planning enforcement, will be exempt from publication and heard and determined by the Committee in private session. A resolution to enter into private session will be agreed in public by the Committee.

In relation to such 'private' items the procedure to be followed by the Committee will be as for public items as described above, except that there will be no provision for public speaking before the Committee as there will be no application for the Committee to determine.

For private items the Agenda will indicate the nature of the report and the Minutes of the meeting will:

- (i) confirm which paragraph of Schedule 12A justifies the report being determined in private and
- (ii) will confirm the resolution made by the Committee in private session.

**4.10.1.7 Site Visits**

The Committee has agreed rules as to when a site visit ought to take place and how it should be conducted. Those rules are as follows:

- (i) A visit can be scheduled for any application where, in discussion with the Chair it is felt by Planning officers that a visual appreciation is necessary. In these circumstances, the reasons why a visit has been held before consideration of the application by the Planning Committee will be clearly stated on the agenda.
- (ii) A visit can also be made where the Committee feel that there is significant doubt about the decision which should be made on the proposal which necessitates a visual appreciation of the site or its surrounding and no other method of obtaining this appreciation is available. The reasons for such visit should be specified, minuted and included on the Committee Agenda. The Councillor(s) requesting the visit will be expected to attend.
- (iii) The Committee will normally only visit the application site and those premises from which a visual inspection of the proposals is considered essential to gain an understanding of the physical issues involved and that in notifying the owner(s) of the site to be visited, it will be made clear that no personal representations will be entertained.
- (iv) The Committee will convene to consider applications immediately following the conclusion of visits.
- (v) No member of the public other than the owners/occupiers of the properties to be visited will be invited to attend.

(vi) Discussions at a property will be confined to factual questions asked of and answered by Planning Employees.

~~(vii) Only those Councillors attending the site visit may participate in and vote on the application when considered by the Committee.~~

(viii) Site visits may be necessary in other instances not involving consideration of an application (such as adoption of a proposed development brief). ~~In these cases the rule in the preceding paragraph above as to participation and voting will not apply.~~

~~(ixviii)~~ The provisions of the Codes of Conduct for Elected Members and Employees as they apply to conduct of official business by Councillors and employees will apply to site visits.

#### 4.10.1.8 Other Matters

From time to time the Committee may consider reports on other items falling within the Committee's terms of reference, such as the Committee's role as a consultee on the City Council's own planning policy or on proposed changes to national or regional planning policy.

In those circumstances the procedure to be followed will be as described for public items above except that, there being no application for the Committee to determine, there will be no provision for public speaking before the Committee.

#### 4.10.2 Development Forums

The purpose of Development Forums are to enable the engagement of Councillors and members of the public in pre-application discussions in a structured manner, with a view to promoting quality development and facilitating engagement with communities at the earliest opportunity.

4.10.2.1 Prior to submission of formal applications for major or potentially contentious proposals, Developers (which could include City Council employees in the role of Developers) are able to request to make a presentation to all Councillors of the City Council in the form of a Development Forum. The Development Manager or nominee, in consultation with the Cabinet Member (City Development) and the Director of Customer and Workforce Services will determine whether a request to hold a Development Forum should be acceded to.

4.10.2.2 Discussions at Development Forums will not bind the City Council as Local Planning Authority and this will be made clear at the outset of each meeting. Similarly it will be made clear that the views expressed are not part of the determination process and that any statements made at a Development Forum are "without prejudice".

4.10.2.3 Development Forums will normally be chaired by the Cabinet Member (City Development), or her/his nominee, (who would normally be a Cabinet Member). The

**Part 4.10 – Planning Committee Procedure Rules**

Chair will be responsible for the smooth running of the Forum and will ensure that questions from Councillors or members of the public are relevant and not repetitive.

- 4.10.2.4 Appropriate employees of the City Council will be in attendance.
- 4.10.2.5 Development Forums will normally be held in City Council offices. They will be open to members of the public and will be included on the weekly public notice of meetings. Publicity will be given to meetings of the Development Forum through a press release which the developer will be expected to procure. The Development Manager will also send out targeted letters to residents groups and other interest groups.
- 4.10.2.6 Developers will be given the opportunity to make a presentation that should describe their proposal and explain how they believe the proposal relates to the Development Plan, how it fits in with local needs and preferences; and any other material consideration that they believe Councillors should give weight to. Presentations should be limited to the development proposal and a question and answer session on factual matters. It is expected that such a presentation should not last longer than 30 minutes.
- 4.10.2.7 A question and answer session on factual matters will follow. Councillors will be able to ask questions but must refrain from entering into debate directly with the Developers. Councillors must maintain an impartial listening role and avoid expressing an opinion to the Developers. Questions should focus on clarifying aspects of the proposal or express policy concerns, but must not develop into negotiations.
- 4.10.2.8 Members of the public may also ask questions of the Developer but must refrain from entering into debate with the Developers.
- 4.10.2.9 Notes will be taken at meetings of the Development Forum and a summary of the discussions will be kept on file which will be open to public inspection.
- 4.10.2.10 After the Developers and members of the public have left the meeting, Councillors can then discuss with employees any concerns, issues, requirements as to the future conduct of any employee/Developer negotiations. Councillors will advise employees as to any matters where they consider that further discussion and or amendments may be appropriate.
- 4.10.2.11 Employees will advise the Developers of any issues that they may wish to consider further and will continue to work with the Developers to achieve a quality scheme.

**4.11 Licensing and Regulatory Committee Procedure Rules**

**4.11.1 Application of Rules**

The following procedure rules apply when the Licensing and Regulatory Committee is dealing with the matters specified.

4.11.1.1 The quorum for Licensing and Regulatory Committee will be 5 Members.

4.11.1.2 Decisions of the Licensing and Regulatory Committee are not subject to call-in.

4.11.1.3 In order to vote on an application, a member of the Committee must be present throughout the entire debate on an individual application.

**4.11.2 Hackney Carriage/Private Hire Licensing Committee Hearing (General) Procedure Rules**

4.11.2.1 The applicant/licensee is invited into the meeting.

4.11.2.2 The Chair will introduce those present and ask the applicant/licensee:

- (a) if s/he has been advised of their right to have legal representation; and
- (b) if not represented whether s/he is happy to proceed; and
- (c) that s/he has received a copy of the Licensing Officer's report and understands the procedure that the Committee will follow?

4.11.2.3 The Licensing Officer will present his/her report.

4.11.2.4 The Licensing Officer will invite the applicant/licensee to explain the circumstances of any conviction or other matter mentioned in the report.

4.11.2.5 The Licensing Officer may ask the applicant/licensee further questions.

4.11.2.6 The Chair will ask the applicant/licensee if s/he has any questions for the Licensing Officer?

4.11.2.7 The members of the Committee are invited by the Chair to ask the applicant/licensee or the Licensing Officer questions.

4.11.2.8 The Chair will invite the applicant/licensee to make a final statement summing up his/her case, or referring the Committee to points s/he feels it should consider, or adding any points s/he has not previously covered.

4.11.2.9 The Chair will ask the applicant/licensee together with any Licensing or Police officers present to leave the room whilst the Committee makes its decision.\*

4.11.2.10 The Chair will invite those who left the room back in and inform the meeting of the Committee's decision. Where the decision is to refuse a licence or to take action against an existing licence, the Chair will inform the meeting of the facts the committee relied on in making its decision and the reasons for that decision.

**Part 4.11 – Licensing and Regulatory Committee Procedure Rules**

4.11.2.11 The Chair will inform the applicant/licensee that the Committee's decision will be confirmed in writing within 7 working days and that the letter will advise of any right of appeal, if relevant.

- \* The Chair may invite both the applicant/licensee and the Employees back into the room in order to clarify any points that may arise during its deliberations. Neither the applicant/licensee nor the employees will be invited back alone without the other party being present.

**4.11.3 Hackney Carriage/Private Hire Licensing Committee Hearing (Complaint) Procedure Rules**

4.11.3.1 The licensee is invited into the meeting.

4.11.3.2 The Chair will introduce those present and ask the licensee:

- (a) if s/he has been advised of their right to have legal representation; and
- (b) if not represented, whether s/he is happy to proceed; and
- (c) that s/he has received a copy of the Licensing Officer's report and understands the procedure that the Committee will follow?

4.11.3.3 The Licensing Officer will present his/her report.

4.11.3.4 The complainant is invited into the meeting and is asked to give his/her evidence to the Committee.

4.11.3.5 The Licensing Officer may ask the complainant questions.

4.11.3.6 The licensee may ask the complainant questions.

4.11.3.7 The Councillors of the Committee may ask the complainant questions.

4.11.3.8 The licensee is invited to comment on the employee's report and on what the complainant has said.

4.11.3.9 The Licensing Officer may ask the licensee questions.

4.11.3.10 The members of the Committee may ask the licensee questions.

4.11.3.11 The Chair asks the complainant if s/he has any further comments on what has been said? The Chair will then thank the complainant for attending and tell him/her that they are free to go.

4.11.3.12 The licensee is invited by the Chair to make a final statement summing up his/her case, or referring the Committee to points s/he feels it should consider, or adding any points s/he has not previously made.

4.11.3.13 The Chair will ask the licensee and the Employees to leave the room whilst the Committee makes its decision.

4.11.3.14 The Chair will invite the licensee and employees back into the room and announce the Committee's decision. Where the Committee has decided to uphold the complaint and take formal action against the licensee, the Chair will inform the meeting of the facts the Committee relied upon in making its decision and the reasons for that decision.

4.11.3.15 The Chair will inform the licensee that the Committee's decision will be confirmed in writing within 7 working days and that the letter will advise of any right of appeal, if relevant.

4.11.4 **Sub-Committees of the Licensing and Regulatory Committee**

1. All Members of the Licensing and Regulatory Committee will be required to receive training before considering applications under the Licensing Act 2003 and the Gambling Act 2005.
2. Sub-Committee of the Licensing and Regulatory Committee will be established as necessary to consider applications under the Licensing Act 2003 and the Gambling Act 2005.
3. The membership of each Sub-Committee will be 3 Members, to be selected by the Director of Customer and Workforce Services in consultation with the Chair of the Licensing and Regulatory Committee, drawn from the membership of the Licensing and Regulatory Committee.
4. Sub-Committees are the subject of proportionality requirements of the Local Government Act 1989 and the Director of Customer and Workforce Services, in selecting the membership of any Sub-Committee, will ensure that the membership, as far as it is practicable, properly reflects the political makeup of the Council.
5. A Member who is unable to attend a meeting will be entitled to appoint a substitute Member, provided that such substitute Member is a member of the Licensing and Regulatory Committee.
6. The Quorum for each Sub-Committee will be 3 Members.
7. The Chair for each meeting will be appointed by the Sub-Committee at the start of their meeting. (The Chair will normally be a Member of the Controlling Group).
8. The Sub-Committees are subject to the Access to Information Procedure Rules set out in Part 4.2.
9. Decisions of the Sub-Committees are not subject to the call-in procedure.
10. Minutes of the Sub-Committees will be submitted to the Licensing and Regulatory Committee.
11. The Director of Customer and Workforce Services will report regularly to the Chair of the Licensing and Regulatory Committee on Members' availability and/or attendance at Sub-Committees.

**4.11.5 Licensing Act 2003 - Hearing Procedure Rules**

1. The members of the Sub-Committee will enter the hearing room.
2. The Chair will introduce the Members of the Sub-Committee and its supporting officers and will ask each of the parties (and their representatives) to identify themselves.
3. The Chair will ask if the parties have received and understood the procedure note and whether anyone present would like the procedure explained further.
4. The Chair will confirm any relevant documents the Sub-Committee has received and will be considering and will ask the parties whether there are any further documents they wish to present and their reasons for doing so.
5. The Chair will ask if any party wishes to call witnesses in support of their case and their reasons for doing so.
6. The Licensing Officer will give a brief description of the application, confirm whether all relevant application formalities have been complied with and whether the authority has notified any of the parties of any points the authority wanted clarification on at the hearing.
7. The Chair will invite the applicant/licensee (or representative) to present their case (maximum 20 minutes).
8. The Chair will invite Members of the Sub-Committee to ask the applicant/licensee (or representative) questions.
9. The Chair will invite each objector/review respondent (or representative) to present their case (maximum 20 minutes each).
10. The Chair will invite Members of the Sub-Committee to ask each objector/review applicant (or representative) questions.
11. The Chair will invite each objector/review applicant (or representative) to sum up their case (maximum 10 minutes).
12. The Chair will invite the applicant/licensee to sum up their case (maximum 10 minutes).
13. The Members of the Sub-Committee will retire with their supporting officers to make their decision.
14. The Members of the Sub-Committee and their supporting officers will return to the hearing room and the Chair will invite the Committee Solicitor to inform the meeting of the decision made, the facts relied on, the reasons for the decision and any legal advice given).

\* Where permitted by the Act, the Chair may close the meeting at this point and re-convene the meeting in private at a later date for the Sub-Committee to make its decision.

**4.11.6 The Gambling Act 2005, Gambling Sub-Committee - Hearing Procedure Note**

1. The members of the Sub-Committee will enter the hearing room.
2. The Chair will open the meeting, introduce the Members of the Sub-Committee and its supporting officers and will ask each of the parties (and their representatives) to identify themselves.
3. The Chair will ask if the parties have received and understood the procedure note (and in particular that cross-examination by the parties is not normally allowed) and whether anyone present would like the procedure explained further?
4. The Chair will confirm any relevant documents the licensing authority has received before the hearing and will be considering, and will ask the parties whether there are any other documents they now wish to present (subject to the other parties consent) and their reasons for doing so.
5. The Chair will ask if any party wishes to call witnesses in support of their case and their reasons for doing so.
6. the Licensing Officer will give a brief description of the application, confirm whether all relevant application formalities have been complied with and where relevant, that the authority proposes to attach/exclude conditions.
7. The Chair will invite the Members of the Sub-Committee to ask the Licensing Officer questions.
8. The Chair will invite the applicant (or representative) and the other parties making representations to comment on what the Licensing Officer has said.
9. The Chair will invite the applicant (or representative) to present their case (maximum 20 minutes).
10. The Chair will invite Members of the Sub-Committee to ask the applicant (or representative) questions.
11. The Chair will invite the Licensing Officer/other parties making representations to comment on what the applicant has said.
12. The Chair will invite each party making representations (or representative) to present their case (maximum 20 minutes each).
13. The Chair will invite Members of the Sub-Committee to ask each party making representations (or representative) questions.
14. The Chair will invite the Licensing Officer/applicant (or their representative) to comment on what each party making representations has said.

**Part 4.11 – Licensing and Regulatory Committee Procedure Rules**

15. The Chair will invite each party making representations (or representative) to sum up their case and if they wish, to comment on anything said by any other party (maximum 10 minutes).
16. The Chair will invite the applicant (or representative) to sum up their case (maximum 10 minutes).
17. The Chair will invite the Licensing Officer to sum up any reasons why conditions should be attached or excluded, and highlight anything that the Sub-Committee should take into consideration.
18. The Chair will ask all parties if they are satisfied that they have had the opportunity to say everything that they wish to. \*(The Members of the Sub-Committee will then retire with their supporting officers to make their decision).
19. The Members of the Sub-Committee and their supporting officers will return to the hearing room and the Chair will invite the Sub-Committee Solicitor to inform the meeting of the decision made, any facts relied on, the reasons for the decision and any specific legal advice given.
20. The Sub-Committee's decision will be confirmed in a written Notice of Determination that will be issued to all parties within 10 working days of the hearing.

**Please note**

- Changes of Sub-Committee membership will be given at the beginning of the meeting
- Decisions will generally be taken regardless of whether the applicant is present.
- All notices and representations received from absent parties will be considered.
- Late representations and evidence will only be considered with agreement of all parties present.
- In cases where a decision cannot be given at the end of the hearing, the decision will be made within 5 working days after the day of the hearing and the parties will be notified in writing.
- Parties have a right to appeal to the Magistrates Court, within 21 days of notification of the decision.
- The Sub-Committee may on occasion find it necessary to exclude members of the press and public where they are satisfied that is necessary in all the circumstances of the case, eg. any unfairness to a party that is likely to result from a hearing in public; or/and the need to protect as far as possible, the commercial or other legitimate interests of a party.
- The hearing is intended to take the form of the discussion lead by the Sub-Committee.
- The Sub-Committee has the right to exclude any parties disrupting the hearing or require him/her to meet certain conditions for him/her to continue to take part in the hearing.
- Any persons excluded in this manner is able to submit information in writing to the Sub-Committee before it finishes, that s/he would have been entitled to state orally had they not been required to leave.

***Part 4.11 – Licensing and Regulatory Committee Procedure Rules***

- \* The Chair may close the meeting at this point and reconvene the meeting in private for the Sub-Committee to make its decision before the end of the period of 5 working days, starting with the day after the last day of the hearing.

4.12 **Appeals Committee Procedure Rules**

- 4.12.1 An Appeals Committee will consist of Councillors who are not Cabinet Members and who have been trained in hearing appeals.
- 4.12.2 Any Statutory Review Board will comprise the appropriate number of members as selected by the Director of Customer and Workforce Services on an ad hoc basis from a Panel of Councillors who have had training in determining appeals and any statutory or other requirements for review boards.
- 4.12.3 The membership of each Appeals Committee will be determined by the Director of Customer and Workforce Services on an ad hoc basis from a Panel of Councillors who have had training in determining appeals.
- 4.12.4 The Chair of an Appeals Committee or a Statutory Review Board will be appointed by the Committee or Review Board at the start of each meeting.
- 4.12.5 Each Appeals Committee will comprise three Councillors (subject to any statutory requirements to the contrary) and all three Councillors will be required to be present to consider the appeal.
- 4.12.6 No Councillor who has had any previous knowledge or dealings with the matter which is the subject of an appeal will be eligible to serve on an Appeals Committee that considers that matter. In relation to an Appeals Committee dealing with an employment dispute, no Councillor who is a trade union official, employee or other office holder shall be permitted to be a Member of the Committee.
- 4.12.7 Appeals Committees are subject to the access to information procedure rules set out in Part 4.2.
- 4.12.8 Appeals Committees are the subject of the proportionality requirements for the Local Government and Housing Act 1989 and the Director of Customer and Workforce Services in selecting membership of any Appeal Committee or statutory review board will ensure that the membership properly reflects the political make up of the Council.
- 4.12.9 Decisions of the Appeals Committees are not the subject of call-in.
- 4.12.10 The Director of Customer and Workforce Services or her/his representative will attend all meetings to advise and record proceedings.
- 4.12.11 Appeals Committees dealing with employment appeals or trade union disputes will have in attendance the relevant Senior Human Resources Manager or her/his nominee to advise as appropriate.



## **PART 5**

### **CODES AND PROTOCOLS**



## 5.1 Code of Conduct for Elected and Co-opted Members

### **The Ten General Principles of Public Life**

The Code of Conduct incorporates the following Ten Principles of Public Life:-

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

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

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

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

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

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

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

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

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

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

The Code of Conduct, as it applies to elected members, is set out below:-

**Part 1 - General provisions**

**5.1.1 Introduction and interpretation**

5.1.1.1 This Code applies to **you** as a member of an authority.

5.1.1.2 You should read this Code together with the general principles prescribed by the Secretary of State.<sup>(a)</sup>

5.1.1.3 It is your responsibility to comply with the provisions of this Code.

5.1.1.4 In this Code:-

“meeting” means any meeting of:

- (a) the authority;
- (b) the executive of the authority;
- (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;

“member” includes a co-opted member and an appointed member.

5.1.1.5 In relation to a parish council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

**5.1.2 Scope**

5.1.2.1 Subject to sub-paragraphs 5.1.2.2 to 5.1.2.5, you must comply with this Code whenever you:-

- (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
- (b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.

5.1.2.2 Subject to sub-paragraphs 5.1.2.3 and 5.1.2.4, this Code does not have effect in relation to your conduct other than where it is in your official capacity.

5.1.2.3 In addition to having effect in relation to conduct in your official capacity, paragraphs 5.1.3.2(c), 5.1.5 and 5.1.6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

5.1.2.4 Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph 5.1.2.3) includes a criminal offence for which

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<sup>(a)</sup> See the Relevant Authorities (General Principles) Order 2001 (S.I. 2001/1401).

you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

5.1.2.5 Where you act as a representative of your authority:

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

**5.1.3 General obligations**

5.1.3.1 You must treat others with respect.

5.1.3.2 You must not:-

- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006<sup>(a)</sup>);
- (b) bully any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be:
  - (i) a complainant,
  - (ii) a witness, or
  - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

5.1.3.3 In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph 5.1.3.2(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

5.1.4. You must not:-

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

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<sup>(a)</sup> 2006c.3

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- (iv) the disclosure is:
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
  - (b) prevent another person from gaining access to information to which that person is entitled by law.
- 5.1.5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 5.1.6 You:-
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
  - (b) must, when using or authorising the use by others of the resources of your authority:
    - (i) act in accordance with your authority's reasonable requirements;
    - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.<sup>(a)</sup>
- 5.1.7.1 When reaching decisions on any matter you must have regard to any relevant advice provided to you by:-
- (a) your authority's Chief Finance Officer; or
  - (b) your authority's Monitoring Officer;
- where that officer is acting pursuant to his or her statutory duties.
- 5.1.7.2 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

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<sup>(a)</sup> 1986 c.10

**Part 2 – Interests**

**5.1.8 Personal interests**

5.1.8.1 You have a personal interest in any business of your authority where either:-

- (a) it relates to or is likely to affect:
  - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
  - (ii) any body:
    - (aa) exercising functions of a public nature;
    - (bb) directed to charitable purposes; or
    - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union); of which you are a member or in a position of general control or management;
  - (iii) any employment or business carried on by you;
  - (iv) any person or body who employs or has appointed you;
  - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
  - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
  - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
  - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
  - (ix) any land in your authority's area in which you have a beneficial interest;
  - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
  - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

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- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of:
  - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
  - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
  - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

5.1.8.2 In sub-paragraph 5.1.8.1(b), a relevant person is:

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 5.1.8.1(a)(i) or (ii).

### **5.1.9 Disclosure of personal interests**

- 5.1.9.1 Subject to sub-paragraphs 5.1.9.2 to 5.1.9.7, where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- 5.1.9.2 Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 5.1.8.1(a)(i) or 5.1.8.1(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- 5.1.9.3 Where you have a personal interest in any business of the authority of the type mentioned in paragraph 5.1.8.1(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- 5.1.9.4 Sub-paragraph 5.1.9.1 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- 5.1.9.5 Where you have a personal interest but, by virtue of paragraph 5.1.14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

5.1.9.6 Subject to paragraph 5.1.12.1(b), 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 ensure that any written statement of that decision records the existence and nature of that interest.

5.1.9.7 In this paragraph, “executive decision” is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000 <sup>(a)</sup>

**5.1.10 Prejudicial interest generally**

5.1.10.1 Subject to sub-paragraph 5.1.10.2, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

5.1.10.2 You do not have a prejudicial interest in any business of the authority where that business:

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 5.1.8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 5.1.8; or
- (c) relates to the functions of your authority in respect of:
  - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (iv) an allowance, payment or indemnity given to members;
  - (v) any ceremonial honour given to members; and
  - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

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<sup>(a)</sup> See the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations (S.I 2000/3272).

**5.1.11 Prejudicial interests arising in relation to overview and scrutiny committees**

5.1.11.1 You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where:-

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

**5.1.12 Effect of prejudicial interests on participation**

5.1.12.1 Subject to sub-paragraph 5.1.12.2, where you have a prejudicial interest in any business of your authority:

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held:
  - (i) in a case where sub-paragraph 5.1.12.2 applies, immediately after making representations, answering questions or giving evidence;
  - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee;

- (b) you must not exercise executive functions in relation to that business; and
- (c) you must not seek improperly to influence a decision about that business.

5.1.12.2 Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

**Part 3 – Registration**

**5.1.13 Registration of Members' Interests**

5.1.13.1 Subject to paragraph 5.1.14, you must, within 28 days of:-

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests

## **5.1 - Code of Conduct for Elected and Co-opted Members**

where they fall within a category mentioned in paragraph 5.1.8.1(a), by providing written notification to your authority's monitoring officer.

5.1.13.2 Subject to paragraph 5.1.14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph 5.1.13.1, register details of that new personal interest or change by providing written notification to your authority's Monitoring Officer.

### **5.1.14 Sensitive information**

5.1.14.1 Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 5.1.13.

5.1.14.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 5.1.14.1 is no longer sensitive information, notify your authority's Monitoring Officer asking that the information be included in your authority's register of members' interests.

5.1.14.3 In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

5.2 **Code of Conduct for Employees**

5.2.1 **Introduction and Scope**

5.2.1.1 This Code of Conduct is based on the key principles arising from the work of the Nolan Committee on the Standards in Public Life. The Code outlines the minimum standards that you as a Council employee, must adhere to. This Code does not apply to school based teaching staff who have their own Code.

5.2.1.2 You must comply with this Code as it forms part of your terms and conditions of employment. The Council believes that employees are responsible for their actions. It is the responsibility of all employees to read the Code. If any of the provisions contained within this Code of Conduct, related Codes of Practice or Policies are not fully understood, then you must, in your own interests, seek clarification from manager or Human Resources Team.

5.2.1.3 All employees are expected to perform their duties with honesty, integrity, impartiality and objectivity and in particular to:-

- I Give the highest possible standards of service
- II Do nothing inside or outside working hours which could damage the City Council's reputation
- III Behave honestly
- IV Follow the City Council's policies and procedures

5.2.1.4 The people who live in, work in or visit Coventry, are entitled to high-quality services and a high standard of behaviour from all of the City Council's employees. Public confidence in employees' integrity would be shaken by the least suspicion that they could be influenced by improper motives. You must not put yourself in a position where your honesty or integrity could be called into question. The Council reserves the right to monitor its employees including surveillance, (in accordance with any relevant legislation and City Council policies) to ensure that the provisions of this Code of Conduct are being adhered to.

5.2.1.5 If your actions or behaviour fall below the standards set out in this Code then the City Council may take formal disciplinary action against you including the possibility of summary dismissal without notice. Serious misconduct, criminal offences or other acts committed outside working hours which bring the City Council into disrepute may also result in formal disciplinary action being taken against you, in accordance with the City Council's procedures.

5.2.1.6 You must comply with the rules and procedures set by the City Council in relation to actions and behaviours. These include:-

- Equal Opportunities Policies
- Race, Disability, Gender and Sexual Orientation Equality Policies
- Anti-bullying and Dignity at Work Policy
- Flexitime Scheme
- Acceptable Use of ICT Facilities Policy
- Customer Care Standards
- Policy and Strategy on Theft Fraud and Corruption
- No Smoking Policy
- Addiction and Substance Misuse Policy
- Corporate Health and Safety Policy

- Corporate Promoting Health at Work Policy and Procedure
- Recruitment Code of Practice

## **5.2.2 Working with the Community**

- 5.2.2.1 You must always remember your responsibilities to the people of Coventry and ensure courteous, efficient and impartial service delivery to all groups and individuals within the community.
- 5.2.2.2 The City Council values its partnership with other public, private and voluntary organisations and all employees should create successful working relationships with these organisations.
- 5.2.2.3 You have a duty at all times to uphold the law and relevant guidance bearing in mind the public's trust placed in Council employees.
- 5.2.2.4 The City Council will not tolerate an employee's physical, emotional or verbal abuse, harassment, discrimination, victimisation or bullying of service users, members of the public or other employees. Such actions may be deemed to be misconduct or gross misconduct and may result in disciplinary action including dismissal.
- 5.2.2.5 Employees working with young people or vulnerable adults are in a particular position of great trust. A breach of that trust, assault or sexual misconduct or breach of policies and procedures meant to safeguard vulnerable service users and other recipients of Council services, will be regarded as potential gross misconduct. This may lead to disciplinary action including the possibility of summary dismissal without notice. Directorates will have appropriate guidance on good practice and working arrangements for dealing with vulnerable people which aims to ensure an appropriate professional environment and the application of necessary safeguards through risk assessment to address any potentially vulnerable situations.
- 5.2.2.6 The City Council believes that all its employees are entitled to be treated with respect, free from any threat or violence from members of the public, service users or others. If a member of the public is abusive or unreasonable, and you cannot ease the situation, you should try to end the conversation politely and then tell your Manager. Do not be rude or offensive in return. You should inform your Manager in writing immediately of any aggressive or offensive customer you have dealt with. Your Manager will be able to give you details of the policies that operate within your service area for dealing with aggressive or offensive customers.
- 5.2.2.7 If you are assaulted, you can take reasonable action to defend yourself, but you risk breaking the law if you overreact. In certain circumstances, it may be necessary for security staff to use reasonable force to remove a person who has acted violently and refused to leave the premises. Employees can call the Police if they need their help. The City Council will support and take appropriate action on behalf of all staff who are assaulted or abused in the course of their duties.
- 5.2.2.8 You should never mislead people who use the City Council's services or lie about the Council's business.

## **5.2.3 Working with other Employees**

- 5.2.3.1 All employees have a right to be treated with dignity at work. You should always respect your colleagues and other employees and treat them how they wish to be

## **5.2 - Code of Conduct for Employees**

treated. You should always help other colleagues if they need information, advice or services.

- 5.2.3.2 All forms of bullying, including violence, threats or verbal aggression towards colleagues is unacceptable and will be dealt with seriously by the City Council. It is not acceptable for an employee to abuse their position with the City Council to take advantage of other employees. If there are important issues that cannot be resolved amicably with another colleague, then you must make the situation known to their Manager. It is not acceptable to fight with, or assault, any employee or stop them from working.
- 5.2.3.3 All employees are required to follow the Council's policies on equalities and diversity. All forms of harassment, including racial and sexual harassment, and harassment on the grounds of disability, religion, class, sexuality, age, political affiliation or membership of a Trade Union are unacceptable. If you do not understand any part of the Council's policies on equalities, and diversity then you should raise the matter with your Manager.
- 5.2.3.4 If you leave your job, you should make sure that you leave your files and records in good order for the person taking over from them. You should put a note on each file, unless your Manager tells you otherwise, giving a brief history of the case, any action that needs to be taken and when it should be done. Any important dates and deadlines should be highlighted.
- 5.2.3.5 Personal relationships with colleagues who have a line management relationship with the post you hold must be declared upon appointment. If, subsequent to appointment, you develop a close personal relationship with a colleague who has a line management relationship, then you must inform your Assistant Director immediately who will consider the appropriateness of such a relationship in conjunction with the duties of the post. If you are unsure about the need to inform your Assistant Director about a close personal relationship with a colleague, then you should seek advice from your Manager, or from the Human Resources Team.
- 5.2.3.6 The Council operates a "No Smoking" Policy. This applies to all Council buildings and those where Council services are provided. It also applies when transporting service users in Council or private vehicles. The policy also applies to visits to service users in their own homes or other establishments.
- 5.2.3.7 You should not consume alcohol when you are on duty, unless agreed beforehand by your Manager for specific occasions. You should make sure that if you drink any alcohol when you are off duty, but during the working day, it will not affect your ability to carry out your work or damage the reputation of the City Council. For example, this could include if you have alcohol on your breath when you need to interview the public. If you use heavy machinery or drive Council vehicles, you should never drink alcohol during the working day. Some posts carry a specific restriction concerning drinking at any time and you will be told by your Manager or the Human Resources Team if this restriction applies to your job.
- 5.2.3.8 You should not take any non-medical substance, such as drugs that may affect your ability to work. Prescribed drugs may be taken on condition that they do not interfere with service delivery. If a Doctor gives you any medication that may have a negative effect on your performance, you should tell your Manager in confidence. The use of illegal substances will not be tolerated by the Council and may result, not only in

formal action being taken against you, including the possibility of summary dismissal, but also with the matter being reported to the Police.

**5.2.4 Working with Managers**

5.2.4.1 It is important that employees have an effective working relationship with their Manager. You must always be honest with your Manager. The Manager will tell you what is expected from you, respond to any concerns you may have about your work, assess your performance and give you feedback, in seeking advice on how you can improve.

5.2.4.2 Your Manager and the Human Resources Team should tell you about the City Council's personnel policies and arrange for any appropriate training and development. You should help your Manager identify what training and development you need and how this can be provided.

5.2.4.3 You can expect your Manager to be polite, reasonable and fair to you all the time. Managers are there to support employees in their job and help them, if they need it, to deal with other employees or members of the public or other service users.

5.2.4.4 You must follow any instructions that your Manager gives you to the best of your ability. You must not be negligent in your duties as this may seriously affect the City Council or the people who use its services. If there is anything about your job you are unclear about, you should ask your Manager.

5.2.4.5 You must participate in any initiatives designed to improve the efficiency and effectiveness of service delivery.

5.2.4.6 You should always follow City Council policies, procedures, rules, codes of practice, and any other standards that may be set by your Manager. You should fill in any document, form or record in an honest way and never damage, alter or falsify them. You should never conceal any matter that you know you should report.

5.2.4.7 You must always tell your Manager, or Human Resources Team, if you change your home address, telephone number and next of kin so that the City Council can contact you.

5.2.4.8 If an employee has a complaint about another employee, they should tell their Manager. The City Council has a grievance procedure to deal with complaints.

**5.2.5 Working with Councillors and Political Neutrality**

5.2.5.1 Members of the Council, including co-opted Members, and employees have distinct but complementary roles. It is important for the effective operation of the Council that these respective roles are well understood and relationships between Members and employees are constructive. Mutual trust and respect between employees and Members are essential to good Local Government.

5.2.5.2 In carrying out your duties you must ensure that the individual rights of all Councillors are respected. You are expected to be polite and efficient when dealing with Members and you should ensure that you follow any Directorate process for dealing with Members, for example, when answering Councillors enquiries.

## 5.2 - Code of Conduct for Employees

- 5.2.5.3 You should never discuss any personal matters relating to your job with Members but should use the relevant Council procedures relating to grievances, appeals or consultation. Employees must not use Members to bypass formal Council procedures in any way.
- 5.2.5.4 You should never interrupt any formal Council business, such as a Council meeting.
- 5.2.5.5 Close personal familiarity between employees and individual Councillors should be avoided whenever possible, as this can damage the relationship, can be embarrassing to other employees and Councillors and can damage the City Council's reputation and probity. If you are in or develop a close personal relationship with a Councillor you should notify your Head of Service or your Directorate's Human Resources Team who will consider the appropriateness of such a relationship in conjunction with the duties of the post.
- 5.2.5.6 You should never directly or indirectly seek the support of any Councillor when you are making an application for further employment within the Authority.
- 5.2.5.7 Employees serve the Council as a whole. This includes all Councillors and not just those of a particular group. You must ensure that the individual rights of all Councillors are respected.
- 5.2.5.8 You must not allow your personal or political opinions to interfere with your work. Certain posts are "politically restricted" and subject to statutory requirements. If your post is politically restricted, you will be told of the restrictions that apply. If you require any further information, then ask your Manager or Human Resources Team.
- 5.2.5.9 Subject to the Council's conventions, you may be required to advise political groups and must do so in ways that do not compromise your political neutrality. When you attend a political group meeting, you should only do so by invitation and are there solely to advise and to answer questions. You should leave such meetings before any decisions are taken, unless specifically requested not to do so. All employees will observe confidentiality with regard to the issues raised whilst they are present at any group meeting, except to the extent necessary to undertake any further work requested by that group.
- 5.2.6 **Working Safely**
- 5.2.6.1 The City Council has a duty to provide a safe and healthy working environment. The City Council will also try and protect the health and safety of the people who use our services.
- 5.2.6.2 You also have a responsibility for health and safety and are expected to:-
- I Make sure your working environment is safe for yourself, your colleagues and the people who use City Council services and that you do not put employees or service users in danger
  - II Use any safety clothing and equipment that is needed for your work and make sure that that equipment is not misused, neglected or damaged
  - III Report any accident or "near misses" you have at work as soon as you can and accurately fill in an accident report form
  - IV Attend the Occupational Health Service if a Manager asks you to, and to have any medical examination that Occupational Health recommend
  - V Follow any particular hygiene requirements that are relevant to your job

- VI Tell your Manager if you are taking any medication that may affect your job
- VII Never use any machinery or drive a vehicle if you have taken any medication or drug including alcohol that will affect your ability to operate
- VIII Co-operate with all health and safety activities, including training which is organised to promote health and safety
- IX Follow requirements under the Working Time Directive and Council's procedures to record your time.

**5.2.7 Working Hours and Attendance**

- 5.2.7.1 You should always be reliable and on time when you come to work and attend appointments.
- 5.2.7.2 If you need to ask for leave under any of the City Council's leave schemes, for example, maternity, sickness, flexible working hours or special leave, you must follow the conditions of the scheme.
- 5.2.7.3 You should fill in any relevant paperwork such as a request for annual leave or flexi leave within the time set by your Manager. The Council operates a collective agreement relating to the Working Time Regulations and this requires employees to undertake appropriate time recording and notify your Manager of any dual employment within the Council.
- 5.2.7.4 If you are sick, you should always follow the sickness reporting procedure.

**5.2.8 Working with Integrity and Personal Interests**

- 5.2.8.1 If you accept any bribe, money, favours or gifts from an individual or an organisation that provides Coventry City Council with goods or services or wants to do so, you may be guilty of corruption.
- 5.2.8.2 You should never put yourselves in debt to someone if it may influence your work in any way.
- 5.2.8.3 You must tell your Manager if anyone tries to bribe you or another employee or if there is any evidence of corruption or improper behaviour by others. If your Manager is involved, you should report it to the Chief Internal Auditor or to the Council Solicitor.
- 5.2.8.4 There may be occasions where you have a financial or other interest in something being done by the City Council.
  - (i) You will have a financial interest where either you, or any member of your family has something to gain or lose financially. Such interest can be direct, such as applying for planning permission or services or grant from the Council, or indirect, such as being a member of an organisation which has made an application to the Council for a grant.
  - (ii) A personal interest is where you, or any member of your family, friends or organisation to which you belong could gain or lose (other than financially) from an act or decision of the Council.
- 5.2.8.5 All City Council employees have a statutory duty to declare any financial interest that they, or a member of their family has in any contract or potential contract with

Coventry City Council. If you have such a financial interest, you must not take part in any negotiations or preparations for the contract. If you have an interest in a contract, and have to monitor it as part of your duties, then you must advise your Assistant Director, who will decide whether or not that role can still be undertaken. This also applies in any case where the City Council pays or proposes to pay, money, for example a grant, to another organisation, whether or not there is a formal contract with that organisation.

- 5.2.8.6 You are required to declare to the Council Solicitor, any financial interest which could conflict with the City Council's interests, including any directorships or equivalent position which you may hold.
- 5.2.8.7 You must declare to your Assistant Director, any other non-financial or personal interests which could conflict with the City Council's interests. Details of these interests will be kept in a register which will be open for public inspection.
- 5.2.8.8 Employees involved in any tendering process and dealing with contractors are expected to understand and be aware of the need for accountability and openness.
- 5.2.8.9 You must be fair when dealing with customers, suppliers and other contractors or sub-contractors.
- 5.2.8.10 You must make sure you do not give any special favours to current or former employees or your friends, partners, relatives or associates when awarding contracts to businesses run by them or employing them in a senior role.
- 5.2.8.11 You may have access to confidential information, tenders or costs, and must not disclose that information to any unauthorised party or organisation. If you are not sure whether information is confidential or not, you should seek guidance from your Manager.
- 5.2.8.12 The Council will not tolerate any of its employees engaging in fraud against the City Council. If you think that a colleague may be committing fraud, you must tell your Manager, who will then tell the Chief Internal Auditor and the Council Solicitor. If you cannot discuss the matter with your Manager, then you should raise the matter either with your Assistant Director or with the Council Solicitor. If you report anything to your Manager, but they do nothing about it, you may contact the Chief Internal Auditor.
- 5.2.8.13 Defrauding, stealing or attempting to do so, from the City Council, will not be tolerated. This includes deliberately giving false information on claims, such as timesheets, mileage and travel/subsistence allowances, petty cash forms, self-certification forms or attendance records. You should always complete any document, form or record honestly.
- 5.2.8.14 The Council requires its employees to report genuine concerns relating to potential fraud, theft or unethical behaviour to their Managers/Supervisors. In addition, you can contact any person or organisation named in the Whistleblowing procedure. See Section 18 entitled "Whistleblowing" at page 14.
- 5.2.9 **Working with Money and Property**
  - 5.2.9.1 The City Council's property such as stationery, photocopiers, word processors, tools, materials, offices, car parks and facilities may only be used for Council business.

## **5.2 - Code of Conduct for Employees**

Other facilities such as telephones, mobile phones, internet, e-mail can only be used in accordance with the relevant Council policies and procedures. If you wish to use any of these facilities for private use, then you must first obtain the written consent of your Assistant Director.

- 5.2.9.2 You must not steal, borrow without authorisation, damage on purpose, or seriously neglect anything that belongs to the City Council. You should not steal or damage on purpose anything belonging to the Council's customers, service users, employees, Councillors, partners or anyone else who you come into contact with in your work.
- 5.2.9.3 You must return any property or equipment which you have been allowed to borrow by your Manager as soon as you leave your job or when your Manager tells you to do so. The City Council will regard any theft or improper private use involving its money, property, equipment or investments as a serious matter and it is the policy of the City Council always to prosecute in such cases.
- 5.2.9.4 Telephone calls and e-mails/internet logging systems are in operation in the City Council and may be used to identify usage for private purposes. Any communications using City Council systems, including the use of mobile telephones may be monitored by the City Council in accordance with the law and relevant policies.
- 5.2.9.5 You must ensure you use public funds entrusted to them in a responsible and lawful manner in accordance with the rules prescribed by the City Council to ensure value for money and to avoid legal challenge. All employees are required to comply with the City Council's Standing Orders, regulations and administrative procedures relating to financial management.
- 5.2.10 **Working and the Law**
- 5.2.10.1 You are expected to keep within the law during your employment at all times. The City Council cannot act, or require, any employee to act outside or in breach of the law.
- 5.2.10.2 You must tell your Manager if you are charged with any offence, including driving offences. The Manager will decide if the City Council's reputation may be damaged as a result, taking account of the job and whether or not the charge might make you unfit to do your job.
- 5.2.10.3 You must tell your Manager, in writing, if you receive any criminal conviction, binding over or caution, unless it is excluded by the provisions of legislation relating to the Rehabilitation of Offenders.
- 5.2.11 **Working and Contact with the Media**
- 5.2.11.1 It is City Council policy that all media liaison relating to Council activities is headed by the Corporate Communications section, (or Directorate team where relevant) in conjunction with Heads of Service and Management Board members. You should therefore not speak, write, give interviews or take telephone calls for "information" relating to Council business unless you have the prior permission of your Manager, your Directorate Communications Team and/or the Head of Corporate Communications.

## **5.2 - Code of Conduct for Employees**

- 5.2.11.2 You should pass on all enquiries from the press, radio, television or other media to the press office and your Manager, unless dealing with such enquiries is a normal part of your job.
- 5.2.11.3 You may write or give an interview about things that are not connected with Coventry City Council, as long as you are not identified as being a City Council employee or as representing the Council's views. Where you are writing material for publication which does not refer specifically to the City Council, but does relate to your profession/occupation, then you must notify your Assistant Directors prior to publication.
- 5.2.11.4 You must never publicise material which is confidential or against the City Council or any employee's interest.
- 5.2.11.5 If you are a corporate accredited trade union official recognised by the Council then you may have contact with the media in relation to the activities of your Trade Union without seeking any prior approval of your manager or Corporate Communications.
- 5.2.12 **Gifts and Hospitality**
- 5.2.12.1 The City Council expects the conduct of all of its employees to be of the highest standard. Employees' actions must not be influenced by offers of gifts or hospitality and their actions must not give the impression that they are influenced in this way. Acceptance of any gift should be the exception. The City Council recognises that there are some items, of token value, which may be accepted.
- 5.2.12.2 You must not accept personal gifts of any kind, unless they are modest and are of token value (less than £25). Items such as coffee mugs, diaries, calendars or other promotional materials can be retained if your Manager agrees. However, these gifts must be recorded in the relevant hospitality register unless your Manager tells you otherwise. If your Manager does not allow you to accept any small gifts, you must return them politely, but firmly, telling the person who gave it why and recording it in the Hospitality Register.
- 5.2.12.3 Without causing offence, you should discourage service users or other organisations from offering gifts. However, where small gifts, such as chocolates, are given as thanks for a service provided, then these can be accepted if they are shared within the Team or raffled for charity. No gift of alcohol or tobacco should ever be accepted.
- 5.2.12.4 If gifts have a higher value than £25, then you should tactfully refuse them. If gifts of this value are delivered, they should be returned with an appropriate explanation. If gifts cannot be returned, then the Assistant Director, or his nominee, should dispose of them to charity and record this fact in the Hospitality Register.
- 5.2.12.5 Under no circumstances, should gifts of cash, or tokens or vouchers of a monetary value, be accepted.
- 5.2.12.6 In relation to the acceptance or hospitality, special care should be taken so as to ensure there can be no suggestion that an employee was influenced by such hospitality.
- 5.2.12.7 You should never accept a gift of hospitality from anyone who is, or may be in the foreseeable future, tendering for any contract with the Council, seeking employment

with the Council, seeking any form of consent of grant, or is in dispute with the Council. You should always decline any gift or hospitality if you think the giver has an ulterior motive. You should always be sensitive to the possibility that the giver may think even small gifts or simple hospitality may elicit a better service or preferential treatment in their dealings with the Council.

- 5.2.12.8 The definition of "hospitality" includes drinks, meals, entertainment, sporting events, overnight accommodation, travel and holidays.
- 5.2.12.9 The following standards apply to hospitality:-
- I. If you are offered hospitality, you should tell your Manager immediately and record the offer in the Directorate Hospitality Register, whether it is accepted or not. If you refuse the hospitality, it must be recorded in the Register
  - II. You should never accept hospitality unless you genuinely need to give or receive information or to represent the City Council in your work
  - III. Your Manager must agree, beforehand, wherever possible
  - IV. You should never accept any hospitality if it is meant to corrupt or influence, or could be seen to corrupt or influence or as being against the City Council's interests
  - V. The timing of hospitality is an important factor. For example, hospitality should never be accepted from a contractor who is about to put in a tender for City Council work
- 5.2.12.10 You may accept incidental hospitality, such as light refreshments, working lunch or other meals which is part of a visit, conference, meeting or promotional exercise.
- 5.2.12.11 Invitations to social events offered as part of normal working life, such as opening celebrations, annual dinners, may be accepted if authorised in advance by the appropriate Assistant Director.
- 5.2.12.12 Invitations to other types of hospitality which are not directly linked to the City Council's functions, such as attendance at sporting events, theatrical or musical performances, "corporate days", paid holidays or concessionary travel rates, should not be accepted.
- 5.2.12.13 Where visits are required to inspect equipment, sites etc, you must ensure that the City Council meets all the costs of such visits to avoid jeopardising the integrity of any subsequent purchasing decision. Where anything other than incidental hospitality is offered by an existing contractor, or by an organisation likely to be involved in a contract, the hospitality should be refused. You should avoid socialising with organisations and should pay your own bills for meals, travel etc, (claiming any expenditure back under the Council's procedures for reimbursement as appropriate).
- 5.2.12.14 Similar rules apply to those instances where employees are offering hospitality on behalf of the City Council. The following guidelines must be observed on all occasions. For the purpose of these guidelines "hospitality" excludes the normal tea, coffee and other refreshments provided at meetings:-
- (i) any hospitality must be provided on a modest scale.
  - (ii) so far as is practicable, hospitality must be provided in the workplace.
  - (iii) soft drinks only must be provided in the workplace, alcoholic drinks must not be available.

- (iv) if it is necessary to provide hospitality outside the workplace, this must be on a model scale appropriate to the occasion. The cost must not be excessive.
- (v) the number of employees involved on any occasion when hospitality is provided must be restricted, and in any event, must not extend beyond those directly involved with the matter in hand.
- (vi) the provision of all hospitality must be personally approved by your Manager, a Assistant Director or Director.
- (vii) bills for hospitality provided must be certified for payment by your Manager, Assistant Director or Director.
- (viii) each service will maintain in their hospitality register, a record of all occasions on which hospitality has been provided, the number of persons involved, and the costs incurred.

## **Sponsorship**

- 5.2.12.15 Where an outside organisation wishes to sponsor or is seeking to sponsor a City Council activity, whether by invitation, tender, negotiation or voluntarily, the Code concerning acceptance of gifts or hospitality applies.
- 5.2.12.16 Where the City Council wishes to sponsor an event or service, neither an employee or any partner, relative or friend is expected to benefit from such sponsorship in a direct way without there being full disclosure to, and prior approval by, their Assistant Director of any such interest. Such disclosure and approval shall be recorded in the Hospitality Register.
- 5.2.12.17 Any register of gifts or hospitality maintained under this Code of Conduct shall be open to public inspection.

## **5.2.13 Recruitment and Selection and other Employment Matters**

- 5.2.13.1 If you are involved in recruitment and selection you are expected to ensure that all appointments are made strictly on the basis of merit in accordance with the City Council's recruitment and selection processes.
- 5.2.13.2 If you are related to an applicant for a position or have a personal or business relationship with an applicant, you should not be involved in the recruitment process.
- 5.2.13.3 You should not be involved in decisions relating to the discipline, promotion or pay adjustments of any other employee who is a relative, partner or close personal friend of yours
- 5.2.13.4 Any reference that you give in relation to another employee on behalf of the City Council whether it is written or verbal, should be factual and/or give an honest representation of the experience, skills, abilities and/or other qualities of that employee.

## **5.2.14 Outside Commitments and Private Work**

- 5.2.14.1 The City Council prefers its employees not to have any other outside employment. You must obtain prior consent of your Assistant Director before taking upon any outside employment. Consent will not be given if the outside employment could conflict with, or be detrimental to, the City Council's interests or weaken public confidence in the conduct of the City Council's business. You are particularly

discouraged from using the professional skills for which you are employed by the City Council within the geographical area of the City Council.

- 5.2.14.2 Any secondary or other employment carried out by you must be done in your own time, including time when you are on annual leave. The work must not be done during the time the City Council employs you and that includes periods of sickness absence.
- 5.2.14.3 In undertaking any extra employment, unless it is on the Council's behalf, City Council facilities, such as telephones, photocopiers, word processors, e-mail, internet, vehicles or any other equipment must not be used for that purpose.
- 5.2.14.4 Employees can give unpaid service to voluntary or other organisations and the City Council welcomes this involvement in community affairs. However, it is important that unpaid service does not affect your job or the City Council's reputation. You should tell your Manager if you give any unpaid service including:-
- I. Acting as a School Governor within schools maintained by the City Council
  - II. Giving service to any organisation that receives grant aid from the City Council
  - III. Giving service to any organisation or pressure group which may try to influence the City Council's policies
- 5.2.14.5 You must give to the City Council any money you receive for work which you do such as lectures, broadcasts or magazine articles as part of your job. However, you can keep money for any work which is not paid for by the City Council and which is done in your own time, or when on holiday or flexi-leave.
- 5.2.15 **Disclosure of Information and Confidentiality**
- 5.2.15.1 You should be fair and open when dealing with others and ensure that elected Members and members of the public have access to the information they need and have a legal right to unless you have a good reason not to permit this.
- 5.2.15.2 Information held by the Council, especially in relation to individuals, may be subject to the provision of the Data Protection Act or the legislation. You should never put yourself in the position where the disclosure of such information puts you and/or the Council at the risk of breaking the law. If you are in any doubt you should ask your Manager or consult the Council's Data Protection Officer.
- 5.2.15.3 A lot of the information held by the City Council is confidential, for example, individual case files, employee records or tendering documents. You should not pass these documents to any outside person or organisation unless you have your Manager's permission.
- 5.2.15.4 You must not use any information that you get in your job for personal gain or financial benefit or pass it to anyone else. You must not give information to anyone outside the Council about tenders or individual clients either when you are working for the City Council or after you have left.
- 5.2.15.5 You must ensure that you follow the City Council's security procedures in relation to the use of computers and the proper management of computer-held information. Particular care must be taken to observe established procedures when using passwords and logging on and off. You must never share a password or similar

security device which may lead to unauthorised access to Council's systems or property.

5.2.15.6 The City Council has the right to go into all its property and look at personal information, including e-mails and computerised data if needed. You are not permitted to take copies of any software for your own use or to use your own software, including computer games, on the City Council's equipment.

**5.2.16 Dress and Personal Appearance**

5.2.16.1 Council employees act as ambassadors for services and must maintain a standard of dress and appearance as appropriate or required for the workplace and to the work being undertaken. Clothes should provide sufficient cover not to be offensive and should not present a risk to health and safety. Within these general guidelines, clothes worn for cultural, religious or traditional reasons, whether on a day to day basis or to mark particular occasions will normally be acceptable.

5.2.16.2 Whilst at work, employees must be clean and tidy and ensure good personal hygiene. Where particular clothing is provided for health, safety and hygiene and/or uniform purposes, it must be worn. Name badges and identity passes must be worn whilst on City Council premises and must be available at all times when you are on City Council business

**5.2.17 Being a Member of an Organisation**

5.2.17.1 You should ensure that your membership or involvement with any external organisation does not lead to an actual or perceived conflict of interest with your position as an employee of the City Council. Paragraph 5.2.8 of this Code of Conduct already requires you to declare any financial, non-financial or personal interest which may conflict with the City Council's interests. It is important to avoid any perception that advice, guidance, or decisions for which you are responsible could be influenced by your membership of a particular organisation.

5.2.17.2 You must therefore declare your membership of any organisation whose rules or requirements of membership could be regarded as suggesting a degree of loyalty to that organisation. This could arise by reason of an organisation having an obligation of secrecy about its rules, its membership or conduct and/or a commitment of allegiance or support to that organisation. Such organisations may or may not be charitable concerns and they may also have a local, regional, national or international aspect.

5.2.17.3 You should make sure that any such membership does not make you liable to act in a way that would conflict with the City Council's policies or objectives or damage the City Council's reputation or seriously affect your ability to carry out your job with the City Council.

**5.2.18 Whistleblowing**

5.2.18.1 The City Council has adopted a whistleblowing policy and procedure. If you believe that there has been any fraud, irregularity, corruption or the law has been broken, you should report such incidents under this policy.

5.2.18.2 The whistleblowing policy is intended to encourage and enable employees to raise concerns safely and without fear of retribution within the Council rather than

overlooking a problem. If you are not aware of the contents of the policy, they should contact their Manager or Human Resources Team for further details.

- 5.2.18.3 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal. The Council will not tolerate harassment or victimisation and will take action to protect any employee when they have raised a concern in good faith. Similarly no employee must treat another employee less favourably on the grounds that that employee has, intends, or suspected of doing anything under the Council's whistleblowing procedures.

NOTE: A copy of the City Council's Whistleblowing Policy is included at page 247.

**5.2.19 Implementation Date**

- 5.2.19.1 This corporate Code of Conduct applies to all employees, except school based teaching staff, of Coventry City Council with effect from 1st June 2003. The Code will be kept under review in the light of recommendations and guidance issued nationally in relation to standards of conduct in public life and revised as necessary.

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Whistleblowing Policy  
October 2007

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**1. Introduction**

- 1.1 The Council takes malpractice seriously and encourages people to speak out if they are aware of any actual or potential malpractice within the organisation. The Council is committed to creating an open culture, where concerns can be raised without fear of reprisals.
- 1.2 The whistleblowing policy exists to help individuals raise concerns over any wrongdoing within Coventry City Council relating to unlawful conduct, financial malpractice, or dangers to the public or the environment. It does not apply where employees are aggrieved about their own personal position – in such instances the Council's grievance procedure applies. (Details of this are available from the intranet or from Human Resources.) The Whistleblowing Policy is primarily for concerns where the interests of others or of the organisation itself are at risk.
- 1.3 The policy is intended to encourage and enable individuals to raise serious concerns within the Council rather than overlook a problem. The policy also outlines how individuals may properly raise concerns outside the Council.
- 1.4 The policy supports the Council's Fraud and Corruption policy and complements other specific investigation procedures developed to support vulnerable groups i.e. Safeguarding Children and Vulnerable Adult<sup>1</sup> Protection.
- 1.5 **If you have a concern, you should contact:**
- **For fraud and financial irregularity - the Internal Audit and Risk Manager (Stephen Mangan ext 3747)**
  - **For all other matters - the Council Solicitor as Monitoring Officer (Christine Forde ext 1587)**
- 1.6 All employees of the Council may use this Code. This includes permanent and temporary employees. It also covers agency workers and employees seconded to a third party. Any concerns relating to the third party, if relevant to the employee's secondment, can also be raised under this Code.

Contractors working for the Council may also use the provisions of this Code to make the Council aware of any concerns that the contractor's employees may have with regard to contractual or other arrangements with the City Council. The private concerns of the contractor relating to non-council business should be raised with the relevant contractor and/or other suitable agency/regulator - including the police, if appropriate.

- 1.7 This Policy also applies to Teachers and School employees, subject to its adoption by Governing Bodies. In Voluntary Aided schools, the Governors are the employers of the staff and not the City Council. Employees based within such establishments

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<sup>1</sup> A Vulnerable adult is 'a person aged 18 years or over, who is in receipt of or may be in need of community care services by reason of 'mental or other disability, age or illness and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation'

may wish to report concerns to the Diocesan authorities, or the external sources, referred to at paragraph 8.2 below.

1.8 Matters reported directly to the Council by a school based Council employee will be referred to the Director of Children Learning and Young People before further action is taken. Matters reported directly to the Council by an employee of a Voluntary Aided School will be referred to the Diocesan authority by the Director of Children Learning and Young People.

1.9 Details of how to raise a whistleblowing concern are given in section 4 of this document.

## **2. Policy statement**

2.1 The Council is committed to the highest possible standards of openness, probity, and accountability and will take action to address improper practices. As part of this commitment, the Council is determined to follow best practice on whistleblowing and:

- provide opportunities for individuals to raise concerns outside of their line management structure;
- not allow any individuals who come forward with concerns raised in good faith to be discriminated against or victimised;
- ensure concerns are treated in confidence and make every effort not to reveal the identity of the whistleblower. (The Council cannot give a complete assurance that an individual's identity would not be revealed – see section 6.);
- investigate all concerns, ensure individuals get a response to their concerns, and take all possible action against wrongdoers;
- take action against anyone found to have made a false allegation maliciously.

## **3. When does the whistleblowing policy apply?**

3.1 The Public Interest Disclosure Act 1998 sets out the categories where the statutory whistleblowing protection applies. These are:

- a criminal offence;
- a failure to comply with a statutory or legal duty (e.g. Race Relations (Amendment) Act, Data Protection Act etc.);
- improper unauthorised use of public funds or other funds;
- a miscarriage of justice;
- sexual or physical abuse of any employee or service recipient;
- discrimination of an employee or service recipient on the grounds of sex, age, race, disability, religion, belief or sexual orientation.
- endangering of an individual's health and safety;
- damage to the environment;
- deliberate concealment of any of the above.

3.2 In addition, the Council will provide similar protection to any employee "blowing the whistle" on any issue deemed to be a breach of the Council's code of conduct.

3.3 The overriding concern should be that it would be in the public interest for malpractice to be corrected and, if appropriate, sanctions applied.

3.4 The policy is subject to any relevant legislation and specifically will operate within the requirements of the Data Protection Act.

#### **4. How to raise a concern**

4.1 The Public Interest Disclosure Act encourages individuals to raise their concern with their employer. Within the Council, the key contacts to raise whistleblowing concerns with are:

Potential fraud or financial irregularity

- Internal Audit and Risk Manager (Stephen Mangan ext 3747).

Other concerns

- The Council's Monitoring Officer (the Council Solicitor) (Christine Forde ext 1587)

In addition, employees can make initial contact with any of the following:

- Supervisor, manager, or Assistant Director
- Head of Establishment or Headteacher
- Trade Union representative

Any of the above will provide advice on how to take the issue forward and will ensure that the relevant key contact is notified that a whistleblowing concern exists.

If the concern is connected with a direct line manager/supervisor then, if appropriate, the Directorate's HR Manager will provide confidential advice as to whom the concern should be directed. Alternatively, the Internal Audit and Risk Manager or the Council Solicitor as the Council's Monitoring Officer should be contacted directly.

4.2 Whilst individuals can raise concerns verbally, it is often better to put them in writing<sup>2</sup>, but any method of communication is acceptable. The information needed is the background and history of the concern giving names, dates and places where possible, and the reason for the particular concern. To allow any points raised to be clarified, individuals will need to provide details of how they can be contacted.

4.3 The earlier concerns are raised; the easier it will be to take action.

4.4 Advice and guidance on how matters of concern may be pursued can be obtained from the following:

- Line manager, headteacher
- Human Resources
- Internal Audit Services
- Trade union/professional association
  
- Public Concern at Work. This is an independent charity that operates a confidential helpline to provide free impartial advice for persons who wish to express concern about fraud and other serious malpractice. The telephone

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<sup>2</sup> This can be hand written or by e-mail. If using e-mail you must consider the security and confidentiality aspects of this method.

number is **020 7404 6609**. Further details are available from their website – [www.pcaw.co.uk](http://www.pcaw.co.uk).

4.5 Trade Union representatives may support an employee raising an issue of concern throughout the process.

**5. How the Council will respond.**

5.1 Any concern raised either in writing or verbally under the whistleblowing policy, will be acknowledged in writing within 3 days. This will:

- Acknowledge that the concern has been received;
- Summarise the details of the concern;
- Identify who is dealing with the matter.

5.2 The action taken by the Council will depend on the nature of the concern. The matters raised may be:

- investigated internally by an appropriately skilled and experienced employee, knowledgeable in the area concerned e.g. Manager, Internal Audit, Social Care Manager, Benefits Investigation Team, Human Resources, Chief Executive, the Council's Monitoring Officer, Vulnerable Adults Protection Coordinator, the Safeguarding Children Officer etc;
- referred to the Police;
- referred to the Health and Safety Executive
- referred to the External Auditor or Ombudsman;
- referred to the National Standards Board;
- the subject of an independent enquiry.

5.3 In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations that fall within the scope of specific procedures (for example, safeguarding children, vulnerable adults' protection, or discrimination issues) will normally be referred for consideration under those procedures.

5.4 Some concerns may be resolved by agreed action without the need for further investigation.

5.5 The amount of contact between the officer(s) considering the issues and the employee reporting the concern will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be obtained from the individual reporting the concern in a discreet manner.

5.6 When any meeting is arranged, individuals will have the right, if desired, to be accompanied by a trade union or other representative. The meeting can be arranged away from the normal place of work, if requested.

5.7 The Council will take steps to minimise any difficulties which individuals may experience as a result of raising a concern and provide any appropriate support. For instance, if the individual is required to give evidence in disciplinary or criminal proceedings, the Council will provide advice about the procedure.

5.8 The Council accepts that individuals raising a concern need to be assured that the matter has been properly addressed and will notify them when the whistleblowing policy process has been completed. This will normally be within 20 working days of a concern being raised. In addition, details will be given on what action has been taken to correct working practices, which have been found to be at fault by the investigation.

5.9 If an allegation is received anonymously, it may restrict what the Council is able to do.

There is an expectation that the person reporting a matter will disclose their identity to the Audit Manager, as this will facilitate the investigation. The Council will endeavour to maintain the person's anonymity wherever possible.

5.10 The following factors will be considered when establishing the scope and depth of any investigation:

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from recognised sources and information available.

## **6. Safeguards**

6.1 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the alleged malpractice.

The Council will not tolerate harassment or victimisation and will take action to protect individuals wherever possible provided that:

- The concerns are raised in good faith;
- The information provided is believed to be true, even if the allegation is not subsequently confirmed by the investigation;
- Allegations are not made for personal gain.

The Internal Audit and Risk Manager or the monitoring officer will carry out a risk assessment to determine safeguards as necessary.

6.2 Every effort will be made to ensure confidentiality as far as is reasonably practical. Individuals should be aware that actions taken as a result of their report may lead to their identity being revealed, either by inference or as a result of disciplinary or legal proceedings. If this should happen, the Council will not tolerate any individual being victimised in any way.

6.3 Support will be provided to help overcome any difficulties experienced as a result of raising a concern. During the investigation, any meetings with the individual raising the concern can be arranged away from their place of work and they will have the opportunity to be accompanied by a representative of their choice, if they wish. If the individual is required to present evidence as a witness, arrangements will be made to provide them with support through the process. Access to counselling and support is available to all employees.

6.4 Every effort will be made to keep the individual reporting the matter of concern informed. However, the information provided will be determined by the nature of the investigation and whilst safeguarding the rights of other individuals involved in the process.

## **7. Malicious Allegations**

7.1 The Council will take action against any individual found to have made a malicious or vexatious allegation. For an employee, this could result in disciplinary proceedings.

## **8. Raising concerns outside of the Council.**

8.1 This policy is intended to provide employees with an avenue to raise concerns **within** the Council. If an employee instead takes the matter outside the Council, they should ensure that they do not disclose confidential information. Employees should also check that they do not contravene the Public Interest Disclosure Act as this does not provide blanket protection and only allows individuals to disclose matters to their employer or specified bodies. Any breach of the Act could lead to disciplinary action.

8.2 If an individual wishes to raise a concern outside the council or feels that the Council has not handled their concern appropriately, the following possible contact points may be relevant –

- The Ombudsman – 0845 602 1983 ([www.lgo.org.uk](http://www.lgo.org.uk))
- The Audit Commission. 0844 7981212 [www.audit-commission.gov.uk](http://www.audit-commission.gov.uk)
- Relevant professional bodies or regulatory organisations
- Trade Union/Professional Association – details are available from Human Resources
- Your solicitor
- The Police
- The Health and Safety Executive

## **9 Monitoring**

9.1 Monitoring of the Whistleblowing Procedure will be undertaken by the Council's Audit Committee in accordance with the Constitution.

5.3 **Protocol for Member/Employee Relations**

Members of the Council and Employees have distinct but complimentary roles. It is important for the effective operation of the Council that respective roles are well understood and relationships between elected Members and employees is healthy and constructive.

**5.4 Report Writing Protocol**

**5.4.1 General Principles**

5.4.1.1 The purpose of a report to any decision taking body is to provide a comprehensive and sound basis upon which that body can take a decision.

5.4.1.2 Employees are responsible for providing advice to the Council and its decision taking bodies. That advice must be professional and impartial.

5.4.1.3 The Members Code of Conduct in Part 5 requires that any Member when taking a decision in his capacity a Member of the Council must have due regard to the advice of any officer.

5.4.1.4 These requirements must be remembered when preparing reports. An employee must exercise his/her professional judgement and may request more time to clear a report where in his/her professional judgement, the Council might be compromised without further consideration being given to the report.

**5.4.2 General**

5.4.2.1 The "housestyle" should be followed, using the Microsoft template held on individual employees' computers. Alternatively, please contact the appropriate Committee Officer in Governance Services. A report should contain the information set out below.

5.4.2.2 A report should contain an analysis of the circumstances surrounding the decision to be taken and an analysis of all the options open to the decision taker in those circumstances.

5.4.2.3 A report should contain all material of relevance and no material that is irrelevant to the decision to be taken.

**5.4.3 Content**

**5.4.3.1 Addressee**

5.4.3.1.1 Reports should be clearly addressed to the appropriate decision taking body and should indicate the date of the meeting.

**5.4.4 Consultation and Advice**

5.4.4.1 In working up proposals that are likely to result in a report to and formal decision by any decision taking body, any employee must consider all technical, financial, legal, human resources and other specific implications of those proposals. Consideration must be given to these matters at the earliest opportunity.

5.4.4.2 In considering those matters, any employee must decide when to consult his/her appropriate colleagues for advice on those matters.

5.4.4.3 Therefore, it is essential that the appropriate colleagues are contacted and made aware of all emerging proposals as soon as possible, so that he/she is

able to give full and early consideration to the likely implications of any such proposals.

- 5.4.4.4 It is essential that sufficient time is allowed to enable colleagues to consider all implications before being asked to formally clear any report.
- 5.4.4.5 As an absolute minimum and where the implications and/or the proposals are simple and straightforward at least 7 working days (i.e. 9 days before the agenda is due out) should be allowed to ensure that financial regulations can be checked and proper legal and human resources research carried out. Whether or not there are any financial, legal or human resources implications is the decision of the relevant Finance Manager, Solicitor and Departmental Personnel managers and not the author of the report (see separate headings for financial/legal/human resources implications below). In addition, copies of all draft reports must be sent to the appropriate Committee Officer, who has a responsibility to ensure compliance with the report writing protocol, and who is also a contributor, for clearance.
- 5.4.4.6 Other employees will need to be consulted about the contents of a report and again as an absolute minimum in the circumstances set out above, at least 7 working days (i.e. 9 working days before the agenda is due out) should be allowed.
- 5.4.4.7 Any employee identified in the report as a signatory must have either cleared the report, or have had the report cleared on his/her behalf by an Employee so authorised. The name of all persons who have cleared, contributed to or commented on the report will be identified at the end of the report.
- 5.4.4.8 Purpose of the Report
  - 5.4.4.8.1 This should provide a clear and concise summary of the purpose of the report. State briefly what the report sets out to achieve. It is good practice to specify what the policy context in which the report is being written. If it is part of a previously agreed strategy, or is a follow on from a previous report, say so.
- 5.4.4.9 Recommendations
  - 5.4.4.9.1 Recommendations should be concise and relevant, and the reasons for any recommendation should be clear from the content of the report.
  - 5.4.4.9.2 Recommendations should be set out in a way that can be immediately converted into resolutions.
  - 5.4.4.9.3 Each recommendation should be separately numbered.
  - 5.4.4.9.4 Recommendations should indicate whether City Council approval is required.
  - 5.4.4.9.5 Subject to any advice from the appropriate Solicitor, neutral recommendations should be avoided. Exceptions will relate to the institution of legal proceedings and matters to be considered by the Licensing and Regulatory Committee.

5.4.4.9.6 No report should be submitted purely for information or noting and these words should be avoided. However, where there is a strict requirement to report progress or performance on any matter including performance in relation to statutory duties and functions e.g. in response to inspection, this is permissible.

5.4.4.10 Information/Background

5.4.4.10.1 This should explain the circumstances of the proposal together with the information required to enable Members to make an informed decision. It should also include any relevant previous decisions taken in regard to the matter. Regard should be had to paragraphs [General – Content above].

5.4.4.10.2 Facts and findings should be given, together with specific arguments and inferences to be drawn.

5.4.4.10.3 Sub-headings should be used wherever possible for ease of reference.

5.4.4.11 Proposals and Other Option(s) to be Considered

5.4.4.11.1 The proposal should include a professional assessment and details of all options (if any) for fulfilling the same need should be given.

5.4.4.11.2 Reasons must be given for the preferred option, as these must be specified in the minute recording the decision. The report should make it clear why the other options are not being recommended.

5.4.4.12 Financial Implications

5.4.4.12.1 As stated above, all reports must be sent to the relevant Finance Manager allowing an absolute minimum of 7 working days (i.e. 9 days before the agenda is due out) for her/him to comment.

5.4.4.12.2 The financial information given in the report will have regard to financial matters, the Constitution and Financial Regulations.

5.4.4.12.3 If the Finance Manager confirms that there are no financial implications, then the report should reflect this.

5.4.4.12.4 The Finance Manager will require sufficient time to give full consideration to the proposals and give thorough and comprehensive advice. If he/she receives a complex report he/she may determine that further time is needed for clearance.

5.4.4.13 Legal Implications

5.4.4.13.1 All reports must be sent to Legal Services allowing an absolute minimum of 7 working days (i.e. 9 days before the agenda is due out) for her/him to comment.

5.4.4.13.2 If the Solicitor assigned to the matter confirms that there are no legal implications, then the report should reflect this.

5.4.4.13.3 The Solicitor will require sufficient time to give full consideration to the proposals and to give thorough and comprehensive advice. If he/she receives a complex report he/she may determine that further time is needed for clearance.

5.4.4.14 Human Resources Implications

5.4.4.14.1 All reports should be sent to the relevant Departmental Personnel Manager allowing an absolute minimum of 7 working days (i.e. 9 days before the agenda is due out) for her/him to comment.

5.4.4.14.2 The report should detail compliance with any existing human resources procedures, and any relevant employment legislation, including national and local conditions of service.

5.4.4.14.3 Results of any consultation with Employees or trade unions should be detailed.

5.4.4.14.4 If the Departmental Personnel manager confirms that there are no human resource implications, then the report should reflect this.

5.4.4.14.5 The Departmental Personnel Officer will require sufficient time to give full consideration to the proposals and to give thorough and comprehensive advice. If he/she receives a complex report he/she may determine that further time is needed for clearance.

5.4.4.15 Other Specific Implications

5.4.4.15.1 The following table must be included and completed in all instances having regard to the subject:-

	<b>Implications (See below)</b>	<b>No Implications</b>
Best Value		
Children and Young People		
Climate Change and Sustainable Development		
Comparable Benchmark Data		
Corporate Parenting		
Coventry Sustainable Community Strategy		
Crime and Disorder		
Equal Opportunities		
Finance		
Health and Safety		
Human Resources		
Human Rights Act		
Impact on Partner Organisations		
Information and Communications Technology		
Legal Implications		
Neighbourhood Management		

	Implications (See below)	No Implications
Property Implications		
Race Equality Scheme		
Risk Management		
Trade Union Consultation		
Voluntary Sector – The Coventry Compact		

5.4.4.15.2 Great care must be taken to ensure that all possible implications of any decision are identified and explained fully. In particular, the Council must adopt a race equality scheme and is under a duty to identify the race equality implications of all its decisions. Where the Council or any body of the Council is deciding policy, that decision must be backed up by a formal written race equality assessment. Further guidance will be given on preparing such an assessment and to help those writing reports identify a policy decision requiring such an assessment.

5.4.4.15.3 Where there are implications as indicated in the example above, these should be detailed in separate paragraphs.

5.4.4.16 Timescale and Expected Outcomes

5.4.4.16.1 The timescale for implementation of any decision should be included.

5.4.4.16.2 The expected outcomes of any decision should be included in the report. These should be specific and measurable, so that delivery of those outcomes can be assessed and monitored.

5.4.4.17 Monitoring

5.4.4.17.1 The report should include how the outcomes and implementation of the decision will be assessed and monitored.

5.4.4.18 Key Decisions/Scrutiny Consideration/Council Consideration

5.4.4.18.1 Each report must include the following table to identify key decisions, decisions for Scrutiny and decisions for Council:-

	Yes	No
Key Decision		
Scrutiny Consideration (if yes, which Scrutiny meeting and date)		
Council Consideration (if yes, date of Council meeting)		

5.4.4.18.2A key decision is defined in paragraph 2.13.3.5 of the Constitution. It is important that key decisions are identified so that they are included in the Forward Plan.

5.4.4.19 Proper Officer/Author/Other Contributors

5.4.4.19.1 The Proper Officer is the Member of the Management Board or the Head of Function (by title ONLY – not name) with whom the main responsibility for the report lies.

5.4.4.19.2 The author of the report and his/her title and telephone number should be identified. Any enquiries about the report should be directed to the author.

5.4.4.19.3 Individuals who have cleared, contributed to or commented on a report should also be identified, even if they have been consulted but have made no comments.

5.4.4.20 Background Papers

5.4.4.20.1 In anticipation that reports may be made public, any background papers that have been relied upon in preparing the report and which must be available to the public should be clearly listed, together with a location address where they can be inspected. Background papers must be retained for a period of 4 years from the date of any decision.

5.4.4.21 Confidentiality

5.4.4.21.1 It is expected that all reports will be made public unless it is absolutely necessary for matters within the report to remain confidential.

5.4.4.21.2 Exempt information, which would justify a report remaining in private, is defined in Schedule 12A to the Local Government Act 1972. Reports considered in private must identify the paragraphs of Schedule 12A which are the grounds for confidentiality. Advice on this matter can be obtained from the relevant Committee Officer in Governance Services.

5.4.4.21.3 Where confidential information must be disclosed, authors must submit two reports unless the Director of Customer and Workforce Services determines that there are very exceptional circumstances. The first report must be public, detailing as much information regarding the matter as possible, referencing to a second (private) report containing the confidential information, which should be as brief as possible.

5.4.4.21.4 The rules relating to publication of reports are contained in Part 4 in the Access to Information Rules. All agendas must be despatched at least five clear working days prior to any meeting.

5.4.4.22 Oral Reports

5.4.4.22.1 All reports submitted to a Body must be written. No oral reports will be accepted.

5.4.4.23 Exceptions – Scrutiny Co-ordination Committee, Scrutiny Boards, and other City Council Committees

5.4.4.23.1 Some aspects of this protocol will not be applicable to some reports to the Scrutiny Co-ordination Committee, Scrutiny Boards and other City Council

Committees. However, this exception does not apply to any of the deadlines indicated.

5.4.4.23.2 The form and content of reports for Scrutiny Boards should be fit for purpose and may not comply with all requirements of this protocol. Any officer producing such a report should seek advice from the Customer and Workforce Services Directorate (Committee Officers).

5.4.4.23.3 The direction of the Director of Customer and Workforce Services on the content of any report must be observed.

5.4.4.24 Forward Plan, Late Reports and Urgent Items

5.4.4.24.1 It is essential that proper planning/consultation is carried out to ensure that a report is prepared well in advance of the meeting of the decision taking body.

5.4.4.24.2 This is particularly important for key decisions as defined in paragraphs 2.13.3.5 and 4.2.12. Key decisions should be planned so that the decision may be included in the Forward Plan of key decisions maintained and published by the Customer and Workforce Services Directorate.

5.4.4.24.3 The Forward Plan arrangements are set out in Part 4 – Access to Information Rules. Employees responsible for reports leading to key decisions must familiarise themselves with these rules and will be responsible for ensuring that sufficient notice is given to the Director of Customer and Workforce Services of key decisions to enable him/her to maintain and publish the Forward Plan.

5.4.4.24.4 The Director of Customer and Workforce Services will refuse a report if it is late. The Director of Customer and Workforce Services will produce and circulate a list of deadline dates so that employees are aware of deadlines for reports.

5.4.4.24.5 The agenda for all meetings will be closed at 9.00am on the deadline date. Any report received after that time will be treated as a late item as set out below.

5.4.4.24.6 Subject to the employee submitting the report, providing a satisfactory reason for the report to be added as a late item and subject to the Director of Customer and Workforce Services' agreement, the report will be despatched as a late item. The reports will be clearly identified as a late item and the supplementary agenda and late item, giving a reason why the report is late will be despatched only after the preparation, printing and despatch of the main Agenda is complete.

5.4.4.24.7 The employee presenting the report at the meeting of the decision taking body will be required to explain to the Chair the reasons for the report being treated as a late item so that the Chair can exercise his/her judgement as to whether grounds for considering the report without proper notice exist.

5.4.4.24.8 There is no guarantee that any report despatched as a late item will be considered.

5.4.4.24.9 There are provisions set out in the Access to Information Rules for dealing with urgent key decisions. Employees responsible for such reports must familiarise him/herself with those provisions.

5.4.4.24.10 The Director of Customer and Workforce Services has full and final discretion as to whether to allow a report to be treated as a late item.

#### 5.4.4.25 Appendices

5.4.4.25.1 All appendices must be produced with the report and attached as one document. The author is responsible for ensuring the completeness and accuracy of all appendices.

5.4.4.25.2 A report with incomplete or inaccurate appendices will not be despatched. If complete and accurate appendices are only received after the deadline for the report, the report will be treated as a late item.

#### 5.4.4.26 Style

5.4.4.26.1 The "house style" should be followed, using the Microsoft template held on an individual employees computers. Alternatively, please contact the appropriate Committee Officer in Governance Services.

5.4.4.26.2 Reports should be concisely phrased and sentences and paragraphs should be kept short.

5.4.4.26.3 Reports should be spell checked and read through for accuracy upon completion.

5.4.4.26.4 Any initials, abbreviations and professional jargon should be avoided or, if essential, supplemented by an explanation of their meaning.

5.4.4.26.5 Plain language should be used.

5.4.4.26.6 Any supporting documentation, which does not form part of the report, should be made available for inspection in the Members' lounges prior to the meeting and the report should indicate where this applies. Where the documentation relates to education matters, provision should be made for Co-opted Members to inspect the documentation at an appropriate location.

5.4.4.26.7 Report numbers will be added by Governance Services.

5.4.4.26.8 If plans are attached to a report and a particular area needs to be highlighted, this should be done by the use of cross-hatching, shading etc. Writing on plans should be legible when reproduced

5.4.4.26.9 In order to ensure consistency in consideration of reports, if a report is to be considered by more than one body, then each body must consider the same report. Any comments/amendments made by any of the bodies must be conveyed in writing in the form of a report/briefing note to any bodies subsequently considering the report.

5.5 **Code of Good Planning Practice for Members and Employees Dealing with Planning Matters**

5.5.1 **Introduction**

5.5.1.1 This Code is for the benefit of all Members of the Council and for employees who deal with planning matters. In particular, this code seeks to give advice and guidance to Members of the Planning Committee in the discharge of their duty in deciding applications.

5.5.1.2 Members of the Committee are both representatives of the local community and make decisions on planning applications that may affect large sections of the community, may involve large sums of money and impact on the quality of the surrounding environment. It is therefore important that such decisions are transparent, impartial and justifiable.

5.5.2 **Why Do We Need a Code?**

5.5.2.1 There have been significant changes in legislation affecting local authorities. New Model Codes of Conduct and locally adopted Codes for Councillors and employees will come into force. This Code is to help supplement the Model Codes insofar as dealing with planning matters is concerned. This Code does not take precedence over the Model Codes and is only a guide to good practice and advisory only.

5.5.2.2 If any Member or officer believes that there is any conflict between this Code and their respective Model Code, they ought to follow the Model Code. If in any doubt, Members and employees should seek advice from Legal Services.

5.5.2.3 Planning decisions can be complicated and difficult. Against such a background, it is useful to have a guide giving good advice. It is hoped that this document will do that and be an aid to good decision-making.

5.5.2.4 The Code will be appended to the Council's Constitution and is available to all Members, employees and members of the public.

5.5.3 **Training**

5.5.3.1 The Council has for some years provided training for new Members of the Committee. The Council will continue to provide this and will also provide regular training for all Members of the Planning Committee on matters relevant to developments in planning law and procedure.

5.5.4 **The Relationship of Councillors and Employees**

5.5.4.1 In the planning process, Members and employees perform different functions. Members represent their communities and are required to decide on applications at the Committee. Employees must be responsible to the Council as a whole and act and advise impartially.

5.5.4.2 A successful relationship between Members and employees can only be based on mutual trust and respect and understanding of each others' position.

## **5.5.5 Declaration of Interests**

### **5.5.5.1 Interests**

5.5.5.1.1 The Model Codes of Conduct's provisions as regards declarations of interests will apply equally to proceedings before the Planning Committee.

5.5.5.1.2 In each case, it is the responsibility of individual Members and employees to make the necessary declarations. Where advice is needed, this may be obtained from the Customer and Workforce Services Directorate.

### **5.5.5.2 "Contacts"**

For a number of years the City Council's Planning Committee has operated a system for declaring "contacts" received by Committee Members and certain employees in respect of planning applications appearing before the Committee for a decision.

### **5.5.5.3 What is a 'Contact'?**

5.5.5.3.1 "A contact is any form of communication received from any person or group of persons in respect of a planning application".

5.5.5.3.2 The following information should be declared about the 'contact':-

- (a) the application it relates to
- (b) the contents of the communication (e.g. lobbying for or against the application or a request for information) and
- (c) the identity of the person or group of persons making the contact (if known).

### **5.5.5.4 Members Declaration of 'Contacts'**

5.5.5.4.1 Members of the Committee must declare all contacts they have received on all planning applications appearing on that meeting's agenda at the start of the meeting under the item headed 'Contacts' or when that application is called for consideration at the meeting. Contacts received from other Council Members must also be disclosed.

5.5.5.4.2 Where numerous persons belonging to the same group or residents' association etc contact a Member of the Committee, then this may be declared as a single contact from that group or residents association or as the case may be.

5.5.5.4.3 'Contacts' received may also take the form of lobbying of Committee Members. In those cases, the advice given below in respect of lobbying may be followed.

5.5.5.4.4 In all cases of contacts, Members of the Committee should not indicate whether they are favourably or unfavourably disposed towards an application and that they, as a Member of the Committee, will await the Committee

meeting before expressing a view on the application. They should consider advising the contact to communicate with planning employees.

- 5.5.5.4.5 Members should always advise contacts that they will need to disclose their communication under the 'contacts' rule at the Committee meeting. Where contacts refuse to reveal their identity, Members must judge whether they should terminate the communication as soon as can be.
- 5.5.5.4.6 'Contacts' are not interests and declaring a contact is not a substitute for declaring an interest where one exists. The rules for declaring interests operate independently from the 'contacts' scheme.

For the avoidance of doubt, where any Member of the Planning Committee is approached by an applicant or objector seeking to have a particular application dealt with by the Committee, rather than under delegated powers, then this must be disclosed as a "contact". ~~In addition, if the item is subsequently placed upon the Planning Committee agenda at the request of that Member, then the Member concerned must declare a prejudicial interest in relation to it and take no part in the consideration of the application concerned.~~

5.5.5.4.7 Employees' Declarations of 'Contacts'

- 5.5.5.4.8 Employees who must declare 'contacts' are restricted to the case officer and the Committee planning officer. The basic rules of disclosure for these employees will be as for Members of the Committee.
- 5.5.5.4.9 Planning employees will make their disclosures of contacts in the written Committee report or orally where they have occurred after the written report has been published.
- 5.5.5.4.10 Certain matters (which would otherwise be contacts) will be excluded from what amounts to declarable contacts by employees (this is because they are a necessary part and parcel of the exercise of assessing the application). These will be communications from:-
- (a) the applicant and/or their representative
  - (b) third parties as required by law or national guidance, such as statutory undertakers or statutory consultees
  - (c) Council employees consulted for their technical assessment of matters arising from their application such as environmental, health and highways matters
  - (d) other planning employees acting in that capacity.

5.5.6 **Development Proposals Submitted by Councillors and Employees**

- 5.5.6.1 Whilst there is nothing improper in Members and employees submitting or being a party to the submission of an application for permission, there is always the perception that undue influence may be brought to bear on the decision-making process. It is therefore advisable that such decisions are not taken under employees' delegated authority.

- 5.5.6.2 The Council has for some years had a 'safeguard' requiring any application where a Council Member or officer in Strategy and Planning have a material interest in the application to be decided by the Planning Committee itself.
- 5.5.6.3 Where the Member who has such an interest is also a Member of the Committee, then they should declare an interest and leave the meeting whilst that application is considered.
- 5.5.6.4 No planning officer will be the case officer, the Committee officer or the decision- maker under delegated authority where they:
- (a) Are related to the applicant or their agent,
  - (b) Know the applicant or their agent,
  - (c) Know any of those persons making representations on the application,
  - (d) Have any other material interest in relation to that matter.

#### **5.5.7 Development by the Council**

- 5.5.7.1 Proposals for development by the Council should be treated in the same way as those of private developers and in accordance with current Government guidance.

#### **5.5.8 Lobbying of and by Councillors**

- 5.5.8.1 Lobbying is a normal and perfectly proper part of the political process. Those who are affected by a planning decision will seek to influence it. However, care is needed to ensure that the impartiality and integrity of a Councillor is not called into question.
- 5.5.8.2 When being lobbied, Members of the Committee should not, preferably, express an opinion on the application at all. If Committee Members do express an opinion, they must take care to indicate that they have not made up their mind on the application until they have heard all the arguments at Committee.
- 5.5.8.3 If lobbied Members of the Committee should endeavour to restrict themselves to giving advice on procedure only and encourage the lobbyist to contact the relevant planning officer to express their views to them.
- 5.5.8.4 Members must take into account the views of their constituents but Members of the Committee must act also openly and fairly and listen to all evidence presented at the Committee. Committee Members must not make a commitment beforehand either for or against a proposal. To do so may prejudice that Member's impartiality.
- 5.5.8.5 The planning process is one of formal rules and procedure involving a right of appeal and possible legal action. Where any expectation as to fairness has not been met, then an aggrieved party may seek remedy through the Courts or by complaint to the Ombudsman on grounds of maladministration.

**Part 5.5 – Code of Good Planning Practice for Members  
and Employees Dealing with Planning Matters**

- 5.5.8.6 If the application is such that a Member of the Committee feels they must adopt a public stance in respect of an application, then that Member may have difficulty in arguing at Committee that they have been impartial and even-handed in considering that application. In those circumstances, it may be better for that Member to make an open declaration and not to vote on the application.
- 5.5.8.7 In all cases it is a matter for the individual Member as to whether they can maintain a position of impartiality up to and including the Committee meeting which decides the application.
- 5.5.8.8 In respect of lobbying, the City Council's Planning Committee operates a system of declaring 'contacts' in respect of planning applications to be dealt with by the Committee. Again it is the responsibility of each Member of the Committee to declare the 'contacts' they receive. Lobbying of Members of the Committee will amount to a 'contact' under the scheme and will need to be declared by Members of the Committee at the appropriate Committee meeting.
- 5.5.8.9 Members of the Committee should not organise support for or opposition to a planning application and should not lobby other Committee Members. Such actions can easily be misunderstood by parties to the application and by the general public. Members should not put pressure on employees for a particular recommendation in respect of an application.

**5.5.9 Pre-Application Discussions**

- 5.5.9.1 Such discussion between developers and employees can be of great benefit. But such discussions, especially if they occur just before or after the making of an application, must occur within clear guidelines.
- 5.5.9.2 It should be made clear that such discussion will not bind the Council to making a particular decision and that any views expressed are personal and provisional.
- 5.5.9.3 Advice should be consistent and based upon the development plan and material considerations. There should be no significant difference of interpretation of planning policies between employees. Employees should make clear whether or not they will be the decision-maker. Planning judgements involve balancing a number of policies and material considerations and officers and members may place different weight to each of the issues considered.
- 5.5.9.4 Care must be taken to ensure that advice is not partial (nor seen to be).
- 5.5.9.5 Development Forums may be established to enable the engagement of Councillors and members of the public in pre-application discussions. These are detailed in paragraph 4.10.2.

**5.5.10 Employee Reports to Committee**

- 5.5.10.1 The basis of the Committee's consideration of a planning application should be the employees written report. This helps to clarify the nature of applications and the context in which a decision needs to be made. Written

reports help to ensure consistency of decision-making and clear reasoning behind recommendations. This is not only a matter of good practice but because failure to do so may constitute maladministration or give rise to judicial review on the grounds that the decision was not taken in accordance with the provisions of the development plan and the Council's statutory duty under section 54A of the Town and Country Planning Act 1990 (as amended).

5.5.10.2 All reports should comply with the following points of good practice:-

- Reports should be accurate and cover, amongst other things, the substance of any objections and the views of those consulted.
- Reports should include a clear exposition of the relevant development plan policies, site or related history and any other material considerations.
- Reports should have a written recommendation of action. Oral reporting (except to update a report) should be avoided and carefully minuted when it does occur.
- Reports should contain technical appraisals which clearly justify the recommendation.
- If the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify the departure must be clearly stated.

#### **5.5.11 Public Speaking at Planning Committee**

5.5.11.1 The Planning Committee is to allow public speaking on planning applications which are decided by the Committee itself. The public speaking scheme does not apply to applications decided under Officer's delegated authority. In those cases members of the public are still entitled to submit their comments and views on the application for Employees to consider.

5.5.11.2 The rules of the scheme are set out in the Council's Constitution. The aim of the scheme is to elicit a broad range of opinions on the application in order to increase public participation and to help the Committee in its decision making.

5.5.11.3 A Guide to Public Speaking at Planning Committee has been produced and forms part of this code (Appendix 1)

#### **5.5.12 Decisions Contrary to Officer Recommendations and/or the Development Plan**

5.5.12.1 The law says that decisions must be made in accordance with the development plan where relevant unless material considerations indicate otherwise (section 38 of the Planning and Compulsory Purchase Act 2004).

5.5.12.2 Applications not in accordance with the development plan must be identified as soon as possible and, if required, advertised as such.

- 5.5.12.3 If it is intended to approve such applications then the material considerations leading to this conclusion must be clearly identified and how these considerations justify overriding the development plan be clearly demonstrated. The application may then have to be referred to the First Minister, depending upon the type and scale of the development. If the Officer's report recommends that permission be granted for a proposal involving such a departure, the justification for this should be included in full in that report.
- 5.5.12.4 If the Planning Committee makes a decision contrary to the Officer's recommendations (whether for grant or refusal of permission), a detailed minute of the Committee's reasons should be made and a copy placed on the application file.
- 5.5.12.5 The Officer should also be given the opportunity to explain the implications of the contrary decision and, if appropriate, legal advice should be sought. Such reasons should be clear and convincing. The personal circumstances of the applicant will rarely provide such grounds.
- 5.5.12.6 Where a decision is made contrary to the recommendation (whether to approve or refuse), the Committee will be required to provide conditions on the grant of a permission or reasons for refusal, as the case may be. In such cases and where necessary the Committee may consider delegating to employees the task of drafting conditions or reasons.
- 5.5.12.7 Wherever possible an Officer from both Legal Services and Governance Services should always attend the meeting to ensure that procedures have been properly followed.

#### **5.5.13 Regular Review of Decisions**

- 5.5.13.1 When undertaking sites visits (see paragraph 4.11.1.7) in connection with planning applications. Members will take the opportunity, where appropriate, to visit sites within the locality in order to review completed developments. This will enable Members to assess the quality of developments in accordance with the Committee's decision and in line with the Council's policies and guidelines. Such visits are intended to improve the quality and consistency of decision-making and thereby strengthen public confidence in the planning system.

#### **5.5.14 Complaints Procedure**

- 5.5.14.1 Any complaints received will be dealt with under the Council's complaints procedures.
- 5.5.14.2 Record keeping should be complete and accurate to allow complaints to be fully investigated. This is especially so where decisions are taken under delegated powers and there is no report to Committee. In all cases the planning file should be an accurate record of event during that application's life.

## **A Guide to Public Speaking at the Planning Committee**

### **1. Introduction**

The City Council operates a scheme for public speaking at its Planning Committee. You have registered as wishing to speak on a planning application to be decided by the Committee. The scheme provides the opportunity for no more than two speakers supporting and two speakers opposing an application to address the Committee if it were to be determined by the Committee, unless it is a major development, when it may be possible for more than two speakers to address the Committee. That application is now ready to be considered by the Committee and this leaflet explains how you can take part before the Committee makes a decision.

### **2. The Date, Time and Place of the Committee Meeting**

With this leaflet is a letter which gives the date, time and place for the Planning Committee's meeting. Also there should be a copy of the written report on the application which will be before the Committee at its meeting

### **3. 'Do I Have to Speak?'**

No. Even though you've registered to speak this doesn't mean that you have to if you've changed your mind. If the application details have changed or the written report adequately summarises your views then you can choose not to speak. If you no longer want to speak, please telephone the direct line number on the enclosed letter to confirm this as it may be that other people have registered and may be able to speak to the Committee instead. Please have the letter to hand as we may need some details from it when you call.

You will have been asked at the point of registration whether you are happy for your contact details to be passed on to any other registered speakers. This will only be done if you have agreed to it. If you know that others have registered to speak and they share your views, you may want to choose one of your number to speak for you all. You can request that a Ward Councillor speaks on your behalf. You can find out who your local Councillors are by 'phoning the Council on 024 7683 3333.

If you still want to speak this is what will happen at the meeting

### **4. What will Happen at Planning Committee**

- When the application is called, the Planning Officer will present the written report and refer to plans and photographs which will be on display.
- Objectors to the application will then be called to speak.
- Supporters of the application will then be called to speak.
- The applicant (or their representative) will be called to speak.
- Members of the Committee will then consider the application and then vote.
- Officers may need to answer questions, respond and clarify points raised and advise the Committee on procedure.

**Rules You Should Know About**

**All objectors, supporters and applicants (or their representative) who choose to speak will be bound by the following rules:**

- You may only speak once and for a maximum of up to 3 minutes only and should only raise issues which were included within your written response. Please make all your points in the one 'go'- you won't be allowed a second chance. Where there is a major development and more than one objector has spoken, the applicant or their representative may, at the Chair's discretion, be allowed longer than 3 minutes to speak to respond to the points raised by objectors
- Objectors, supporters and applicant (or their representative) will always speak in that order. Second and, for major developments, subsequent speakers will be expected to raise new issues which were included within their written response.
- If you believe there are additional issues that should be considered which did not form part of your written response, these should be made in writing to the Planning Officers by no later than 12.00 noon on the day before the Committee meeting. This is also the case should you wish to have any photographs, plans etc., submitted to the Committee. Submission of additional information at the meeting will not ordinarily be permitted. The Committee will not be able to comment on any new matters raised verbally at the meeting.
- The Chair of the Committee will rule on any dispute as to the procedure to be followed and his/her ruling on all issue will be final. The Chair has the right to intervene and curtail public speaking to ensure orderly conduct and avoid repetition.
- You may only speak on 'planning matters'.
- Planning Committee Members have the right to ask questions of fact of public speakers, petitioners and applicants.

**Planning matters include:**

- Compliance with the development plan
- Design and use of the proposal in its surroundings
- The effect of sunlight and daylight on adjoining properties
- Loss of privacy to adjoining properties
- Effect on parking, traffic and road safety
- Noise and general disturbance to adjoining properties

**Planning matters do **not** include:**

- Spoiling your view
- Rights to light
- Devaluing your property
- Covenants affecting properties
- Nuisance caused by building work
- Land ownership disputes
- Personal character of the applicant
- Moral issues

If you have any questions, please telephone the person named on the covering letter enclosed on the direct line number given there.



**HOW TO COMMENT ON PLANNING APPLICATIONS & PUBLIC SPEAKING  
AT PLANNING COMMITTEE**

**AN ADVISORY LEAFLET FOR GUIDANCE  
TO HELP YOU MAKE YOUR VIEWS KNOWN AT THE RIGHT TIME**

- **Introduction**

Public comments on development proposals are encouraged and welcomed by the Government and the City Council whether for small scale developments e.g. house extensions, or for large scale proposals affecting a whole locality. This leaflet explains how you can best put your views forward on planning applications so that they can be considered before a formal decision on the proposals is made.

- **Consultation Process**

You have received this notification letter as you either adjoin the application site, have shown interest in the proposal/site previously or it has been assessed that the proposal has potentially wider local interest. In certain circumstances notification is also undertaken through site notices displayed close to or on an application site and through statutory notices in the local newspaper.

Before making your observations you are advised to visit the Planning Advisory Desk (which is situated in the ground floor of Civic Centre 4) to inspect the plans and application documentation, as this will enable you to make an informed assessment of the proposal. If you are unsure about any aspect of the proposal then staff on the Advisory Desk will be able to help you.



However if you need to speak with the officer dealing with the application (the Case Officer), possibly about progress on the application, then they can be contacted by telephone. The name of the Case Officer and their direct dial number is given on the covering letter. If you wish to meet the Case Officer then it is advisable to make an appointment beforehand as they may be out of the office or otherwise unavailable.

If you would like to receive any independent advice on this or other planning matters then you can contact the West Midlands Planning Aid Service at Unit 319, The Custard Factory, Gibb Street, Birmingham B9 4AA (telephone – 0121 766 8044). Advice is available free of charge to community groups and individuals that cannot afford to pay for help.

- **Putting your comments in writing**

Although you may make your comments/objections known to the Case Officer or any other member of staff by telephone or face-to-face these cannot be given as much weight as written representations. You are strongly advised to formally place your observations in writing, which should be sent or e-mailed to the address given on the covering letter.

The City Council is expected to make a decision on an application within a set timescale – normally eight weeks but this is extended for certain major proposals to 13 weeks. Therefore there is a time limit for making your views known and the date before which your representation should be received is given in the covering letter. Any representation made that is made contrary to the view of officers will be referred to in the written officer report that will be presented to Committee. The officer report and agenda will be available five working days before the Committee is held and will be placed on the Council's website. Alternatively copies can be requested from the Governance Services Officer on 024 76833166.

Any written representations for an application received after the publication of the officers report will be summarised and made available at the Committee, provided that the late representations are received no later than three working days before the Committee is held.

It is helpful if you give some reasons why you support or oppose the proposal. However those comments must be relevant and based on planning matters. These include :-

- the proposal's compliance with the adopted Development Plan;
- how the proposal fits in terms of design and use with the surroundings;
- the effect on sunlight and daylight on adjoining properties;
- the loss of privacy to adjoining properties;
- the effect on parking, traffic and road safety;
- noise and general disturbance to adjoining residents.

**Planning matters DO NOT INCLUDE**

- spoiling your view;
- rights to light;
- devaluing your property;
- covenants affecting properties;
- nuisance caused by building work;
- land ownership disputes;
- personal circumstances or character of the applicant;
- moral issues.

Anybody can comment. You do not need to have a direct interest in the application site or be an adjacent owner or occupier. You can support as well as object to a proposal. Remember that all comments received are open to public inspection and may be repeated in public documents.

- **HAVING YOUR SAY AT PLANNING COMMITTEE**

Most applications are determined under delegated powers by officers. However in certain instances, for example, major applications which depart from the Development Plan (and officers are recommending that permission be granted) or those where there are written representations which conflict with the officers recommendation, applications are considered by the Planning Committee. Their meetings are held normally every three weeks on a Thursday afternoon in the Council House and are open to the public.

Public speaking at the Committee is possible, although people making the same or similar points will be asked to choose someone to represent them or alternatively, you may ask one of your Ward Councillors to speak on your behalf.

If you have made written representations on a planning application (sent to the Planning Control Team) and wish to speak at the Committee then you must also contact the Governance Services Officer on 024 7683 3237. Although you may register your intention to speak up to 48 hours before the Committee meeting, if you prefer, you may register to speak at the time you submit your written representations. Please note, you must contact the Governance Services Officer even if you have indicated in your written response that you wish to speak.

You will be notified when the Committee Schedule is compiled (normally 2 weeks before the date of the meeting). If you have not already registered to speak, and wish to do so, you must do this by no later than 48 hours before the start of the Committee meeting. Failure to comply with this timescale will mean you will not be able to speak at Committee. You will then be contacted by the Council to confirm the arrangements for the meeting and will be provided with access to a copy of the officer's report. (Please remember that if your representation accords with the officer's recommendation then the matter will be determined under delegated powers and you will be notified accordingly).

Upon reading the Committee report, should you believe that there are additional planning matters that the Planning Committee should consider which have not previously been included in your written submissions and you wish to raise them at the meeting, you should first ensure that these issues are forwarded in writing to the Planning Officer by no later than 12.00 noon on the day before the Committee meeting.

At the meeting the Chair will announce each item and the planning officer will report on the proposals and the main considerations displaying photos of the site and selected plans. The Chair will then invite speakers to address the meeting for a maximum of 3 minutes each (although where this is a major development, the applicant or their representative may, at the Chair's discretion, be allowed longer where more than two objectors speak). Any objectors will go first, followed by those in support and finally the applicant or their representative. Each public speaker has only the right to be heard once so it is important that you make your points in the time available. Representations should only be made on planning matters which have been included within your written submissions.

Councillors may ask the Planning Officer (or speaker on the issue of facts only) to clarify certain points raised before reaching their decision.

- **HOW ARE DECISIONS MADE**

Every decision will be made taking into account the following factors –

- whether the proposal complies with the development plan;
- the individual merits of the proposals;
- any relevant comments from consultees.

Your views are therefore only one aspect that is considered and may not override other factors. In law the decision must be made in accordance with the development plan unless material considerations indicate otherwise. Government advice is that there should be a general presumption in favour of development unless there are overriding planning objections to it.

- **AFTER THE DECISION**

If you have written to the City Council then you will be notified of the decision in writing which will set out the reason for refusal or conditions attached to any permission granted. Once a decision is made only the person making the application has the right to appeal either against a refusal or any condition imposed on a permission. Neighbours and other interested parties cannot appeal against the decision.

If an appeal is made then an inspector nominated by the Planning Inspectorate will consider the matter. If you commented on the original planning application then you will be informed of the appeal and be invited to make representations to the Planning Inspectorate. Any comments you made on the original application will have already been forwarded to the Inspector. Further information about the appeal process is available from the Planning Advisory Desk.

- **COMMENCEMENT OF WORKS**

Once the development has commenced or completed if you believe it is not in accordance with the approved plans or conditions then please telephone or visit the Planning Advisory Desk or call the Planning Enforcement Team (Direct Dial [024] 7683 1226) and an officer will check the situation. This may require a visit to the site. Your request for us to investigate will be kept confidential and we will get back to you advising you of the action the Council propose to take.

- **OMBUDSMAN**

If you feel the proper procedures have not been followed by the City Council in making the decision then you can ask the Local Government Commissioner (the Ombudsman) to investigate whether maladministration has occurred. The Ombudsman however cannot consider the planning merits of the proposal. Further details about the Ombudsman are also available from the Planning Advisory Desk.

- **FINALLY**

We are here to help you. You can inspect the application and any relevant policy documents at the Planning Advisory Desk and if you do not understand any aspect of the proposals then please ask the reception staff or talk to the Case Officer. Our address and opening times are given on the covering letter.

Note – Any advice given in this leaflet is not intended to be an authoritative statement of the law. It is intended for guidance only.

5.6 **Protocol for Approval for Foreign Travel and Conference Attendance for Councillors and Employees**

- 5.6.1 The purpose of this protocol is to ensure that there is clarity and transparency in the process for authorising foreign travel by both elected members and employees and for authorising elected members to attend conferences, seminars or fact-finding visits or inspections. The term "conference" in this protocol includes all such events, wherever they are held.
- 5.6.2 A Councillor or Member of the Management Board who receives notification/details of any conference at which they feel Councillor representation is likely to be appropriate must complete a "Conferences/Seminars Authority for Attendance" form (copy attached as an Appendix to this protocol) and send it together with details of the Conference to the Cabinet Member responsible for the appropriate portfolio, with a recommendation as to who should attend.
- 5.6.3 The Cabinet Member should then examine, critically, the likely benefits of attendance at such conference and, if they agree that representation is appropriate, should forward the details (together with the completed form), to the Director of Customer and Workforce Services so that the matter can be placed on the agenda for the next available meeting.
- 5.6.4 Where the Cabinet Member responsible for a portfolio wishes to attend a conference she/he should complete a "Conferences/Seminars Authority for Attendance" form and send it together with the details of the Conference, duly annotated with their recommendation to the Leader.
- 5.6.5 The criterion for the Cabinet Member/Leader to use is whether the benefits are "functional", that is, whether they are likely to help achieve the work of the Cabinet Member/Cabinet and/or the priorities of the City Council.
- 5.6.5 If the Cabinet Member/Leader is satisfied that the criterion is met then they must send the details to the Director of Customer and Workforce Services who will make arrangements for consideration at the next scheduled meeting of the appropriate Cabinet Member/Cabinet.
- 5.6.6 The Councillor or Councillors who attends the conference must report back on the conference in writing to a subsequent meeting of the relevant Scrutiny Board, within two months of their attendance at the conference..
- 5.6.9 Copies of the attached form will be available in Room 60 of the Customer and Workforce Services Directorate. A copy can be emailed to any Councillor, of the Management Board and to Members' Services on request.

**Guidance and Clarification**

- 5.6.10 In order to present a complete picture, Councillors are reminded that:-
- 5.6.11 "Conferences" includes seminars, working parties, fact-finding visits, inspections and:-
- (i) Those in respect of which, historically, there has been "standing" approval for certain Councillors, defined by role, to attend (e.g. certain teacher conferences).
  - (ii) ALL visits abroad, including by the Lord Mayor outside of the European Union, and civic delegations, irrespective of whether a conference or seminar is part of the programme. In considering requests for foreign travel outside of the European Union by the Lord Mayor the Cabinet/Cabinet Member will take into account the discretion of the Lord Mayor to undertake foreign trips in accordance with the objectives of the mayoralty.
- 5.6.12 The procedure also applies to Employees in respect of when they wish to accompany a Councillor either in the UK or abroad. Foreign visits by employees without Councillors are dealt with below.
- 5.6.13 When a request for authority for attendance at a conference is submitted, the costs involved must also be identified, together with the detailed FIS code from where those costs are to be funded from.
- 5.6.14 Where the event includes attendance with other participants as part of a group, the TOTAL number of participants MUST be shown on the form. This applies irrespective of whether the City Council is funding the costs of those other participants.
- 5.6.15 An approval granted under this protocol can only cover one visit or journey. If further travel is required as part of an on-going project, then a separate application will need to be made for each visit or journey.
- 5.6.16 This procedure applies to all inspections or fact-finding visits outside the City Council boundary.
- 5.6.17 Details must also be given on the form of anyone, who is not a Councillor or employee, and who is travelling with the Councillor or employee and for whom some or all of the costs of their travel, accommodation or other expenses are being paid by the Councillor or employee or individual concerned.
- 5.6.18 **The arrangements do not apply to:-**
- (i) Visits by a Cabinet Member/Cabinet/Scrutiny or City Council Committee, where the visit is part of a meeting for the purposes of inspection and the visit is to an establishment within the City Council boundary.

**Part 5.6- Protocol for Approval for Foreign Travel and Conference Attendance for Councillors and Employees**

- (ii) Regular (bi-monthly or quarterly) meetings of the board of management or similar of a “professional” institute or body to which the Council belongs (such as the Management Committee of the Local Government Information Unit).
- (iii) Meetings (and associated national conferences and exhibitions) of bodies to which the Council is a member eg. Local Government Associations, UNLESS absence from the City for two or more days is involved.
- (iv) Attendance at any conference etc where the direct cost to the City Council does not exceed £100 (this amount to be reviewed annually). However, there is still a requirement to submit a report to Scrutiny outlining the benefits of attendance.
- (v) Visits by the Lord Mayor/Deputy Lord Mayor within the European Union.

**5.6.19 Approval of Foreign Travel by Employees**

The arrangements described in the above paragraphs also apply to ALL cases where an employee wishes to travel outside the United Kingdom on the business of the Council such as attending a conference or as part of a Council Delegation, **EXCEPT where the direct cost to the City Council does not exceed £100 (in which case Directors can authorise approval)**. The employee who attends will be responsible for providing a report back on the event to the relevant Scrutiny Board/Scrutiny Co-ordination Committee. Where an employee attends an event with an elected Councillor then a joint report will suffice. Any such report must be made within two months of attendance. Reports back on all visits/conferences relating to the Lord Mayoralty both within and outside the European Union will be considered by the Scrutiny Co-ordination Committee.

5.6.20

## CONFERENCES / SEMINARS

AUTHORITY FOR ATTENDANCE

THIS FORM TO BE USED FOR COUNCILLORS  
(FOR ATTENDANCE BOTH IN AND OUTSIDE THE U.K.)  
AND FOR EMPLOYEES

(OUTSIDE THE U.K. ONLY OR, IF ACCOMPANYING A COUNCILLOR, INSIDE THE UK)

<b>1. Title of Conference</b>			
<b>2. Organising Body</b>			
<b>3. Location</b>			
<b>4. Date(s)</b>			
<b>5. Councillor(s) recommended to attend</b>			
<b>6. Employee(s) recommended to attend</b>			
<b>7. Cost per person, including travel, etc</b> (Note: If total cost is less than £100.00, formal Cabinet/Cabinet Member approval is not required)	Delegate Fee		
	Accommodation		
	Travel		
	Total		
<b>8. Is participation at this event as part of a group</b>	YES/NO		
<b>9. If so, how many people IN TOTAL will be attending the event as part of that group</b>	Number		
<b>10. Is there anyone travelling with the Member, officer or group in relation to whom any of the costs of travel, accommodation or any other expense will be paid for by a Member or officer. If "YES" please state number.</b>			
<b>11. Source of Funding (FIS Code)</b>			
<b>12. What are the reasons for attendance and what benefits to the City Council are expected from attendance</b>	Completed By/Signed: Date:		
<b>13. Is this conference part of an overall project involving further visits in the future?</b>	YES/NO		
<b>14. Recommendation of Cabinet Member/ Cabinet/Chair of any other City Council Committee</b>	YES/NO		
<b>(a) Are you satisfied that there is a genuine reason for attendance and genuine benefit for the Council?</b>	YES/NO		

**Part 5.6- Protocol for Approval for Foreign Travel and  
Conference Attendance for Councillors and Employees**

<b>(b) Will Councillor attendance affect the decision-making processes of the Council?</b>	YES/NO
<b>(c) Is attendance recommended?</b>	YES/NO Signed: _____ Date: _____
<b>15. Cabinet Member's recommendation</b>	YES/NO Signed: _____ Date: _____
<b>16. Leader's recommendation</b>	YES/NO Signed: _____ Date: _____
<b>17. Person responsible for booking conference following approval of attendance</b>	Name: _____ Department: _____ Telephone No: _____

**THIS FORM SHOULD NOW BE RETURNED TO  
THE DIRECTOR OF CUSTOMER AND WORKFORCE SERVICES  
(Room 59 of the Council House)  
FOR CUSTOMER AND WORKFORCE SERVICES DIRECTORATE'S USE ONLY**

<b>Decision</b>  <b>APPROVED / NOT APPROVED</b>	Cabinet Member/Cabinet  Date: _____
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<b>Notification to:</b>  <b>(a) Officer responsible for booking conference</b> <b>(b) Councillor attending</b> <b>(c) Member of Management Board</b> <b>(d) Members' Services</b> <b>(e) Committee Officer</b>	<u>YES/NO</u> <u>DATE</u>
--	---------------------------

<b>Date report back obtained</b>	
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<b>Date of meeting of Scrutiny to receive report back</b>	
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5.7 **Protocol for Cabinet Approval of Best Value Reports and Best Value Service Improvement Action Plans**

5.7.1 The relevant Cabinet Member(s) should be informally involved in the work of a Best Value Review Member Steering Group throughout the Review process. It will be a matter for the Chair of a Steering Group and the Lead Officer to decide how this is best achieved in liaison with the relevant Cabinet Member(s) and Best Value Review Member Steering Group Members.

5.7.2 On completion of the draft Best Value Review Report, it should be shared informally with the relevant Cabinet Member(s).

5.7.3 If there are any policy issues, the Cabinet Member(s) should consider whether other Councillors should be consulted and sufficient time should be allowed in the process to ensure there is opportunity to do so.

5.7.4 Once the relevant Scrutiny Board has approved the report of a Best Value Review Member Steering Group, the relevant Cabinet Member(s) should liaise with:-

- the Lead Officer and any relevant support officers;
- the Chair of the Best Value Review Member Steering Group;
- any relevant Cabinet colleagues

5.7.5 It is then the responsibility of the Cabinet Member(s) to make recommendations to the Cabinet about the action that it should take as a result of the recommendations contained within the report from the Best Value Review Member Steering Group. This does NOT 'replace' the recommendations from the Steering Group, but is supplementary guidance to Cabinet from the Cabinet Member(s).

5.7.6 The Lead Officer should draft the formal report and recommendation(s) to Cabinet and agree with:-

- relevant Cabinet Member(s)
- Best Value Review Member Steering Group Chair
- appropriate officers

5.7.7 This means that the report that Cabinet receives will contain within it BOTH the recommendations from the Best Value Review Member Steering Group and the recommendations from the Cabinet Member(s) about the action that s/he proposes should be taken in response.

5.7.8 Cabinet should be asked to receive the Best Value Review Report and support the recommendations, as proposed by the Cabinet Member. By following this protocol, the recommendations should accommodate Cabinet views as well as follow from the Best Value Review Member Steering Group Report.

5.7.9 Responsibility for delivery of the Service Improvement Action Plan will pass to the relevant officer with political support from the relevant Cabinet Member(s).

***Part 5.7- Protocol for Cabinet Approval of Best Value Reports  
and Best Value Service Improvement Action Plans***

If there are any specific policy/resource issues requiring further Cabinet decision, the Cabinet can ask for such issues to be the subject of a further report and decision by Cabinet.

## **PART 8**

# **PROCEDURAL MATTERS**



## 8. **Procedural Matters**

8.1 The City Council operates a number of procedures, which, whilst not forming part of the formal Constitution, support and enable its operation. These are listed below:-

### 8.2 **Council Meetings – Pre-Meetings and Briefings**

8.2.1 Agenda conferences for ordinary Council meetings will be held. These meetings will involve the Leader and Deputy Leader of the Council, the Leader and Deputy Leader of the Main Opposition Group the Lord Mayor and the Leaders of the other Opposition Groups.

~~8.2.2 On the day of ordinary Council meetings, briefings will be held to involve the Leader and Deputy Leader of the Council, the Leader and Deputy Leader of the Main Opposition Group, the Lord Mayor and the Leaders of the other Opposition Groups.~~

### 8.3 **Government Consultation Papers**

8.3.1 Responses to Government Consultation papers will be considered by Scrutiny (where such consideration is practicable within the timescale of the relevant consultation), Cabinet and by full Council in that order unless the Chief Executive determines that they relate to a “technical” issue.

8.3.2 Where the Chief Executive determines that a consultation paper relates to a "technical" issue, all Group Leaders on the Council shall be consulted. If any Group Leader disagrees, the Consultation paper will go through the normal process for consultations. If Group Leaders agree the paper is "technical", responses to them will be delegated to the appropriate Director, in consultation with the relevant Cabinet Member, Shadow Cabinet Member and other Group Leaders. Where practicable within the timescale of the relevant consultation, details will then be sent to all Councillors informing them of the proposed response to the consultation, asking if they wish to make any comments. The appropriate Director and relevant Cabinet Member and Shadow Cabinet Member will then consider any such documents received before submitting the response.

### 8.4 **Honorary Aldermen**

8.4.1 The City Council, at their meeting on 13th May, 2003 gave approval to the principle of the introduction of Honorary Aldermen during the Municipal Year 2003/2004.

### 8.5 **Performance Monitoring Reports**

8.5.1 The appropriate Scrutiny Board will be invited to attend meetings of Cabinet Members when performance monitoring reports are considered (with the exception of Modernisation and Improvement Plan issues where separate arrangements are identified).

### 8.6 **Outside Bodies – Annual Reports to Scrutiny**

8.6.1 Where the Council nominates more than one representative to an Outside Body, a Lead Member will be nominated to be responsible for co-ordinating a report to the Scrutiny Co-ordination Committee following the annual meeting of the body on the work of the Organisation, the benefits to the City Council of continuing its membership and the added value that the City Council's representatives bring to the Organisation. Where only one representative is appointed then she/he will be the Lead Member. If an organisation does not have an annual meeting, then the

Council's Lead Member will report in the third quarter of the year so that the Council can consider the benefits of retaining its representation.

The Scrutiny Co-ordination Committee will decide, at the start of each Municipal Year, which outside bodies it wishes to receive reports on.

## 8.7 Annual Meeting of the City Council

~~8.7.1 As soon after the election in May as possible, meetings will be held between the Leaders of the Controlling and Main Opposition Groups to review the allocations of seats/appointments etc. Appropriate consultation with the other Groups will then take place prior to the Annual Meeting with the aim of ensuring that there are no "surprises" or disagreements on the day.~~

~~8.7.2 No other business will be considered at the Annual Meeting, other than that detailed in Paragraphs 4.1.1 – 4.1.1.19 of the Constitution (i.e. appointment of Lord Mayor/Deputy Lord Mayor, Leader and Deputy Leader, appointments to Council bodies and outside bodies etc, calendar of meetings).~~

~~8.7.3 There will be no outstanding business from the previous administration, as these will be considered at the April meeting of the Council. Officers will be instructed to ensure that this happens and to plan accordingly.~~

~~8.7.4 8.7.1 If the process in 8.7.1 above is followed, then it is anticipated that there should be no disagreements arising on the day. However, if if it became clear either before the Annual Meeting or on the day itself that there are areas of contention, then the fall back position will be to adjourn the Annual Meeting following the appointment of the Lord Mayor/Deputy Lord Mayor and reconvene to a future date provided that it complies with the timescale referred to in 4.1.1. ~~that afternoon.~~~~

## 8.8 Procedure for dealing with written questions of Council Meetings:

8.8.1 The deadline for receiving written questions is 9.00 am on the Monday, a week before the Council Meeting on the Tuesday. As soon as any question is received, it will be forwarded to the appropriate Cabinet Member, Chair or other Councillor and Director.

8.8.2 The Cabinet Member, Chair or other Councillor will arrange for a written response to be prepared, which must be with him/her by 5.00 pm on the Friday before Council.

8.8.3 The Cabinet Member, Chair or other Councillor will then have up until 4.00 pm on the Monday the day before Council to check the responses before it needs to be e-mailed to the appropriate Committee Officer.

8.8.4 The Committee Officer will then send the responses to all Councillors by 5.00 pm on the Monday.

8.8.5 Copies of all the responses will be circulated at the Council meeting.

## 8.9 Procedure for dealing with "If Necessary" Council meetings

8.9.1 Where there is no formal Council Business to consider and approve (i.e. Recommendations or items for consideration) the Council Meetings identified as "If Necessary" in the Municipal Calendar may be cancelled, but only following consultation with the Lord Mayor and the Leader of the Council.