

Public Document Pack

LICHFIELD DISTRICT COUNCIL

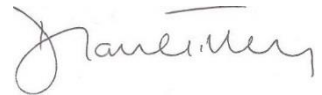
DIANE TILLEY BSc., MRICS
Chief Executive
Tel (01543) 308001

District Council House
Frog Lane
Lichfield
WS13 6YY

10 May 2021

To: Members of the Lichfield District Council

In accordance with Paragraph 4(2) of Part 1 of Schedule 12 to the Local Government Act 1972, you are hereby summoned to attend the meeting of the Lichfield District Council which will be held at **BURNTWOOD LEISURE CENTRE** on **TUESDAY, 18 MAY 2021** at **6.00 pm**.



Chief Executive

A G E N D A

1. Apologies for absence (if any)
2. Declarations of interest
3. Election of Chairman of the Council for the ensuing year (followed by declaration of acceptance of office)
4. To approve as a correct record the Minutes of the previous meeting (5 – 12)
5. To receive the Returning Officer's Certificate of Election of District Councillor and report of Declaration of Acceptance of Office
6. Election of Vice-Chairman of the Council for the ensuing year (followed by declaration of acceptance of office).
7. Chairman's announcements
8. Report of the Leader of the Council on Cabinet Decisions from the meeting held on 11 May 2021 and Cabinet Member Decisions (13 – 14)
9. Minutes of the Planning Committee

The Chair of the Planning Committee to move that the proceedings of the meetings held on 12 April and 29 April 2021 be received and where necessary approved and adopted.
(15 – 20)

10. Minutes of the Audit & Member Standards Committee

The Chair of the Audit & Member Standards Committee to move that the proceedings of the meeting held on 27 April 2021 be received and where necessary approved and adopted (21 – 26)

11. Membership of Cabinet, Committees, Panels and other appointments (including allocation of seats and appointments by political groups)

- (a) To agree that the political allocation of seats on committees and panels (27 - 28)
 - (b) To receive from the Group Leaders a list of appointments to the Cabinet, committees and panels subject to no Member being disqualified from serving due to a conflict of interest (29 – 32)
 - (c) To agree that the Constitution be amended to reflect any changes made.
12. Election of Chairs and appointment of Vice-Chairs of Committees, Panels etc.
- (a) The Leader of the Council to move that the Chairs and Vice-Chairs of committees and panels etc. be as submitted (33 – 34)
 - (b) To appoint the Chair of the Overview & Scrutiny Committee.
13. Appointment of Representatives on Outside Bodies
- To consider and approve the appointments of representatives on outside bodies.
(35 – 36)
14. Leyfields & Netherstowe Open Space - agreement with Bromford
- To approve any recommendations of Cabinet made at the meeting held on 11 May 2021 (37 – 42)
15. Modern Slavery Statement
- To approve the Modern Slavery Statement subject to any amendments made at Cabinet on 11 May 2021 (43 – 50)
16. Appointment of Chief Executive
- To make an appointment to the role of Chief Executive (Head of Paid Service and Chief Officer), Electoral Registration Officer and Returning Officer (51 – 54)
17. Appointment of Director of Lichfield Housing Ltd
- To note the resignation of Diane Tilley as a Director of Lichfield Housing Ltd and approve the appointment of Tony McGovern as a Director of Lichfield Housing Ltd from 1 June 2021.
18. Report of the Chair of Audit and Member Standards Committee
- To receive the annual report of the Chair of Audit & Member Standards Committee
(55 – 62)
19. Amendments to the Constitution
- To agree the changes to the constitution set out in the report (63 – 182).
20. Questions

To answer any questions under Procedure Rule 11.2

21. Exclusion of public & press

RESOLVED: That as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the following items of business, which would involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972

22. Minutes of the Appointments Committee

The Chairman of the Appointments Committee to move that the proceedings of the Meeting held on 29 April 2021 be received (183 - 184)

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COUNCIL

20 APRIL 2021

PRESENT:

Councillors Powell (Chairman), Cross (Vice-Chair), Anketell, Baker, Ball, Barnett, Binney, Birch, Checkland, Cox, Eadie, Eagland, D Ennis, L Ennis, Evans, Grange, Greator, Gwilt, Ho, Humphreys, Lax, Leytham, A Little, E Little, Marshall, Matthews, Norman, Parton-Hughes, Pullen, Ray, Robertson, Salter, Silvester-Hall, Smith, Spruce, Strachan, Tapper, Warburton, Warfield, Westwood, White, M Wilcox, S Wilcox, A Yeates and B Yeates.

151 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Banevicius.

152 DECLARATIONS OF INTEREST

There were no declarations of interest.

153 TO APPROVE AS A CORRECT RECORD THE MINUTES OF THE PREVIOUS MEETING

RESOLVED: That the Minutes of the Meeting held on 16 February 2021 be approved as a correct record.

154 CHAIRMAN'S ANNOUNCEMENTS

The Council observed a Minutes silence in memory of HRH The Duke of Edinburgh.

155 REPORT OF THE LEADER OF THE COUNCIL ON CABINET DECISIONS FROM THE MEETING HELD ON 13 APRIL AND CABINET MEMBER DECISIONS

Councillor Pullen submitted his report on Cabinet decisions from the meeting held on 13 April 2021 together with individual Cabinet Member Decisions, and answered questions on issues arising from the report.

Members welcomed the revised housing policy, the consideration being given to the Garrick contract and the applications to become a registered social housing provider and Homes England Partner.

156 MINUTES OF THE COMMUNITY, HOUSING & HEALTH (OVERVIEW & SCRUTINY) COMMITTEE

Councillor Eagland submitted the Minutes of the meeting held on 10 March 2021.

Councillor Humphreys thanked Councillor Eagland for her work as Chair of the Committee and Councillor Eagland thanked the Vice-Chairs of the Committee and officers for their work during the year.

157 MINUTES OF THE LEISURE, PARKS & WASTE MANAGEMENT (OVERVIEW & SCRUTINY) COMMITTEE

Councillor Matthews submitted the Minutes of the meeting held on 1 April 2021 and thanked the Vice-Chairs, members of the committee and officers for their work during the year.

158 MINUTES OF THE REGULATORY AND LICENSING COMMITTEE

Councillor B Yeates submitted the Minutes of Regulatory & Licensing Committee held on 25 February 2021.

It was then seconded by Councillor Leytham and

RESOLVED: That the Minutes of the meeting held on 25 February 2021 be approved and adopted.

159 MINUTES OF PLANNING COMMITTEE

Councillor Marshall submitted the Minutes of the Planning Committee held on 8 March 2021 and thanked the members of the committee and officers for their support during the year.

It was seconded by Councillor Baker and

RESOLVED: That the Minutes of the meeting held on 8 March 2021 be approved and adopted.

160 MINUTES OF THE EMPLOYMENT COMMITTEE

Councillor Humphreys submitted the Minutes of the Employment Committee held on 25 March 2021 and thanked the Vice-Chair and officers for their work during the year.

It was then seconded by Councillor Barnett and

RESOLVED: That the Minutes of the meeting held on 25 March 2021 be approved and adopted.

161 MINUTES OF THE AUDIT AND MEMBER STANDARDS COMMITTEE

Councillor Greatorix submitted the Minutes of the Audit and Standards Committee held on 25 March 2021 and thanked officers for their continued support noting that there would be a further meeting on 27 April.

Councillor Robertson welcomed the progress being made in relation to payment card industry data security standards.

It was then seconded by Councillor Ho and

RESOLVED: That the Minutes of the meeting held on 25 March 2021 be approved and adopted.

162 APPOINTMENT OF HEAD OF PAID SERVICE

It was reported that a comprehensive recruitment process for the role of Chief Executive had not, as yet, resulted in a permanent appointment.

It was therefore recommended that an appointment be made to the role of Interim Chief Executive (Head of Paid Service and Chief Officer), Electoral Registration Officer and Returning Officer.

It was proposed by Councillor Pullen, seconded by Councillor Norman and

Resolved: (1) That the appointment of Tony McGovern as Interim Chief Executive (and be designated Head of Paid Service) be approved

(2) That the appointment of Tony McGovern as Returning Officer and Electoral Registration Officer be approved.

(3) That the post be appointed to undertake an effective hand over with the current post holder and support the elections, with full delivery of the statutory role taking effect from 1 June 2021.

163 REVIEW OF COMMITTEE MEETINGS

It was reported that with the exception of Planning Committee, there had not been a review of the Committee System since 2014 when the Overview & Scrutiny Committees were reconfigured. There had been numerous changes in strategic priorities since then with the latest Strategic Plan approved in 2020.

The Strategic (Overview & Scrutiny) Committee had created a Member Task Group to undertake a review and investigate options to create an effective Committee System.

The Task Group's recommendations were agreed unanimously by Strategic (Overview & Scrutiny) and submitted to Cabinet for approval and recommendation to Full Council.

During the debate there was support for improving processes, being proactive and ensuring strategic focus while disappointment was expressed about the response rate to the consultation questionnaire. Reference was made to the importance of public access to proceedings and the timing of meetings.

In moving the recommendations Councillor Lax advised that Overview & Scrutiny meetings would be held in public and the task groups would be accessible but would retain more flexibility than the Overview & Scrutiny Committee. Once set up the process could be tweaked as necessary and kept under review.

It was confirmed that if the recommendations were approved, amendments to the constitution would be submitted to Council in due course.

In seconding the recommendations Councillor Norman noted that while online meetings had a part to play they may not always be practical or appropriate (e.g. when conducting site visits or talking to witnesses). He noted that task groups would report to the Scrutiny Committee and the Committee would, in turn, be overseen by Full Council. He said the proposed arrangements provided great opportunities and made for good governance which was good for the Council and residents.

It was then:

RESOLVED: That the following updates to the committee structure be approved:

- (1) That Parish Forum is removed as a constituted committee and become informal meetings to aid information flow and training.
- (2) The District Board is removed as a constituted committee. Any statutory function carried out by this meeting is delegated to officers and relevant plans and decisions notified to Cabinet members and committees where appropriate.
- (3) That the structure for Overview & Scrutiny and the four existing committees be changed to a single Overview and Scrutiny Committee.
- (4) That the Overview & Scrutiny Committee consider items earlier on to aid policy development and review whether stated outcomes from decisions, strategies and policies have been achieved via effective use of member task groups.
- (5) That mandatory training is developed for the scrutiny committee and additional mandatory training for chair, vice chair and task group chair roles and gender neutral terms are used for all members.
- (6) Full Council will appoint the Chair of Overview & Scrutiny. The vice chair role will be nominated by the leader of the leading opposition party and all task group chairs are appointed by the Chair of Overview & Scrutiny.
- (7) That an Independent Review Panel (IRP) is commissioned to assess the Special Responsibility Allowance (SRA) payable to any roles affected by this review.
- (8) That an evaluation of the effectiveness of the new committee structure be undertaken after the next District Council Local Elections in 2023.
- (9) That the relevant sections of the Constitution be updated to reflect the new committee structure with clear but adaptable processes to support effective decision making.

164 COUNCIL MEETING ARRANGEMENTS

It was noted that since May 2020 the Council had successfully hosted virtual meetings to keep members and officers safe whilst allowing essential decision making to take place in line with the Coronavirus Act 2020.

These regulations would come to an end on 7 May and consideration was given to keeping members and officers safe until restrictions were lifted on 21 June 2021.

During the debate disappointment was expressed that provisions allowing virtual meetings had not been extended. Reference was made to Local Government Association support for action by Hertfordshire County Council, Lawyers in Local Government and the Association of Democratic Services Officers to seek clarification from the courts as to whether meetings could continue to be held virtually.

It was confirmed that the Council had responded to the call for evidence issued by Luke Hall MP, Minister of State on the use of remote meetings.

It was proposed by Councillor Lax, seconded by Councillor Eadie and

RESOLVED: (1) That the end of regulations allowing virtual attendance at committee meetings on 7 May 2021 be noted.

(2) That the deferment of all non-essential Council meetings prior to 21 June and the updated Diary of meetings as set out in Appendix 1 of the report be approved.

(3) That the change of venue for Annual Council to ensure Covid security be noted.

(4) That Council members agree to voluntary participation in lateral flow testing prior to public meetings, until and including July Full Council.

(5) That Council delegates the ability to call virtual meetings to the Chief Executive, should the legal challenge prove successful and virtual attendance will qualify beyond 7 May.

165 PAY POLICY STATEMENT

It was moved by Councillor Smith, seconded by Councillor E Little and

RESOLVED: That the updated Pay Policy Statement as submitted be approved.

166 UPDATE TO THE CONSTITUTION (SCHEME OF DELEGATION)

It was noted that following the retirement of the Head of Customer Services, Revenues & Benefits the powers delegated to that post had been delegated to the Head of Corporate Services.

Members paid tribute to the work of Pat Leybourne as Head of Customer Services, Revenues and Benefits and wished her well for her retirement.

167 QUESTIONS

Q1. Question from Councillor Norman to the Leader of the Council

Can I ask the Leader of Council if he has viewed the Planning Committee meetings on YouTube in recent weeks, and if so, does he think it is operating efficiently and properly?

Response from the Leader of the Council

I have indeed watched Planning Committee several times in recent weeks and commend the work of both councillors and officers who navigate what can be a complex and emotive environment. There are always things which can be improved in any organisation, and I know that both the Chair of Planning and the relevant Cabinet member are focussed on achieving those improvements.

Councillor Norman asked the following supplementary question:

Can the Leader let me know, when he can, what improvements referred to in the answer the Chairman and the Cabinet Member will be focusing on so I can judge the outcome.

The Leader of the Council responded:

I will be more than happy to do so.

Q2. Question from Councillor Norman to the Cabinet Member for Regulatory, Housing and Health

Can the Cabinet Member tell me how many pre-planning application meetings there have been in the last 12 months and set out the procedure that officers follow, including the nature of the advice that are then given, to applicants?

Response from the Cabinet Member for Regulatory, Housing and Health

In the period 1.4.20-31.3.21 LDC received 188 pre apps (compared to 163 in the previous 12 months and 170 in the 12 months before that).

Pre-application advice is a discretionary service and developers do not have to seek such advice if they do not wish to.

In terms of the pre-application protocol, this is set out in information on our website, which can be viewed by the following link: <https://www.lichfielddc.gov.uk/pre-application-guidance-1/pre-application-protocol/1>

In terms of Member involvement in pre-app this tends to only happen on larger/major schemes and we have a protocol for Member involvement as part of a Development Team approach, again as set out on the website: <https://www.lichfielddc.gov.uk/pre-application-guidance-1/pre-application-protocol-major-developments?documentId=387&categoryId=20072>

Pre-application advice is the informal opinion of an officer and made without prejudice. The responses are not in the public domain, as they are not formal determinations under the Town & Country Planning Act. We do not release copies of the responses or advice to others, as the advice is given specifically and of course has been paid for by the person or company that approaches us.

Councillor Norman asked the following supplementary question:

Councillor Lax may well be aware that Bromford carried out a consultation recently regarding the blue hoarding site that they sought pre-application advice about some time ago. With Bromford's withdrawal of the proposals for Leyfields and Netherstowe can people be reassured that it will not influence any future proper consideration of a formal planning application for the blue hoarding site that is designated as a town centre by the local plan in Burntwood.

The Cabinet Member for Regulatory, Housing and Health responded:

I'm not sure on the point being made because the reference to the blue hoardings in Burntwood is a specific application which had a pre-application and my answer sets out how pre-applications are dealt with and the circumstances under which they are not in the public domain. It would not be prudent to comment on the intentions or otherwise of Bromford. If further information is required please write to me and I will see what I can answer.

168 EXCLUSION OF PUBLIC & PRESS

RESOLVED: That as publicity would be prejudicial to the public

interest by reason of the confidential nature of the business to be transacted, the public and press be excluded from the meeting for the following items of business which would involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

IN PRIVATE

169 CONFIDENTIAL MINUTES OF THE APPOINTMENTS COMMITTEE

Councillor Pullen submitted the Minutes of the Appointments Committee held on 18 March and 25 March 2021.

It was seconded by Councillor Norman and

RESOLVED: That the Minutes of the meetings held on 18 March and 25 March 2021 be approved.

(The Meeting closed at 7.35 pm)

CHAIRMAN

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REPORT OF THE LEADER OF THE COUNCIL

CABINET DECISIONS –11 MAY 2021

1. COUNCILLOR COMMUNITY GRANT SCHEME

The Cabinet:

- 1.1 Agreed the setting up of a pilot Councillor Local Community Grant Scheme as detailed in Appendix A to the report.
- 1.2 Delegated authority to the Cabinet Member for Community Engagement and the Head of Regulatory Services, Housing and Wellbeing to make any minor changes to the pilot scheme if improvements were identified at any point.

2. LEYFIELDS AND NETHERSTOWE OPEN SPACE - PROPOSED AGREEMENT WITH BROMFORD

The Cabinet agreed:

- 2.1 To recommend to Council the refund of planning applications fees of £13,365.60 and make payment of £103,491.37 (a total of £116,865.97) to Bromford and approve an amendment to the Medium Term Financial Strategy to fund the payment from general reserves.
- 2.2 That the agreement to cancel the contract for sale of land be granted.
- 2.3 To recommend to Council to further amend the Medium Term Financial Strategy to remove the capital receipt of £527,000 from the Capital Programme.
- 2.4 That delegated authority be given to the Chief Executive, Leader of the Council and the Head of Governance and Performance to finalise the agreement and contractual terms with Bromford.

3. MODERN SLAVERY AND HUMAN TRAFFICKING STATEMENT

- 3.1 The Cabinet considered and accepted the content of the proposed Human Trafficking and Modern Slavery Statement prior to its submission to Full Council.

CABINET MEMBER DECISION

4. LICHFIELD DISTRICT EVENTS AND FESTIVALS GRANT FUND

- 4.1 The Cabinet Member for Visitor Economy and the Local Plan approved a grant of £3000 to support the new pilot Market in Burntwood.

**DOUG PULLEN
LEADER OF THE COUNCIL**

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PLANNING COMMITTEE

12 APRIL 2021

PRESENT:

Councillors Marshall (Chairman), Baker (Vice-Chair), Anketell, Barnett, Birch, Checkland, Cox, L Ennis, Evans, Ho, Humphreys, Leytham, Matthews and Tapper

29 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Eagland.

30 DECLARATIONS OF INTEREST

Councillor Birch declared a non-pecuniary interest in Agenda Item 4 (Application no – 20/00932/FUL) as he is the Chair of Burntwood Town Council's Planning & Development Committee who have raised significant objections.

Councillor Checkland declared a personal interest in Agenda Item 4 (Application no - 20/01085/FUL) as the Applicant's Agent, Mr Timothy, is known to him.

Councillor Cox declared a non-pecuniary interest in Agenda Item 4 (Application no - 20/00932/FUL) as the Applicant's Agent, Mr Deffley, is known to him and also declared a non-pecuniary interest in application no 20/01236/FUL as he is the Ward Member for Armitage with Handsacre and a significant number of residents' objections had been received.

Councillor Marshall declared a personal interest in Agenda Item 4 (Application no - 19/01736/FULM) as he knows a Director of AB Farms.

Councillor Matthews declared a personal interest in Agenda Item 4 (Application no - 20/01085/FUL) as the Objector is known to him.

Councillor Tapper declared a non-pecuniary interest in Agenda Item 4 (Application no – 20/00932/FUL) as he is a Member of Burntwood Town Council who have raised significant objections although he is not a Member of the Burntwood Planning & Development Committee.

31 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on Monday 8 March 2021 previously circulated were taken as read, approved as a correct record and signed by the Chairman.

32 PLANNING APPLICATIONS

Applications for permission for development were considered with the recommendations of the Head of Economic Growth and Development and any letters of representation and petitions of observations/representations together with the supplementary report of observations/representations received since the publication of the agenda in association with Planning Applications 20/01238/COUM, 19/001736/FULM, 20/01236/FUL, 20/01085/FUL and 20/00932/FUL.

20/01238/COUM - Oak Tree Farm, Drayton Lane, Drayton Bassett, Tamworth
Conversion and extension of existing barn to form gospel hall (Use class F.1(f)) as a place of worship, with demolition of other agricultural barns and provision of car parking, landscaping and associated works
FOR: GGHT (Greenmere Ltd)

RESOLVED: That the planning application be **REFUSED** for the following reasons:-

The proposals are contrary to policies NR1 (Countryside Management), NR2 (Development in the Green Belt), Rural 1 (Rural Areas), ST1 (Sustainable Travel), CP2 (Presumption in Favour of Sustainable Development) and CP3 (Delivering Sustainable Development) of the Lichfield District Council Local Plan Strategy 2008-2029. This is because insufficient information has been submitted to justify the proposed development in this location, there is insufficient highways information and the applicant has failed to explain how these policies have been met. Further, the proposals would not be sustainable, would not enhance quality of life, nor meet the needs of the local community.

(Prior to consideration of the application, representations were made by Parish Councillor Ian Watkins, Drayton Bassett Parish Council (Objector), Ms Chloe Bennett (Supporter) and Mr Andrew Beard of AB Planning (Applicant's Agent)).

19/001736/FULM - Barn Farm, Cranebrook Lane, Hilton, Lichfield
Erection of 1 no. agricultural building for cold storage with lean-to canopy, private way/track to serve potato grader, hardstanding and associated works (part retrospective)
FOR: Mr A Horsfield

RESOLVED: That this planning application be approved subject to the conditions outlined in the report of the Head of Economic Growth and Development and the supplementary report, and subject to additional/amended conditions related to CCTV drainage condition report; removal of permitted development rights and that the original access only be used for access to residential properties not for any farm access. Wording of amended and/or additional conditions read as follows:

4. Within 6 months of the date of this permission, the existing access shall be reduced in width in accordance with dwg no. 3186-65. This access shall thereafter only be used by cars and other vehicles to access the residential properties and shall not be used by vehicles in association with the farm operation or use, including for any staff access.

11. Within two months of the date of this permission, a full capacity and condition CCTV surface water flooding report shall be submitted to the Local Planning Authority. No further works related to drainage shall be undertaken until this report and any required mitigation works (if required) have been agreed by the Local Planning Authority. Any required and agreed mitigation works shall thereafter be undertaken in accordance with the agreed details and timescales.

13. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015, or any order revoking or re-enacting that Order, there shall be no extensions to the existing buildings, new buildings erected nor any other operational development undertaken within the application site without the written consent on application to the Local Planning Authority.

(Prior to consideration of the application representations were made by Ms Catherine White (Objector) and MS Charlotte El Hakiem of CT Planning (Applicant's Agent)).

STANDING ORDERS - 10.0 - DURATION OF MEETING from the Constitution was recited by the Legal Officer and the majority of Members present consented to the continuation of the meeting beyond 3 hours.

20/01236/FUL - Land Adjacent The Crown Inn, Uttoxeter Road, Handsacre, Rugeley
Creation of field access with installation of gate and ramp down to field
FOR: F B Developments Premier Ltd

RESOLVED: That the planning application be **REFUSED** for the following reasons:-

The proposal would result in the excessive loss of hedgerow, due to the unnecessary width of access proposed and, the area of ramp proposed also would be excessive. It is considered such development would not be required for the purposes of agriculture and accordingly constitutes overdevelopment, which would have a detrimental impact on the character and visual amenity of the area and to biodiversity. The proposals are therefore contrary to policies BE1 (High Quality Development) and NR3 (Biodiversity, Protected Species & their Habitats) of the Lichfield District Council Local Plan Strategy 2008-2029.

(Prior to consideration of the application, representations were made by Mr Alastair Richards (Objector) and Mr Mike Lapworth (Applicant's Agent)).

After a majority vote Members decided due to the duration of the meeting and on the basis that the following two matters had public speakers, the meeting be adjourned and the Chairman fix an alternative date to consider the remaining business at a further Committee meeting.

20/01085/FUL - Windy Ridge, Commonside, Gentleshaw, Rugeley
Demolition of existing dwelling to be replaced by erection of a 4 bed dwelling and associated works
FOR: Mr & Ms I & J Toddington & Harrison

RESOLVED: To be decided at alternative date.

20/00932/FUL - The Grange, Church Street, Chasetown, Burntwood
Erection of 2 bedroom bungalow (resubmission of application 20/00331/FUL)
FOR: Mr & Mrs Scott Wright

RESOLVED: To be decided at alternative date.

(The Meeting closed at 9.27 pm)

CHAIRMAN

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SPECIAL PLANNING COMMITTEE

29 APRIL 2021

PRESENT:

Councillors Marshall (Chairman), Baker (Vice-Chair), Anketell, Barnett, Birch, Checkland, Cox, Eagland, L Ennis, Evans, Humphreys, Leytham, Matthews and Tapper

33 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Ho.

34 DECLARATIONS OF INTEREST

Councillor Birch declared a non-pecuniary interest in Agenda Item 4 (Application no – 20/00932/FUL) as he is the Chair of Burntwood Town Council's Planning & Development Committee who have raised significant objections.

Councillor Checkland declared a personal interest in Agenda Item 4 (Application no - 20/01085/FUL) as the Applicant's Agent, Mr Timothy, is known to him.

Councillor Cox declared a non-pecuniary interest in Agenda Item 4 (Application no - 20/00932/FUL) as the Applicant's Agent, Mr Deffley, is known to him.

Councillor L Ennis declared a non-pecuniary interest in Agenda Item 4 (Application no – 20/00932/FUL) as she is a Member of Burntwood Town Council and has been a substitute Member on Burntwood Town Council's Planning & Development Committee who have raised significant objections.

Councillor Evans declared a non-pecuniary interest in Agenda Item 4 (Application no – 20/00932/FUL) as she is a Member of Burntwood Town Council who have raised significant objections.

Councillor Matthews declared a personal interest in Agenda Item 4 (Application no - 20/01085/FUL) as the Objector is known to him.

Councillor Tapper declared a non-pecuniary interest in Agenda Item 4 (Application no – 20/00932/FUL) as he is a Member of Burntwood Town Council who have raised significant objections although he is not a Member of the Burntwood Planning & Development Committee.

35 PLANNING APPLICATIONS

Applications for permission for development were considered with the recommendations of the Head of Economic Growth and Development and any letters of representation and petitions of observations/representations received since the publication of the agenda in association with Planning Applications 20/01085/FUL and 20/00932/FUL.

20/01085/FUL - Windy Ridge, Commonside, Gentleshaw, Rugeley
Demolition of existing dwelling to be replaced by erection of a 4 bed dwelling and associated works
FOR: Mr & Ms I & J Toddington & Harrison

RESOLVED: That the planning application be approved subject to the conditions outlined in the report and the supplementary of the Head of Economic Growth and Development.

(Prior to consideration of the application, representations were made by Mr Norman Stanfield (Objector) and Mr Christopher Timothy of CT Planning (Applicant's Agent)).

20/00932/FUL - The Grange, Church Street, Chasetown, Burntwood
Erection of 2 bedroom bungalow (resubmission of application 20/00331/FUL)
FOR: Mr & Mrs Scott Wright

RESOLVED: That the planning application be **REFUSED** for the following reasons:-

- (1) The development represents an unacceptable risk to surface flooding and therefore would have ecological impact and is not sustainable development, contrary to policy CP3 of the Lichfield Local Plan Strategy (2015) and the National Planning Policy Framework.
- (2) The traffic movement associated with the proposed development will have an unacceptable impact on the amenity of local residents, contrary to policy BE1 of the Lichfield Local Plan Strategy (2015) and the National Planning Policy Framework.

(Prior to consideration of the application, representations were made by Mr Michael Murphy (Objector) and Mr Gary Deffley of JT Design Partnership (Applicant's Agent)).

(The Meeting closed at 7.55 pm)

CHAIRMAN

AUDIT AND MEMBER STANDARDS COMMITTEE

27 APRIL 2021

PRESENT:

Councillors Greateorex (Chairman), Ho (Vice-Chair), Checkland, Grange, A Little, Norman, Robertson, Spruce and White

Observer: Councillor Strachan, Cabinet Member for Finance, Procurement, Customer Services and Revenues & Benefits & Councillor Pullen, Leader of the Council

Officers In Attendance: Mrs J Irving, Miss W Johnson, Ms D Tilley, Mr A Thomas, Ms Christie Tims & Ms Tracey Tudor

Also Present: Mr Avtar Sohal (Grant Thornton UK LLP) (External Auditor) and Mr Stuart Evans (Anthony Collins Solicitors) for Minute no. 57

47 APOLOGIES FOR ABSENCE

There were no apologies for absence.

48 DECLARATIONS OF INTEREST

There were no declarations of interest.

49 MINUTES OF THE PREVIOUS MEETING

The Minutes of the Meeting held on 25 March 2021 previously circulated, were taken as read and approved as a correct record.

50 PAYMENT CARD INDUSTRY COMPLIANCE OUTSTANDING ACTION

Ms Tracey Tudor (Head of Corporate Services) provided an update to the committee on the outstanding Payment Card Industry Data Security Standard (PCI-DSS) high priority recommendation as requested at the previous meeting. Ms Tudor advised that the council does comply with the PCI-DSS requirements for most payments and advised that the only area that was not compliant was where staff were taking payments over the telephone and typing the card details into the payments system. However, Ms Tudor assured members that the actual card information was not stored on any council IT system at any point as it was entered directly in to a PCI-DSS compliant website provided by a third party. Ms Tudor also said there was technology in Lichfield Connects that stopped the card details from being recorded.

Ms Tudor assured the committee that she was exploring new technology that will allow people to type in their own card details and maintain a high-quality contact experience as well as encouraging customers to continue to pay on a regular basis. She said that using the opportunities that Covid-19 had presented, customers would now be encouraged to pay by direct debits and alternative payment methods as we knew from the initial results of the live customer survey that digital channels were our customers preferred way to interact with us. Ms Tudor said a trial within the team at Lichfield Connects was underway where they no longer take payments but transfer the customers to a payment line instead and, if successful, this would be rolled out to all colleagues which would ensure PCI compliance. The trial

underway showed that of the 198 phone interactions in the first week 73% did not need intervention from staff and customers were either successfully transferred to the payment line or encouraged to use the website therefore mitigating the risk further.

Ms Tudor advised that a new finance system, a payments solution and a new telephone platform were all being shaped as part of the Digital Strategy which had a target delivery date of December 2021 following which the council would re-apply to become recognised as being PCI-DSS compliant.

RESOLVED: The Committee noted the update.

51 ANNUAL GOVERNANCE STATEMENT

Mr Anthony Thomas (Head of Finance & Procurement) delivered a presentation on the key points of the final draft version of the Annual Governance Statement for 2020/21 and consideration was given by members. Mr Thomas explained that any relevant authority must each financial year conduct a review of the effectiveness of the system of internal control and prepare and approve an Annual Governance Statement. He explained that the Annual Governance Statement enables the council to explain to the community, service users, tax payers and other stakeholders its governance arrangements and how the controls it has in place manages risks of failure in delivering its outcomes. He stated the current committee were best placed to endorse the Statement as it related to the year 2020/21 and the committee had received all relevant information on internal control and governance throughout the financial year. Mr Thomas stated that the figures relating to the gender pay gap were not yet available for 2020/21 and so the AGS would need to be updated when these figures were available and the final version will be included in the Statement of Accounts. He explained that this Annual Governance Statement would then be signed by the Leader and Chief Executive and will ultimately form part of the 2020/21 Statement of Accounts.

Mr Thomas said that current best practice required a Local Code of Corporate Governance for 2021/22 to be produced also based on the seven core principles. Mr Thomas summarised and discussed the principles and explained that the drafting of the Annual Governance Statement takes place over the whole financial year and involves his team gathering and assessing the implications of the views of Internal Audit, an annual review of the effectiveness of Internal Audit, the views of the External Auditors, the views of the Head of Paid Service (Chief Executive), Monitoring Officer and himself as Section 151 Officer.

For 2020/21 the only one significant weakness on governance or internal control was highlighted in relation to the proposed disposal of an area of public open space. He said the findings and proposed actions from the independent investigation would be reported to this committee in due course. He was happy to report there had been no additional significant weaknesses in governance or internal controls highlighted.

It was noted that due to team pressures the Leader had not been provided with a draft of the Annual Governance Statement prior to its consideration by the committee, however, this had since been rectified.

Members asked questions and highlighted additional information for inclusion in relation to the approach to safeguarding in contracted-out services such as leisure centres, engagement as part of the sustainable physical activity and sports opportunities for the district options appraisal, the number of responses to the budget consultation, reference to the public open space weakness in the consultation section and the number of members that attended the Member Training Event. Mr Thomas agreed to provide answers to the questions raised and to update the draft Annual Governance Statement to take account of the committee's feedback.

In the Code of Corporate Governance at Appendix B, members commented that some of the outcomes were aspirational rather than reflecting the current position. It was agreed to update

the narrative in relation to confidential reports to reflect that in addition to justification, reasons should also be provided.

Councillor Grange believed that the Annual Governance Statement portrayed the position as overly positive and did not take into account a number of known significant governance weaknesses. However, Councillor White highlighted that although there were a couple of well documented issues these should not detract from the overall strong governance position of the Council.

Members raised the issue that the delegation was to the current Chair of the committee and the Chair and membership of the committee could change at Annual Council. It was noted that the changes to the Annual Governance Statement (excluding the Gender Pay Gap information for 2020/21) and Local Code of Corporate Governance were to be agreed prior to Annual Council.

RESOLVED: (1) The Committee reviewed and approved the draft Annual Governance Statement that will form part of the 2020/21 Statement of Accounts at Appendix A;
(2) The Committee agreed to delegate authority to the Chair of the Committee and the Head of Finance & Procurement to make further minor amendments to the Annual Governance Statement prior to the inclusion of the final version in the 2020/21 Statement of Accounts;
(3) The Committee reviewed and approved the Local Code of Corporate Governance 2021/22 at Appendix B.

52 ANNUAL REPORT FOR INTERNAL AUDIT (INCLUDING YEAR-END INTERNAL AUDIT PROGRESS REPORT)

Mr Anthony Thomas (Head of Finance & Procurement) presented the Internal Audit Annual Report (including results for Quarter 4 to 31 March 2021). Mr Thomas said this detailed the work completed during 2020/21 being 18 audits which equated to 94% of the plan achieved at year-end with a customer satisfaction score of 4.2 (29 issued and 24 (83%) returned) compared to the target of 4.0 or more. Mr Thomas said performance against other KPI's had been affected due to allowing service areas to concentrate on business critical service delivery responding to Covid-19 which had resulted in exceeding timescales set as targets within the KPI's but no material matters of fraud or irregularity had been reported during the year.

A summary of the reports issued were included in Appendix 01 and members noted that the total open actions as at January 2020 were 24 high and 206 medium but had gone down to 10 high and 67 medium as at 31 March 2021. The committee members requested a detailed list of the outstanding 10 high priority actions and Mr Thomas agreed to provide this to the committee. This was noted but the progress to date was commended in the current circumstances.

RESOLVED: The Committee noted the Internal Audit's Annual Report including results for the quarter to 31 March 2021 and asked that performance measures continue to be reviewed by the new Internal Audit Manager to see if they remain appropriate.

53 RISK MANAGEMENT UPDATE

Mr Anthony Thomas (Head of Finance & Procurement) presented the Risk Management update as at March 2021 and highlighted the changes made since the committee's last risk management update received in February 2021:-

- The current score in SR4 had been increased from 6 to 9 to account for the increasing likelihood of there being a failure to meet governance and/or statutory obligations;

- An additional strategic risk, SR8 (failure to safely, securely and legislative compliantly deliver the May 2021 Elections due to having to run them during pandemic conditions) had been upgraded from an “other horizon scanning risk” to a strategic risk;
- An additional strategic risk, SR9 (Council strategic leadership compromised by the change in Chief Executive) had been upgraded in part from an “other horizon scanning risk” to a strategic risk;
- Updates to mitigating controls, actions and lines of assurance had been updated on the register where applicable;
- “Other horizon scanning risks” arising at March 2021 which were not strategic risks currently but needed a watching brief had also been updated at the end of the register. (The change to procurement as a result of leaving the EU had been removed as there has been minimal changes to EU practice so SR8 and SDR9 had been upgraded from a scanning risk).

RESOLVED: The Committee noted the Internal Audit’s Risk Management update and received assurance on the actions taking place to manage the Council’s most significant risks.

54 CHAIR OF THE AUDIT COMMITTEE’S ANNUAL REPORT TO COUNCIL

The Chairman, Councillor Greateorex, introduced his Annual Report which CIPFA had recommended that Audit Committees produce. Councillor Greateorex said it set out to promote the role and purpose of the committee and detailed the committee’s performance, an evaluation on whether the committee is continuing to meet its terms of reference and document how the committee adds value. The member and officer attendance was highlighted for the year and a summary of the training undertaken, as well as a summary of the sources of assurance that the committee received during 2020/21 notably, internal and external audit/inspection, financial management, risk management and corporate governance. The Chairman asked members to note and endorse the contents thereof which would be circulated to all Councillors.

RESOLVED: The Committee noted and endorsed the proposed Annual Report 2020/21 and it was agreed that the Chair of the Audit & Member Standards Committee circulate the report to all Councillors. A vote of thanks was given to the Chairman for his excellent chairmanship throughout the year.

55 REVIEW OF THE EFFECTIVENESS OF THE AUDIT & MEMBER STANDARDS COMMITTEE

Members received a report on the annual self-assessment of the Audit & Member Standards Committee effectiveness from Ms Christie Tims, Head of Governance & Performance/Monitoring Officer. Ms Tims stated that the report also set out a review that incorporated the key principles set out in CIPFA’s Position Statement which were essential factors in developing an effective Audit Committee. She advised that the responses to the 2021 knowledge and skills self-assessment had been fed into the assessment and members were asked to consider it.

Ms Tims said that last year the actions had been to produce a Chair’s Annual Report to Council which was included in this agenda and to receive training on Governance, Internal Audit, Counter Fraud and Treasury. She advised that this action was still outstanding as, due to Covid-19, this had not been possible and will need to be carried out in the training plan going forward for 2021/22. Discussions then took place with regard to the appointment of an Independent Member on to this committee. The current committee unanimously agreed that there was already a diverse skillset in the current membership and therefore there was no reason to appoint an Independent Person at this time, however, if the current membership were to change a review would be needed.

RESOLVED: The Committee considered the attached self-assessment checklist and endorsed the actions to improve its effectiveness.

56 ANNUAL AUDIT FEE LETTER

The Annual Audit Letter was presented by Mr Avtar Sohal from Grant Thornton setting out a variation to the external audit fee for 2020/21. Mr Sohal explained the reasons for the increase in the fee which had increased by £22,500.00. He referred to the major changes which had taken place over the last couple of years and set out the expected fees impact, the need for which had recently been acknowledged by both the Redmond Review and MHCLG's subsequent response. Mr Sohal referred to the additional work and the new audit requirements for 2020/21 which was due to the new NAO Code. He explained that there will have to be more extensive reporting and a new set of key criteria had been set covering governance, financial sustainability and improvements in economy, efficiency and effectiveness.

Although there was an increase in fees to enable Grant Thornton to achieve the financial reporting standards expected, the committee asked if any lobbying to the Treasury was being done to help with the higher costs. Mr Thomas stated that there was frustration echoed throughout the financial/audit sphere and a lot of questions had been asked regarding having to comply with some of the requirements set i.e. Property, Plant & Equipment - is this really local government activities?

RESOLVED: The Committee noted the Annual Audit Fee Letter 2020/21 for Lichfield District Council and accepted that the environment had changed for all External Auditors.

57 INVESTIGATION REPORT IN RELATION TO THE DISPOSAL OF PUBLIC OPEN SPACE - LAND AT LEYFIELDS & NETHERSTOWE, LICHFIELD

Mr Stuart Evans, Legal Director of Anthony Collins Solicitors presented his Investigation Report in relation to the disposal of public open space land at Leyfields and Netherstowe, Lichfield and summarised the complaints, the legal position, and his findings and recommendations as follows:-

- (1) To ensure best consideration in all future contracts that reference should be made where time has elapsed to the need for a fresh valuation report being obtained.
- (2) To have in place a check list for the disposal of land. It is noted that there is now a new draft disposal of land and property assets policy in place and paragraph 5 specifically deals with open space land.
- (3) To have a checklist for land disposal that provides an audit trail of decision making and actions that are required to be taken.
- (4) To put in place an appropriate document signing process and sealing system that provides evidential proof that contracts have been appropriately signed and sealed where required and that signing of all procurement documentation should be supervised by a legal officer/monitoring officer.
- (5) To review whether there is a need for a decision review trigger to be written into the Constitution when there is either a period of time between Cabinet sign-off or the implementation of that decision or a change in Cabinet membership. This would deal with the issue where, for example, there has been a change in land value or central government policy on a particular matter.
- (6) Relevant professional input into the signing off of all reports and all decisions; that all Cabinet reports are signed off by the Section 151 Officer and Monitoring Officer.

- (7) Training is provided to Members and Officers setting out the importance of public consultation in such disposals and the statutory obligations to consult as detailed in the Local Government Act.
- (8) The decision of the 4 September 2018 should not be relied upon to authorise the sale of the two areas of open space land to Bromford Housing Association.
- (9) If the sale is now to take place it is recommended that a fresh process is commenced with district valuation reports and appropriate notices in the press and proper consultation prior to a decision being made by Cabinet to sell the open space land if it is considered this is the appropriate way forward.

Ms Christie Tims (Head of Governance & Performance/Monitoring Officer) advised that the report had been brought to committee as soon as practicable and further discussions are planned to deal with the findings and recommendations.

A number of questions were raised including whether the officers accepted the recommendations and the Chief Executive explained that the issues required further, more-detailed work. However, in principle the recommendations were accepted. Comments that the very basic things did not happen in ignorance of the 1972 Local Government Act and the lack of consultation was agreed by the committee to be very disappointing. Some Members wanted more political answers and hoped to get them at some point in the future.

In response to a question from Councillor Norman that there were still details on who had done what to be shared, Diane Tilley (Chief Executive) advised the committee that she would need to understand the value and purpose of naming individuals as this would not aid the ability to learn lessons from the episode and, as she had publicly stated before, none of the officers involved were any longer working for the council. She said she needed to protect the workforce and there was an exercise in learning for the council here. She confirmed that she accepted all the findings and recommendations in the Investigation Report in principle but said more detailed discussions were now required for their implementation. Councillor Pullen (Leader of the Council) also confirmed he accepted all the findings and recommendations and said the practical implications now needed to be looked at.

Ms Tilley said a report was due to come forward to Cabinet in May regarding the withdrawal of the deal to dispose of the land and further reports were due in June in respect of the implementation of the recommendations and July to consider the Disposal Policy.

RESOLVED: The Committee welcomed the report and looked forward to future updates regarding the lessons learnt.

(The Meeting closed at 8.00 pm)

CHAIRMAN

**FOR ANNUAL COUNCIL
18 MAY 2021**

CONSTITUTION OF COMMITTEES AND PANELS:

COMMITTEE / PANEL	SIZE	Con	Lab	Lib Dem	Ind
Council	47	35	10	1	1
Leader and Cabinet	8	8			
Overview and Scrutiny Committee	14	10	3		1
Audit & Standards Committee	9	6	2		1
Planning Committee	15	11	3	1	
Regulatory and Licensing Committee	13	10	3	1	

COMMITTEE / PANEL	SIZE	Con	Lab	Lib Dem	Ind
Licensing and Consents Appeals Committee <i>Any 3 from Regulatory and Licensing Committee</i>	3				
Employment Committee	10	7	3		
Disciplinary and Grievance Appeals Committee	7	5	1	1	
Investigatory and Disciplinary Committee	7	5	1		1
Appointments Committee <i>To be made of four Cabinet Members and the Leader of the Principal Opposition Group</i>	5	4	1		
Joint Committee for Waste Management <i>The Leader of the Council or authorised deputy The Portfolio Holder responsible for Waste or authorised deputy</i>	2	2			

**FOR: COUNCIL
18 MAY 2021**

CABINET	
Leader of Cabinet	D. R. Pullen
Deputy Leader of Cabinet and Cabinet Member for Economic Development and Local Plan, Parks & Leisure	I. M. Eadie
Cabinet Member for Finance, Procurement & Revenues and Benefits	R. W. Strachan
Cabinet Member for Community Engagement	R. E Cox
Cabinet Member for Innovation & Corporate Services	A. F. Smith
Cabinet Member for Major Projects	E. A. Little
Cabinet Member for Regulatory, Housing and Health	A. C. Lax
Cabinet Member for Climate Change & Recycling	A. Yeates

OVERVIEW & SCRUTINY COMMITTEE Constitution – Up to 14 Members Composition			
Conservative 10	Labour 3	Liberal Democrat 0	Independent 1
N. D. Binney	S. G Norman		J. K Grange
J. M. Eagland	D. C. Robertson		
D. J. Leytham	C. D. Evans		
A. M. Little			
J. A. Parton-Hughes			
J. P. Powell			
J. Silvester-Hall			
H. Tranter			
H. A. Warburton			
M. J. Wilcox			

EMPLOYMENT COMMITTEE Constitution – Up to 10 Members Composition			
Conservative 7	Labour 3	Liberal Democrat 0	Independent 0
D. Cross	S. W. Banevicius		
T. R. Matthews	R. J. Birch		
J. A. Parton-Hughes	D. C. Robertson		
J. P. Powell			
S. J. Tapper			
H. A. Warburton			
S. E. Wilcox			

PLANNING COMMITTEE Constitution – Up to 15 Members Composition			
Conservative 11	Labour 3	Liberal Democrat 1	Independent 0
D. F. Baker	J. Anketell	P. W. W. Ray	
S. A. Barnett	R. J. Birch		
J. Checkland	C. D. Evans		
D. Cross			
W-L Ho			
K. P. Humphreys			
T. Marshall			
D. F. Salter			
S. J. Tapper			
M. A. Warfield			
S. E. Wilcox			

REGULATORY & LICENSING COMMITTEE Constitution – Up to 13 Members Composition			
Conservative 9	Labour 3	Liberal Democrat 1	Independent 0
D. F. Baker	J. Anketell	P. W. W. Ray	
S. A. Barnett	L. J. Ennis		
D. Cross	C. D. Evans		
J. Checkland			
J. M. Eagland			
A. M. Little			
D. F. Salter			
M. A. Warfield			
B. W. Yeates			

AUDIT AND MEMBER STANDARDS COMMITTEE Constitution – Up to 9 Members Composition			
Conservative 6	Labour 2	Liberal Democrat 0	Independent 1
N. D. Binney	S. G Norman		J. K Grange
W-L. Ho	D. C. Robertson		
J. Silvester-Hall			
C J. Spruce			
M. J. Wilcox			
A. G. White			

DISCIPLINARY AND GRIEVANCE APPEALS COMMITTEE Constitution – 7 Members to be appointed when required Composition At least one Member to be from the Cabinet			
*Chairman is elected from those Members present			
Conservative 5	Labour 1	Liberal Democrat 1	Independent 0
J. Checkland	D. M. O. Ennis	P. W. W. Ray	
J. M. Eagland			
K. P. Humphreys			
A. C. Lax			
M. A. Warfield			

INVESTIGATORY AND DISCIPLINARY COMMITTEE Constitution – 7 Members to be appointed when required Composition At least one Member to be from the Cabinet No members from the Disciplinary and Grievance Appeals Committee			
*Chairman is elected from those Members present			
Conservative 5	Labour 1	Liberal Democrat 0	Independent 1
S. A. Barnett	C. J. Ball		J. K. Grange
N. D. Binney			
I. M. Eadie			
C. Greatorex			
T. Marshall			

APPOINTMENTS COMMITTEE Constitution – 5 Members to be appointed when required Composition Four Cabinet Members and Leader of the Principal Opposition Group			
*Chairman is elected from those Members present			

LICENSING & CONSENTS APPEALS COMMITTEE

Constitution – 3 Members

Composition

Any three from Regulatory & Licensing Committee but including the Chairman of Regulatory & Licensing Committee as standing Chairman

JOINT COMMITTEE FOR WASTE MANAGEMENT

Constitution – 2 District Members

Composition

The Leader of the Council or authorised deputy
The Portfolio Holder responsible for Waste or authorised deputy

OTHER APPOINTMENTS

Tree Champion – Cllr Baker

Agenda Item 12

**FOR: ANNUAL COUNCIL
18 MAY 2021**

CHAIRS AND VICE- CHAIRS 2021/22

Meeting	Chair	Vice-Chair
Overview & Scrutiny Committee	To be elected at Annual Council	S. G. Norman
Planning Committee	T. Marshall	D. F Baker
Regulatory and Licensing Committee	B. W Yeates	J. Checkland
Audit and Member Standards Committee	C. J. Spruce	W-L. Ho
Employment Committee	T. R. Matthews	J. A. Parton-Hughes
Disciplinary and Grievance Committee	To be elected from the Members present	
Investigatory and Disciplinary Committee		
Licensing and Consents Appeals Committee	To be elected from the Members present	

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REPRESENTATIVES ON OUTSIDE BODIES

For Council
18 May 2021

Outside Body	File	Notes	No. of Reps	Period of Office (Years) Extended due to Covid-19	Currently Appointed	Date Appointed	Appointment Ends	Approved Duty (Y/N)	Proposals - 2021 / 2022
Cannock Chase AONB Joint Committee	A62		1	1	Lax, A. C.	May, 2019	May, 2021	Y	Lax A. C
Greater Birmingham Local Enterprise Partnership (LEP)			1		Pullen, D. R. Eadie, I. M. (alternative)	May, 2019	May, 2021	Y	Pullen, D. R; Eadie, I.M.
GBSLEP Joint Scrutiny Committee			1	1	Cox, R. E. Wilcox, S. E. (alternative)	May, 2019	May, 2021	Y	Leytham D. J.
Guild of St. Mary's Centre	A48		1	1	Chairman of the Council	May, 2019	May, 2021	Y	Chair of Council
Lichfield District Tourism Association - Executive Committee	A78		1	n/a	Eadie, I. M.	May, 2019	n/a	Y	Eadie, I. M.
Local Government Association General Assembly	A59		1	1	Leader of the Council (or nominee)	May, 2019	May, 2021	Y	Leader of the Council (or nominee)
Staffordshire and Stoke on Trent Joint Waste Board	A98		1	1	Little, E. A.	May, 2019	May, 2021	Y	Yeates, A
Staffordshire County Council Health Select Committee	A100		1	1	Leytham, D. J.	May, 2019	May, 2021	Y	Leytham D. J. or nominee
Staffordshire Police & Crime Panel	P1		1	1	Yeates, A.	May, 2019	May, 2021		Cox, R. E.
Stoke on Trent and Staffordshire Local Enterprise Partnership (LEP)			1		Pullen, D. Eadie, I. M. (alternative)	May, 2019	May, 2021	Y	Pullen, D. R. Eadie, I. M. (alternative)
Support West Midlands Employers			1	1	Pullen, D. R. Eadie, I. M. (alternative)	May, 2019	May, 2021		Pullen, D. R. Eadie, I. M. (alternative)
West Midlands Local Government Association - Leaders board			1	1	Pullen, D. R.	May, 2019	May, 2021		Pullen, D. R.

REPRESENTATIVES ON OUTSIDE BODIES

For Council
18 May 2021

Outside Body	File	Notes	No. of Reps	Period of Office (Years) Extended due to Covid-19	Currently Appointed	Date Appointed	Appointment Ends	Approved Duty (Y/N)	Proposals - 2021 / 2022
Corporate Parenting Panel			1	1	Silvester Hall, J	May, 2019	May, 2021		Silvester Hall, J

Leyfields and Netherstowe open space Proposed Agreement with Bromford

Cllr Doug Pullen , Leader of Council



Date: 18th May 2021

Agenda Item: 14

Contact Officer: Diane Tilley – Chief Executive

Tel Number: 01543 308001

Email: diane.tilley@lichfielddc.gov.uk

Key Decision? YES

Local Ward Cllrs Ball and Robertson

Members

COUNCIL

1. Executive Summary

- 1.1 In September 2018 a Cabinet decision was made to enter into a contract for the sale of two pieces of District Council owned open space known respectively as Leyfields and Netherstowe subject to relevant planning permission being obtained. The contract for sale of the land was to be subject to granting of planning consent for affordable housing.
- 1.2 In July 2020 the contract was finally signed.
- 1.3 In August 2020 planning applications were submitted for the two sites and validated in September 2020
- 1.4 Under the provisions of the Local Government Act 1972 section 123 a Local Authority must give notice of its intention to dispose of open space by advertising in a newspaper for two consecutive week and consider any objections to the proposed disposal. This process was undertaken in November 2020. As explained in 3.2 below this should have been done in 2018 before the decision was taken by Cabinet, but we were not at this stage aware.
- 1.5 A report was submitted to Cabinet on 17th January 2021 with the results of the consultation.
- 1.6 At that meeting Cabinet resolved to proceed with the sale, but only on the basis that they were contractually committed to do so and that if this was not the case they would not be supporting disposal of the land.
- 1.7 This led to two further actions being taken.
- 1.8 Firstly an independent external investigation was commissioned to uncover what, if any, errors were made in the process of this proposed disposal
- 1.9 Secondly legal advice was sought as to the status of the consultation undertaken
- 1.10 The second of these issues revealed that the consultation process was challengeable in law as it had not been conducted legally in that the contract had already been signed prior to consultation being undertaken.
- 1.11 This coupled with the Cabinet desire to see the subject land remain as open space has given rise to a negotiation with Bromford to cancel the contract by mutual agreement with Lichfield District Council paying compensation to Bromford for costs reasonably expended. This would also result in the withdrawal of the planning applications for the two sites, which remain live and undetermined.
- 1.12 A report was submitted to Cabinet on 11th May 2021. They agreed the recommendation to cancel the contract for sale of land to Bromford and delegated authority for the terms of that agreement to the Leader of cabinet and Chief Executive. However as the finical implications are a departure from the

approved Medium Term Financial strategy approved by Council in February 2021, Council must consider the recommendations relating to financial implications .

2. Recommendations

- 2.1 That Cabinet recommend to Council the refund of planning applications fees of £13,365.60 and make payment of £103,491.37 (a total of £116,856.97) to Bromford and approve an amendment to the Medium Term Financial Strategy to fund the payment from general reserves.
- 2.2. That Cabinet recommend to Council to further amend the Medium Term Financial Strategy to remove the capital receipt of £527,000 from the Capital Programme.

3. Background

- 3.1 The first point to make is that no Council would wish to find themselves in this position. Mistakes have been made and the process has led to distress for members of our community and wasted time, energy and abortive costs for a valued partner. This is genuinely regretted.
- 3.2 The most fair and transparent way to address this issue was to discuss with Bromford the cancellation of the contract that , following a cabinet decision in 2018, was legally, and in good faith, entered into with them. This is the preferred route for the present Cabinet who have made their position on the development of this and indeed any council owned open space clear; this is not something they wish to see in Lichfield district. It is also the most cost effective way of addressing the problem as opposed to awaiting legal challenge. It would also require the withdrawal of the two undetermined planning applications, and Bromford did this on 14th April 2021.
- 3.6 It is recommended that the Council pay reasonable costs to Bromford which amount to £116,856.97. This is to cover its costs in connection with the transfer of land and the aborted planning and site investigation. The schedule at Appendix A details the breakdown of this payment. The aborted costs related to the sites have been provided by Bromford Housing and assume VAT is not recoverable by the Council from HMRC. If payment is agreed it would be made from general reserves, given that this one of the express purposes of that reserve.
- 3.7 Work is ongoing to consider if there can be a claim on the councils professional indemnity insurance to cover any or all of these costs but that will depend on the outcome of the external investigation and whether there is evidence of any maladministration or professional negligence.

Alternative Options

It is important to note that any alternative scenarios will potentially result in the increased risk of legal challenge, increased costs for the council and our partner Bromford, as well as continued distress an uncertainty for the community. Given the intent of the current Cabinet is not to see this land developed but retained as open space the recommended option is the preferred route. That said for the purposes of transparency we could;

1. Rerun the whole process seeking to undertake consultation before negotiating a new contract with Bromford ; this is clearly against the wishes of Cabinet and the views expressed by the public consultation

	<ol style="list-style-type: none"> 2. Take action to rescind the contract with Bromford but this could give rise to a legal challenge by Bromford and the potential of specific performance as well as increasing the costs to both parties 3. All of the above would also give further cause for distress to the community affected and be against the overall desire of the Cabinet and Council not to see development on these sites.
Consultation	<ol style="list-style-type: none"> 1. No consultation on this proposed solution has been taken but it is clear that the public are against the loss of open space given the objections to the proposed sale under the delayed s123 process and the current planning applications
Financial Implications	<ol style="list-style-type: none"> 1. The council will lose the capital receipt identified for these sites currently in the MTFS of £527,000. 2. It is recommended that the Council pay reasonable costs to Bromford which amount to £116,856.97. This is to cover its costs in connection with the transfer of land and the aborted planning and site investigation. The schedule at Appendix A details the breakdown of this payment. The aborted costs related to the sites have been provided by Bromford Housing and assume VAT is not recoverable by the Council from HMRC. If payment is agreed it would be made from general reserves, given that this one of the express purposes of that reserve.
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. Being transparent and open, acknowledging mistakes, and seeking to improve governance from a full assessment and investigation when things go wrong is part of being a Good Council
Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> 1. None.
Crime & Safety Issues	<ol style="list-style-type: none"> 1. None
Environmental Impact	<ol style="list-style-type: none"> 1. Agreement not to proceed with the sale ensures that the open space remains and available to meet the needs of the local community
GDPR/Privacy Impact Assessment	<ol style="list-style-type: none"> 1. There are no GDPR or privacy impact issues associated with this report as it contains no personal data or reference to personal data.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Reputational risk	Being open and transparent	Likelihood : Material Impact : Material Severity of Risk : Material
B	There is an adverse impact on the	The Council has commissioned an	Likelihood : Material

	External Auditor's annual value for money assessment.	external investigation to learn lessons that will be shared with the External Auditors.	Impact : Material Severity of Risk : Material
C	There is insufficient funding to deliver the approved Capital Programme.	<p>The Capital Strategy risk assessment identified planned capital receipts are not received as the most significant risk.</p> <p>Therefore an allowance of £264,000 has been incorporated into the minimum level of reserves.</p> <p>In terms of the balance of £264,000, a delegation was approved by Cabinet as part of the MTFs to implement alternative funding sources to fund the early repayment of Burntwood capital investment in the event planned sources are not available.</p>	<p>Likelihood : Tolerable</p> <p>Impact : Tolerable</p> <p>Severity of Risk : Tolerable</p>
D			
E			

Background documents

Relevant web links

Item	Cost Inc VAT	Cost Exc VAT	Note
Refund of Contractual deposit (held by solicitors)	£52,700.00	£52,700.00	Not paid into LDC account so not a charge to the existing MTFS
Planning applications fees	£13,365.60	£11,138.00	Verified with receipt from Bromford in 2020
Architects and supporting planning documentations	£18,986.40	£15,822.00	Deemed reasonable by the planning team
Legal charges and insurance	£20,585.53	£17,242.34	
Valuation work	£2,921.88	£2,434.90	
Easement LCC	£1,020.00	£850.00	
Service enquires	£36.00	£30.00	
Bromford development	£59,941.56	£49,951.30	Project costs including planning preparation, ground investigation and topographical surveys
Total Costs	£169,556.97	£150,168.54	
Less : refund of contractual deposit	(£52,700.00)	(£52,700.00)	
Less : refund of planning fees	(£13,365.60)	(£11,138.00)	Will reduce planning application income
Chargeable Costs	£103,491.37	£86,330.54	

Chargeable Costs	£103,491.37	£86,330.54
Planning fees refunded	£13,365.60	£11,138.00
Total impact on the MTFS	£116,856.97	£97,468.54

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Modern Slavery and Human Trafficking Statement

Cabinet Member for Finance, Procurement, Customer Services and Revenues & Benefits

Date: 18 May 2021

Agenda Item: 15

Contact Officer: Anthony Thomas / Clair Johnson

Tel Number: 01543 308012 / 01543 308026

Email: Anthony.thomas@lichfielddc.gov.uk
Clair.johnson@lichfielddc.gov.uk

Key Decision? No

Local Ward Full Council

Members



Council

1. Executive Summary

- 1.1. To adopt the Modern Slavery & Human Trafficking Statement and note that it will be regularly reviewed in line with ongoing development of best practice.

2. Recommendations

- 2.1. That Council adopt the proposed Human Trafficking and Modern Slavery Statement shown at **APPENDIX A**.

3. Background

Introduction

- 3.1. The Modern Slavery Act 2015 came into force on 29 October 2015. Section 54 of the Act requires organisations that supply goods or services and have a consolidated global turnover of £36 million per annum or more to prepare a slavery and human trafficking statement for each financial year. All bodies corporate and partnerships that meet the turnover requirement will be required to comply, regardless of where they are incorporated, if they carry on any part of their business in the UK. Notably, organisations which primarily pursue a charitable or educational aim have not been excluded from the requirements.
- 3.2. Whilst the Act does not currently state that local authorities specifically are included in those organisations legally required to publish a statement there are changes proposed, the Council has elected to do so as a matter of good practice.

Requirements

- 3.3. The Act states that the Slavery & Human Trafficking Statement, which must be approved by the organisation's management body and signed by a director, may contain information on the following key areas:
- The organisation's structure;
 - The business's policies on modern slavery;
 - The availability to staff of training on modern slavery;
 - The organisation's principle risks related to modern slavery and its methods of evaluating those risks; and
 - Key performance indicators (KPIs) to assist the assessment of the steps the organisation puts in place to ensure that its business and supply chains are free of modern slavery.

- 3.4. Section 54 of the Act requires organisations to be transparent about the steps taken both in their own businesses and their supply chains to prevent slavery and human trafficking. If an organisation has taken no such steps, it must publish a statement to this effect.
- 3.5. Annex E of the Government's guidance suggests that organisations should re-evaluate their existing internal KPIs and performance incentives to ensure that these do not create a slavery risk (for example, where KPIs focus on increasing production or shipment 'turnaround' times). It encourages each organisation to ensure that its slavery and human trafficking statement is kept under review so that it is constantly evolving alongside the organisation's activities.

Timescales

- 3.6. The guidance states that an organisation should seek to publish its statement as soon as reasonably practicable, preferably within six months before the end of their financial year. Organisations are required to publish their slavery and human trafficking statements on their websites and include links to their statements in prominent places on their homepages.
- 3.7. There is no requirement for organisations to include the statement in their annual reports and accounts.

Compliance

- 3.8. The Secretary of State can enforce the duty to prepare a slavery and human trafficking statement by using injunction proceedings. In reality, consumer pressure and pressure from organisations higher up in a supply chain that are required to comply or are coming under pressure from their own clients or customers to comply will inform organisations' decisions to comply with the Act. Investors and funders may also require compliance. Reputational and corporate social responsibility concerns are further likely to influence an organisation's approach.

Alternative Options	The Council could choose to not publish a voluntary Modern Slavery and Human Trafficking Statement and wait until the legal requirements are updated.
Consultation	<p>A proposed Statement was submitted to the Council's Leadership Team (LT) for consideration. The document had been put together in consultation with the relevant internal stakeholders and LT were asked to consider the statement and make any amendments required prior to referring through to this committee for its formal adoption and implementation.</p> <p>Having considered the content of the document amendments were made and the final version shown at APPENDIX A was agreed by Cabinet on the 11 May 2021.</p>
Financial Implications	There are no direct financial implications arising from the proposals set out within the report although there may be some indirect costs to monitor compliance.
Contribution to the Delivery of the Strategic Plan	A key objective under the shaping place priority included within the Strategic Plan is to keep Lichfield District clean, green and safe. The adoption of a Modern Slavery and Human Trafficking Statement demonstrates the Councils commitment to reduce crime in this area and in turn will help contribute to the achievement of this objective.
Equality, Diversity and Human Rights Implications	The proposed policy statement has been developed with due regard to equalities matters and to assist the Council to ensure that individuals with protected characteristics and those who are more vulnerable members of the community are appropriately protected.

Crime & Safety Issues	The adoption of a Modern Slavery and Human Trafficking Statement demonstrates the Councils commitment to reduce crime in this area and in turn will help contribute to the achievement of this objective.
Environmental Impact	No direct implications.
GDPR/Privacy Impact Assessment	No direct impact.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	There is a reputational risk to the Council of not voluntarily adopting a Statement.	The Procurement Strategy references compliance with the Modern Slavery Act 2015.	Likelihood : Medium Impact : Medium Severity of Risk : Medium

<p>Background documents</p> <p>Procurement Strategy – Cabinet 01 December 2020</p> <p>The Local Government Association Statement</p> <p>Other Councils Statements</p>

Relevant web links

MODERN SLAVERY & HUMAN TRAFFICKING STATEMENT

1. Introduction

- 1.1. Lichfield District Council (LDC) is committed to preventing slavery and human trafficking in the delivery of its services and corporate activities. The Council recognises that slavery and human trafficking remain a hidden blight on our society, that it has a responsibility to be alert to the risks and to strive to ensure that its supply chains are free from slavery and human trafficking.
- 1.2. This Modern Slavery and Human Trafficking Statement details the steps the Council has taken to understand potential modern slavery risks related to its business and to put in place measures to ensure that these offences are not committed in its own business or its supply chains.
- 1.3. This Statement relates to all activities carried out by the Council. It will be reviewed on an annual basis and a new updated Statement, acknowledging any further actions that may have been taken, will be published during each subsequent year.

2. The Modern Slavery Act 2015

- 2.1. The Modern Slavery Act 2015 (the Act) consolidates various offences relating to human trafficking and slavery. Broadly speaking this means that:
 - 'slavery' is where ownership is exercised over a person;
 - 'servitude' involves coercion to oblige a person to provide services;
 - 'forced and compulsory labour' is where a person works or provides services on a non-voluntary basis under the threat of a penalty;
 - 'human trafficking' involves arranging or facilitating the travel of a person with a view to exploiting them.
- 2.2. Section 52 of the Act imposes a duty on public authorities, including district councils, to notify the Secretary of State of suspected victims of slavery or human trafficking.
- 2.3. Section 54 of the Act imposes a legal duty on commercial organisations, which supply goods and/or services from or to the UK and have a global turnover of more than £36 million, to publish a slavery and human trafficking statement each financial year.
- 2.4. The Council engages in commercial activities by providing services (both statutory and discretionary). Its annual turnover is in excess of £36 million. Whilst the Act does not state that local authorities specifically are included in those organisations legally required to publish a statement, the Council has elected to do so as a matter of good practice. The Council is keen to raise awareness of slavery and human trafficking and as a large scale local employer and provider of services, it is seen as imperative that the Authority makes its position of zero tolerance in respect of slavery and trafficking clear and unequivocal.

3. Standards

- 3.1. The Council will meet the following standards and also expects those with whom it does business, to meet them to:
 - Support every individual's human right to live free from abuse, servitude and inhumane treatment;
 - Promote ethical business and operational practices in corporate activity and services delivered;
 - Take appropriate steps to ensure, as far as is reasonable possible, that slavery and human trafficking is not taking part in any of its business or supply chains;

- Take reports of witnessed, suspected or disclosed concerns of slavery and human trafficking seriously and ensure that such reports are shared with appropriate law enforcement and other partner agencies in order that they can be fully investigated;
- Take appropriate action to address actual instances of slavery and human trafficking brought to the Council's attention and to take all reasonable steps to support and protect its victims.

4. Organisational Structure

- 4.1. The Council is a second tier local authority situated in the county of Staffordshire, providing a wide range of statutory and discretionary services delivered both directly by itself, and through partnership working with other agencies and commissioned work with external contractors.
- 4.2. The Council's constitution and details of the structure are both available on its website <https://www.lichfielddc.gov.uk/>

5. Supply Chains

- 5.1. As part of its procurement strategy and processes, The Council requires that all suppliers of goods and services comply with all applicable laws, statutes, regulations and codes including the Modern Slavery Act 2015. Suppliers are also expected to publish a Slavery and Human Trafficking Statement (where applicable). Contract terms and conditions set out the requirements of suppliers and sub-contractors in relation to ensuring there is no slavery or human trafficking in their businesses.
- 5.2. The Council also requires its suppliers and sub-contractors engaged in 'regulated activity' involving children and adults at risk to have safeguarding policies, procedures and training in place and to comply with the reporting procedures in the Council's Adult and Children's Safeguarding Policies.

6. Policies and Plans

- 6.1. The Council has a range of policies and plans in place that reflect its commitment to acting ethically and with integrity to prevent slavery and human trafficking in its operations. These include:
 - **The Strategic Plan 2020-2024** – a key shaping place priority is that Lichfield District is safe and this includes reducing crime and anti-social behaviour and increasing feelings of safety in our communities. In working towards this Objective, the Council is working, individually and with partner agencies, to reduce crime and anti-social behaviour; using statutory powers to improve public safety, for example, enforcement of licensing requirements; raising awareness of services available; and encouraging victims to report incidents to access the support they need.
 - **Safeguarding Policies** – The Council's Children and Adults Safeguarding policy sets out the steps the Authority is taking to safeguard and protect the welfare of children and adults at risk who come into contact with or use its services and activities. The policy includes the Council's responsibilities in respect of modern slavery and human trafficking and its legal obligation to notify the Home Office of suspected victims of these offences. We have a statutory duty to work in partnership with a number of agencies to identify, refer and respond to suspected abuse and to provide additional support.
 - **Whistleblowing Policy** – the Council encourages all its employees, Councillors, contractors, their agents and/or subcontractors, consultants, suppliers and service providers to report concerns about any aspect of service provision, conduct of officers and others acting on behalf of the Council. The Whistleblowing Policy is intended to make it easier to disclose information without fear of discrimination and victimisation.

- **Code of Conduct** – the Council makes clear to all its employees that there are expected standards of behaviour to which they must adhere when they are representing and acting on its behalf. Employee conduct and behaviour that fails to meet these standards is fully investigated and appropriate action taken.
- **Recruitment and Selection Policy** – This sets out procedures followed to vet new employees to ensure that confirmation of their identities and qualifications is obtained. To comply with the Immigration, Asylum and Nationality Act 2006, prospective employees are asked to supply evidence of their eligibility to work in the United Kingdom. References are sought and followed up for all employees and relevant checks, for example Disclosure and Barring Service (DBS) checks, are carried out where relevant to the position. The Council only uses reputable vendors to source agency workers and as part of the procurement, the Council verifies the practices of any new agency it is using before accepting workers from that agency.
- **Anti-Money Laundering Policy** – This sets out the Council’s commitment to the prevention, detection and reporting of money laundering.
- **Commissioning and Procurement Policies** – The Procurement Strategy sets out the aim and guiding principles of procurement activity, including the principles that the Council follows in the acquisition of goods, works and services from suppliers. The Council is committed to ensuring that its suppliers adhere to the highest standards of ethics. This may include the use of specific tools to assess the level of risk related to modern slavery in the supply base.
- **Equalities and Diversity** – Each year we publish an Equality Statement which demonstrates how we take into account the varying needs of people who live, work or visit our district. In particular our focus is on the nine protected characteristics and demonstrating how equality considerations are embedded in our decision making processes, and how they can influence both our service delivery and employment practices. Our Equality & Diversity Policy sets out our aim to ensure our workforce represents all sections of society, our customers and that each employee feels respected and able to give their best. The principles set out in this policy should be adopted by all contractors, suppliers and partners who work on our behalf.
- **Procurement Strategy** – the strategy sets out the Council’s approach to procurement of goods and services. There is a specific guiding principle that where appropriate key contractors are required to have safeguarding policies, procedures and training in place, in addition to providing confirmation of compliance with the Modern Slavery Act 2015

7. Assessing and Managing the Risk

- 7.1. The most effective way to apply limited resources to due diligence and ensure action is targeted at the areas of highest risk in our supply chain:
- Complex employment relationships; a reliance on agency, outsourced or subcontracted workers.
 - Reliance on low skilled or unskilled labour.
 - High numbers of temporary, seasonal or agency workers.
 - Dangerous or physically demanding work.

8. Due Diligence

- 8.1. The Council's approach to commissioning and procurement requires suppliers of goods and services to implement proportionate due diligence procedures in relation to slavery and human trafficking with their own suppliers, sub-contractors and other participants in their supply chain. This will also include seeking assurances from suppliers in the procurement and potentially the inclusion of specific clauses in contracts. For organisations with a turnover below £36 million, suppliers will be asked to confirm their acceptance of this Modern Slavery and Human Trafficking Statement and compliance will be subject to verification.

9. Training

- 9.1. The Council has made some efforts to ensure that initiatives to raise awareness of slavery and human trafficking, and signposts services available to assist victims have been prioritised. We provide face to face Safeguarding and domestic violence awareness training for all new starters and this includes a section on Modern Slavery. Once staff have attended this, those with computer access are sent online modules on Safeguarding, Domestic violence, and Modern Slavery.
- 9.2. Where employees do not have computer access we have given an undertaking to provide face to face training at regular intervals throughout the year.

10. Targeted Activity

- 10.1. The Council has a strong history of working in partnership with other local authorities, both at county and district level, partner agencies, local charities and community groups that enables ongoing information sharing in a number of high risk areas.
- 10.2. The Council also co-chairs, attends and supports the Multi Agency group. Where members of the group identify potential abuse or slavery, the necessary enforcement agencies are informed and referrals are made to local and national support agencies.

11. Monitoring our Effectiveness

- 11.1. The Council will regularly review and monitor the measures being implemented to address slavery and human trafficking and to safeguard against such activity in any part of its business or supply chains by:
- Investigating complaints, received from employees, the public, or law enforcement agencies regarding modern slavery and human trafficking.
 - Recording the number of employees provided with training on modern slavery and human trafficking;
 - Reviewing and evaluating high risk supply chains and monitoring supply chains through contract management activity throughout the life of the contract.
 - Carrying out periodic internal audits to ensure compliance with the policy.
- 11.2. This Statement will be reviewed annually to monitor its effectiveness.

Signed Date

Chief Executive

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APPOINTMENT OF CHIEF EXECUTIVE

Leader of the Council

Date:	18 May 2021
Agenda Item:	16
Contact Officer:	Christie Tims, Head of Governance & Performance
Tel Number:	01543 308002
Email:	Christie.tims@lichfielddc.gov.uk
Key Decision?	YES
Local Ward Members	NA



FULL COUNCIL

1. Executive Summary

- 1.1 A comprehensive and robust recruitment process for the role of Chief Executive has been completed. An interim has been appointed to ensure a smooth transition and Council is now recommended to formally appoint to the permanent role of Chief Executive (Head of Paid Service and Chief Officer), Electoral Registration Officer and Returning Officer.

2. Recommendations

- 2.1 Council agree to formally appoint Simon Fletcher to the role of Chief Executive (Head of Paid Service and Chief Officer), Electoral Registration Officer and Returning Officer.

3. Background

- 3.1 On 20 April Councillors were advised that the Appointments Committee had not been able to appoint a permanent Chief Executive and instead approved the appointment of an interim Chief Executive to allow time for alternative processes to be considered and if necessary an alternate recruitment process to be pursued.
- 3.2 Following review of applicants to the original campaign in February it was noted that two candidates who scored highly in the first stage of shortlisting had withdrawn before progressing to assessments. These candidates were invited to reschedule these assessments to determine if they would be suitable to be considered by the appointments Committee
- 3.3 Following such assessments both candidates were invited to an Appointments Committee scheduled on 29 April. Both candidates proved to be outstanding and as a result Simon Fletcher is recommended for appointment to the role.
- 3.4 The successful candidate has a 3 month notice period and will begin their appointment later this year.

4. Governance Implications

- 4.1 Under Section 4 of the Local Government and Housing Act 1989 (as amended), the Council has a legal duty to appoint one of its officers as Head of Paid Service. Under the Council's constitution, this role is performed by the Chief Executive.
- 4.2 The Local Authorities (Standing Orders) (England) Regulations 2001 and the Council's Constitution provide that an offer of an appointment as Head of Paid Service must not be made until:-

- the Appointments Committee has notified the Proper Officer of the name of the person to whom it wishes to make the offer and any other particulars which the panel considers are relevant to the appointment;
- the Proper Officer has notified every member of the Cabinet of:-
 - the name of the person to whom the panel wishes to make the offer (subject to approval of the Council);
 - any other particulars relevant to the appointment which the panel has notified to the Proper Officer; and
 - the period within which any objection to the making of the offer is to be made to the Proper Officer by the Leader of the Council on behalf of the Cabinet; and
 either –
 - the Leader of the Council has, within the period specified in the notice under sub-paragraph (c) above, notified the committee that neither he nor any other member of the Cabinet has any objection to the making of the offer;
 - the Proper Officer has notified the committee that no objection was received by her within that period from the Leader of the Council; or
 - the committee (or in the case of the appointment of the Head of Paid Service, the full Council) is satisfied that any objection received from the Leader of the Council within that period is not material or well-founded.

No such objection has been received.

Alternative Options	<p>Members can decide not to appoint the preferred candidate.</p> <p>Under Section 4 of the Local Government and Housing Act 1989 (as amended), the Council has a legal duty to appoint one of its officers as Head of Paid Service, Electoral Registration officer and Returning Officer . Under the Council’s current constitution, this role is performed by the Chief Executive.</p>																														
Consultation	<p>The appointment has been carried out and recommended by the Appointments Committee made up of Cabinet members, the Leader of the Cabinet and Leader of the Opposition.</p> <p>Stakeholder engagement with senior officers has been carried out as part of the interview process and Cabinet as outlined above.</p>																														
Financial Implications	<p>The current approved budgets for the post of Chief Executive are shown below:</p> <table><tr><th></th><th>2021/22</th><th>2022/23</th><th>2023/24</th><th>2024/25</th></tr><tr><td>Basic Pay</td><td>£118,310</td><td>£120,680</td><td>£123,090</td><td>£125,550</td></tr><tr><td>Employers National Insurance</td><td>£15,150</td><td>£15,470</td><td>£15,810</td><td>£16,150</td></tr><tr><td>Employers Pension</td><td>£19,170</td><td>£19,550</td><td>£19,940</td><td>£20,340</td></tr><tr><td>Essential Car User Allowance</td><td>£960</td><td>£960</td><td>£960</td><td>£960</td></tr><tr><td>Total</td><td>£153,590</td><td>£156,660</td><td>£159,800</td><td>£163,000</td></tr></table> <p>An additional relocation budget of up to £12,000 has been agreed as part of the appointment for the successful candidate to relocate to the area.</p>		2021/22	2022/23	2023/24	2024/25	Basic Pay	£118,310	£120,680	£123,090	£125,550	Employers National Insurance	£15,150	£15,470	£15,810	£16,150	Employers Pension	£19,170	£19,550	£19,940	£20,340	Essential Car User Allowance	£960	£960	£960	£960	Total	£153,590	£156,660	£159,800	£163,000
	2021/22	2022/23	2023/24	2024/25																											
Basic Pay	£118,310	£120,680	£123,090	£125,550																											
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Employers Pension	£19,170	£19,550	£19,940	£20,340																											
Essential Car User Allowance	£960	£960	£960	£960																											
Total	£153,590	£156,660	£159,800	£163,000																											
Contribution to the Delivery of the Strategic Plan	<p>The role of Chief Executive ensures the effective delivery of our strategic outcomes as set out in the strategic plan.</p>																														

Equality, Diversity and Human Rights Implications	The recruitment has been carried out with support from WM Employers in line with current recruitment practices and advertised widely. Candidate demographics have been collected as part of the process to ensure participation from groups with protected characteristics.
Crime & Safety Issues	None arising from this report.
Environmental Impact	None arising from this report.
GDPR/Privacy Impact Assessment	Chief Executive appointments must be formally approved by Full Council in the public domain.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Preferred candidate does not accept the position.	Salary package has been benchmarked and rationale for additional costs is sound. The process has been designed to set out clear expectations for the role and ensure the candidate meets them.	Yellow – material Likelihood – low Impact – high
B	Candidate does not fulfil the Statutory requirements of the role.	A robust process has been used to determine suitable candidates and all are subject to 6 months probationary period. Any gaps identified in the recruitment process are covered with robust development plans.	Yellow – material Likelihood – low Impact – high

Background documents https://democracy.lichfielddc.gov.uk/documents/s10642/Item%2012%20-%20Final%20Report%20Appointment%20of%20Interim%20Chief%20Executive%20April%202020.pdf
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Relevant web links

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Annual Report of the Audit & Member Standards Committee 2020/21

1. Introduction from the Chair of the Audit Committee

The start of the financial year commenced with major uncertainty in many aspects of the Authority's operations, due to Covid-19 issues. The normal income levels were particularly expected to be adversely affected, but unpredictable. The expenditure on Covid-19 related support was largely unbudgeted and uncertain in relation to any confirmed coverage by central government grants.

In relation to the committee's work, this has been entirely online with officers working largely from home. Best practice guidance on management of the online format of meetings is to keep the agenda light and without complex issues to be debated. This guidance is perverse for the Audit & Member Standards Committee, with its remit to examine the complicated organisational matters in detail, so this contradiction has been achieved well, under the circumstances.

The work of the Audit Committee meetings should be visible to members of the public and, as such, meetings have been held remotely via Zoom and broadcast live on YouTube streams. This availability appears to have been well received by a number of viewers. Anyone interested in seeing the committee in action should contact the Council in advance of meetings.

The Annual Report's main purpose is to allow the Council to demonstrate to residents, stakeholders and partners, the significance of the Audit & Member Standards Committee's role and the positive contribution it has made to the Council's overall governance arrangements.

The internal audit programme completion level has been high when compared to the agreed plan and the number of concerns identified throughout the programme have been few. Members have been able to interrogate further where there have been instances of less than adequate assurances.

As we ended the 2020/21 financial year, the District Council continued with Grant Thornton UK as its External Auditor but welcomed a new Lead Engagement team for the 2021/22 audit. There is also a new shared Head of Audit, under the internal audit shared service arrangement with Tamworth Borough Council.

The Committee has appreciated the support and assurance the audit personnel have given from these arrangements. Those audit providers who are moving on to other duties have been well received for their positive and proactive approaches to these functions and we look forward to the refresh that the new input will allow.

I am therefore thankful for all members and officers who have contributed to the work of the committee over the last 12 months but particularly in the more challenging circumstances created by Covid-19 influences.

As recovery continues from the pandemic, there will be an emerging programme of work planned. This will include seeking continuing assurance against the Council's response to Covid-19, the significant

financial challenges facing us, as well as continuing to ensure the Council's overall governance framework remains fit for purpose.

**Councillor Colin Greatorex,
Chair of the Audit & Member Standards Committee 2020/21
April 2021**

2. Terms of Reference

The terms of reference, which the Committee operated to during 2020/21, is detailed at Part 3 of the Council's constitution at the following link:

<https://democracy.lichfielddc.gov.uk/documents/s8011/Part%203%20Final%20v4.pdf>

3. Member and Officer Attendance

The Audit & Member Standards Committee met 6 times during the 2020/21 municipal year.

Membership of the Audit & Member Standards Committee during the 2020/21 municipal year and their attendance is detailed below:

Audit & Member Standards Committee Member	Date of Committee Meeting					
	22/07/20	07/10/20	12/11/20	03/02/21	25/03/21	27/04/21
Councillor Colin Greatorex	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Councillor Wai-Lee Ho	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Councillor Jamie Checkland	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Councillor Joanne Grange	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Councillor Alastair Little	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Councillor Steven Norman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Councillor Dave Robertson	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Councillor Christopher Spruce	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Councillor Alan White	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

A number of the Audit & Member Standards Committee Members also sat on various other Committees. There were no reports received during the year that necessitated members absenting themselves.

Senior officers from the council also attend the Audit & Member Standards Committee meetings as appropriate, including the Head of Finance & Procurement (Section 151), Head of Governance & Performance (Monitoring Officer) and the Shared Head of Audit. The External Auditors also attend and the Cabinet Member for Finance, Procurement, Customer Services and Revenues & Benefits usually observes.

4. Training & Effectiveness

On 30 November 2020 virtual member training took place covering Communications, Safeguarding and Governance hosted by the Head of Governance & Performance (Monitoring Officer). No specific Audit Committee training has taken place since November 2019, but this will be addressed this coming year.

As part of the Committee's effectiveness review a skills audit will be completed which will shape the future training and development of the Committee in 2021/22.

5. Sources of Assurance during 2020/21

In fulfilling its terms of reference, the business conducted by the Audit & Member Standards Committee during 2020/21 is detailed at **Appendix A** per the following themes: -

- Internal Audit
- External Audit / Inspection
- Financial Management
- Risk Management
- Corporate Governance

The Committee gained assurance in 2020/21 from these themes as follows:-

Internal Audit

In respect of the 2019/20 financial year, a positive Internal Audit Opinion was given from the Shared Head of Audit as follows:

On the basis of our audit work, our opinion on the council's framework of governance, risk management and internal control is adequate in its overall design and effectiveness. Certain weaknesses and exceptions were highlighted by our audit work. These matters have been discussed with management, to whom we have made recommendations. All of these have been, or are in the process of being addressed.

External Audit / Inspection

The main responsibility of the External Auditor is to report on the Council's Accounts and whether the council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources. Grant Thornton reported on the 2019/20 Accounts. In Grant Thornton's Annual Audit Report, where they issued an unqualified opinion on both the 2019/20 Accounts and in terms of the value for money assessment, they concluded that:-

Conclusion

On the basis of our work, having regard to the guidance on the specified criterion issued by the Controller and Auditor General in April 2020, we are satisfied that the Authority put in place proper arrangements for securing economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2020. We certify that we have completed the audit of the financial statements of the Lichfield District Council in accordance with the requirements of the Local Audit and Accountability Act 2014 and the Code of Audit Practice.

The Committee also received positive assurance on the Council's arrangements for the Regulation of Investigatory Powers Act from the Investigatory Powers Commissioners' Office.

Financial Management

The Committee scrutinised the 2019/20 Statement of Accounts and also received assurances on the Council's financial management arrangements (e.g. treasury management, prudential indicators) from the Head of Finance & Procurement (Section 151 Officer). The Committee also received regular Internal Audit Progress Reports, including a number giving assurance on financial management and controls during the period. The Committee also received assurance on compliance against the new Financial Management Code.

Risk Management

The Committee has received quarterly updates on the Council's Risk Management arrangements via review of the Strategic Risk Register. The risk environment has ultimately transformed in the wake of Covid-19 and has dominated the Council's risk management arrangements this year and will continue to do so into 2021/22. The Council has aligned its strategic risks to the new Strategic Plan as well as introducing the 3 lines of defence model to risk management activities and has developed its sub strategic risk processes.

The Council's 9 strategic risks as at April 2021 are shown below, together with their position on the matrix.

likelihood		SR9	SR1	SR2
			SR4	
		SR5, SR6	SR3, SR8	
		SR7		
		Impact		

SR1: Pressures on the availability of finance may mean the Council is not able to deliver the key priorities of the strategic plan.

SR2: Resilience of teams to effectively respond to a further serious disruption to services.

SR3: Capacity and capability to deliver / adapt the new strategic plan to emerging landscape.

SR4: Failure to meet governance and / or statutory obligations e.g. breach of the law.

SR5: Failure to adequately respond to the wider socio-economic environment over which the Council may have little control, but which may impact on the growth and prosperity of the local area.

SR6: Failure to innovate and build on positives / opportunities / learning arising (including from the Covid-19 situation) to maximise outcomes for the Council, e.g. technological solutions.

SR7: Threat to the Council's ICT systems of a cyber-attack.

SR8: Failure to safely, securely and legislatively compliantly deliver the May 2021 elections due to having to run them during the pandemic conditions.

SR9: Council strategic leadership is compromised by the change in Chief Executive.

Corporate Governance

The Annual Governance Statement (AGS) and review of effectiveness for the 2019/20 financial year, concluded that the effectiveness of the system of internal control was fit for purpose overall.

The Committee also:

- undertook a review of its own effectiveness in line with CIPFA good practice and confirmed that it continued to meet its terms of reference. The Committee also reviewed its skills. Consideration was given to whether appointing an Independent Person was necessary but the Committee concluded that it had sufficient skills and experience in the existing membership to be able to conduct its business effectively.
- received assurances on updates on the Council's Contract Procedure Rules, GDPR/Data Protection, Rules of Confidentiality;

- received an update on the implications for the audit regime resulting from the Redmond Review; and
- received the annual report of the Monitoring Officer and Exceptions and Exemptions to Procedure Rules.

Regular updates on the adequacy of the Council's counter fraud arrangements were also taken including the approval of the suite of counter fraud and corruption policies (counter fraud and corruption policy statement, strategy and guidance notes; whistleblowing policy, anti-money laundering policy and prevention of tax evasion policy).

6. Conclusion

The Committee has been able to confirm that there were no areas of significant duplication or omission in the systems of governance in the authority that had come to the Committee's attention during 2020/21 that were not being adequately resolved.

Through members receiving this report, the role and purpose of the Committee has been promoted and it has demonstrated that the Committee has continued to perform, meet its terms of reference and added value. This work will continue in 2021/22 with the Committee's refreshed work programme.

Summary of Audit & Member Standards Committee Work Plan by Assurance Theme 2020/21

Meeting Date	Report	Assurance Theme				
		Internal Audit	External Audit / Inspection	Financial Management	Risk Management	Corporate Governance
22/07/20	Annual Treasury Management Report			<input checked="" type="checkbox"/>		
	Annual Governance Statement			<input checked="" type="checkbox"/>		
	External Audit – Audit Plan/Annual Audit fee letter/informing the risk assessment		<input checked="" type="checkbox"/>			
	Annual Report of Internal Audit	<input checked="" type="checkbox"/>				
	Risk Management Update				<input checked="" type="checkbox"/>	
	Internal Audit Plan, Charter & Protocol 20/21	<input checked="" type="checkbox"/>				
	Quality Assurance & Improvement Programme/PSIAS	<input checked="" type="checkbox"/>				
	RIPA reports policy & monitoring					<input checked="" type="checkbox"/>
07/10/20	Accounting Policies			<input checked="" type="checkbox"/>		
	Statement of Accounts			<input checked="" type="checkbox"/>		
	Audit findings report 19/20		<input checked="" type="checkbox"/>			
12/11/20	Mid-year Treasury Management Report			<input checked="" type="checkbox"/>		
	CIPFA Financial Management Code			<input checked="" type="checkbox"/>		
	Internal Audit Progress Report	<input checked="" type="checkbox"/>				
	Risk Management Update				<input checked="" type="checkbox"/>	
	Counter Fraud Update Report	<input checked="" type="checkbox"/>				
	GDPR/Data Protection Policy					<input checked="" type="checkbox"/>
03/02/21	Treasury Management Statement and Prudential Indicators			<input checked="" type="checkbox"/>		
	Audit & Member Standards Committee Practical Guidance			<input checked="" type="checkbox"/>		
	Redmond Review Report			<input checked="" type="checkbox"/>		
	Internal Audit Progress Report	<input checked="" type="checkbox"/>				
	Risk Management Update				<input checked="" type="checkbox"/>	
	The Annual Audit Letter for LDC		<input checked="" type="checkbox"/>			
	Certification Work for LDC for year ended 31 March 2020		<input checked="" type="checkbox"/>			
	Audit Committee LDC Progress Report and update year ended 31 March 2021		<input checked="" type="checkbox"/>			

Meeting Date	Report	Assurance Theme				
		Internal Audit	External Audit / Inspection	Financial Management	Risk Management	Corporate Governance
25/03/21	Accounting Policies and Estimation Uncertainty			<input checked="" type="checkbox"/>		
	Internal Audit Plan, Charter & Protocol 20/21	<input checked="" type="checkbox"/>				
	GDPR	<input checked="" type="checkbox"/>				
	Annual Report on Exceptions & Exemptions to Procedure Rules 2019/20					<input checked="" type="checkbox"/>
	External Auditors Audit Plan 20/21		<input checked="" type="checkbox"/>			
	Informing the Audit Risk Assessment – LDC		<input checked="" type="checkbox"/>			
27/04/21	Annual Governance Statement			<input checked="" type="checkbox"/>		
	Annual Report for Internal Audit incl year-end Internal Audit Progress Report	<input checked="" type="checkbox"/>				
	Risk Management Update				<input checked="" type="checkbox"/>	
	Chair of the Audit Committee's Annual Report to Council					<input checked="" type="checkbox"/>
	Review of the Effectiveness of the Audit & Member Standards Committee					<input checked="" type="checkbox"/>
	Independent External Investigation					<input checked="" type="checkbox"/>
	Audit Committee LDC Progress Report and Update year ended 31 March 2021		<input checked="" type="checkbox"/>			
	Annual Audit Fee Letter 20/21		<input checked="" type="checkbox"/>			

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UPDATE TO THE CONSTITUTION

Portfolio holder for Regulatory, Housing and Health

Date: 18 May 2021

Agenda Item: 19

Contact Officer: Christie Tims, Head of Governance & Performance

Tel Number: 01543 308002

Email: Christie.tims@lichfielddc.gov.uk

Key Decision? YES

Local Ward NA

Members

Lichfield
district council

FULL COUNCIL

1. Executive Summary

- 1.1 Following the decision of Full Council to revise the committee structure the relevant sections of the Constitution have been updated to reflect the new arrangements.
- 1.2 These changes impact on Parts 1, 2 and sections of Part 4 of the Constitution (Appendix 1 to 3).
- 1.3 It is not a full update as further amendments are anticipated at future meetings as relevant sections are consulted and debated by members and following the appointment to committees agreed at this meeting.
- 1.4 A new section has also been developed for Part 5 - Codes and Protocols (Appendix 4), to advise members regarding roles and responsibilities in respect of their appointments to outside bodies, also discussed at the meeting tonight.

2. Recommendations

- 2.1 That Council approves the update to Parts 1, 2 and 4 of the Constitution and notes the programme of planned updates to the remaining sections. (Appendix 1, 2 and 3)
- 2.2 That Council approves the addition to Part 5 - Codes and Protocols for Outside Body Appointments. (Appendix 4)

3. Background

- 3.1 This report brings forward updates to:

Part 1 – Summary and Explanation – this includes the overall Council structure and the standing committees, deleting Parish Forum, District Board and reducing to a single Overview & Scrutiny Committee.

Part 2 – Articles of the Constitution – in particular Article 6 in relation to Overview & Scrutiny and Article 9 Panels and Forums as they relate to deleted committees.

Part 4 – Rules of Procedure – updating Overview & Scrutiny Procedure rules and ensuring all functions held by Chief Executive and Monitoring Officer are clarified. In Section 2 Meanings of Exemptions are clarified in line with best practice.

Part 5 – Outside Body Appointments – a guide to assist members in understanding their role when appointed to outside bodies.

- 3.2 Over the coming months, more updates are planned to the Constitution. These include:

Part 3 – Scheme of delegation which will be updated in line with relevant appointments made at this meeting and has been requested to be reviewed by Overview & Scrutiny once the new work plan is developed in July. This will come for approval later this year.

Part 4 – Contract Procedure Rules and Financial Procedures – which will need to be considered by Audit and Member Standards before being updated – currently scheduled for October Full Council.

Part 5 – Codes of Conduct for Members - July 2021 subject to consultation with Audit and Member Standards Committee.

Part 6 – Members Allowance Scheme - this will be undertaken following the review conducted by the IRP advisor in October. Until then all allowances will be held over at their current rate, with any amendment and back pay made following final approval by Full Council later this year.

Part 7 – Governance Structure – updated under delegated authority by Chief Executive as required.

- 3.3 As part of this review all references to gender specific terms have also been removed – Chairman replaced with Chair and he/she and him/her replaced with they/them as appropriate. This will continue in future updates specified above.
- 3.4 A new section has also been developed for Part 5 - Codes and Protocols, to advise members regarding roles and responsibilities in respect of their appointments to outside bodies. This supplements any guidance included within the members Code of Conduct and clarifies member responsibilities in accepting outside body appointments.

Alternative Options	Members can decide not to accept the amendments to the constitution, but this would render the Constitution in conflict with Council decisions and potentially render future decisions ultra vires.
Consultation	Consultation has been carried out with officers and the amendments respond to issues identified as part of the review of committees and current governance best practice.
Financial Implications	None identified at this stage – it is the intention that the changes to the committee structure can be met within existing budgets with resources targeted to areas with most impact. An independent remuneration panel (IRP) will need undertake an assessment of any recommendations to roles attracting special responsibility as a result of the proposed structural changes but there is scope for this within the Members Allowance Budget. This is scheduled to be completed in October 2021.
Contribution to the Delivery of the Strategic Plan	A revised Committee Structure will ensure that LDC will be considered a good Council through ensuring effective use of its resources and decision making processes and supporting our strategic ambitions. Meetings underpin our ambitions be a good council by allowing for transparency and participation in decision making. All areas highlighted for scrutiny should relate back to our strategic priorities.
Equality, Diversity and Human Rights Implications	None from undertaking the review and adopting the recommendations. Effective scrutiny will enable earlier and wider consideration of issues that will allow for more consultation and participation. Changes to the constitution reflect updates to the structure and motions on forms of address as agreed at previous meetings.
Crime & Safety Issues	None arising from this report.
Environmental Impact	There could be a number of positive impacts from changing the way that Committees are structured and conducted. Continuing with remote meetings in any capacity would reduce carbon admissions from vehicles traveling to the Council House. There would also be less emissions from heating and running electrical

appliances for meetings e.g. lighting. However this may be lessened with the number of electrical IT devices being used.

GDPR/Privacy Impact Assessment

None arising from this report. Transparency in task groups will be achieved via clear reports submitted by the chair of such groups to Overview and Scrutiny and publication or referencing of evidence considered. Wherever practicable meetings will continue to be broadcast for remote viewing.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	The Constitution if not up to date and does not support effective decision making.	Ensure the Constitution is reviewed and updated as required. A clear schedule is provided.	Yellow Impact high, likelihood low
B	Perception that task groups are less transparent and do not allow participation of all members and groups.	That recruitment to task groups are drawn from across all members and ensure effective representation. All task group work is reported through the main committee to ensure transparency and wherever practicable task groups should include public broadcast, attendance and feedback.	Yellow Impact high, likelihood low

Background documents

The Constitution <https://democracy.lichfielddc.gov.uk/ieListDocuments.aspx?CId=190&MId=304&Ver=4&info=1>
<https://democracy.lichfielddc.gov.uk/documents/s9618/Committee%20Review%20Strategic%20OS%20Report%20v3.pdf>

Relevant web links

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PART 1

SUMMARY AND EXPLANATION

Updated May 21

THE COUNCIL'S CONSTITUTION

Lichfield District Council has a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law. Others are based on choices made by the Council.

The Constitution is divided into 16 articles which set out the basic rules governing the Council's business.

More detailed procedures and codes of practice are provided in Part 4.

WHAT'S IN THE CONSTITUTION?

Article 1 of the Constitution commits the Council to managing its affairs in the best interests of its community. Articles 2 – 16 explain the rights of residents and how the key parts of the Council operate. These are:

- Councillors (Article 2);
- Residents and the Council (Article 3);
- The Council (Article 4);
- Chairing the Council (Article 5);
- Overview and Scrutiny Committee (Article 6);
- The Cabinet (Article 7);
- Planning and other committees (Article 8);
- Panels and Forums (Article 9);
- The Audit and Member Standards Committee (Article 10);
- Joint arrangements (Article 11);
- Officers (Article 12);
- Decision making (Article 13);
- Finance, Contracts and Legal Matters (Article 14);
- Review and revision of the Constitution (Article 15);
- Suspension, interpretation and publication of the Constitution (Article 16).

HOW THE COUNCIL OPERATES

The Council comprises 47 councillors (sometimes referred to as Members) elected every four years. Councillors are democratically accountable to residents of their [ward](#). The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

An up to date list of Councillors can be viewed on the Council's website (<http://www.lichfielddc.gov.uk/>) and at the Council Offices, Lichfield. The last whole Council election was held in May 2019.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies, set the budget and Council Tax each year. The Council is also responsible for appointing the Leader of the Council who then appoints an Executive (together formally entitled "the Cabinet") and for appointing Committees, some of which are responsible for overseeing and reviewing the decisions of the Cabinet, (Overview & Scrutiny Committee) while others discharge regulatory responsibilities or other functions which by law may not be discharged by the Cabinet (also known as an executive), for example planning and licensing.

The Council also deals with other matters including those reserved to it by Law, all matters dealt with by the Council, as a whole are listed in Article 4.

The Leader of the Council determines the size of and appoints between 2 and 9 members of the Council to the Cabinet. These members are known as Cabinet Members. The Leader also allocates areas of responsibility to members of the Cabinet and may remove them from the Cabinet at any time.

The Leader is required to appoint one of the members of the Cabinet to be their deputy in line with their group protocols.

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

HOW DECISIONS ARE MADE

The Leader of the Council ("the Leader") is responsible for the discharge of executive functions. The Leader may delegate some or all of those functions to members of the Cabinet and to others.

Meetings of the Cabinet 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. Further details on the role of the Cabinet can be found in Part 2 Article 7 of this Constitution. Details of the areas of responsibilities held by the Cabinet Members and the powers and duties of the Committees/Sub-Committees can be found in Part 3 of this Constitution.

OVERVIEW AND SCRUTINY

The Council appoints a Overview and Scrutiny Committee to support the work of the Cabinet and the Council as a whole.

This Committee carries out the scrutiny function on behalf of the Council with support from Scrutiny Task Groups as and when required full details can be found in Part 2 Article 6.

They allow a wider involvement in Council business by involving all members, non-councillors from the wider public sector, voluntary and community groups to help them in their work. They review key areas of focus and if they so consider may make reports and recommendations to the Cabinet and the Council as a whole on its policies, budget and service delivery.

PLANNING AND OTHER COMMITTEES

The Council has appointed a Planning Committee and a Regulatory and Licensing Committee to deal with matters mainly relating to applications from individuals for consents, approvals and permissions from the Council and a number of other similar functions.

It has also appointed an Audit & Member Standards Committee to deal with financial reporting, risk management, internal and external audit matters and matters relating to the Code of Conduct for Members and various governance related issues. Full details can be found in Part 2 of this Constitution.

THE COUNCIL'S STAFF

The Council has people working for it (referred to as 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. The Council's most senior member of staff is the Chief Executive. A protocol (to be found in Part 5) governs the relationship between employees and Members. A chart setting out the responsibilities of the cabinet members and senior officers can be seen [here](#).

WORKING IN PARTNERSHIP

The Council works in partnership with other organisations to provide seamless, high quality services to its residents and businesses. Further details of the formal partnership arrangements can be found at Part 2 Article 11 of this Constitution.

RESIDENTS' RIGHTS

Residents have a number of rights in their dealings with the Council. These are set out in more detail in Part 2 Article 3 of this Constitution. Some of these are legal rights, whilst others depend on the Council's own processes. Where members of the public use specific council services, they may have additional rights. These are not covered in this Constitution.

Residents have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of this Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- attend meetings of the Cabinet and other committees (except where, for example, personal or confidential matters are being discussed);
- see reports and background papers, and any record of decisions made by the Council and the Cabinet subject to safeguards concerning sensitive matters;
- complain to the Council about any matter for which the Council is responsible. The Council has a formal complaints procedure to assist someone to do this details of the procedure can be found on the Council's website;
- 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);
- complain to the Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct for Members;
- inspect the Council's accounts and make their views known to the external auditor;
- obtain names of the political groups of Councillors.

The Council welcomes participation by members of the public in its work.

Copies of documents available to the public are published on the Council's website. The website also includes the Forward Plan, agendas, reports, decision notices and minutes of the Council, the Cabinet, Cabinet Members, Committees and Sub-Committees Major Policy Documents are also made available on the website (www.lichfielddc.gov.uk).

Council Structure to be inserted here

PART 2

ARTICLES OF THE CONSTITUTION

Article 1	The Constitution
Article 2	Councillors
Article 3	Residents and the Council
Article 4	The Council
Article 5	Chairing the Council
Article 6	Overview and Scrutiny Committee
Article 7	The Cabinet
Article 8	Planning and other Committees
Article 9	Panels and Forums
Article 10	The Audit and Member Standards Committee
Article 11	Joint Arrangements
Article 12	Officers
Article 13	Decision Making
Article 14	Finance, Contracts and Legal Matters
Article 15	Review and Revision of the Constitution
Article 16	Suspension, Interpretation and Publication of the Constitution
Schedule 1	Description of Executive Arrangements

1.0 ARTICLE 1 – THE CONSTITUTION

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution. A description of the executive arrangements of the Council is set out at Schedule 1 to this Part.

1.2 The Constitution

This Constitution is the Constitution of Lichfield District Council.

The purpose of the Constitution is to:

- (i) enable the Council to provide clear leadership to the community in partnership with residents, businesses and other organisations;
- (ii) support the active involvement of members of the public in the process of local authority decision-making;
- (iii) help councillors represent their Constituents more effectively;
- (iv) enable decisions to be taken efficiently and effectively;
- (v) create an effective means of holding decision-makers to public account;
- (vi) ensure that no one will review or scrutinise a decision in which they were directly involved;
- (vii) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (viii) provide a means of improving the delivery of services to the community through effective challenge and support.

1.3 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that 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.

2.0 ARTICLE 2 – COUNCILLORS

2.1 Composition and eligibility

Composition The Council comprises 47 councillors. The District is divided into 22 wards. Each ward elects between 1 and 3 councillors as shown below:-

<u>Ward</u>	<u>No. of Councillors Elected</u>	<u>Ward</u>	<u>No. of Councillors Elected</u>
ALREWAS & FRADLEY	3	HAMMERWICH AND WALL	2
ARMITAGE WITH HANDSACRE (INCLUDING KINGS BROMLEY)	3	HIGHFIELD	2
BOLEY PARK	2	LEOMANSLEY	3
BONEY HAY & CENTRAL	3	LITTLE ASTON AND STONNALL	2
BOURNE VALE	1	LONGDON	1
CHADSMEAD	2	MEASE VALLEY	1
CHASE TERRACE	2	SHENSTONE	1
CHASETOWN	2	ST JOHN'S	3
COLTON AND THE RIDWARES	1	STOWE	3
CUDBOROUGH	2	SUMMERFIELD AND ALL SAINTS	3
FAZELEY	2	WHITTINGTON AND STREETHAY	3

Eligibility Only registered voters of the district; those living or working in the district, or those who have a material interest in land within the district (eg. as owner or tenant) will be eligible to stand to hold the office of Councillor. More information can be found on the website of the [Electoral Commission](#).

2.2 Election and terms of councillors

The regular election of councillors will be held on the first Thursday in May every four years, the next election being in 2023. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and functions of all councillors

All councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate functions;
- (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (iii) effectively represent the interest of their ward and of individual constituents;
- (iv) respond to constituent's enquiries and representations, fairly and impartially;
- (v) participate in the governance and strategic leadership of the Council;
- (vi) be available to represent the Council on other bodies; and
- (vii) maintain the highest standards of conduct and ethics as set out in Part 5 of the Constitution, Codes and Protocols.

2.4 Rights and duties

- (i) Councillors will have the right to access documents, information, land and buildings of the Council as necessary to enable them to carry out the duties and in accordance with the law;
- (ii) Councillors should consider the situation carefully and, if appropriate, seek guidance from the Monitoring Officer before making 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 officer entitled to know it;

- (iii) For these purposes, “confidential” and “exempt” information is defined in the Access to Information Rules in Part 4 of this Constitution.

2.5 Conduct

Councillors will at all times observe the Member’s Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

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.

3.0 ARTICLE 3 – RESIDENTS AND THE COUNCIL

3.1 Residents' rights

Residents have the following rights. (Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution):

- (a) **Voting and petitions:** Residents on the electoral roll for the District have the right to vote; sign a petition to request a referendum for an elected mayor form of Constitution; or sign any other petition they wish to support;
- (b) **Information:** Residents have the right to:
 - (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private;
 - (ii) attend meetings of the Cabinet except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (iii) see reports and background papers, and any records of decisions made by the Council, the Cabinet, the non-Executive Committees and significant officer decisions except where confidential or exempt information is likely to be disclosed and the meeting/decision is therefore held/made in private; and
 - (iv) inspect the Council's accounts and make their views known to the external auditor (during the specified period).
- (c) **Complaints:** Members of the public have the right to complain to:
 - (i) the Council both generally and using its complaints scheme ([Complaints and Feedback](#));
 - (ii) the ombudsman (normally after using the Council's own complaints scheme) (<http://www.lgo.org.uk/make-a-complaint>);
 - (iii) the Monitoring Officer that a Councillor has breached the Code of Conduct for Members ([Code of Conduct Complaint](#)).

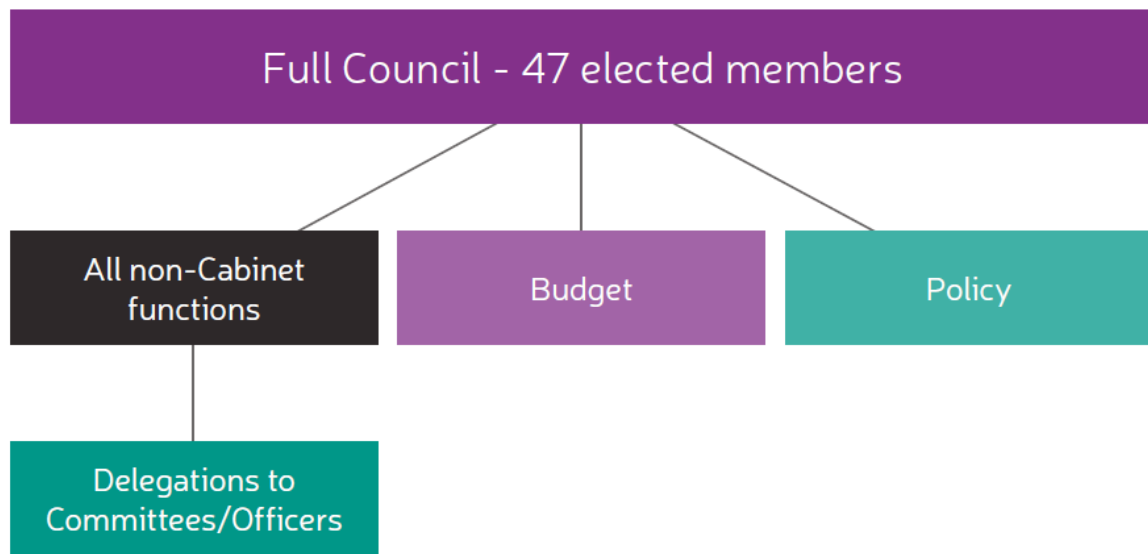
3.2 Members of the public's responsibilities

Members of the public must treat officers and councillors with respect and not be violent, abusive, or threatening and must not wilfully harm things owned by the Council, councillors, or officers.

Updated May 2021

A Customer Promise that sets out what members of the public can expect from representatives of the District Council can be found on the Council's website [Customer Promise](#).

4.0 ARTICLE 4 – THE COUNCIL



4.1 Introduction

The full Council is a formal meeting of all Councillors. The full Council is required by law to take certain important decisions including setting the Council's Budget and Council Tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). The full Council must also by law take decisions on a number of specific matters.

The full Council provides a central forum for debate and gives the opportunity for Councillors to ask questions about the Council or matters affecting the Council.

4.2 The Council

A meeting of the Council is one which all 47 members are entitled to attend and to speak and vote. The Council is responsible for the Budget and Policy Framework of the Council and for all of the functions not the responsibility of the Cabinet; it has a role in holding the Cabinet to account. It will carry out some functions itself but others will be delegated to Committees or named officers.

4.3 Policy Framework

The policy framework means the following plans and strategies, all of which are to be adopted by the Council:

Development Plan documents that comprise the Council's Local Development Framework and the revocation or revision of such documents (including any joint documents) often referred to as The Local Plan

- Council's Strategic Plan
- Licensing Policy
- Gambling Policy

together with any other plans required by law to have the approval of Council and any other plans and strategies which the Council may decide should be adopted by the Council meeting as a matter of local choice.

4.4 Budget

Responsibility for the budget (sometimes referred to as the Medium Term Financial Strategy or MTFS) includes the allocation of financial resources to different services and projects, proposed contingency funds, 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.

4.5 Functions

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) adopting or making material changes to the Council's Policy Framework and Budget;
- (c) adopting or making material changes to the Council's Treasury Management Policies and Investment Strategy;
- (d) 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 any function which is covered by the policy framework or the budget where the decision maker or decision making body is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget i.e. make decisions outside the agreed budget and policy framework;
- (e) determining which Committees, Sub-Committees, working parties, Boards, Panels etc. shall be established as standing committees, the terms of reference of each body, the number of members (voting and non-voting) that each consists of and making the necessary appointments to the bodies;

- (f) taking decisions which are not normally the responsibility of the Leader and which have not been delegated by the Council to Committees, sub-committees, and officers e.g. approval of the Constitution;
- (g) making appointments to committees (including the appointment of Chairs and Vice Chairs);
- (h) appointing the Leader of the Council;
- (i) appointing the Chief Executive (who shall be the Head of Paid Service, Electoral Registration Officer, and Returning Officer);
- (j) appointing the Chief Finance Officer for the purposes of Section 151 of the Local Government Act 1972;
- (k) designating the Monitoring Officer for the purposes of Section 5 the Local Government and Housing Act 1989;
- (l) determining the scheme for and amounts of Members' allowances subject to the advice from the independent Remuneration Panel ;
- (m) the making of Procedure Rules including those in relation to Contracts and Finance;
- (n) the delegation of non-executive functions to Committees, Sub-Committees and officers, subject to the right to amend the Delegation Scheme from time to time as may be required;
- (o) all other matters which, by law, must be reserved to the decision of the Council as a whole;
- (p) to receive reports from the Cabinet, the Audit and Member Standards Committee and the Regulatory and Licensing Committee;
- (q) the setting of the Council Tax and Other matters reserved to the Council pursuant to Section 67 of the Local Government Finance Act 1992;
- (r) approving the change of name of the District and conferring the title of Honorary Alderman;
- (s) approving the change of name of any Parish;
- (t) approving a petition for a charter to confer borough status;
- (u) appointment of Councillors to Outside Bodies such as joint committees (as described in Part 5;

- (v) approving the [Council's Petition Scheme](#);
- (w) to approve [bye-laws and local Bills](#);
- (x) to receive reports from the Cabinet on urgent decisions contrary to the Policy Framework;
- (y) to take all decisions in respect of delegating non-executive functions to another local authority;
- (z) to take all decisions in respect of accepting the delegation of non-Executive functions from another local authority.

4.6 Meetings of the Council

There are three types of Council meeting:

- 1.1.1 the Annual Meeting;
- 1.1.2 Ordinary Meetings;
- 1.1.3 Extraordinary Meetings

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

4.7 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions.

4.8 Quorum

The quorum for a meeting of the Council shall be one quarter of the number of voting members of the Council.

4.9 Dismissal of Head of Paid Service, Monitoring Officer or s.151 Officer

The dismissal of the Head of Paid Service, the Monitoring Officer and the s.151 Officer (the statutory officers) is reserved to Council.

Where the circumstances set out in Regulation 6 and Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 apply any Panel (or Committee or Sub-Committee) advising the Council on dismissal of the 3 posts must appoint at least 2 independent persons to that Panel (Committee or Sub-Committee) – namely independent persons appointed under Section 27(8) of the Localism Act 2011.

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The priority for selecting the independent persons is:

- i. Any person who is registered as a local government elector in the register of electors for the area of the authority in accordance with the Representation of the People Acts and has been appointed as an independent person by the Council;
- ii. Any person who is not registered as a local government elector in the register of electors for the area of the authority in accordance with the Representation of the People Acts and has been appointed as an independent person by the Council;
- iii. Any person appointed by another Council as an independent person.

The Panel (Committee or Sub-Committee) advising Council must be appointed at least 20 working days prior to the relevant meeting of the Council.

Where the circumstances set out in Regulation 6 and Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 apply, before the Council takes a vote on whether or not to dismiss any holder of one of the 3 posts it must take into account any advice, views or recommendations of the Panel, the conclusions of any investigation into the proposed dismissal and any representations from the relevant officer.

Any payments to the independent persons for their assistance to the Council must not exceed the sums payable to that person in their role as an independent person for their work under the Localism Act 2011 (Code of Conduct matters).

5.0 ARTICLE 5 – CHAIRING THE COUNCIL

5.1 Role and function of the Chair

The Chair and Vice-Chair will be elected at the Annual Meeting of the Council. The Chair of the Council and in their absence the Vice-Chair will have the following roles and functions:

Ceremonial Role

The Chair of the Council is the civic head of the Council and will represent the Council at such civic and ceremonial functions as the Council determines appropriate.

The Chair also has a role in promoting public involvement in the Council's activities and to maintain the dignity of the office and at no time to bring discredit to it.

Chairing the Council meeting

- (i) to uphold and promote the purposes of the Constitution;
- (ii) to preside over meetings of the Council ensuring compliance with the Rules of Procedure in the Constitution so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- (iii) 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 members determine the strategic objectives, policies and programmes to be followed; and
- (iv) The Chair maintains an apolitical stance, especially when chairing Council meetings.

6.0 ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEE

- 6.1** The Council is required by law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. Overview and Scrutiny Committee contributes to the development of Council policies and also holds the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.

Overview and scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local residents.

- 6.2** The Council will appoint an Overview and Scrutiny Committee (which will comprise between 9 and 13 members of the Council except those who are members of the Cabinet), to discharge the function; this Committee will comprise the formal scrutiny arrangements of the Council supported by Scrutiny Task Groups

Any member of the Council may refer a matter* affecting any part of the District to the Overview and Scrutiny Committee ("Councillor Calls for Action").

(*Defined as a matter which relates to the functions of the Overview and Scrutiny Committee other than a local crime and disorder matter dealt with by the Police and Justice Act 2006 or a matter which the Secretary of State has excluded by Order).

No member of the Council may scrutinise a decision in which they were involved.

6.3 General Role

The Overview and Scrutiny Committee may:

- (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (b) make reports and/or recommendations to the Council and/or the Cabinet in connection with the discharge of any functions;
- (c) consider any matter affecting the area or its residents;
- (d) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Cabinet;
- (e) to assist the Council and the Cabinet in the development of its budget and policy framework;

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- (f) consider any Councillor Calls for Action requiring scrutiny through the formal scrutiny process.
- (g) appoint any Scrutiny Task Groups to investigate or carry out any of these tasks and report back to the committee.

6.4 Specific functions

- (a) **Policy Development and Review.** The Overview and Scrutiny Committee may:
 - (i) assist the Council and the Chief Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
 - (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
 - (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and
 - (iv) question members of the Cabinet and officers about their views on issues and proposals affecting the area.
- (b) **Scrutiny.** The Overview and Scrutiny Committee may:
 - (i) review and scrutinise decisions made by and performance of any member exercising executive functions and officers both individually and over time;
 - (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - (iii) question any member exercising executive functions and 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;
 - (iv) make recommendations to the Cabinet and/or the Council arising from the outcome of the scrutiny process;
 - (v) question and gather evidence from any person (with their consent);
 - (vi) consider and make recommendations on a Councillor Call for Action;
 - (vii) challenge a decision of the Cabinet or an officer not to classify a certain decision as “key”.
- (c) **Scrutiny of regulatory decisions.** The Overview and Scrutiny Committees may review policies and procedures in connection with any regulatory functions

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exercised by Planning and Regulatory & Licensing Committees, and Sub-Committees thereof, or by officers, but such a review shall not include scrutiny of any such decision relating to an individual application for determination, consent, licence, permission etc.

6.5 Crime and Disorder

The Overview and Scrutiny Committee will act as the Council's Crime and Disorder Committee for the purposes of the Crime and Disorder (Overview and Scrutiny) Regulations. Any member of the Council, whether a member of this Committee or not, may refer a local crime or disorder matter* to the Committee.

6.6 Proceedings of the Overview and Scrutiny Committee

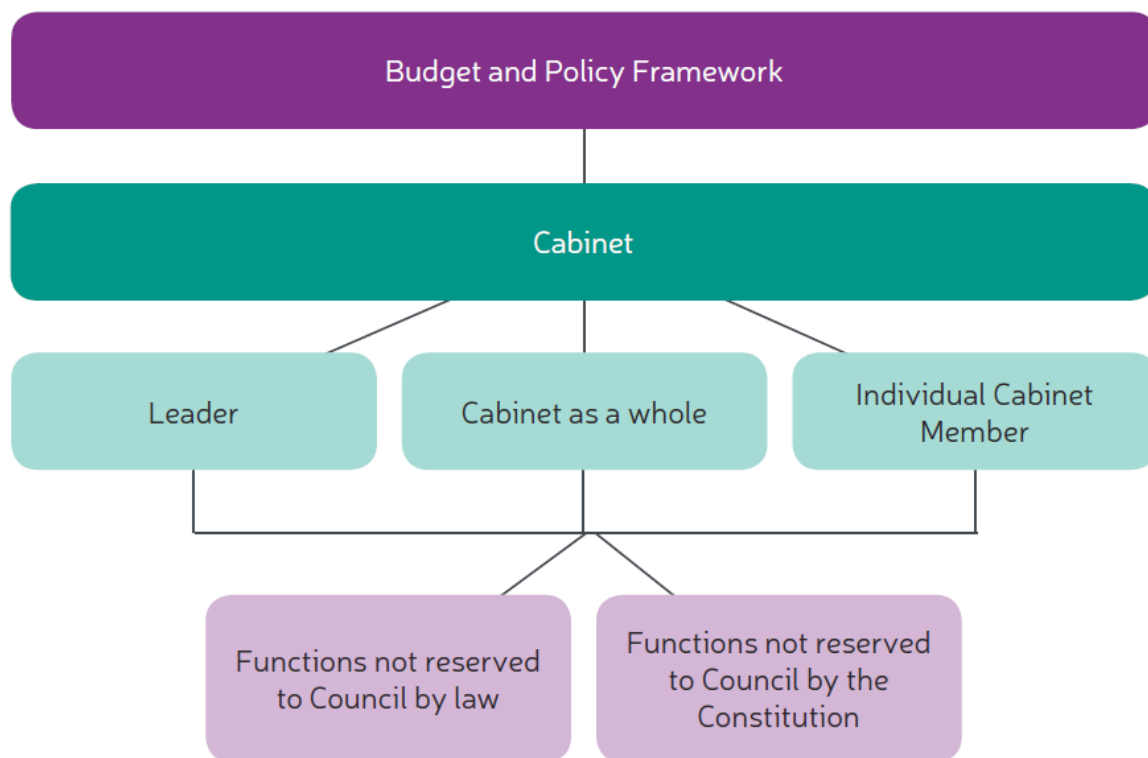
The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution.

6.7 Quorum

The quorum for a meeting of the Overview and Scrutiny Committee shall be one quarter of the number of voting members of the Overview and Scrutiny Committee.

- * Local crime and disorder matter means a matter concerning:
- a) crime and disorder (including anti-social behaviour or other behaviour adversely affecting the local environment) or
 - b) the misuse of drugs, alcohol or other substances.
- Where such a matter affects all or part of the electoral area for which the member is elected or any person who lives or works in that area (s.19 Police and Justice Act 2006)

7.0 ARTICLE 7 - THE CABINET



7.1 Role

The Cabinet and individual cabinet members are appointed by the Leader to 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 and will do so within the policy framework and budget set by the Council in accordance with these arrangements. . Many decisions will be made by the Leader, Cabinet or individual cabinet members rather than the full Council.

The Cabinet has a key role in proposing the budget and policy framework to the Council. The Cabinet and its members will lead the strategic direction and the drive for best value; lead the preparation of the Council's policies and budget; take in year decisions on resources and priorities, and be the focus for forming partnerships with other local public, private and voluntary and community sector organisations to address local needs. The Cabinet will also respond to any recommendations and reports from the Overview and Scrutiny Committee, and the Audit and Member Standards Committee relating to its functions.

The responsibilities of each individual member of the Cabinet are allocated by the Leader of the Council and are set out in Part 3 of this Constitution.

7.2 Form and composition

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The Cabinet will consist of the Leader of the Council and between 2 and 9 members of the Council appointed to the Cabinet by the Leader of the Council and known as Cabinet Members; one of whom the Leader of the Council will appoint Deputy Leader of the Council in line with group protocols.

7.3 Leader of the Council

The Leader of the Council will be a councillor elected to that position at the first Annual Meeting of Council after a whole Council election until the day of the next post-election Annual Meeting of Council. The Leader of the Council will hold office until or unless:

- (i) they resign from the office; or
- (ii) they are no longer a councillor; or
- (iii) they are removed from office by resolution of the Council.

The Leader will carry out all of the Council's executive functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

7.4 Other Cabinet Members

The Cabinet Members will be councillors appointed to the Cabinet by the Leader of the Council and shall hold office until:

- (i) they are removed from office either collectively or individually by the Leader of the Council;
- (ii) they resign from office;
- (iii) the Leader of the Council ceases to hold office (except that the Deputy Leader of the Council shall act as Leader of the Council until Council appoints another Leader);
- (iv) they are no longer councillors.

The Leader of the Council may change the membership of the Cabinet at any time.

One of the Cabinet Members will be appointed by the Leader of the Council as Deputy Leader of the Council. The Deputy Leader may exercise all of the functions of the Leader of the Council where the position is vacant or where the Leader is absent or is otherwise unable to act. The Leader of the Council may remove the Deputy Leader from office at any time (subject to group protocols).

7.5 Responsibility for functions

- (a) The Monitoring Officer will maintain a list in Part 3 of this Constitution setting out which individual members of the Cabinet, officers, or joint arrangements are responsible for the exercise of particular Cabinet functions; and
- (b) Where a Cabinet Member is unable to act, either through absence or otherwise, the Leader of the Council shall act in their place, if the Leader of the Council is unable to act, either through absence or otherwise, the Deputy Leader of the Council shall act in their place.

7.6 Delegation of Functions

The Leader of the Council may exercise executive functions themselves or may otherwise make arrangements to delegate responsibility for their discharge as set out below:-

- (a) the Leader of the Council may delegate executive functions to:-
 - (i) the Cabinet as a whole;
 - (ii) a Committee of the Cabinet (comprising Cabinet Members only);
 - (iii) an individual Cabinet Member;
 - (iv) a joint committee;
 - (v) another local authority or the executive of another local authority;
 - (vi) an officer of the Council.

7.7 Proceedings of the Cabinet

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

7.8 Quorum

The quorum for a meeting of the Cabinet shall be three voting members of the Cabinet including either the Leader or the Deputy Leader.

7.9 Forward Plan

A Forward Plan setting out details of key decisions which it is known are due to be taken by the Cabinet over a four month period will be prepared and made available for inspection and published on the website.

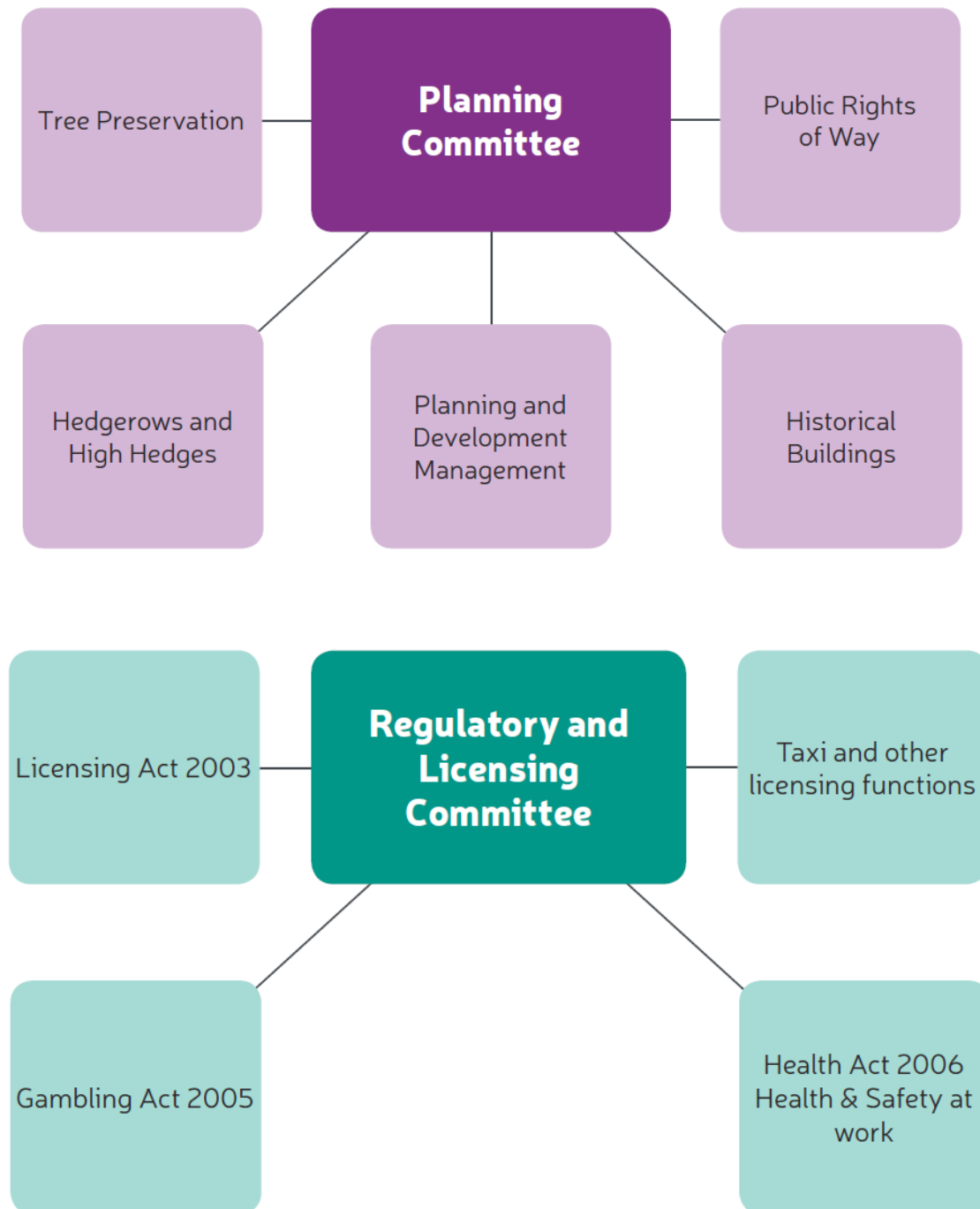
The Cabinet will not know about every key decision far enough in advance for it to be included in the Forward Plan. In such circumstances, the Chair of the Overview and

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Scrutiny Committee (or in their absence, the Vice-Chair) will be informed and a copy of the relevant details will be supplied to the members of the Overview and Scrutiny Committee at least three working days before the decision can be taken.

In cases of special urgency where a key decision is required at short notice, a decision can be made and acted upon, but only with the agreement of the Chair of the Overview and Scrutiny Committee or the Chair of the Council (or in their absence the Vice-Chair) who must agree that the matter is urgent and cannot reasonably be deferred.

8.0 ARTICLE 8 – PLANNING AND OTHER COMMITTEES



8.1 Introduction

The Council will appoint committees to undertake a variety of regulatory and other functions that are the responsibility of the Council but which do not have to be carried out by the full Council.

8.2 Standing Committees

The Standing Committees are listed below and full details of their functions can be found in Part 3 of the Constitution (Responsibility for Council Functions) :-

- **Planning Committee**

The role of the Planning Committee is to be responsible for determining applications and enforcement decisions of the Council in relation to Town and Country Planning and other related matters as set out in Part 3 of the Constitution.

The Planning Committee shall comprise 15 members of the Council.

The quorum for a meeting of the Planning Committee shall be one quarter of the number of voting members of the Committee; the quorum is therefore 4.

- **Regulatory and Licensing Committee**

The role of the Regulatory and Licensing Committee is to be responsible for determining applications and enforcement decisions of the Council in relation to all licensing matters including setting of hackney carriage fares (other than those which are by law matters for the Cabinet) as set out in Part 3 of the Constitution.

The Regulatory and Licensing Committee shall comprise 13 Councillors appointed by the Council at its Annual Meeting. The Committee can exercise certain of its functions (under the Licensing Act 2003, the Gambling Act 2005 and taxi licensing legislation) through Licensing Sub-Committees; which shall comprise of any 3 of the 13 Councillors of the Committee.

The Head of Governance & Performance is responsible for choosing the members of any such sub-committee.

The quorum for a meeting of the Regulatory and Licensing Committee shall be one quarter of the number of voting members of the Committee, quorum is therefore 4.

The quorum for a meeting of a Licensing Sub-Committee shall be 3 voting members of the Licensing and Regulatory Committee.

- **Employment Committee**

The Employment Committee is responsible for setting policies relating to staffing matters, as well as approving the staffing structures of the Council.

The Employment Committee shall comprise of 10 Members.

The quorum of the Committee shall be 3 members.

- **Appointments Committee**

The role of the Appointments Committee is to make recommendations to full Council in respect of appointments to the posts of Chief Executive (Head of Paid Service the Monitoring Officer and the officer holding the post as Section 151 officer.

The Appointments Committee shall comprise of the Leader, 4 Cabinet Members plus the Leader of the Principal Opposition Group.

The quorum of the Committee shall be 3 members.

- **Investigatory and Disciplinary Committee**

The role of the Investigatory and Disciplinary Committee is to investigate and make a determination on any disciplinary action (including dismissal) against any officer listed in paragraph 3 of Schedule 1 Part II of the Local Authorities (Standing Orders) (England) Regulations 2001 (members of the Council's Leaderships Team); save that in Article 4.9 dismissal of the Chief Executive, Monitoring Officer and the Section 151 Officer when acting as Section 151 Officer is reserved to full Council, and the rules specified in Article 4.9 apply.

The Investigatory and Disciplinary Committee shall comprise 7 members of the Council; shall include at least one member of the Cabinet and shall comply with the provisions of the Local Government and Housing Act 1989 re: political balance.

The quorum of the Committee shall be 3 members which shall include at least one member of the Cabinet.

No member of this Committee may also be a member of the Disciplinary and Grievance Appeals Committee.

The Head of Governance & Performance is responsible for arranging training for and providing advice to this Committee (Unless the issues relate to the Head of Governance & Performance – where this advisory role will fall to the Head of Corporate Services).

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- **Disciplinary and Grievance Appeals Committee**

The role of the Disciplinary and Grievance Appeals Committee is to consider appeals against dismissals and grievances by Chief Officers of the Council and appeals against dismissals (including redundancy) by Heads of Service.

The Disciplinary and Grievance Appeals Committee shall comprise 7 members of the Council; shall include at least one member of the Cabinet and shall comply with the provisions of the Local Government and Housing Act 1989 re: political balance.

The quorum of the Committee shall be 3 members which shall include at least one member of the Cabinet.

No member of this Committee may also be a member of the Investigatory and Disciplinary Committee.

The Head of Governance & Performance is responsible for arranging training for and providing advice to this Committee (Unless the issues relate to the Head of Governance & Performance – where this advisory role will fall to the Head of Corporate Services).

8.3 Other Committees and Sub-Committees

The Council will appoint such other committees as it considers appropriate to exercise any of its functions.

Any committee appointed by the Council may at any time appoint additional sub-committees and panels throughout the year. Their terms of reference and delegation of powers to them shall be explicit and within the Appointing Committee's terms of reference.

The Council, in the case of Standing Committees, or the parent committee, in the case of sub-committees or panels, will appoint the members to serve on the committee, sub-committee or panel subject to the right of a political group within the meaning of the Local Government and Housing Act 1989 and any regulations made under that Act to make nominations for those appointments at the meeting that makes the appointments before the appointments are made.

8.4 Qualifications for sitting on Planning and other Committees

Only those members who have undertaken appropriate training at the appropriate time may vote on the relevant committees, sub-committees or panels. These

requirements apply to the Planning Committee and the Regulatory and Licensing Committee and any sub-committee or panel thereof.

9.0 ARTICLE 9 – SCRUTINY TASK GROUPS and MEMBER OFFICER GROUPS

9.1 Overview and Scrutiny Committee will appoint scrutiny task groups to support effective scrutiny, where appropriate.

- **Scrutiny Task Groups**

Task groups are appointed to investigate and scrutinise specific matters and services, provided by either the Council or by external organisations. Where appropriate they suggest improvements which will benefit the Council, users of the service and residents of the district.

Each Scrutiny Task groups made up of a small number of Councillors - usually 5. The Team may include members from each political group on the Council but does not have to be politically balanced. . Membership is not restricted to members of the Overview and Scrutiny Committee and any non-Executive member of the Council may be nominated to serve on a Scrutiny Task group. Consideration may also be given to the appointment of persons from outside the Council as co-opted Members of Scrutiny Task groups

When a new Scrutiny Team is proposed, the Overview and Scrutiny Committee will set out its Terms of Reference and expected timescale for report. The Committee will invite all non-Executive members of the Council to express an interest in joining the Team. The Chair of the Committee in consultation with Group Leaders will select membership of the Team taking into account the following:-

- experience and expertise of individual members;
 - whether or not the Members have taken part in previous Scrutiny Task groups.
- The aim is to build a team of Councillors with a mixture of experience and knowledge, but commitment to and enthusiasm for the task is as important.

Members of Scrutiny Task Groups are expected to:

- undertake appropriate reading and research. This may involve consultation, visits and evidence gathering between meetings of the Team;
- having agreed a programme of meetings of the Task Group, to attend as many of them as possible;
 - to ask for support, training and development if/when members feel it is necessary;
- to contribute fully to the drafting of the final report.

The Chair of the Task Group will be chosen from among the members of each group either at Overview and Scrutiny Committee when it sets up the Task Group, or at its first meeting and must hold suitable skills or attended relevant training. The Chair will ensure regular update reports are made as appropriate to all Councillors, including to meetings of Overview and Scrutiny Committee.

Task Groups may liaise with the Cabinet Member responsible for the area under scrutiny. However, it is not expected that the Cabinet Member will attend any meetings of a Task Group except by invitation.

The use of substitutes is discouraged because of the detailed nature of the work carried out by each Task group.

Each Task Group may undertake tours and site visits, consult the public and invite expert witnesses to inform its work.

The Council will appoint the following panels to advise on the discharge of certain functions of the Council as set out in Part 3 of the Constitution (Responsibility for Council Functions)

- **CIL Joint Member Officer Group**

1. **Terms of Reference**

The role of the CIL Joint Member Officer Group (JMOG) is to consider applications made by infrastructure providers for CIL funding and make recommendations where applicable to Cabinet¹ for the allocation of the Strategic and Local Infrastructure element of the centralised pot. To oversee the transfer of the 'meaningful proportion' to Parishes as defined in CIL Regulation 59D. To receive updates on the Infrastructure Delivery Plan and the Regulation 123 List. To consider the Annual CIL Monitoring Report.

2. **Composition**

The membership of the CIL Joint Member Officer Group will consist of:

- Four nominated Lichfield District Council elected members
- Head of Economic Growth and Development - LDC
- Head of Finance and Procurement - LDC
- A nominated elected member representative of Staffordshire County Council
- A nominated officer representative of Staffordshire County Council

The Quorum necessary for the JMOG to meet is 6, with at least 1 LDC elected member and 1 LDC officer in attendance and voting will be restricted to elected members only.

9.2 A Member of the Cabinet may also be a Member on a Scrutiny Task Group and member officer groups where appropriate.

¹ In line with Lichfield District Councils Financial Procedure Rules (current document dated 31st October 2016)

10.0 ARTICLE 10 – THE AUDIT AND MEMBER STANDARDS COMMITTEE

10.1 Introduction

The Council will establish an Audit and Member Standards Committee. Its role is to promote and maintain high standards of conduct by Councillors, to oversee the following: complaints; the elections process and other related matters as set out in Part 3 of the Constitution. It also undertakes a full audit role as set out in Part 3 of the Constitution.

The Council will appoint members of the Audit and Member Standards Committee annually.

The Chair of the Audit and Member Standards Committee or of any Sub-Committee of the Committee shall be a voting member of the Audit and Member Standards Committee.

10.2 Composition of the Audit and Member Standards Committee

(a) The Audit and Member Standards Committee will consist of:

- nine councillors other than the Chair and the Leader of the Council
Consideration to the inclusion of an **independent member** (where it is not already a mandatory requirement) based on an assessment of the knowledge and skills of the Committee.
- one **Independent Person** who is not a Councillor or officer of the Council or any other body for Member Standards matters (an independent person);

The Independent Person and any independent member (if appointed) will not be entitled to vote at meetings.

10.3 Quorum

- (a) The quorum for a meeting of the Audit and Member Standards Committee shall be one quarter of the number of voting members of the Committee, quorum is therefore 3.
- (b) The quorum for a meeting of a sub-committee of the Audit and Member Standards Committee shall be 3 voting members of the sub-committee.

10.4 Roles and Function

The Audit and Member Standards Committee will have the roles and functions as set out in Part 3 of this Constitution.

10.5 Assessment Sub-Committee

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The Assessment Sub-Committee shall comprise 5 members of the Audit and Member Standards Committee (plus the Independent Person). The Sub-Committee shall be chaired by a voting member of the Audit and Member Standards Committee and shall conduct hearings into allegations that a Councillor (including a Parish Councillor) has breached the Code of Conduct for Members of the relevant authority in accordance with the arrangements for such hearings approved by Lichfield District Council.

10.6 Review Sub-Committee

The Review Sub-Committee shall comprise 4 members of the Audit and Member Standards Committee. The Sub-Committee shall be chaired by a voting member of the Audit and Member Standards Committee and shall review, if so requested by the person making the allegation, any decision of the Monitoring Officer in consultation with the Independent Person, following an initial assessment and decision not to investigate an allegation of a breach of the Code of Conduct for Members in accordance with the arrangements for such hearings approved by Lichfield District Council.

11.0 ARTICLE 11 - JOINT ARRANGEMENTS

11.1 Introduction

There are a number of circumstances where the Council is entitled to carry out certain functions jointly with another local authority.

11.2 Arrangements to promote well being

The Council, acting through the Cabinet and subject to budget and policy, in order to promote the economic, social, or environmental well-being of its area, may:

- (i) enter into arrangements or agreements with any person or body;
- (ii) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (iii) exercise on behalf of that person or body any functions of that person or body.

11.3 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Cabinets 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.
- (b) 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 joint committees with these other local authorities.
- (c) Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those appointments need not reflect the political composition of the local authority as a whole.
- (d) 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 authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area;
 - the joint committee is between the county council and a single district council and relates to functions of the Cabinet of the county council. In such cases, the Cabinet of the county council may appoint to the joint

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committee any councillor who is a member for an electoral division which is wholly or partly contained within the area.

- (e) 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.

11.4 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.
- (c) If the joint committee contains members who are not in the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.5 Delegation to and from other local authorities

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Cabinet of another local authority in accordance with the law and any restrictions elsewhere in this Constitution.
- (b) The Leader may delegate executive functions to another local authority or the Cabinet of another local authority in accordance with the law and any restrictions elsewhere in this Constitution.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council.

11.6 Contracting Out

The Council may contract out to another body or organisation functions:

- (a) 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
- (b) 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.

11.7 Lichfield and Tamworth Joint Waste Committee

11.7.1 The Committee shall consist of:

- (a) the Council Leader (or nominated deputy) from each Council;

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- (b) The Portfolio Holder with responsibility for Waste Manager (or nominated deputy) from each Council;
 - (c) The Chief Executive (or nominated deputy) from each Council in an advisory capacity;
 - (d) The Chief Officer with responsibility for Waste Management (or nominated deputy) in an advisory capacity.
- 11.7.2 Each of the Joint Committee Members (or substitute members as appropriate) of the Councils shall have one vote on any issue before the Joint Committee for determination. Decisions shall be made by simple majority.
- 11.7.3 The quorum for the Joint Committee shall be two Voting Members (one from each Council).
- 11.7.4 Full details regarding the Joint Committee can be found in the Constitution of the Lichfield and Tamworth Waste Collection Services Joint Committee.

11.8 Commercial Arrangements

- 11.8.1 The Council may also enter into arrangements or projects to undertake commercial activities. Any such arrangement or project would be subject to the Council's usual governance provisions i.e. would require either Cabinet or Council approval depending on the proposed activity.

12.0 ARTICLE 12 – OFFICERS

12.1 General

The Council may engage such officers as it considers necessary to carry out its functions.

12.2 Chief Officers

Section 43 of the Localism Act defines the meaning of a Chief Officer and refers to the Local Government Housing Act 1989. Statutorily the Chief Officer is currently the Chief Executive. Locally LDC has extended the definition to include all Heads of Service.

12.3 Head of Paid Service, Monitoring Officer, and Section 151 Officer

The Council designates the following posts as shown:

Chief Executive	-	Head of Paid Service
Head of Finance and Procurement	-	Section 151 Officer
Head of Governance & Performance	-	Monitoring Officer

Such posts will have functions described in Articles 12.5 – 12.7 below.

12.4 Structure

The overall structure of the Council showing the senior management and deployment of officers is set out in Part 7 of this Constitution. Further details can be found on the Council's website [Lichfield Leadership](#).

12.5 Functions of the Head of Paid Service

(a) Discharge of Functions by the Council

The Chief Executive is responsible to the Council for the manner in which the discharge of the Council functions is co-ordinated, the appointment of officers required for the discharge of functions, and the organisation and training of them.

(b) Restrictions on Functions

The Chief Executive may not be the Monitoring Officer, but may hold the post of Section 151 Officer, if qualified.

12.6 Functions of the Chief Finance Officer (Section 151 officer)

Updated May 2021

(a) Ensuring Financial Prudence of Decision Making

After consulting the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the Council (and to the Cabinet in relation to an executive function) and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure or is otherwise unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) Administration of Financial Affairs

The Chief Finance Officer will have responsibility for:

- the proper administration of financial affairs of the Council under Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1998, and
- conducting a continuous internal audit of the financial affairs of the Council as required by the Accounts and Audit Regulations and for maintaining an adequate and effective system of internal audit as required by those regulations.

(c) Providing Advice

The Section 151 Officer will, where appropriate in consultation with the Monitoring Officer, provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, and budget framework issues to all councillors and will support and advise all councillors and officers in their respective roles.

(d) Give Financial Information

The Section 151 Officer will provide financial information to the media, the public, and the community in accordance with legislation.

(e) Restrictions on Post

The Section 151 Officer cannot be the Monitoring Officer, but may hold the post of Head of Paid Service.

12.7 Functions of the Monitoring Officer

(a) Maintaining the Constitution

The Monitoring Officer will maintain an up to date version of the Constitution and ensure that it is widely available for consultation by members, officers, and the public.

(b) Ensuring Lawfulness and Fairness of Decision Making

After consulting the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the Council (in relation to a non-executive function) and to the Cabinet in relation to an executive function if they consider that any proposal, decision, or omission will give rise to unlawfulness or any decision or omission has given rise to maladministration. Such a report will have the effect of preventing the proposal or decision from being implemented until the report has been considered.

(c) Supporting the Audit and Member Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit and Member Standards Committee.

Notwithstanding any duty of confidentiality, the Monitoring Officer shall be at liberty to disclose any information relating to the Council's affairs, and provide copies of any records or documents belonging to the Council to the Audit and Member Standards Committee, for the purposes of investigation or determination of an allegation that a Councillor has failed to comply with the Code of Conduct for Members.

(d) Receiving Reports

The Monitoring Officer will receive and act on reports made by the Council's Audit and Member Standards Committee.

(e) Conducting Investigations

The Monitoring Officer will conduct investigations into matters as directed by or which fall within the jurisdiction of the Audit and Member Standards Committee and the Monitoring Officer and make reports or recommendations in respect of the same to the Audit and Member Standards Committee, in so doing the Monitoring Officer shall comply with any arrangements for such investigations as may be adopted by the Council.

(f) Proper Officer for Access to Information

The Monitoring Officer will ensure that decisions, together with the reasons for those decisions, and relevant reports and background papers are made publicly available in accordance with legislation.

- (g) Advising whether Cabinet Decisions are within the Budget and Policy Framework.

The Monitoring Officer will advise whether the decisions of the Cabinet are in accordance with the Council's budget and policy framework.

- (h) 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.

- (i) Restrictions on Post

The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

12.8 Duty to Provide Sufficient Resources to the Monitoring Officer and Section 151 Officer

The Council will provide the Monitoring Officer and the Section 151 Officer with such office accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

12.9 Conduct

Officers will comply with the requirements of the Council's Disciplinary Rules and Procedures relating to conduct, Officers Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.10 Employment

The recruitment selection and dismissal of officers will comply with the employment rules as set out in Part 4 of this Constitution.

13.0 ARTICLE 13 - DECISION MAKING

13.1 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.

13.2 Principles of decision-making

All decisions of the Council will be made in accordance with the following principles:

- (i) proportionality (i.e. the action must be proportionate to the desired outcome);
- (ii) due consultation and the taking of professional advice;
- (iii) due regard to the Members' Code of Conduct;
- (iv) a presumption in favour of openness;
- (v) clarity of aims and desired outcomes;
- (vi) explaining what options were considered;
- (vii) giving the reasons for the decision and the proper recording of those reasons;
- (viii) consideration to ways in which human rights can be enhanced and protected by the Council's actions.

13.3 Types of decision –

- (a) Decisions reserved to Council - Decisions relating to the functions listed in Article 4 will be made by the Council and not delegated.
- (b) Key decisions:
 - (i) A key decision is defined as a decision likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates, or to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Council's area. The Council had decided that any decision involving additional expenditure, income or savings over £75,000 (excluding any decision relating to investment of Council monies as part of Treasury Management Procedures) will be a key decision;

- (ii) Where a decision is required to procure or award a contract exceeding £75,000 which is a funded and ongoing requirement for the Council, where the full value of the procurement (including options to extend) is fully funded at part of the Approved Budget this may be delegated to the appropriate Cabinet Portfolio holder, where these fully meet the requirements of the Contract Procedure Rules up to a maximum value of £400,000.
- (ii) A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in set out in Part 4 of this Constitution.

13.4 Decision making by the Council

Subject to Article 13.8, the Council will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.5 Decision making by the Cabinet

Subject to Article 13.8, the Cabinet will follow the Cabinet Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.6 Decision making by the Scrutiny Committee

The Overview and Scrutiny Committees will follow the Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.7 Decision making by other committees and sub-committees established by the Council

Subject to Article 13.8, other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

13.8 Decision making by Council bodies acting as tribunals

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

14.0 ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS

14.1 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.

14.2 Contracts

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

14.3 Legal proceedings

The Chief Executive or the Head of Governance & Performance is, within budgetary provision and the policy framework, 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 Head of Governance & Performance considers that such action is necessary to protect the Council's interests.

The Chief Executive and the Head of Governance & Performance have authority to authorise officers to appear in Court on behalf of the Council.

14.4 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 Chief Executive, Head of Service or other person authorised by the Chief Executive, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

There are two ways in which a Contract can be 'signed':

Simple Contract – not executed as a deed, use of one or more signatures, statues of limitations lasts for 6 years after the end of the Contract

Sealed as a Deed – executed as a deed, two signatures and stamp (via e-Signature system) OR 2 signatures and seal (via hardcopy), statues of limitations lasts for 12 years after the end of the Contract

See the table below for when you use each approach:

	Simple Contract	Sealed as a Deed
Under £1,000	Yes	
£1,000 - £74,999	Yes	

Updated May 2021

£75,000 – PCR2015 Threshold	Yes – unless subject to Key Decision	Yes – if subject to Key Decision
Above PCR2015 Threshold	Yes – unless subject to Key Decision	Yes – if subject to Key Decision

In addition to any other person who may be authorised by resolution of the Council, the proper officer for the purposes of authentication of documents under the Local Government Acts shall be:

- (i) The Chief Executive;
- (ii) The Head of Governance & Performance;
- (iii) Any officer authorised in writing by such Chief Officer.

Any such authentication may be physical or virtual in line with Contract Procedure Rules and must be accessible to the Monitoring Officer.

14.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. 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 of the Council shall be affixed to a physical document only on the authority of:-

- (a) a resolution of the Council or Cabinet;
- (b) a resolution of a Committee or Sub-Committee which the Council has empowered to authorise the use of the seal;
- (c) a decision by the Council, or by a Committee, Sub-Committee, Cabinet or Cabinet Member or officer exercising delegated functions, to do anything where a document under the common seal is necessary or desirable as part of the action.

The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Chief Executive, the Monitoring Officer or other person authorised by the Chief Executive plus one Member.

Any entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made and consecutively numbered in a register provided for the purpose by the person attesting the affixing of the Common Seal.

The Seal can be applied virtually through the use of a secure system designed for that purpose and held on behalf of the Monitoring Officer.

15.0 ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

15.1 Duty to monitor and review the constitution

The Monitoring Officer will monitor the operation and effectiveness of the Constitution and review it at least bi-annually to ensure that the aims and principles of the Constitution are given full effect and that the content is up to date.

In undertaking this task the Monitoring Officer may:

- (i) observe meetings of different parts of the member and officer structure;
- (ii) undertake an audit trail of a sample of decisions;
- (iii) record and analyse issues raised with them by Councillors, officers, the public and other relevant stakeholders; and
- (iv) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

15.2 Changes to the Constitution

(a) Approval

Subject to (c) below changes to the constitution will only be approved by the Council and changes will only be approved after consideration of the proposals by the Chief Executive and the Monitoring Officer (and the Section 151 Officer if the change impacts on their responsibilities) except that:

- (i) the Leader of the Council may, at any time, amend the areas of responsibility delegated to members of the Cabinet.
- (ii) the Chief Executive may, at any time, amend the responsibilities of the Leadership Team.

subject to the Leader of the Council and/or the Chief Executive notifying the Monitoring Officer of the changes approved in order that the Constitution of the Council may be amended accordingly and reported to the next meeting of the Full Council.

(b) Change in the form of Governance

The Council will take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals to change the form of its executive governance arrangements.

(c) Interpretation and Consequential Changes

In the event of any issue arising as to the interpretation of the Constitution the matter will be referred to the Chief Executive whose decision in that regard shall be final. The Chief Executive, in consultation with the Monitoring Officer, shall also be authorised to make minor changes to the Constitution designed to reflect legislative changes; to update job title or portfolio changes; to remove any inconsistency or ambiguity and/or give effect to any decisions of the Council. The Chief Executive in consultation with the Monitoring Officer and the Section 151 Officer shall also produce guidance and/or protocols to assist in the interpretation of the Constitution for other officers and members as appropriate.

16.0 ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

16.1 Suspension of the Constitution

- (a) **Limit to suspension** - The Articles of this Constitution may not be suspended. The Rules of Procedure relating to meetings of the Council, the Cabinet, Committees and Sub-committees may be suspended by the Council, the Cabinet, Committees and any Sub-committees to the extent permitted within the Council Procedure Rules and the Cabinet Procedure Rules included in Part 4 and by the law.
- (b) **Procedure to suspend** - A motion to suspend any such rules will not be moved without notice unless at least one half of all councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

16.2 Interpretation

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

16.3 Publication

- (a) The Monitoring Officer will make available a copy of this Constitution electronically to each councillor upon delivery to of that individual's declaration of acceptance of office on the councillor first being elected to the Council via the committee management system.
- (b) The Monitoring Officer will ensure that copies of this Constitution are available for inspection at the Council's offices.
- (c) The Monitoring Officer will ensure that the Constitution is made available on the Council's website ([Lichfield District Council](#)).

Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 Overview and Scrutiny Committee and the Overview and Scrutiny 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).

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PART 4

RULES OF PROCEDURE

Section 1	Standing Orders for Meetings
Section 2	Access to Information Procedure Rules
Section 3	Budget and Policy Framework Procedure Rules
Section 4	Cabinet Procedure Rules
Section 5	Overview and Scrutiny Procedure Rules
Section 6	Financial Procedure Rules
Section 7	Contract Procedure Rules
Section 8	Employment Procedure Rules
Section 9	Recommended Periods for the Retention of Documents

PART 4 - SECTION 1 – STANDING ORDERS FOR MEETINGS

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Rule

1. Annual meeting of the Council
2. Ordinary meetings
3. Election of Leader of the Council
4. Vote of No Confidence in the Leader of the Council
5. Extraordinary meetings
6. Time and place of meetings
7. Notice of and summons to meetings
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- 32. Application to Committees and Sub-Committees
- 33. Determination of Planning Applications by the Planning Committee contrary to officer recommendations

1.0 ANNUAL MEETING OF THE COUNCIL

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 ordinarily take place in May.

The Annual Meeting will:

- (i) elect a person to preside if the Chair and Vice-Chair of Council are not present;
- (ii) consider priority business;
- (iii) elect the Chair of the Council;
- (iv) elect the Vice-Chair of the Council;
- (v) approve the minutes of the last meeting;
- (vi) receive any apologies for non-attendance;
- (vii) receive any declarations of interest;
- (viii) at its first post election Annual Meeting, appoint a Leader of the Council for a term of office expiring at the next post election annual meeting (unless resigned, removed or disqualified from office in accordance with the Constitution);
- (ix) following his/her election the duly elected Leader of the Council shall assume the full powers of the Leader and will appoint a Deputy Leader of the Council who, in their absence or following a vote of no confidence (see paragraph 4.0 of this Article) will act as Leader, and advise the Council of the members they intend to appoint to the Cabinet;
- (x) appoint the Overview and Scrutiny Committee, the Audit and Member Standards Committee, the Planning Committee, the Employment Committee, the Regulatory and Licensing Committee and such other committees as the Council considers appropriate to deal with matters which are not reserved to the Council and are not Cabinet functions (as set out in Part 3 of this Constitution);
- (xi) agree the scheme of delegation for those matters not reserved to the Council and are not Cabinet functions (as set out in Part 3 of this Constitution);
- (xii) consider any business set out in the notice convening the meeting; and

- (xiii) receive any announcements from the Chair.

1.1 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council will:

- (i) decide which committees and sub-committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee and outside body; and
- (v) appoint the Chair, Vice-Chair and members to committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

2.0 ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) elect a person to preside if the Chair and Vice-Chair are not present;
- (ii) consider priority business;
- (iii) approve the minutes of the last meeting;
- (iv) apologies for absence;
- (v) receive any declarations of interest from members;
- (vi) questions pursuant to Council Procedure Rule 11.4;
- (vii) receive a report from the Leader of the Council and receive questions and answers thereon in accordance with Council Procedure Rule 11;
- (viii) receive reports from the Cabinet and statutory officers and receive questions and answers on any of those reports;
- (ix) receive minutes from the Council's Committees and receive questions and answers on any of those minutes;

- (x) consider motions;
- (xi) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the scrutiny committees for debate;
- (xii) receive the Chair's announcements.

3.0 ELECTION OF LEADER OF THE COUNCIL

3.1 The Monitoring Officer will conduct the vote for the election of the Leader of the Council in accordance with the following procedure:

- (i) each member present at the time will have one vote;
- (ii) the vote will be taken by way of a named vote (roll call) and recorded in the minutes;
- (iii) the Chief Executive will call out the name of each nominated person in alphabetical order and invite Members to vote according to their preference; alternatively they may, if they wish, abstain;
- (iv) at the conclusion of the vote the Chief Executive will announce the number of votes cast for each nominated person. If any one nominated person receives an overall majority of the votes cast (abstentions will not be counted), they will be declared the winner and be elected as the Leader of the Council;
- (v) if no one nominated person receives an overall majority of the votes cast, then the nominated person receiving the least number of votes will be eliminated;
- (vi) the Monitoring Officer will then invite further round(s) of voting as necessary in accordance with the procedures set out in paragraphs 3.1 (i) to 3.1 (v) above until one nominated person receives an overall majority, for which any abstentions will not be counted;
- (vii) any member not present at the start of the first vote (iii) will not be entitled to a vote at a later round (vi) even if they have joined the meeting by that stage.

3.2 Paragraphs (ii) and (iii) will be waived if only one nomination is made. Voting will then be by a show of hands.

4.0 VOTE OF NO CONFIDENCE IN THE LEADER OF THE COUNCIL

- 4.1** Any motion of no confidence in the Leader of the Council must be received by the Chief Executive by no later than 10 clear working days before the meeting of the Council to which it is to be submitted. The motion must be signed by at least 15 members of the Council and must set out the reasons why the signatories have concluded that a vote of no confidence in the Leader is required.
- 4.2** The motion will be listed first on the agenda.
- 4.3** No amendments to a motion calling for a vote of no-confidence motion in the Leader of the Council will be allowed.
- 4.4** Each member present at the time will have one vote.
- 4.5** Voting will be by way of a named vote (roll call) recorded in the minutes.
- 4.6** In order to carry the motion, at least two thirds overall majority of those members present will be required.
- 4.7** In the event of the motion being carried, the Deputy Leader of the Council will assume the full powers of the Leader of the Council until a new Leader of the Council is appointed by the Council.

5.0 CALLING EXTRAORDINARY MEETINGS

- 5.1** Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:
- (i) the Council by resolution;
 - (ii) the Chair of the Council;
 - (iii) the Monitoring Officer;
 - (iv) the Appointments Committee for the purposes of appointing a new chief executive or other statutory officer
 - (v) any five members of the Council if they have signed a requisition presented to the Chair of the Council and they have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

6.0 TIME AND PLACE OF MEETINGS

- 6.1** The time and place of meetings will be determined by the Chief Executive and notified in the summons.

7.0 NOTICE OF AND SUMMONS TO MEETINGS

- 7.1** The Chief Executive (in the case of Full Council meetings) or the Monitoring Officer 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 Chief Executive (for Full Council meeting) or the Monitoring Officer will send a summons signed by them to every councillor. The summons will give the date, time and place of the meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

8.0 CHAIR OF MEETING

- 8.1** The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to committee and sub-committee meetings, references to the Chair also include the Chair of committees and sub-committees.

9.0 QUORUM

- 9.1** The quorum of a meeting will be the whole number immediately greater than or equal to one quarter of the whole number of members or 3 whichever is the greater. See also Rule 32 (c) in relation to Committees and Sub-Committees. During any meeting if the Chair counts the number of members present and declares there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

10.0 DURATION OF MEETING

- 10.1** Unless the majority of councillors present vote for the meeting to continue, any meeting shall stand adjourned after three hours provided that, if there is a quorum present and in the opinion of the Chair the matters remaining to be considered are either of such importance that it's in the interest of the Council that the consideration thereof should then take place or that the extension of time required is minimal, councillors may consent to the continuation of the meeting. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

11.0 QUESTIONS BY MEMBERS

11.1 On Reports of the Cabinet or Committees

A member of the Council may ask the Leader or appropriate Cabinet Member or the Chair of a Committee any question without notice upon an item of the report of the Cabinet or by a Committee when that item is being received or under consideration (including debate) by the Council.

11.2 Questions on Notice at Full Council

Subject to Rule 11.4, a Councillor may ask:

- the Chair;
- a member of the Cabinet;
- the Chair of any committee, sub-committee or panel;

a question on any matter in relation to which the Council has powers or duties or which affects the District of Lichfield.

11.3 Questions on notice at Committees and Sub-committees

Subject to Rule 11.4, a member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affect the District of Lichfield and which falls within the terms of reference of that committee or sub-committee.

11.4 Notice of questions

A member may only ask a question under Rule 11.2 or 11.3 if either:

- it is received by 12 noon at least two working days' prior to the meeting in writing or by email of the question to the clerk; or
- the question relates to urgent matters, they have the consent of the Cabinet Member/Chair to whom the question is to be put, and the content of the question is given to the Chief Executive by 10.00 a.m. on the day of the meeting. Every question shall be put and answered without discussion but the person to whom the question has been put may decline to answer.

The Chief Executive may reject a question if it:

- is not about a matter for which the Council has a responsibility or which affects the District;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- requires the disclosure of confidential or exempt information.

11.5 Response

An answer may be:

- in writing available prior to the meeting;

- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given at the meeting, a written answer circulated to all members as soon as is practicable.

11.6 Supplementary Question

A member having given notice of a question under Procedure Rule 11.2 and having received a reply under paragraph 11.5 may ask one supplementary question on the point of the original question. The response to the supplementary question shall be made in accordance with Procedure Rule 11.5.

11.7 No debate on questions

There shall be no debate on a question submitted under Procedure Rule 11.2 or on a supplementary question under Procedure Rule 11.6. A questioner may request that the matter under question be referred to the appropriate committee or sub-committee, if such a request is made the Chair will ask for a seconder to the proposal; the seconder will have no right to speak on the proposal. The Member responding to the question shall have the right to comment on the proposed referral. The question will then be put to the vote without further debate.

- 11.8** A member may not submit a question under Council Procedure Rule 11 relating to an individual determination made by the Planning; Regulatory and Licensing; or Audit and Member Standards Committees or any sub-committee thereof, or taken under powers delegated therefrom.

12.0 REPORT OF THE LEADER OF THE COUNCIL

- 12.1** The Leader of the Council shall at each ordinary meeting of the Council submit a report on the work of the Cabinet and shall be open to question thereon.
- 12.2** The Leader of the Council may invite (a) representative(s) of a partner organisation(s) to address the Council in respect of any matters referred to in the Leader's report relating to partnership working between the Council and the organisation(s).
- 12.3** A member of the Council may, at the discretion of the Chair, ask the Leader of the Council a question relating to a matter referred to in the Leader's report to Council and may, after having the response from the Leader (or at the Leader's discretion the relevant Cabinet Member, or representative of a partner organisation) ask one supplementary question on the point of the original question.
- 12.4** A member of the Council may question the Leader once (with the provision for a supplementary question) on each item in the Leader's report.

12.5 An answer by the Leader of the Council may take the form of:

- (a) a direct oral answer by the Leader of the Council;
- (b) a direct oral answer by a Cabinet Member with responsibility for the matter subject to question;
- (c) a direct oral answer from a representative of a partner organisation invited by the Leader of the Council to respond;
- (d) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (e) where the reply cannot conveniently be given orally, a written answer circulated to all members.

12.6 There shall be no debate on a question submitted under Procedure Rule 12.3. A questioner may request that the matter under question be referred to the Cabinet or appropriate committee or sub-committee, if such a request is made the Chair will ask for a seconder to the proposal, the seconder will have no right to speak on the proposal; the Member of the Council, in responding to the question shall have the right to comment on the proposed referral. The question will then be put to the vote without further debate.

13.0 MOTIONS ON NOTICE

13.1 Notice

Except for motions which can be moved without notice under Rule 14, written notice of every motion, signed by a councillor, must be delivered to the Chief Executive not later than six clear days before the date of the meeting. These will be entered in a book open to public inspection and maintained by the Monitoring Officer.

The Chief Executive may reject a motion if it:

- (i) is not about a matter for which the Council has a responsibility or which affects the District;
- (ii) is defamatory, frivolous or offensive;
- (iii) is substantially the same as a motion which has been put at a meeting of the Council in the past six months;
- (iv) requires the disclosure of confidential or exempt information.

13.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the councillor giving notice states, in writing, that they propose to move it at a later meeting or withdraw it.

13.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the District of Lichfield.

13.4 Motions not moved

If a motion set out in the summons is not moved either by a councillor who gave notice thereof or by some other councillor on his/her behalf it shall be treated as withdrawn and shall not be moved without fresh notice.

13.5 Automatic reference to committee

If the subject matter of any motion of which notice has been duly given comes within the province of the Cabinet or any committee or sub-committee it shall, upon being moved and seconded, stand referred without discussion to the Cabinet or such committee or sub-committees, or to such other committee or sub-committee as the Council may determine, for consideration and report: provided that the Chair may, if they consider it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

14.0 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of the Cabinet or committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to extend the time limit for a speech;

- (i) to amend a motion;
- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) that the meeting continue beyond 3 hours in duration;
- (o) to take a named vote under Procedure Rule 16.4;
- (p) to suspend a particular Council Procedure rule;
- (q) to exclude the public and press in accordance with the Access to Information Rules;
- (r) to not hear further a councillor named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (s) to give the consent of the Council where its consent is required by this Constitution.

15.0 RULES OF DEBATE

15.1 No speeches until motion seconded

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

15.2 Right to require motion in writing

Unless notice of the motion has already been given, the Chair may require it to be written down and handed to them before it is discussed.

15.3 Seconders' speech

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

15.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a point of order or personal explanation. No speech may exceed 10 minutes without the consent of the Chair.

15.5 Only one councillor to stand at a time

A councillor when speaking shall stand, if they are able to do so, and address the Chair. If two or more councillors rise, the Chair shall call on one to speak; the other or others shall then sit. While a councillor is speaking the other councillors shall remain seated, unless rising to a point of order or personal explanation.

15.6 When a councillor may speak again

A councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another councillor;
- (b) to move a further amendment if the motion has been amended since they last spoke;
- (c) if his/her first speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order or a personal explanation;
- (f) in accordance with Council Procedure Rules 12.3 and 12.4;
- (g) where a Councillor wishes to put forward a factual correction.

A councillor may speak more than once to ask questions of a Cabinet member or officer who is attending any Overview and Scrutiny Committee, save that when the Committee formally moves to debate the matter before it, the procedure set out above shall apply.

15.7 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words and/or insert and/or add others;as long as the effect of (ii) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

15.8 Alteration of motion

- (a) A councillor may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A councillor may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment under Procedure Rule 15.7 may be made.

15.9 Withdrawal of motion

A councillor may withdraw a motion which they have moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

15.10 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on their amendment.
- (d) A right of reply having been exercised, the question shall immediately be put to the meeting by the Chair.

15.11 Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond 3 hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules;
- (i) to not hear further a member named under Procedure Rule 20.3 or to exclude them from the meeting under Rule 20.4;
- (j) a requisition for a named vote under Procedure Rule 16.4.

15.12 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another councillor:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote without further debate or discussion.
- (c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, they will put the procedural motion to the vote without further debate or discussion. If it is passed they will give the mover of the original motion a right of reply before putting their motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural

motion to the vote without giving the mover of the original motion the right of reply and without further debate or discussion.

15.13 Point of Order and Personal Explanation

A point of order is a request from a councillor to the Chair to rule on an alleged irregularity in the procedure of the meeting. A councillor may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of the Council Rules of Procedure or the law. The councillor must indicate the rule or law and the way in which they consider it has been broken without which the alleged breach shall be disregarded. The ruling of the Chair on the matter will be final and shall not be open to debate.

A councillor may rise to give a personal explanation at any time and will be heard immediately. A personal explanation must be confined to some material part of a former speech either by or relating to the Member, at the same meeting which may have been misunderstood. The ruling of the Chair on the matter will be final and shall not be open to debate.

15.14 Motions affecting persons employed by the Council

If any question arises at a meeting of the Council (or of the Cabinet, a committee or a sub-committee) to which Section 100(A) of the Local Government Act 1972 applies as it relates to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or the conduct of any person employed by the Council, such question shall not be subject of discussion until the Council, Cabinet, or relevant committee or sub-committee as the case may be, has decided whether or not the power of exclusion of the public under Section 100(A) of the Local Government Act 1972 shall be exercised.

15.15 Councillor with a Disclosable Pecuniary Interest

Where a Councillor has a Disclosable Pecuniary Interest in a matter to be considered at a meeting, the Councillor may attend the meeting when it considers the item only for the purposes of making representations, answering questions or giving evidence relating to the matter, provided that the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise. Once the Councillor has made these representations or the meeting considers that the Councillor has concluded making representations, the Councillor must leave the room during the discussion or vote on the matter.

16.0 VOTING

16.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those councillors voting and present in the room at the time the question was put. Only those councillors who have been present for the entirety of the debate on the item in question are entitled to vote.

16.2 Chair's casting vote

If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

16.3 Method of Voting

Unless this Constitution provides otherwise, or a named vote is demanded under Rule 16.4, the Chair will take the vote by show of hands or, if there is no dissent, by the affirmation of the meeting.

16.4 Named vote

There shall be a named (or roll-call) vote if:

- (a) the majority of Councillors present at the meeting demand it or the Leader of the Principal Opposition Party demands it,
- (b) The law so requires it, including in relation to the adoption of the annual budget for the Council and the setting of the Council Tax

Where there is a named vote the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

16.5 Right to require individual vote to be recorded

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.

16.6 Voting on appointments

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, 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.

17.0 MINUTES

17.1 Signing the minutes

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

17.2 Contents of Minutes

Minutes of meetings of the Council shall record the proposal (including any amendment) moved, duly seconded and adopted by the Council.

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

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (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.

17.4 Form of minutes

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

18.0 RECORD OF ATTENDANCE

All councillors present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting as a record of their attendance.

19.0 EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Procedure Rule 20 (Disturbance by Public).

20.0 COUNCILLORS' CONDUCT

20.1 Standing to speak

When a councillor speaks at a Council meeting they must stand, if they are able to do so, and address the meeting through the Chair. If more than one councillor stands, the Chair will ask one to speak and the others must sit. Other councillors must remain seated whilst a councillor is speaking unless they wish to make a point of order or give a personal explanation.

20.2 Chair standing

When the Chair stands during a debate, any councillor speaking at the time must stop and sit down. The meeting must be silent.

20.3 Councillor not to be heard further

If a councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, either during their speech or at any point during the meeting, the Chair may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion. If the motion is carried the Councillor concerned may still vote on the matter under debate.

20.4 Councillor to leave the meeting

If the councillor continues to behave improperly after such a motion is carried, the Chair may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

20.5 General disturbance

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

21.0 DISTURBANCE BY PUBLIC

21.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

21.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

22.0 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

22.1 Suspension

All of these Council Rules of Procedure except Rule 13.5 and 15.3 may be suspended by motion on notice or without notice if at least one half of the whole number of councillors are present. Suspension can only be for the duration of the meeting.

22.2 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.

23.0 DELEGATION

Where there has been any delegation of a power duty or function to a committee, the committee, shall in turn be duly authorised to further delegate the same provided that such delegation does not contravene any other decision of the Council.

24.0 SUBSTITUTE MEMBERS

24.1 The substitution rules will not apply to meetings of the Cabinet or the Audit and Member Standards Committee.

24.2 Subject to any other restrictions elsewhere in the Constitution, any Member of the Council will be permitted to act as a substitute on a Council Body.

24.3 The Monitoring Officer may consider a request from a Member of a Council Body to appoint a substitute Member, providing that substitute Member is from the same political group.

24.4 In order to be eligible to sit as substitutes on regulatory or quasi-judicial committees or panels or staff appointments or disciplinary bodies established by the Council, Members must have received the required training in relevant procedures and the law.

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

24.6 Substitute Members may attend meetings in that capacity only:

- (i) to take the place of the ordinary Member for whom they are designated substitute;
- (ii) where the ordinary Member will be absent for the whole of the meeting;
- (iii) where the ordinary Member has notified the Monitoring Officer of the intended substitution by 10 am on the day of the relevant meeting.

25.0 REPORTS OF OFFICERS

- (a) Every such report to the Cabinet or any committee or sub-committee shall be issued by the Head of Governance and Performance to all councillors via the committee meeting system, or to all members of the Cabinet, committee, or sub-committee, as the case may be, with the summons or agenda which provides for the consideration thereof, at least 5 working days before the date on which the meeting is to be held, or, exceptionally, as soon as practicable before the meeting.

- (b) All business to be discussed at meetings of the Cabinet or any committee or sub-committee shall be set out in the agenda or in a report thereto.
- (c) The Leader of the Council (or other Councillor presiding at a meeting of the Cabinet) and the Chair of the appropriate committee shall be authorised to allow urgent business to be brought forward at the conclusion of the business set out on the agenda, provided a written report detailing the subject matter has been circulated to the councillors present at the commencement of the meeting and the reasons for the urgency given.

26.0 URGENT ACTION

The Chief Executive, in consultation with the Leader of the Council, relevant Cabinet Member, or the Chair of the relevant committee, as appropriate, shall authorise any urgent action when it would be in the best interests of the Council to act prior to the appropriate Council or Committee meeting or prior to an executive decision being made; subject to such action being reported to the next meeting of the Council, the Cabinet or the committee.

27.0 INTERESTS OF COUNCILLORS IN CONTRACTS AND OTHER MATTERS

- (a) If any councillor has a Disclosable Pecuniary Interest in a matter as defined in the Code of Conduct (see Part 5 hereof) and attends a meeting at which the matter is considered the councillor shall disclose to the meeting the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent.
- (b) If any councillor has a Disclosable Pecuniary Interest in a matter as defined in the Code of Conduct (see Part 5 hereof) then that member shall:
 - (i) withdraw from the room where the meeting is being held whenever it becomes apparent that the matter is being considered at that meeting unless a dispensation has been obtained from the Audit and Member Standards Committee or has been granted by the Monitoring Officer in accordance with any delegated authority therefrom:
 - (ii) not exercise executive functions in relation to that matter; and
 - (iii) not seek improperly to influence a decision about that matter.

28.0 INTEREST OF EMPLOYEES AND COUNCILLORS IN CONTRACTS ETC

The Monitoring Officer shall record particulars of any notice given by an employee of the Council under section 117 of the Local Government Act 1972 of a pecuniary interest in a contract, and the record shall be available during office hours to the inspection of any councillor and a similar record shall be kept of such interests declared by councillors and published on the website.

29.0 PROCEDURE RULES TO BE GIVEN TO COUNCILLORS

A copy of these Procedure Rules, and of such statutory provisions as regulate the proceedings and business of the Council shall be provided electronically to each councillor by the Monitoring Officer on or before the councillor signs a Declaration of Acceptance of Office on being first elected to the Council.

30.0 INSPECTION OF DOCUMENTS

- (a) A councillor may, for purposes of his/her duty as such councillor but not otherwise, on application in writing to the Chief Executive, inspect any document which has been considered by a committee or by the Council, and if copies are available shall on request be supplied for the like purposes with a copy of such a document.
- (b) The written application shall set out the duty which the councillor is seeking to discharge in inspecting the document and the reasoning underlying the same.
- (c) A councillor shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which they are professionally interested or in which they have a Disclosable Pecuniary Interest as defined in the Code of Conduct (see Part 5 hereof) or, directly or indirectly, any pecuniary interest within the meaning of section 94 of the Local Government Act, 1972. This Procedure Rule shall not preclude the Chief Executive from declining to allow inspection of any document which, in the event of legal proceedings, would be protected by privilege arising from the relationship of solicitor and client.

31.0 INSPECTION OF LAND, PREMISES, ETC. BY COUNCILLORS

A councillor shall not issue any order for goods, works or services on behalf of the Council or claim by virtue of his/her membership of the Council any right to inspect, or to enter upon any lands, offices, or premises which the Council has the power or duty to inspect or enter,

32.0 APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of the Council. None of the rules apply to meetings of the Cabinet. Only Rules 6-27 (but not Rules 12, 13) and 26), apply to meetings of committees and sub-committees save that:

- (a) the Chair of the meeting may at his discretion waive the prohibition on members speaking more than once as contained in Rule 15.6;
- (b) Rule 17.2 shall apply to meetings of the Planning Committee or the Licensing and Regulatory Committee only when those committees are not considering individual applications.

- (c) Rule 9 shall apply to committees and sub-committees subject to a quorum being no fewer than 3 members of the committee/sub-committee.

33.0 DETERMINATION OF PLANNING APPLICATIONS BY THE PLANNING COMMITTEE CONTRARY TO OFFICER RECOMMENDATIONS

The Chair of the Planning Committee shall not accept a proposal to determine a planning application contrary to officers' recommendations unless:

- (a) a motion to approve a planning application incorporates any conditions to be attached to such approval and also includes reasons for planning permission being granted and reasons for such conditions as may be imposed.
- (b) a motion to refuse a planning application incorporates the grounds for planning permission being refused.

PART 4 - SECTION 2 – ACCESS TO INFORMATION PROCEDURE RULES

1.0 Introduction

These rules apply to all meetings of the Council, the Cabinet and any committees or sub-committees (together referred to in this Section as meetings).

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law. In addition to the specific measures set out below the Council will ensure that it complies with the Openness of Local Government Bodies Regulations 2014 in making all relevant papers and documents available to members of the public.

2.0 Additional rights to information

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law nor do these rules limit or diminish the Council's duties to protect certain information, including personal information. This includes the rights and duties from the provisions of the Freedom of Information Act 2000 and the Data Protection Act 2018).

3.0 Rights to Attend Meetings, Record Meetings and Public Speaking

Members of the public may attend all meetings subject only to the exceptions in these rules.

Members of the public have a right to speak at Planning Committee in accordance with the Public Speaking at Planning Committee guidance.

Applicants or Licence Holders have a right to speak at Licensing and Regulatory Committee or Licensing Sub-Committee at a hearing relating to their application/licence.

All public meetings of the Council may be recorded; a protocol in respect of the recording of meetings is in place (Appendix B to this Section).

The Council Procedure Rules of this Constitution allow that, if a member of the public or press interrupts the proceedings at any meeting, the Chair may warn them. If they continue the interruption and a warning has been given, the Chair may order their removal from the meeting place. In the event of a general disturbance in any part of the meeting place open to the public, the Chair may order that part to be cleared. If the Chair considers the orderly dispatch of business impossible, the Chair may without question adjourn the meeting.

4.0 Notices of Meetings

The Council will give at least five clear days' notice of any meeting by posting details of the meeting on its website at [Council Meetings](#) or via subscription to the committee management system app.

5.0 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 (by appointment at the Council Offices, Lichfield) on the website at least five clear 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 agenda has been sent out, the Monitoring Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.

6.0 Supply of Copies

Copies of :

- (i) any agenda and reports which are open to public inspection;
- (ii) any further statements or particulars necessary to indicate the nature of the items in the agenda

will be available to members of the public attending a meeting on the Council's website [Council Meetings](#) 5 working days prior to the meeting. .

7.0 Access to Minutes etc, after the Meeting

The Council will continue to publish on its website the following for six years after a meeting:

- (a) the minutes of the meeting or the record of decisions taken together with the reasons for those decisions, for all meetings of the Cabinet, 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 inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items considered when the meeting was open to the public.

8.0 Background Papers

- (a) Every report will set out a list of those documents (called background papers) relating to the subject matter of the report which in the Monitoring Officer's opinion:
 - (i) disclose any facts or matters on which the report or an important part of the report is based; and
 - (ii) 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.
- (b) The Council will retain 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.

9.0 Exclusion of Access by the Public to Meetings

- 9.1** The public may only be excluded under rule 9.2 or 9.4 for the part or parts of the meeting during which it is likely that confidential or exempt information would be divulged.

9.2 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.

9.3 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 any enactment or Court Order.

9.4 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 due to the nature of the proceedings, that exempt information would be disclosed. A decision to exclude the public is to be made by a formal resolution of Council, committee or sub-Committee.

When 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.

9.5 Meaning of Exempt Information

Exempt information means information falling within the following categories (subject to any condition):

<u>Category</u>
1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
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.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
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.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
<u>Conditions</u>
A. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under— (a) the Companies Acts (as defined in Section 2 of the Companies Act 2006) (b) the Friendly Societies Act, 1974; (c) the Friendly Societies Act, 1992; (d) the Industrial and Provident Societies Acts, 1965 to 1978; (e) the Building Societies Act, 1986; or (f) the Charities Act, 1993.
B. 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.

<p>C. Information which—</p> <ul style="list-style-type: none"> (a) falls within any of paragraphs 1 to 7 above; and (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is 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.
<p>D. (1) In parts 1 and 2 of this Part of this Schedule—</p> <p>"employee" means a person employed under a contract of service;</p> <p>"financial or business affairs" includes contemplated, as well as past or current, activities;</p> <p>"labour relations matters" means—</p> <ul style="list-style-type: none"> (a) any of the matters specified in paragraphs (a) to (g) of Section 218(1) 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 (b) any dispute about a matter falling within paragraph (a) above; and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority; <p>"office-holder", in relation to the authority, means the holder of any paid office appointments to 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 holds any such office or is an employee of the authority;</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>(2) Any reference in Parts 1 and 2 and this Part of this Schedule to "the authority" is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined and includes a reference—</p> <ul style="list-style-type: none"> (a) in the case of a principal council, to any committee or sub-committee of the council; and (b) in the case of a committee, to <ul style="list-style-type: none"> (i) any constituent principal council; (ii) any other principal council by which appointments are made to the committee or whose functions the committee discharges; and (iii) any other committee or sub-committee of a principal council falling within sub paragraph (i) or (ii) above; and (c) in the case of a sub-committee, to— <ul style="list-style-type: none"> (i) the committee, or any of the committees, of which it is a sub-committee; and (ii) any principal council which falls within paragraph (b) above in relation to that committee.

10.0 Exclusion of Access by the Public to Reports

With the approval of the Chief Executive, the Council may withhold public access to reports which, in the opinion of the Monitoring Officer, relate to items during which, in accordance with Rule 9, the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" together with the category of information likely to be disclosed. If the information is exempt information the category of exemption must also be marked in the report.

11.0 Cabinet and Officer Decisions

(a) Advance notice of key decisions

- (i) The Cabinet is required to give advance notice of forthcoming "Key Decisions", which are defined as any Cabinet, Committee of Cabinet, individual member or officer decision in the course of exercise of an executive function decision likely to:

- result in the Council incurring additional expenditure or the making of savings or additional income which are significant having regard to the Council's approved budget for the service or function to which the decision relates or
- be significant in terms of its effects on communities living or working in an area comprising two or more wards within the area of the Council

In addition, any decision involving additional expenditure, savings or additional income of over £75,000 (but excluding any decision relating to investment/withdrawal of Council monies as part of Treasury Management Procedures and the approved budget) will be considered to be a key decision.

Subject to Rule 11(d) (general exception) and Rule 11(e) (special urgency), a key decision may not be taken unless:

- A Notice of Key Decision has been published in connection with the matter in question;
- at least 28 clear days has elapsed since the publication of the Notice of Key Decision; and
- where the decision is to be taken at a meeting of the Cabinet notice of the meeting has been given in accordance with Rule 4 (Notice of Meetings).

(b) Contents of Notice of Key Decision

The Notice of Key Decision will state that a key decision is to be taken by the Cabinet, an individual Cabinet Member or an officer in the course of the discharge of an executive function. It will describe the following particulars:

- (i) the matter in respect of which the decision is to be made;
- (ii) where the decision maker is an individual, the name and title of the decision maker, and where the decision maker is a body, its name and a list of its membership;
- (iii) the date on which, or the period within which, the decision is to be made;
- (iv) a list of the documents submitted to the decision maker for consideration in relation to the matter;
- (v) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (vi) that other documents relevant to the matter may be submitted to the decision maker; and
- (vii) the procedure for requesting details of those documents (if any) as they become available.

(c) Publication of the Notice of Key Decision

The Notice of Key Decision must be made available for inspection by the public at the Council Offices, Lichfield and on the Council's website [Forward Plan](#) and a link to the Forward Plan will be sent to all Members of the Council digitally.

(d) General Exception

If a Notice of Key Decision has not been published, then subject to Rule 11(e) (special urgency), the decision may still be taken if:

- (i) the decision must be taken by such a date that it is impracticable to publish a Notice of Key Decision;
- (ii) the Monitoring Officer has informed the Chair of the Overview and Scrutiny Committee, or in their absence the Vice-Chair, in writing, or if there is no such person, each member of that committee in writing, by notice, of the matter about which the decision is to be made;

- (iii) the Monitoring Officer has made copies of that notice available to the public at the Council Offices, Lichfield, and publish the notice on the [Forward Plan](#) and
- (iv) at least 5 clear days have elapsed since the Monitoring Officer complied with 11 (d) (ii) and (iii).

As soon as reasonably practicable after the Monitoring Officer has complied with Rule 11(e), they must make available at Council Offices Lichfield and publish on the [Forward Plan](#) the reasons why compliance with Rule 11(a) is impractical.

At least once a year a report must be taken to full Council setting out all executive decisions taken under urgency provisions.

(e) Special Urgency

If by virtue of the date by which a key decision must be taken Rule 11(d) (general exception) cannot be followed, then the key decision can only be taken with the agreement of the Chair of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred.

As soon as reasonably practicable after agreement has been obtained under Rule 11(e), the decision maker must make available at Council Offices Lichfield and publish on [Forward Plan](#) a notice setting out the reasons that the decision is urgent and cannot reasonably be deferred.

(f) Notice of Private Meetings of the Cabinet

At least 28 clear days before a private meeting the Cabinet must:-

- (i) make available at the offices of the Council a notice of its intention to hold the meeting in private (a "Notice of Private Meeting") including reasons for doing so; and
- (ii) publish that notice on the Council's website.

At least five clear days before a private meeting, the Cabinet must:-

- (i) make available at the Council Offices, Lichfield, a further notice of its intention to hold the meeting in private; and
- (ii) publish that notice on the Council's website.

This further notice must include:-

- (i) a statement of the reasons for the meeting to be held in private

- (ii) details of any representations received by the Cabinet about why the meeting should be open to the public; and
- (iii) a statement of the response of the Cabinet to any such representations.

Where the date by which a meeting must be held makes compliance with this Rule impractical, the meeting may only be held in private where the Cabinet has obtained agreement that the meeting is urgent and cannot reasonably be deferred from the Chair of the Overview and Scrutiny Committee

As soon as reasonably practicable after the Cabinet has obtained agreement to hold a private meeting, it must

- (i) make available at the Council Offices, Lichfield, a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and
- (ii) publish that notice on the Council's website.

(g) Where the Chair of the Overview and Scrutiny Committee is Unable to Act

Where the agreement of the Chair of the Overview and Scrutiny is required by 11(d) or 11(e) and where there is no Chair of the Overview and Scrutiny Committee, or if the Chair of the Overview and Scrutiny Committee is unable to act, then agreement shall be sought from the Vice-Chair of the Overview and Scrutiny Committee.

If there is no Vice-Chair of the Overview and Scrutiny Committee or the Vice-Chair of the Overview and Scrutiny Committee are unable to act, then the agreement of the Chair of the Council, or in their absence the Vice Chair of the Council will suffice.

(h) Attendance at Private Meetings of the Cabinet

All members of the Cabinet will be served notice of all private meetings of the Cabinet and shall be entitled to attend private meetings of the Cabinet unless precluded from doing so by law or by the Code of Conduct for Members. Members other than Cabinet members will not be entitled to attend private meetings of the Cabinet.

(i) Recording a Decision by the Cabinet or other Individual Cabinet Member or a Key Decision by an officer

As soon as reasonably practicable after a Cabinet decision has been made by the Cabinet collectively or by an individual Cabinet Member, the Cabinet or Cabinet

Member, or in the case of a key decision made by an officer, the officer shall make a written record of that decision which shall include:

- (a) record of the decision including the date;
- (b) record of reasons for the decision;
- (c) details of alternative options considered;
- (d) record of any conflict of interest declared; and
- (e) any dispensation granted by Audit and Member Standards Committee or Monitoring Officer, where appropriate.

Records of Cabinet and Key officer decisions shall be sent to the Monitoring Officer who shall maintain such records and shall publish them on the Council's website, together with a copy of any report considered and any background papers.

Rules 11(i)(b) and 11(i)(c) do not apply where the publication of a report or background paper would be likely to disclose exempt or confidential information

Filming, Videoing, Photography and

Audio Recording at council meetings

Lichfield District Council is committed to being open and transparent in the way it conducts its business. The press and members of the public are therefore welcome to film, photograph or record decision making in action at any meeting that is open to the public.

The Council also welcomes the use of social media.

This Protocol provides practical information to assist anyone considering filming, videoing, photographing or making audio recordings of meetings.

Before the meeting

Anyone intending to film or record a meeting is encouraged to contact the Monitoring Officer for advice and guidance. Reasonable advance notice will enable practical arrangements to be made and any special requirements to be discussed.

Flash photography, additional lighting or large equipment will not be permitted, unless agreed in advance and it can be accommodated without causing disruption to the proceedings. Requests to use equipment of this nature will be subject to consideration of the constraints of the meeting rooms.

General

The Chair of the meeting or the relevant Cabinet Member will be informed of any intention to film and they will make an announcement to attendees before the start of the meeting informing attendees that the meeting may be filmed.

Notice of the filming/recording/broadcasting of meetings will be displayed in and outside the place of meeting and meeting agendas will include the following:

“The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Monitoring Officer (in advance) who will instruct that they are not included in the filming.”

Members of the public speaking at, or attending, the meeting (including asking questions or presenting petitions) must not be filmed if they have indicated that they do not wish to be

included.

Recording and reporting the council's meetings is subject to the law and it is the responsibility of those doing the recording and reporting to ensure compliance. This will include the Human Rights Act, the Data Protection Act, GDPR and the laws of libel and defamation.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

The Council will display the requirements as to filming, recording and broadcasting at its meeting venues and those undertaking these activities will be deemed to have accepted them whether they have read them or not.

The Council will publish the guidance on the filming, recording and broadcasting of meetings on its website.

Filming or recording must be non-intrusive and the Council's Rules of Procedure Rule 22 provides for the removal of a member of the public from a meeting should that person, having been warned, continue to interrupt proceedings. The Chair of a meeting or an individual Cabinet Member may also call any part of the meeting room to be cleared in the event of a general disturbance.

It should be noted that the Chair of a meeting will have absolute discretion to terminate or suspend any of the above activities if, in their opinion, continuing to do so would prejudice the running of the meeting. The circumstances in which termination or suspension might occur could include:

- public disturbance, disruption or suspension of the meeting.
- the meeting agreeing to formally exclude the press and public from the meeting due to the exempt/confidential nature of the business being discussed, in accordance with statutory procedures.
- where it is considered that continued recording/ photography/ filming/ webcasting might infringe the rights or privacy of any individual (including staff members), or intimidate them.
- for any other reason which the Chair considers reasonable in the circumstances.

During the meeting

Filming or recording of Meetings should:

- Not interfere with the effective conduct of the meeting, nor should it be disruptive or distracting. The Chair or the Cabinet Member has discretion to suspend or stop

filming or recording at any time and to take appropriate action if anyone is, in their opinion, doing so in a disruptive manner.

- Not seek to 'overview' sensitive information such as close ups of confidential papers or private notes
- Usually take place from a specified location(s) within the room.
- Not obstruct others from observing and participating in the proceedings.
- Cease immediately if and when the meeting agrees to formally exclude the Press and public due to business of an exempt or confidential nature (see 'Exempt or confidential business' below).
- Not be edited in a way that could lead to misinterpretation of the proceedings or the comments made, or that ridicules those being filmed.
- When published or broadcast, recordings should be accompanied by information including when and where the recording was made and the context in which the discussion took place.
- Be overt (i.e. clearly visible to anyone at the meeting).
- Cease, unless continued filming has been explicitly agreed in advance with the Monitoring Officer, when the meeting is formally concluded.

Exempt or confidential business

All meetings of the Cabinet, Committee, Sub Committee and Panel meetings are open to the public except in limited circumstances where the Council is legally required, or allowed, to close the meeting to the public. The circumstances where business is 'exempt' or 'confidential' are set out in Section 2 Part 4 of the Council's Constitution.

PART 4 - SECTION 3 - BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1.0 The Framework for Cabinet Decisions

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Cabinet to implement it. References in these rules to the Policy Framework are to the plans and strategies required by law to be adopted by the Council as set out in Article 4.

Process for developing Policy Framework

- 1.1 The Leader of the Council will publicise at the Council's offices and on its website, a timetable for making proposals to the Council for the adoption of any plan, strategy, or budget that forms part of the Budget and Policy Framework, and its arrangements for consultation after publication of those initial proposals. The Chair of the Overview and Scrutiny Committee and the Chair of the Audit and Member Standards Committee will also be notified. The consultation period shall, in each instance, be dependent on the nature or complexity of the plan strategy or budget in question."
- 1.2 At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. The Cabinet will then consult the relevant Overview and Scrutiny Committee on the proposals. It will be open to the Overview and Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response submitted from the Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees, and the Cabinet's further response.
- 1.3 Once the Cabinet has approved the firm proposals, they will be referred at the earliest opportunity to the Council for decision.
- 1.4 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.
- 1.5 If it accepts the recommendation 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 will be made on the basis of a simple majority of votes cast at the meeting.
- 1.6 The decision will be publicised.
- 1.7 Where the Cabinet has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in Rule 1.8 below.

1.8. Before the Council:

1.8.1 amends the draft plan or strategy;

1.8.2 approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or

1.8.3 adopts (with or without modification) the plan or strategy,

it must inform the Leader of the Council of any objections which it has to the draft plan or strategy and must give to them instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

1.9 Where the Council gives instructions in accordance with Rule.1.8, it must specify a period of at least five working days beginning on the day after the date on which the Leader of the Council receives the instructions within which the Leader of the Council may:-

1.9.1 submit a revision of the draft plan or strategy as amended by the Cabinet (the “revised draft plan or strategy”), with the Cabinet’s reasons for any amendments made to the draft plan or strategy, to the Council for its consideration; or

1.9.2 inform the Council of any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for any such disagreement.

1.10 When the period specified by the authority, referred to in paragraph 1.9, has expired, the Council must, when:-

1.10.1 amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;

1.10.2 approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

1.10.3 adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet’s reasons for those amendments, any disagreement that the Cabinet has with any of the Council’s objections and the Cabinet’s reasons for that disagreement, which the Leader of the Council submitted to the Council, or informed the Council of, within the period specified.

Process for developing the Budget/MTFS

- 1.11 Subject to Rule 1.15, where the Cabinet submits to the Council for its consideration in relation to the following financial year:-
- 1.11.1 estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
 - 1.11.2 estimates of other amounts to be used for the purposes of such a calculation;
 - 1.11.3 estimates of such a calculation; or
 - 1.11.4 amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,
- and following consideration of these estimates or amounts the Council has any objections to them, it must take the action set out in Rule 1.12.
- 1.12 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in Rule 1.11.1, or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of the Council of any objections which it has to the Cabinet's estimates or amounts and must give to them instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- 1.13 Where the Council gives instructions in accordance with Rule 1.12, it must specify a period of at least five working days beginning on the day after the date on which the Leader of the Council receives the instructions on behalf of the Cabinet within which the Leader of the Council may:-
- 1.13.1 submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
 - 1.13.2 inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- 1.14 When the period specified by the Council, referred to in Rule 1.13, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in Rule 1.13, or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:-
- 1.14.1 any amendments to the estimates or amounts that are included in any revised estimates or amounts;

- 1.14.2 the Cabinet's reasons for those amendments;
 - 1.14.3 any disagreement that the Cabinet has with any of the Council's objections;
and
 - 1.14.4 the Cabinet's reasons for that disagreement,
- which the Leader of the Council submitted to the Council, or informed the Council of, within the period specified.
- 1.15 The above Rules shall not apply in relation to -
- 1.15.1 calculations or substitute calculations which the Council is required to make in accordance with relevant legislation; and
 - 1.15.2 amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with relevant legislation.
- 1.16 In approving the Budget and Policy Framework, the Council will also specify the extent of virement within the Budget and degree of in-year adjustments to the Policy Framework which may be undertaken by the Cabinet, in accordance with these Rules and the Financial Procedure Rules. Any other changes to the policy and budgetary framework are reserved to the Council.
- 1.17 The Cabinet will in addition to the above provisions consult the Scrutiny Committee regularly in the process of preparing the draft budget and draft plans and strategies and, where appropriate, stakeholders.

2.0 Decisions outside the Budget and Policy Framework

- 2.1 Subject to the provisions of Rule 1.16 and Rule 3.3 below the Cabinet members of the Cabinet, and any officers discharging Cabinet functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons considers it desirable for a decision to be made which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by the Council, that decision may only be taken by the Council, subject to Rule 3.3 below.

3.0 Urgent decisions outside the Budget or Policy Framework

- 3.1 The Cabinet 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 if it is not practical to convene a meeting of the full Council and the Chair of the Overview and Scrutiny Committee or in their absence the Vice-Chair of the Overview and Scrutiny Committee agrees that the decision needs to be taken as a matter of urgency.

- 3.2 The reasons why it is not practical to convene a meeting of the Council and the Chair of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.
- 3.3 Following the decision, the Cabinet 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.

4.0 Virement

- 4.1 The Financial Procedure Rules set out the arrangements for authorising virement between budget heads. Virement of expenditure permitted under the Financial Procedure Rules shall be deemed to be expenditure within the Council's Budget. Virement between budget heads is an integral and important feature of budgetary control. It allows service providers to adapt to service changes within the Council Policy Framework. The details of virement can be found in Financial Procedures Rules in Part 4 of the Constitution.

5.0 In-year changes to Policy Framework

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Cabinet, members of the Cabinet, or officers discharging Cabinet functions 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 as set out in Rules 2.0, 3.0 and 4.0 above.

6.0 Call-in of decisions outside the Budget or Policy Framework

Save in the circumstances referred to in Rule 3.0 above, if the Monitoring Officer and/or Chief Finance Officer consider that a proposed decision would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, no action may be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council may:

- (a) determine that the proposed decision falls within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council shall be minuted and circulated to all councillors in the normal way; or
- (b) amend the Council's policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that decision of the Council shall be minuted and circulated to all councillors in the normal way; or
- (c) where the Council accepts that decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and

does not amend the existing policy or budget to accommodate it, require the Cabinet to reconsider the matter; or

- (d) approve the decision or proposal as an exception to the policy; or
- (e) provide the relevant budgetary provision for the decision or proposal.

PART 4 - SECTION 4 - CABINET PROCEDURE RULES

1.0 How Does the Cabinet Operate

1.1 Who may make Cabinet decisions?

Cabinet functions may be discharged by:

- (i) the Cabinet as a whole;
- (ii) an individual member of the Cabinet;
- (iii) an officer;

1.2 Delegation by the Leader

Following the annual meeting of the Council, the Monitoring Officer will, at the direction of the Leader, draw up a written record of executive delegations made by the Leader for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. This will contain the following information about executive functions in relation to the coming year:

- 1.2.1 the extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority;
- 1.2.2 the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.3 Sub-delegation of executive functions

- 1.3.1 Where the Cabinet or an individual member of the Cabinet is responsible for an executive function, they may delegate further to an officer.
- 1.3.2 Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.4 The Council's scheme of delegation and executive functions

- 1.4.1 The Leader may amend the scheme of delegation relating to executive functions at any time. In doing so the Leader will give written notice to the Monitoring Officer and 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 or committee. The Monitoring Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

1.5 Cabinet meetings – when and where?

The frequency and timing of meetings of the Cabinet will be determined by the Leader. The Cabinet will meet at the Council's Main Offices, Lichfield or another location to be agreed by the Leader of the Council.

1.6 Public or private meetings of the Cabinet?

The Cabinet will meet in public subject to the right to meet in private under the Local Government Act 1972 (as reflected in the Access to Information Rules in Part 4 of this constitution).

1.7 Quorum

The quorum for a meeting of the Cabinet shall be 3 including either the Leader or the Deputy Leader.

1.8 How are decisions to be taken by the Cabinet?

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

2.0 How Are Cabinet Meetings Conducted?

2.1 Who presides?

If the Leader of the Council is present, they will preside. In their absence, the Deputy Leader of the Council will preside.

2.2 Who may attend?

Details are set out in the Access to Information Rules in Part 4 of this Constitution.

2.3 What business?

At each meeting of the Cabinet the following business will be conducted:

- (i) apologies for absence;
- (ii) declarations of interest, if any;
- (iii) matters set out in the agenda for the meeting, including matters referred to the Cabinet (whether by a scrutiny committee, or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution; and consideration of reports from the Overview and Scrutiny Committees. The agenda shall indicate which are key decisions and which are not to be

considered in public in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

2.4 Consultation

All reports to the Cabinet from any member of the Cabinet on proposals relating to the budget and policy framework must contain in a standard paragraph of the report details of the nature and extent of consultation with stakeholders and the relevant scrutiny committee, 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.

2.5 Who can put items on the Cabinet agenda?

- (i) The Leader of the Council will decide upon the schedule for the meetings of the Cabinet. They may put on the agenda of any Cabinet meeting any matter which they wish and which is a matter which may be the responsibility of the Cabinet or a Cabinet Member. The Chief Executive shall comply with the Leader of the Council's requests in this respect.
- (ii) Any member of the Cabinet may require the Chief Executive to place an item on the agenda of the next available meeting of the Cabinet for consideration. If they receive such a requirement in writing the Leader of the Council will comply with it;
- (iii) The Chief Executive will place on the agenda of the next or next but one meeting of the Cabinet any item which the Council or a scrutiny committee have resolved that be considered by the Cabinet;
- (iv) Any councillor may ask the Leader of the Council to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader of the Council agrees the item will be considered at the next or next but one meeting of the Cabinet. The notice of the meeting will give the name of the councillor who asked for the item to be considered. The councillor will be invited to attend the meeting, whether or not it is a public meeting.
- (v) The Monitoring Officer and/or the Section 151 Officer and/or the Chief Executive may place an item for consideration on the agenda of a Cabinet meeting and may request the Chief Executive to call such a meeting in pursuance of their statutory duties. The Chief Executive will comply with that request. If there is no meeting of the Cabinet timely enough to deal with the issue in question, the Chief Executive shall convene an earlier meeting of it at which the matter will be considered.

PART 4 - SECTION 5 – OVERVIEW AND SCRUTINY PROCEDURE RULES

1.0 The Council at its annual meeting will appoint an Overview and Scrutiny Committee. The committee may appoint sub-committees, panels or task groups.

1.1 The Overview & Scrutiny Committee will perform all overview and scrutiny functions on behalf of the Council, in accordance with this Constitution.

1.2 The terms of reference of the Overview & Scrutiny Committee is set out in Part 3 of this Constitution.

2.0 WHO MAY SIT ON THE SCRUTINY COMMITTEES

2.1 All Councillors except members of the Cabinet shall be eligible to serve on the Scrutiny Committee. However, no councillor may be involved in scrutinising a decision in which they have been directly involved.

3.0 CO-OPTEEES

3.1 The Scrutiny Committee shall be entitled to appoint persons as non-voting co-optees.

4.0 MEETINGS OF THE OVERVIEW & SCRUTINY COMMITTEE

4.1 Meetings will be held in accordance with the schedule of meetings approved by the Council and additional meetings may be called from time to time as and when appropriate. A scrutiny committee meeting may be called by the Chair of Overview & Scrutiny Committee, by any member of the committee, or by the Chief Executive if they consider it necessary or appropriate.

5.0 QUORUM

5.1 The quorum for the Overview & Scrutiny Committee shall be one quarter of the voting members of the committee or three voting members whichever is the greater number.

6.0 WHO CHAIRS OVERVIEW AND SCRUTINY COMMITTEE

6.1 The Chair of the committee will be drawn from among the members sitting on the committee, save that the Chair or Vice-Chair of the Council shall not be the Chair or vice-Chair of Overview & Scrutiny Committee.

7.0 SCRUTINY WORK PROGRAMME

Overview and Scrutiny Committee will prepare their work plan each year and update it regularly and convene such meetings as necessary and instigate task groups as required to undertake the work programme.

A Task Group shall be led by a Chair appointed by the Chair of Overview & Scrutiny Committee (having undertaken the relevant training or holding the necessary experience).

Member Task Groups

The Committee will report annually to Council on the working of the overview and scrutiny arrangements and may make recommendations for improvement.

8.0 AGENDA ITEMS

- 8.1 Any member of the Overview and Scrutiny Committee shall be entitled to give notice to the Chair that they wish an item relevant to the functions of the scrutiny committee to be included on the agenda for the next available meeting of the committee provided that seven working days has been given to the Monitoring Officer together with sufficient information to enable the Officer to advise about the nature and purpose of the item.

9.0 REVIEW OF COUNCIL ACTIVITIES

- 9.1 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Cabinet, to review particular areas of Council activity. Where it does so, the Overview and Scrutiny Committee shall report its findings and any recommendations back to the Cabinet and/or the Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee at its next or next but one meeting.

10.0 COUNCILLOR CALL FOR ACTION

- 10.1 Any member of the Council may refer a matter which affects their ward to the Overview and Scrutiny Committee (except that a member may not exercise this right relevant to a matter upon which they may exercise Cabinet powers).
- 10.2 Any member referring a Councillor Call for Action shall have the right to:-
- make representations to the relevant Overview and Scrutiny Committee as to why the committee should scrutinise the matter
 - if the Overview and Scrutiny Committee decides not to scrutinise the matter, receive reasons from the committee for not doing so.
 - if the Overview and Scrutiny Committee decides to scrutinise the matter, receive the committee report and/or recommendation(s)

11.0 POLICY REVIEW AND DEVELOPMENTS

- 11.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- 11.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the scrutiny committee may make proposals to the Cabinet for developments insofar as they relate to matters within their terms of reference;
- 11.3 The Overview & Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist it in this process within the budgetary provision assigned to it. It may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations within such budgetary provision. It may ask witnesses to attend to address it on any matter under consideration and may pay to any advisers, assessors, and witnesses a reasonable fee and expenses for doing so within the budgetary provision assigned to it.

12.0 REPORTS FROM THE OVERVIEW & SCRUTINY COMMITTEE

- 12.1 Once it has formed recommendations on proposals, the Chair of the scrutiny committee will prepare a formal report and submit it to the Chief Executive for consideration by Council or by the Cabinet which shall consider and respond to the recommendations.
- 12.2 The Council or the Cabinet shall consider the report of the Overview & Scrutiny Committee at its next or next but one meeting.

13.0 MAKING SURE THAT SCRUTINY REPORTS ARE CONSIDERED BY THE CABINET

- 13.1 The reports of the Overview & Scrutiny Committee referred to the Cabinet shall be included in the agenda by the Chief Executive at the next or next but one meeting.
- 13.2 Where the Overview & Scrutiny Committee prepares a report for consideration in relation to a matter where the Council has delegated decision making power to an individual member of the Cabinet, the scrutiny committee, will submit a copy of its report to them for consideration and, at the same time send a copy of the report to the Chief Executive. The member with delegated decision making power must consider the report and respond in writing to the Overview & Scrutiny Committee, within four weeks of receiving it. A copy of his/her written response to it shall be sent to the Chief Executive and the Leader of the Council. The member will also, at the request of the Overview & Scrutiny Committee, attend a future meeting of the scrutiny committee, to present the response.

14.0 SCRUTINY OF CABINET DECISIONS

- 14.1 Once any proposed decision (whether or not the proposal constitutes a key decision) has been considered by the Overview and Scrutiny Committee, and subject to that committee having no adverse comments to make thereon, any decision of the Cabinet or a Cabinet Member in accordance with that proposal will not be subject to further call in and, unless prescribed by law or the Council's Constitution, not subject to any requirement for approval by Council.
- 14.3 Where a Cabinet decision has been made (either by the Cabinet, a Cabinet Member or an officer) and that decision was not treated as a key decision and the Overview and Scrutiny Committee are of the opinion that the decision should have been treated as a key decision, the Overview and Scrutiny Committee may require the Cabinet or officer to submit a report to full Council within a reasonable period. The report must include details of the decision and reasons for it, by whom the decision was taken and the reasons for not classing the decision as key.

15.0 COUNCILLORS AND CHIEF OFFICERS GIVING ACCOUNT

- 15.1 Within its terms of reference the Overview & Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require, in accordance with any protocol the Council may adopt, any member of the Cabinet, the Chief Executive, or any Chief Officer to attend before it to explain in relation to matters within their remit:

- any particular decision or series of decisions;
- the extent to which the actions taken implement Council policy; and/or
- their performance,

and it is the duty of those persons to attend if so required.

- 15.2 Where any member of the Cabinet or employee is required to attend Overview & Scrutiny Committee, under this provision, the Chair of that committee or panel will inform the Chief Executive. The Chief Executive shall inform the councillor or Chief Officer in writing giving at least 5 working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, the councillor or Chief Officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 15.3 Where, in exceptional circumstances, the member of the Cabinet or Chief Officer is unable to attend on the required date, the Chair of the scrutiny committee, shall, in consultation with the councillor or Chief Officer, arrange an alternative date for attendance to take place within a maximum of 21 days from the date of the original request, unless an extended period is agreed by the relevant Chair.

16.0 ATTENDANCE BY OTHERS

- 16.1 The Overview & Scrutiny Committee or any member task group may invite people other than those people referred to in paragraph 16 above to address it, discuss issues of local concern, and/or answer questions. It may for example wish to hear from residents, stakeholders (including partner organisations), and councillors and employees in other local authorities and shall invite such people to attend.
- 16.2 With the agreement of the relevant Chair, all non-Cabinet members may make representations to the Overview & Scrutiny Committee, of which they are not a member, although they may not take part in the debate or formally put forward proposals.
- 16.3 With the agreement of the Chair, a Cabinet member may make representations to the Overview & Scrutiny Committee acting in his/her capacity as a Ward Councillor, subject to the matter under consideration not falling within that Member's responsibilities, but may not take part in the debate or formally put forward proposals.
- 16.4 With the agreement of the Chair, a non-Cabinet member excluded under Paragraph 2.1 may make representations to the Overview & Scrutiny committee acting in their capacity as Ward Councillor, but may not take part in the debate formally put forward proposals or vote on relating to a decision in which they have been directly involved and even if they are a member of the Committee
- 16.5 Nothing in the Overview and Scrutiny Procedure Rules 18.2 and 18.3 inhibits a member's ability to submit a Councillor Call for Action pursuant to Overview and Scrutiny Procedure Rule 10.

17.0 CALL-IN

- 17.1 When a decision is proposed by the Cabinet or an individual Cabinet Member, notice of it shall be published, by electronic means . All non-Cabinet members, together with the Monitoring Officer and Section 151 Officer will be sent copies within the same timescale by the person responsible for proposing the decision.
- 17.2 The notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the proposed decision, unless the Chair or Vice-Chair of Overview and Scrutiny Committee or 5 members of Overview and Scrutiny Committee or the Leader of the Principal Opposition or 10 non-cabinet members object and call it in. Where a member calls in a decision for scrutiny that member shall specify the reason or reasons for requesting consideration by the Overview and Scrutiny Committee. The Monitoring Officer or the Section 151 Officer may also call-in a matter for scrutiny on the same terms as non-Cabinet members.
- 17.3 During the call-in period, the Chief Executive shall call in a decision for scrutiny by the Overview and Scrutiny Committee if so requested in accordance with 17.2

above, and shall then notify the decision-maker of the call-in. The Chief Executive shall call a meeting of the Overview and Scrutiny Committee, on such date as they may determine, where possible after consultation with the Chair of the committee.

- 17.4 If, having considered the proposed decision, the Overview and Scrutiny Committee is still concerned about it, it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. If referred back, the decision maker shall then reconsider the decision, amending it, abandoning it, or pursuing it. If having taken account of the Overview and Scrutiny Committee recommendations the decision maker decides to amend, abandon or pursue the decision it shall be notified to members in accordance with the procedures set out at paragraph 17.1 and 17.2 but the decision shall not be further subject to the call-in procedure.
- 17.5 If having been taken back for reconsideration by the decision making person or body, proposes a decision in accordance with the recommendation(s) of the Overview and Scrutiny Committee then this decision shall be notified to members in accordance with the procedures set out at paragraph 17.1 and 17.2 but the decision shall not be further subject to the call-in procedure.
- 17.6 If having considered the proposed decision, the scrutiny committee does not refer the matter back to the decision making person or body for reconsideration, the decision shall take effect on the date of the Overview and Scrutiny Committee.
- 17.7 The call-in procedure shall not apply:
- where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Vice-Chair's consent shall be required. Decisions taken as a matter of urgency must be reported to the Leader of the Principal Opposition Party and to the next available meeting of the Overview and Scrutiny Committee, together with the reasons for urgency.

18.0 CABINET DECISIONS SUBMITTED FOR SCRUTINY

- 18.1 The procedures at paragraphs 17.5 to 17.8 will be applied to all proposed decisions by the Cabinet or a member of the Cabinet considered by the Overview and Scrutiny Committee.

19.0 PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

19.1 The Overview and Scrutiny Committee shall consider the following business:

- (i) apologies
- (ii) declarations of interest;
- (iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
- (iv) responses of the Cabinet to report of the Overview and Scrutiny Committee
- (v) a Councillor Call for Action
- (vi) the business otherwise set out on the agenda for the meeting.

19.2 Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the committee, may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

- (i) the investigation will be conducted fairly and all members of the committee given the opportunity to ask questions of attendees and to contribute and speak;
 - (ii) those assisting the committee by giving evidence be treated with respect and courtesy; and
- that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

19.3 Following any investigation or review, the Overview and Scrutiny Committee shall prepare a report for submission to the Cabinet and/or Council as appropriate.

19.4 Subject to Access to Information and Confidentiality rules, all reports and findings arising from investigations by the Overview and Scrutiny Committee shall be made public.

20.0 SCRUTINY COMMITTEE RECOMENDATIONS

20.1 When at a meeting of the Overview and Scrutiny Committee a proposition is made, at the request of the proposer that reference to that proposition shall be included in the scrutiny section of the subsequent report to Council, such reference shall be so included in the relevant section of that report.

21.0 SCRUTINY TASK GROUPS

- 21.1 The schedule of Scrutiny Task Groups proposed shall be presented to the Overview and Scrutiny Committee for consideration at least annually.
- 21.2 Upon commencement of a Scrutiny Task Group the scoping of the subject matter will be subject to consultation by the appropriate Head of Service and Cabinet Member(s) and must be approved by the Overview and Scrutiny Committee or in exceptional circumstances by the Chair and Vice Chair of Overview & Scrutiny Committee, but reported to the next meeting
- 21.3 Reports developed by the Scrutiny Task Group shall be reported to the Overview and Scrutiny Committee at the next available meeting for consideration and to make recommendations to the relevant body.

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Section 8

**EMPLOYMENT
PROCEDURE
RULES**

SECTION 8 – EMPLOYMENT PROCEDURE RULES

1. Recruitment and appointment

The Head of Governance & Performance has the responsibility for advice and guidance concerning the application of the Council's Recruitment and Selection Policy, which is available via the Council's website [Jobs and Careers](#)

1.1.1 Declarations

- 1.1.1.1 The Head of Governance & Performance will require a candidate for any appointment to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin of an existing councillor or officer of the Council or of the partner of such persons. This requirement will be included in any appropriate recruitment literature.

Definitions from Managing Relationships Policy

A **family relationship** is defined as the following related persons: husband, wife, civil partner, partner, girlfriend/boyfriend, child, grandchild, brother or sister, nephew or niece, grandparents or cousin. The definition includes common-law, same sex relationships, "in-laws", foster-family relationships and step-relationships.

A **close personal relationship** is defined where there is a reasonable perception that employees (or an employee and a third party including an elected Member, service user, contractor or other third party with whom the employee is in contact because of their work) are romantically or sexually involved with each other.

Working Relationships from Code of conduct

All internal and external relationships with colleagues, service users, contractors and Councillors will be conducted in a professional and respectful way.

Mutual respect between the Council's employees and its Councillors is essential to good local government. However close personal familiarity can damage the relationship and should therefore be avoided. Further details are available in the Council's Constitution with regards to Managing Officer and Member Relationships

Personal Relationships code of conduct

Council employees cannot be involved in an appointment, or be involved in any decision relating to discipline, promotion or any pay adjustments or conditions, or be in the line management hierarchy of another employee or prospective employee to whom they are related or have a close personal relationship. Employees must

declare all such relationships to their manager and must ensure compliance with all of the Council's policies relating to the recruitment and management of staff. Please refer to the Managing Personal Relationships at Work Policy and the Recruitment Policy for further information.

- 1.1.1.2 No candidate so related to a councillor or officer will be appointed without the written consent of the relevant Head of Service except where that post-holder is the employee to whom the candidate has declared such a relationship in which case the appropriate member of the Leadership Team (LT) will approve any proposed offer of employment in writing.

1.1.2 Seeking support for appointment.

- 1.1.2.1 The Council will disqualify any applicant who directly or indirectly seeks the support of any councillor or any employee of the Council for that appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 1.1.2.2 No councillor or employee of the Council will seek support for any person for any appointment with the Council. This rule shall not preclude any member or employee of the Council from giving a written testimonial of any candidate's ability, experience, or character for consideration in conjunction with an individual application, but, having given such a testimonial, that member or employee shall take no part in the short listing or interview process.

1.2 Recruitment of Chief Executive (Head of Paid Service)(Chief Officer)

Where the Council proposes to appoint a Head of Paid Service or Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- 1.2.1 draw up a statement specifying:
 - 1.2.1.1 the duties of the post concerned; and
 - 1.2.1.2 any qualifications or qualities to be sought in the person to be appointed;
- 1.2.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- 1.2.3 make arrangements for a copy of the statement mentioned in paragraph 1.2.1 to be sent to any person on request.

1.3 Officers below Chief Officer Level

Subject to paragraphs 1.3.1, 1.5 and 1.6, the function of appointment and dismissal of, and taking disciplinary action against, an employee of the Council must be discharged, on behalf of the Council, by the Head of Paid Service or by an officer nominated by them except where the Local Authorities (Standing Orders) (England) Regulations 2001 provide that it must be by the Appointments Committee or Council or other body as provided for in Part 3 of the Constitution.

1.3.1 Paragraph 1.3 shall not apply to the appointment or dismissal of or disciplinary action against:-

- 1.3.1.1 the officer designated as the Head of Paid Service;
- 1.3.1.3 the Chief Finance Officer within the meaning of Section 151 of the Local Government Act, 1972
- 1.3.1.4 the Monitoring Officer within the meaning of Section 5 of the Local Government and Housing Act, 1989
- 1.3.1.5 an assistant for a political group appointed in pursuance of section 9 of the 1989 Act.

1.4 Appointment and Dismissal of Chief Executive (Head of Paid Service)

Appointments

1.4.1 The appointment or dismissal of the Head of Paid Service will be made following the recommendation of the Appointments Committee, the full Council must approve that appointment before an offer of appointment is made or, as the case may be, must approve that dismissal before notice of dismissal is given.

1.4.3 An offer of an appointment as Head of Paid Service must not be made until:-

- 1.4.3.1 the Appointments Committee has notified the Proper Officer of the name of the person to whom it wishes to make the offer and any other particulars which the panel considers are relevant to the appointment;
- 1.4.3.2 the Proper Officer has notified every member of the Cabinet of:-
 - (a) the name of the person to whom the panel wishes to make the offer (subject to approval of the Council);
 - (b) any other particulars relevant to the appointment which the panel has notified to the Proper Officer; and

- (c) the period within which any objection to the making of the offer is to be made to the Proper Officer by the Leader of the Council on behalf of the Cabinet; and

1.4.3.3 either -

- (a) the Leader of the Council has, within the period specified in the notice under sub-paragraph (c) above, notified the committee that neither they nor any other member of the Cabinet has any objection to the making of the offer;
- (b) the Proper Officer has notified the committee that no objection was received by them within that period from the Leader of the Council; or
- (c) the committee (or in the case of the appointment of the Head of Paid Service, the full Council) is satisfied that any objection received from the Leader of the Council within that period is not material or well-founded.

1.4.4 Notice of the dismissal as a result of disciplinary action, of an officer referred to in sub-paragraphs 1.3.1.1 to 1.4.3 above must not be given until –

Dismissals

1.4.4.1 the committee has notified the Proper Officer of the name of the person who it wishes to dismiss (in the case of the Head of Paid Service, the Monitoring Officer, or the Chief Finance Officer, subject to the approval of the Council) and any other particulars which it considers are relevant to the dismissal;

1.4.4.2 the Proper Officer has notified every member of the Cabinet of:-

- (a) the name of the person whom the committee wishes to dismiss;
- (b) any other relevant particulars relevant to the dismissal which the committee has notified to the Proper Officer; and
- (c) the period within which any objection to the dismissal is to be made by the Leader of the Council on behalf of the Cabinet to the Proper Officer; and

1.4.4.3 either:-

- (a) the Leader of the Council has, within the period specified in the notice under sub-paragraph (c) above, notified the

committee that neither they nor any other member of the Cabinet has any objection to the dismissal;

(b) the Proper Officer has notified the committee that no objection was received by them within that period from the Leader of the Council; or

(c) the committee (or in the case of the proposed dismissal of the Head of Paid Service, the full Council) is satisfied that any objection received from the Leader of the Council within that period is not material or well-founded.

1.4.5 The Proper Officer for the purposes of the rules shall be the Head of Corporate Services for the time being of the Council or if they are unable to act in that capacity (either due to absence or as a result of conflict of interest (e.g. prior involvement)) the Monitoring Officer.

1.5 Disciplinary Action/Dismissal – Members of the Leadership Team (other than the Head of Paid Service)

1.5.1 Where the Head of Paid Service considers that the actions of any officer who is designated as a member of the Leadership Team (other than the Head of Paid Service) warrant investigation, the Head of Paid Service may suspend the relevant officer(s) pending the outcome of an investigation under the Council's disciplinary procedure, but otherwise disciplinary action against or the dismissal of any officer who is designated as a member of the Leadership Team (other than the Head of Paid Service) will be undertaken by a politically balanced panel of councillors set up for that purpose. That panel must include at least one member of the Cabinet.

1.5.2 Notice of disciplinary action against an officer identified in paragraph 1.5.1 must not be given until:-

(a) the panel has notified the Proper Officer of the name of the person who it wishes to discipline and any other particulars which it considers are relevant to the action proposed.

(b) the Proper Officer has notified every member of the Cabinet of:-

(i) the name of the person whom the panel wishes to discipline

(ii) any other particulars relevant to the disciplinary action which the panel has notified to the Proper Officer

1.5.3 Notice of the dismissal as a result of disciplinary action, of an officer referred to in paragraph 1.5.1 must not be given until:-

- (a) the panel has notified the Proper Officer of the name of the person who it wishes to dismiss and any other particulars which it considers are relevant to the dismissal;
- (b) the Proper Officer has notified every member of the Cabinet of:-
 - (i) the name of the person whom the panel wishes to dismiss
 - (ii) any other particular relevant to the dismissal which the panel has notified to the proper officer.

1.5.5 The Proper Officer for the purposes of the rules shall be as specified in paragraph 1.4.5.

1.6 Appeals

Nothing in paragraph 1.3 shall prevent a member from serving on a committee or sub-committee established by the Council to consider an appeal by:-

- 1.6.1 a person against any decision relating to the appointment of that person as an employee of the Council; or
- 1.6.2 an employee of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that employee.

1.7 Disciplinary action - Head of Paid Service, Monitoring Officer, and Section 151 Officer

- 1.7.1 No disciplinary action in respect of the Head of Paid Service, Monitoring Officer, or Section 151 Officer, except action described in paragraph 1.7.2, may be taken by the Council, or by a Committee, a Sub-Committee, a Joint Committee on which the Council is represented, or any other person acting on behalf of the Council, other than in accordance with the provisions under regulation 7 and schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).
- 1.7.2 The Head of Paid Service, Monitoring Officer, or Section 151 Officer may only be suspended by a politically balanced panel as referred to in paragraph 1.4.1 and such suspension shall only be for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the date of such suspension.

PART 5 – Codes and Protocols

OUTSIDE BODY APPOINTMENTS

In May each year, members are appointed by the council to serve on a range of outside bodies.

These include voluntary organisations, local government associations and companies.

In some cases, the persons appointed will be council representatives, i.e. they will be expected to represent the council's views at meetings, and look after the council's interests.

On other bodies, members will be nominees, i.e., their main responsibility will be to the organisation to which they have been appointed. In some cases, there will be a link between the activities of the organisation and those of the council. In such cases, the member's knowledge of council affairs will be useful, but the affairs of the outside body must take priority when the member is acting as a member of that body.

In all cases Members should:

- adhere to the rules, constitution and framework set by the outside body
- report back, where appropriate, to the council or relevant committee
- behave ethically and follow, as far as applicable, the Code of Conduct
- take an active and informed role in the management of the outside body's affairs

Members should not:

- represent the political party to which members owe their political loyalty
- be there in name only and merely turn up to meetings

The appointment list splits outside organisations into three categories:

- those where appointees are regarded as council representatives
- those that have links with council activities but where the appointees are nominees
- those where the council is merely asked to appoint a nominee and has no further contact with the organisation

The council is currently working more and more through outside organisations – with 'partners'. Such partnerships can either be companies (charitable or non-charitable) or unincorporated associations.

Companies

Companies are regulated by the Companies Acts and by their own constitutional documents (i.e. the articles and memorandum of association). A director of a company must act in the best interests of the company and must use reasonable care and skill.

Charities

The managers of a charity are called 'the trustees'. The charity will be regulated by its constitutional documents (i.e. the trust deed). A trustee must act in the best interests of the charity and must use reasonable care and skill.

Unincorporated associations - such as a management committee, residents association

Groups that are neither companies nor charities fall within this category. The rules for the group will be set out in a constitution, which normally provides for the appointment of a management committee. The members of the management committee are responsible for the acts of the group.

Joint Committees

Two or more Councils can form a joint committee to exercise any of their functions

Only Councillors who are Members of the local authorities who have come together to form the joint committee can sit on that joint committee. The Joint Committee will have governance documents which will set out its procedure rules and will confirm what powers the constituent councils have delegated to it.

Members of a joint committee who act in good faith, within their powers have a statutory immunity against personal liability.

There are though a variety of other external organisations which a Councillor could be appointed to where this statutory immunity does not arise.

Governor of a maintained school

Governing bodies are corporate, charitable bodies and, because of this, individual governors are generally protected from personal liability as a result of the governing body's decisions and actions. Provided they act honestly, reasonably and in good faith, any liability will fall on the governing body even if it has exceeded its powers, rather than on individual members

Reducing the risk

Members who are invited to sit on an outside body need to ensure that they understand what role they are being asked to perform. They need to be sure they can devote enough time to the role to ensure that the body's activities are effectively managed.

Outside bodies will cover many potential liabilities through insurance. It is worth asking the question whether the organisation has public liability insurance and indemnity insurance for the directors, management committee or trustees and, if not, whether the cost of putting these in place justifies the peace of mind achieved.

The Council can also indemnify a Member against personal liabilities arising from an outside body appointment. Indemnities cannot extend to cover criminal offences; or liabilities arising from fraud, or other deliberate wrongdoing or recklessness on the part of that member and cannot cover defamation actions.

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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