

Annual Council – 24th May 2010

Constitution and timetable of meetings 2010/2011

1. Summary of report

This report sets out proposed amendments to the Constitution and also sets out the timetable of meetings to be adopted for the municipal year 2010/2011.

2. Recommendations

2.1 That the amendments to the following parts of the Constitution as set out in Appendices 1 to 5 of this report be approved:

(a) Part 2 - Articles:

- 4 – The Council
- 7 – The Executive
- 11 – Officers
- 13 – Finance, contract and legal matters
- 14 - Review of the Constitution

(b) Part 3 - Responsibility for Functions

- Scheme of delegations to Committees
- Scheme of delegations to officers

(c) Part 4 – Rules of procedure

- Council procedure rules
- Executive procedure rules

(d) Part 5 – Codes and protocols

- New protocol 14 – Ministerial visits
- New protocol 15 – Handling petitions

2.2 That the timetable of meetings for the municipal year 2010/2011 as set in Appendix 6 of the report be approved.

3. Background information

3.1 Articles of the Constitution

The proposed amendments to the Articles are set out in **Appendix 1** to the report.

Article 4 – The Council

The amendments proposed to Article 4 take into account amendments to the policy framework due to changes in legislation.

Article 7 – The Executive

The amendments proposed to Article 7 relate to the decision made by Council on 21st December 2009 which approved the adoption of the new Leader and Cabinet Executive arrangements under the Local Government and Public Involvement in Health Act 2007. The proposed changes to the wording reflect the changes required by legislation.

Article 9 – The Standards Committee

The amendment to Article 9 is an addition to the role and function of the Standards Committee by the inclusion of the determination of appeals against the designation of a post as being politically restricted.

Article 11 – Officers

The amendments proposed to Article 11 take into account changes to the titles of Chief Officers made throughout the year

Article 13 – Finance, contract and legal matters

The amendment to Article 13 stipulates that every contract will comply with the contract rules set out in Part 4 of the Constitution.

Article 14 – Review and revision of the Constitution

In relation to the amendments to Article 14 concerning the monitoring and review of the Constitution, Audit Committee has been included in the process.

3.2 Scheme of delegations to Committees

The scheme of delegations to Committees have been reviewed on a regular basis and reflect the changes in legislation or operational needs. The amendments to delegations in this report refer to the Appointments Board, Employments Appeals and the Audit Committee and are set out at **Appendix 2** to this report.

3.3 Scheme of delegations to officers

The delegations to officers under the Constitution are reviewed on a regular basis to reflect changes in legislation, structural and organisational changes within the Council. Major changes were implemented at the beginning of the municipal year 2009/10 and the proposed changes set out in **Appendix 3** to this report reflect operational changes made throughout the last year.

3.4 Rules of procedure

The proposed amendments to the procedure rules are set out in **Appendix 4** to the report.

Council procedure rules

The amendments to this part of the Constitution relate to the changes brought about by the Local Government and Public Involvement in Health Act, 2007 relating to the election of Executive Leader. Other amendments relate to reports to be made by portfolio holders and the inclusion of the Head of the Paid Service having the ability to call an extra-ordinary meeting of the Council.

Executive procedure rules

The amendments to these rules relate to the attendance at meetings of the Executive (Cabinet) of Scrutiny and Performance Panel chair, vice-chair or group leaders with the ability to speak at those meetings. Also included is the process to be followed when a key decision to be taken by the Cabinet had been omitted from the forward plan and is a decision which cannot be reasonably deferred. At the present time these two paragraphs are included in the Access to Information procedure rules and it was considered that it would be more appropriate and less confusing for them to be included within the Executive procedure rules.

3.5 Codes and protocols - New protocols

At the request of the Chief Executive in order to set out clearly the process involved, a new protocol has been drawn up relating to ministerial visits to the area and this protocol is set out in full at **Appendix 5**.

The Local Democracy, Economic Development and Construction Act, 2009, requires the Council to have adopted a "petitions scheme" by 15th June 2010 which sets out how it will handle petitions. Such a scheme is presently set out within the Constitutional Services procedures booklet and that procedure now needs to be included within the Constitution as a protocol. By 15th December 2010 under the same legislation, every local authority must have an on-line petition facility and arrangements for this are currently underway. The existing petitions procedure will need to be amended to include this addition and it is envisaged that a revision "petitions scheme" will be submitted to the Council in July. The petitions protocol is set out in Appendix 5.

3.6. Timetable 2010/2011

The draft timetable which is recommended for approval is attached as **Appendix 6**.

The timetable has been prepared on the same basis as last year, with the exception of Planning Committee which it is proposed will meet on a 3 weekly basis and the budget meeting of the Council being held on **Thursday 24th February 2011**.

Although Area Community meetings are not Committees of the Council the dates have been included in the timetable for the convenience of members' diaries.

In order for business to be administered in the most effective way possible, it is important that once the timetable is agreed by the Council, only in the most exceptional circumstances should meeting dates be re-arranged.

Background papers - Nil

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Signed:

Handwritten signature of John Garner, consisting of the letters 'R' and 'B' in a stylized, cursive font.

For Chief Executive

Date: 14th May 2010

Part 2 – Articles of the Constitution

Existing wording	Proposed wording
<p>Article 4 – The Council</p> <p>Explanation</p> <p>The Local Government Act, 2000, gives the Council collectively responsibility for approving the Council’s policy framework and budget.</p> <p>4.01 Meanings</p> <p>(a) Policy Framework – means the following plans and strategies:-</p> <p>(i) Those required by the Local Authorities (Functions and Responsibilities) (England) Regulations, 2000 and Regulations proposed under Section 32 of the Local Government Act, 2000, and subsequent legislation be adopted by the Council:-</p> <ul style="list-style-type: none"> • Annual Library Plan; • Best Value Performance Plan; • Children and Young Peoples Plan; • Community Strategy; • Community Care Plan • Crime and Disorder Reduction Strategy; • Early Years Development Plan; • Education Development Plan; • Local Transport Plan; • Plans and strategies which together comprise the Development Plan; • Youth Justice Plan. 	<p>Repealed, therefore delete from Constitution</p> <p>Repealed, therefore delete from Constitution</p> <p>Repealed, therefore delete from Constitution Repealed, therefore delete from Constitution</p>

(ii) Other plans and strategies the Council considers should be adopted as part of the policy framework:-

- Corporate Plan
- Food Law Enforcement Service Plan;
- The plan and strategy which comprise the Housing Investment Programme
- Local Agenda 21 Strategy;
- Quality Protects Management Action Plan.

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

(c) **Housing Land Transfer** - Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act, 1993, or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act, 1985.

4.02 **Functions of the Council**

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access

to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker 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;

- (d) appointing and removing the Leader and Members of the Cabinet;
- (e) agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is an executive function or has been delegated by the Council;
- (g) adopting an allowances scheme under Article 2.05;
- (h) changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough;
- (i) confirming the appointment of the Head of Paid Service and designation of statutory officers (Monitoring Officer and Chief Finance Officer);
- (j) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (k) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive;
- (l) adopting a Code of Conduct for Members;

- (d) appointing and removing the Executive Leader.

- (m) taking decisions in respect of functions which are not the responsibility of the Executive and which have not been delegated by the Council to Committees, Sub-Committees or officers;
- (n) the submission of proposals to the Secretary of State for an Order under Section 10 (Pilot Schemes for Local Elections in England and Wales) Representation of the People Act, 2000;
- (o) the approval of rules of procedure as set out in Part 4 of this Constitution;
- (p) the delegation of non-executive functions to Committees, Sub-Committees and officers;
- (q) the approval for the purpose of public consultation in accordance with Regulation 10 or 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999, of draft proposals associated with the preparation of or alterations to or the replacement of, a Development Plan; and
- (r) all other matters which, by law, must be reserved to Council.

4.03 **Council meetings**

There are three types of Council meeting:

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

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

4.04 Responsibility for functions

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

4.05 The Council will be able to appoint any Member of the local authority (whether or not they are a Member of the Executive) to Committees or Sub-Committees established and which take decisions on functions which are not the responsibility of the Executive, such as development control and licensing.

Article 7 – The Executive

Explanation

The Executive (Leader and Cabinet) is at the heart of the day-to-day decision-making process. It also has a key role in proposing the budget and policy framework to the Council.

This article provides the basic components for the Executive.

The Rules of Procedure set out how the Executive will operate. These include arrangements for meetings and scheme of delegation.

7.01 Role

The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution and those local choice

functions assigned to the Executive in Table 1 of Part 3 (Responsibility for Functions) of the Constitution. The general position under legislation is that unless expressly stated in legislation or the Council makes a choice on those matters where it has a choice, all functions are deemed to be an executive function.

7.02 Form and composition

The Executive will consist of the Executive Leader together with at least 2, but not more than 9, Councillors appointed to the Executive by the Council.

7.03 Appointment of the Leader of the Council

The Leader will be a Councillor elected to the position of Leader by the Council.

Where there is vacancy or imminent vacancy in the office of Leader the Chairperson shall request if there are any nominations for the office of Leader. Where nominations are received the normal voting rules shall apply.

The Leader's term of office ceases on earliest of

- the day after the annual Council following the normal date of retirement for the Councillor or
- the date he resigns office or
- the date the Council resolves that (s)he be removed from the office of Leader.

(imminent vacancy is defined as due to retire from office the following day)

7.04 Removal of the Leader

The Executive will consist of the Executive Leader together with at least 2, but not more than 9, Councillors appointed to the Executive by the Executive Leader.

<p>The Leader of the Council can only be removed from office if the Council so resolve following a notice of motion (subject to resignation, retirement or disqualification).</p>	
<p>7.05 Other Executive Members</p> <p>(1) Other Executive Members will be appointed by the Council and shall hold office until:-</p> <ul style="list-style-type: none"> (a) they resign from office; or (b) they are suspended from being Councillors under Part III of the Local Government Act, 2000 (although they may resume office at the end of the period of suspension); or (c) they are no longer Councillors; or (d) the next Annual Council Meeting, save that the Council may remove them from office, either individually or collectively, at an earlier date. <p>(2) The Council has appointed the following Executive members for the stated portfolios:-</p> <p>Leader of the Council (Councillor Bird) - overall responsibility for Council strategy, the corporate plan, communications and public relations, city region agenda, government relations and liaison with local MPs and West Midlands leaders. Local Area Agreement and Local Strategic Partnership.</p> <p>Business support services (Councillor Arif) - performance management, strategic procurement, information technology.</p> <p>Children's services (Councillor Walker) - education services,</p>	<p>(1) Other Executive Members will be appointed by the Executive Leader and shall hold office until:-</p> <ul style="list-style-type: none"> (a) they resign from office; or (b) they are suspended from being Councillors under Part III of the Local Government Act, 2000 (although they may resume office at the end of the period of suspension); or (c) they are no longer Councillors; or (d) the Executive Leader may remove them from office, either individually or collectively, at any time. <p>(2) The Executive Leader has appointed the following executive members for the stated portfolios:</p> <p>(Note: To be included after Special Cabinet meeting on 19 May 2010)</p>

including relationship with Education Walsall, social services for children, safeguarding and promoting welfare of children, looked after children and corporate parenting, care leavers, interagency cooperation, involvement of children and young people, youth parliament, children's trust arrangements, youth offending services, youth service, school meals.

Communities and partnerships (Councillor Perry) – local neighbourhood partnerships, community engagement and consultation, community associations, community safety, Safer Walsall Partnership, voluntary and community sectors, customer contact, public protection.

Environment (Councillor Flower) - waste management, clean and green agenda, sustainability, pollution control, street cleansing, grounds maintenance and cemeteries and crematoria.

Finance and personnel (Councillor Towe) - strategic and operational financial management, insurance, risk management and policy led budgeting. Financial regulations, audit, legal services, constitutional services; Mayor's office. Human resources and organisational development (including Member development) and equality and diversity.

Leisure and culture (Councillor Sanders) - parks, leisure and culture services including the New Art Gallery, libraries, adult learning, sports, museums and twinning.

Regeneration (Councillor Andrew) - economic development, urban regeneration company (URC), physical development, environmental regeneration, markets, property, New Deal for Communities (NDC), Black Country Consortium, West Midlands regeneration issues. Town and district centres. Planning policy and local development framework. Building Schools for the Future. Strategic housing role, housing partnerships, private sector housing, homelessness, and relationship with Walsall Housing Group (WHG).

Social care and health (Councillor McCracken) - care services for older people and people with learning disabilities, people with physical disabilities and people with mental health needs, health partnership and the public health agenda, community meals and supporting people.

Transport (Councillor Ansell) - traffic and transportation, car parks, gateways and corridors, strategic transport and highways

7.06 Proceedings of the Executive

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

7.07 Responsibility for functions

The Leader will ensure that a list is maintained in Part 3 of this Constitution setting out which Committees of the Executive, officers or joint arrangements are responsible for the exercise of particular executive functions; provided that no functions shall be discharged by an individual Member of the Executive.

Article 9 – The Standards Committee

Explanation

The Standards Committee is a key element of the new ethical framework and is designed to ensure high standards of behaviour and conduct within the Council.

9.01 Standards Committee

The Council will establish a Standards Committee.

9.02 **Composition**

(a) **Membership** - The Standards Committee will be composed of:-

4 Councillors - the Deputy Leader of the Council and 1 Member from each Political Group ; and

6 independent members (not being a Councillor; nor an officer of the Council, nor any other body having a Standards Committee).

(The Leader of the Council shall not be a member)

(b) **Independent members** - Independent members will be entitled to vote at meetings;

(c) **Chairing the Committee** – The Chairman of the Committee will be appointed by the Committee. A Member of the Executive may not chair the Committee.

9.03 **Role and Function**

The Standards Committee will have the following roles and functions:

(a) promoting and maintaining high standards of conduct of elected Members and co-opted voting members;

(b) assisting and ensuring that Councillors, co-opted members and church and parent governor representatives observe the Members' Code of Conduct;

(c) advising the Council on the adoption or revision of the Members' Code of Conduct;

- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train elected Member and co-opted voting members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to elected Members and co-opted voting members from requirements relating to interests set out in the Members' Code of Conduct, subject to the issue of Regulations by the Secretary of State;
- (g) dealing with any reports from a case tribunal or interim case tribunal, or from the Standards Board and any report from the monitoring officer on any matter which is referred by an ethical standards officer to the monitoring officer;
- (h) to consider guidance from the Standards Board for England and any recommendations received from a Case Tribunal;
- (i) implementing the decision of the Case Tribunal;
- (j) dealing with complaints of breaches of the Model Code of Conduct referred to the Monitoring Officer by an Ethical Standards Officer, subject to enabling regulations being made under Section 66 of the Local Government Act, 2000;
- (k) dealing with Members misconduct falling outside breaches of the Code of Conduct, for example, breaches of protocols.

9.04 The Standards Committee will have the following additional functions:-

- (i) Dealing with allegations of breaches of the Member's Code of Conduct referred to the Monitoring Officer by an

<p>Ethical Standards Officer- subject to regulations being made under Section 66 of the Local Government Act 2000.</p> <ul style="list-style-type: none"> (ii) To consider Ombudsman's reports and make payments or other benefits in cases of maladministration. (iii) Oversight of the Whistleblowing Policy. (iv) Strategic overview of the Employees' Code of Conduct. (v) Anti-fraud procedures. (vi) Overview of the conduct element of reports from external auditors. (vii) Oversight and review of the Constitution. (viii) Dealing with breaches of protocols. 	<ul style="list-style-type: none"> (ix) Determining appeals against the designation of a post as being politically restricted.
<p>Article 11 – Officers</p> <p>Explanation</p> <p>This article sets out the senior management structure. It defines the roles of the Chief Executive and Directors and the Statutory Officer functions.</p> <p>11.01 Management Structure</p> <ul style="list-style-type: none"> (a) General -The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. (b) Chief Officers -The Council will engage persons for the following 	

posts,

who will be designated Chief Officers with responsibilities as determined from time to time by the Chief Executive:-

- Chief Executive
- Executive Director for Children
- Executive Director for Corporate Services
- Executive Director for Neighbourhood Services
- Executive Director for Regeneration
- Executive Director for Social Care and Inclusion

(c) **Head of Paid Service, Monitoring Officer and Chief Financial Officer.** The Council will designate those posts as shown:-

Post	Designation
Chief Executive	Head of Paid Service
Assistant Director of Legal and Constitutional Services	Monitoring Officer
Executive Director for Corporate Services	Chief Finance Officer with Section 151 responsibilities

Such posts will have the functions described in Article 11.02 –11.04 below.

(d) **Structure** - The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at part 7 of this Constitution.

11.02 Functions of the Head of Paid Service

(a) **Discharge of functions by the Council** - The Head of Paid Service

- Executive Director for Children's Services
- Executive Director for Resources
- Executive Director of Neighbourhoods

- Assistant Director for Finance
- Chief Finance Officer with Section 151 responsibilities

will report to Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

- (b) **Restrictions on functions** - The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

11.03 **Functions of the Monitoring Officer**

- (a) **Advising whether executive decisions are within the budget and policy framework** - The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.
- (b) **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.
- (c) **Restrictions on posts** - The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

11.04 **Functions of the Chief Finance Officer**

- (a) **Ensuring lawfulness and financial prudence of decision making-** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council or to the Executive in relation to an executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs** - The Chief Finance Officer will

have responsibility for the administration of the financial affairs of the Council.

- (c) **Contributing to corporate management** - The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice** - The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and the elected Mayor and will support and advise Councillors and officers in their respective roles.
- (e) **Give financial information** - The Chief Finance Officer will provide financial information to the media, members of the public and the community.

11.05 **Duty to provide sufficient resources to the Monitoring Officer and Chief Finance Officer**

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

11.06 **Conduct**

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

11.07 **Employment**

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

Article 13 – Finance, contracts and legal matters

This article introduces the scope and effect of the Council's financial and contract rules, authorisation of legal proceedings and authentication of documents.

13.01 Financial management

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

13.02 Contracts

Every contract made by the Council will comply with the financial and contract rules set out in Part 4 of this Constitution.

13.03 Legal proceedings

The Assistant Director of Legal and Constitutional Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Assistant Director of Legal and Constitutional Services considers that such action is necessary to protect the Council's interests.

13.04 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 Assistant Director of Legal and Constitutional Services or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

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

Any contract with a value exceeding £100,000 entered into on behalf of the local authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the Common Seal of the Council attested by at least one officer.

13.05 **Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Assistant Director of Legal and Constitutional Services or other person authorised by him/her. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Assistant Director of Legal and Constitutional Services should be sealed. The affixing of the Common Seal will be attested by the Assistant Director of Legal and Constitutional Services or some other person authorised by him/her.

Article 14 – Review and revision of the Constitution

14.01 The Council will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. In this process the Monitoring Officer may receive recommendations from the Executive, Standards Committee, Scrutiny and Performance Panels or the Chief Executive.

14.01 The Council will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. In this process the Monitoring Officer may receive recommendations from the Executive, Audit Committee, Standards Committee, Scrutiny and Performance Panels or the Chief Executive.

Table 2 – Responsibility for Council functions

Scheme of delegation of non-executive functions to Committees

Existing wording	Proposed wording
<p>9. APPOINTMENTS BOARD</p> <p>Remit</p> <p>(a) To undertake functions in respect of the appointment of the Chief Executive, Assistant Chief Executive, Chief Officers and Deputy Chief Officers.</p> <p>(b) To undertake functions in respect of disciplinary action and dismissal of the Chief Executive, Assistant Chief Executive, Chief Officers and Deputy Chief Officers</p> <p>(c) To undertake functions relating to employment matters including establishing the overall framework for remuneration and terms and conditions of employment.</p> <p>(d) Functions relating to pensions.</p> <p>Delegations</p> <p>(1) To act as the Committee which makes recommendations to Council on the appointment and dismissal of the Head of the Paid Service, the Chief Executive.</p>	<p>9. APPOINTMENTS BOARD</p> <p>Remit</p> <p>(a) To undertake functions in respect of the appointment of the Chief Executive, Chief Officers and Deputy Chief Officers.</p> <p>(b) To undertake functions in respect of disciplinary action and dismissal of the Chief Officers and Deputy Chief Officers</p> <p>(c) To undertake the functions of the Investigatory and Disciplinary Committee in the case of the Chief Executive.</p> <p>(d) To undertake functions relating to employment matters including pay and grading structure, policy and changes to employees terms and conditions of employment.</p> <p>(e) To approve policies on how the Council exercises its functions under the Local Government Pension Scheme and the Teachers' Pension Scheme.</p> <p>Delegations</p> <p>(1) To act as the Committee which makes recommendations to Council on the appointment and dismissal of the Head of the Paid Service, the Chief Executive.</p>

<p>(2) The appointment and dismissal of Chief Officers, Assistant Chief Executive and Deputy Chief Officers in accordance with the Employment Procedure Rules;</p> <p>(3) To approve the remuneration levels (other than those associated with the National Pay Awards) for the Chief Executive, Chief Officers, Assistant Chief Executive and Deputy Chief Officers.</p> <p>(4) To act as the Committee which considers matters relating to the conduct and capability of the Chief Executive, Assistant Chief Executive, Chief Officers and Deputy Chief Officers in accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations, 2001.</p> <p>(5) To determine whether or not the Chief Executive should be suspended pending investigation into allegations of misconduct or incapability, in accordance with the Local Authorities (Standing Orders) (England) Regulations, 2001.</p> <p>(6) To undertake functions relating to the appointment of staff, excluding the Chief Executive, Chief Officers and Deputy Chief Officers and to determine the overall framework for the terms and conditions of service on which they hold office, including remuneration.</p> <p>(7) To approve procedures for appointment and dismissal.</p> <p>(8) To recommend Council on the designation of the Monitoring Officer and the Chief Finance Officer.</p> <p>(9) To exercise any of the Council's functions under the Local Government Pension Scheme.</p>	<p>(2) The appointment and dismissal of Chief Officers and Deputy Chief Officers in accordance with the Employment Procedure Rules;</p> <p>(3) To approve the remuneration levels (other than those associated with the National Pay Awards) for the Chief Executive, Chief Officers and Deputy Chief Officers.</p> <p>(4) To act as the Committee which considers matters relating to the conduct and capability of the Chief Executive, Chief Officers and Deputy Chief Officers in accordance with the provisions of the Local Authorities (Standing Orders) (England) Regulations, 2001.</p> <p>(5) To determine whether or not the Chief Executive should be suspended pending investigation into allegations of misconduct or incapability, in accordance with the Local Authorities (Standing Orders) (England) Regulations, 2001.</p> <p>(6) To approve procedures for appointment and dismissal of staff.</p> <p>(7) To recommend Council on the designation of the Monitoring Officer and the Chief Finance Officer.</p> <p>(8) To consider policies for approval by the Council on the exercise of its functions under the Local Government Pension Scheme and the Teachers' Pensions Scheme.</p>
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<p>10. EMPLOYMENT APPEALS COMMITTEES A AND B</p> <p>Remit</p> <p>To consider appeals in connection with disciplinary action in the case of Chief Officers and Deputy Chief Officers only; grading; grievances or dismissal of employees, in accordance with the policies approved by the Council.</p>	<p>10. EMPLOYMENT APPEALS COMMITTEES A AND B</p> <p>Remit</p> <p>To consider appeals in connection with disciplinary action in the case of the Chief Executive, Chief Officers and Deputy Chief Officers. Grading, grievances or dismissal of employees including Chief Officers and Deputy Chief Officers, but excluding the Chief Executive</p>
<p>11. AUDIT COMMITTEE</p> <p>Remit</p> <p>To act as the Council's Audit Committee</p> <p>Delegations</p> <p>To exercise the following powers and functions of the Council</p> <ol style="list-style-type: none"> (1) Contributing to the Council's governance by ensuring an effective internal control environment is maintained; (2) Reviewing the mechanisms for the assessment and management risk; (3) Agreeing a work plan for internal audit; 	<p>11. AUDIT COMMITTEE</p> <p>Remit</p> <p>To act as the Council's Audit Committee, the purpose of which is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment and to oversee the financial reporting</p> <p>Delegations</p> <p>To exercise the following powers and functions of the Council:</p> <ol style="list-style-type: none"> (1) Consider the effectiveness of the Council's control environment and associated anti-fraud and anti-corruption arrangements. (2) Consider the effectiveness of the Council's risk management arrangements.

<p>(4) Received periodic reports on the work of internal audit;</p> <p>(5) Receiving reports on management responses to internal audit reports and recommendations;</p> <p>(6) Considering recommendations and reports from external auditors;</p> <p>(7) Considering arrangements for and the merits of operating quality assurance and performance management processes;</p> <p>(8) Approving the Council's Statement of Accounts;</p> <p>(9) Calling officers and/or Chairs of Committee to assist the Committee in its work;</p> <p>(10) Considering the exercise of officers' statutory responsibilities and of functions delegated to officers.</p>	<p>(3) Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.</p> <p>(4) Be satisfied that the Council's assurance statements, including the Annual Governance Statement properly reflect the risk environment and any actions to improve it.</p> <p>(5) Approve (but not direct) internal audit's strategy, plan and monitor performance.</p> <p>(6) Review summary internal audit reports and main issues arising and seek assurance that action has been taken where necessary.</p> <p>(7) Receive the annual report of the Head of Internal Audit.</p> <p>(8) Review the effectiveness of key control strategies including; risk management, the local code of governance, arrangements for delivering value for money, anti-fraud arrangements and anti-corruption.</p> <p>(9) Consider the reports of external audit and inspection agencies.</p> <p>(10) Ensure that there are effective relationships between external and internal audit, inspection agencies and other relevant bodies and that the value of the audit process is actively promoted.</p> <p>(11) Review the financial statements, external auditor's opinion and reports to members and monitor management action in response to the issues raised by external audit.</p> <p>(12) Calling officers and/or Chairs of Committees to assist the Committee in its work.</p>
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	<ul style="list-style-type: none">(13) Considering the exercise of officers' statutory responsibilities and of functions delegated to officers.(14) To review any issue referred to it by the Chief Executive or any Director or any Council bodies.(15) To maintain an overview of the Council's constitution in respect of contract procedure rules and financial regulations.
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Part 3.5 –Scheme of delegations of functions to officers of non-executive functions

Existing wording	Proposed wording
12. Chief Executive	No change
13. Chief Finance Officer 13.7 Authority to write off irrecoverable amounts due to the Council up to and including £5,000 and without limit as regards personal local taxation on a single property.	13.7 Authority to write off irrecoverable amounts due to the Council up to and including £5,000 (a) Without limit as regards local taxation on a single property. (b) Without limit as regards housing and or Council tax benefit on a single property.
13.8 Approval to grant discretionary leave from national non-domestic rates in accordance with the Council's approved scheme, and under Sections 47 and 48 of the Local Government Finance Act 1988.	13.8 Approval to grant discretionary relief from national non-domestic rates in accordance with the Council's approved scheme, and under Sections 47 and 48 of the Local Government Finance Act 1988.
13.16 To determine Applications for hardship relief from Non Domestic Rates under Section 49 of the Local Government Finance Act 1988;	13.16 To determine Applications for hardship relief from Non Domestic Rates under Section 49 of the Local Government Finance Act 1988 and from Council tax under Section 13A of the Local Government Act, 1992.
Note: The following powers may be exercised by the: (a) Head of Corporate Finance: 6, 7, 8, 9, 10, 11, 12, 19, 20, 21, 22 (b) Head of Revenues: 6, 7, 8, 9,14, 15, 16, 17, 20. (c) Head of Benefits: 6, 20, 23	Note: The following powers may be exercised by the: (a) Head of Corporate Finance: 6, 7, 8, 9, 10, 11, 12, 19, 20, 21, 22 (b) Head of Revenues: 6, 7(a), 8, 9,14, 15, 16, 17, 20. (c) Head of Benefits: 6, 7(b), 20, 23

<p>14. Executive Director, Neighbourhood Services</p> <p>14.1 (a) Exercise the powers and duties of the Council as waste collection authority, including the collection of domestic, trade, garden, bulky household, clinical and hazardous waste;</p>	<p>14.1 (a) Exercise the powers and duties of the Council as waste collection authority, including the collection of domestic, trade, garden, bulky household, clinical and hazardous waste;</p>
<p>(b) Exercise the functions of the Council as a waste disposal authority including associated recycling activities;</p>	<p>(b) Exercise the functions of the Council as a waste disposal authority including associated recycling activities;</p>
<p>(c) Deal with all matters relating to fly posting, placarding, graffiti, fly tipping and abandoned vehicles;</p>	<p>(c) Deal with all matters relating to fly posting, placarding, graffiti, fly tipping and abandoned vehicles;</p>
<p>(d) Make arrangements for the management of public conveniences;</p>	<p>(d) Provide and be responsible for the vehicle fleet and the maintenance for vehicles owned and operated by the Council.</p>
<p>(e) Provide and be responsible for the vehicle fleet and the maintenance for vehicles owned and operated by the Council.</p>	
<p>14.2 Without prejudice to paragraph 1, to exercise strategic, operational, and management powers and duties of the Council under the following enactments:</p> <ul style="list-style-type: none"> (a) Removal and disposal of vehicles regulations, 1986; (b) Road Traffic Regulation Act 1984; (c) Vehicle Excise Duty Act (removal and disposal) Regulations, 1997; (d) Control of Pollution Act 1974; (e) Environmental Protection Act 1990; (f) Highways Act 1980; (g) Litter Act 1983 (in so far as it relates to litter bins and street cleaning); (h) Public Health Act 1961; (i) Refuse Disposal (amenity) Act 1978; (j) Road Traffic Act 1998; (k) Building Act 1984; (l) Chronically Sick and Disabled Persons Act 1970; (m) Waste Minimisation Act 1998; (n) Public Health Acts 1936 and 1969; (o) Clean Neighbourhood and Environment Act 2005; 	<p>14.2 Without prejudice to paragraph 1, to exercise strategic, operational, and management powers and duties of the Council under the following enactments:</p> <ul style="list-style-type: none"> (a) Removal and disposal of vehicles regulations, 1986; (b) Road Traffic Regulation Act 1984; (c) Vehicle Excise Duty Act (removal and disposal) Regulations, 1997; (d) Control of Pollution Act 1974; (e) Environmental Protection Act 1990; (f) Highways Act 1980; (g) Litter Act 1983 (in so far as it relates to litter bins and street cleaning); (h) Public Health Act 1961; (i) Refuse Disposal (amenity) Act 1978; (j) Road Traffic Act 1998; (k) Building Act 1984; (l) Chronically Sick and Disabled Persons Act 1970; (m) Waste Minimisation Act 1998; (n) Public Health Acts 1936 and 1969; (o) Clean Neighbourhood and Environment Act 2005;

(p) Crime and Disorder Act 1998	(p) Crime and Disorder Act 1998 (q) Fire Safety and Safety of Places of Sports Act 1987 (r) Anti-Social Behaviour Act 2003
14.6 Without prejudice to any delegations, authorise the Monitoring Officer to institute appropriate legal proceedings including against unauthorised occupiers found on the Council's land or premises.	Delete
Note: (a) Except where otherwise stated, the holders of the following posts within Neighbourhood Services may exercise the above powers: Assistant Director Built Environment Assistant Director Leisure and Culture and Lifelong Learning	Note: (a) Except where otherwise stated, the holders of the following posts within Neighbourhood Services may exercise the above powers: Assistant Director Neighbourhood Services
(b) After consultation with the Executive Director for Neighbourhood Services, Head of Paid Service and the Monitoring Officer, the Executive Director for Neighbourhood Services is duly authorised to add to this list.	(b) After consultation with the Executive Director for Neighbourhood Services, Head of Paid Service and the Monitoring Officer, the Executive Director for Neighbourhood Services is duly authorised to add to this list.
15. Executive Director, Children's Services	No change
16. Executive Director, Social Care and Inclusion	No change
17. Executive Director, Regeneration The Executive Director, Regeneration shall be responsible for the day to day management of Regeneration and Performance and, without prejudice, to the following, shall have power, subject to compliance with the constitutional arrangements, relevant Financial and Contract Rules relating to contracts and any relevant provisions of the Councils Financial and Contract Rules, to:	17. Executive Director, Regeneration The Executive Director, Regeneration shall be responsible for the day to day management of Regeneration and, without prejudice, to the following, shall have power, subject to compliance with the constitutional arrangements, relevant Financial and Contract Rules relating to contracts and any relevant provisions of the Councils Financial and Contract Rules, to:
17.1 Invite, accept and appoint in accordance with Financial and Contract Rules, consultants and contractors for a specified period	17.1 Invite, accept and appoint in accordance with Financial and Contract Rules, consultants and contractors for a specified period

	for the development and execution of approved projects.		for the development and execution of approved projects.
17.2	Issue responses to planning applications and development plan consultations received from neighbouring authorities where such responses are in line with existing Council policy and do not raise matters of strategic concern.	17.2	Issue responses to planning applications and development plan consultations received from neighbouring authorities where such responses are in line with existing Council policy and do not raise matters of strategic concern, in relation to the development / implementation of the Joint Core Strategy, the Regional Strategy and any subsequent Examinations in Public.
17.3	In connection with any plan, policy or programme subject to the environmental assessment of plans and programmes regulations 2004, to issue a screening opinion to determine whether a strategic environmental assessment is required and to undertake a scoping exercise.	17.3	In connection with any plan, policy or programme subject to the environmental assessment of plans and programmes regulations 2004, to issue a screening opinion to determine whether a strategic environmental assessment is required and to undertake a scoping exercise.
17.4	Make applications for planning permissions.	17.4	Make applications for planning permissions.
17.5	Invite, accept and appoint term consultants and contractors, for a specified period for the development and execution of approved design and/or maintenance projects/programmes and for the annual minor improvements and local safety programmes.	17.5	Invite, accept and appoint term consultants and contractors, for a specified period for the development and execution of approved design and/or maintenance projects/programmes and for the annual minor improvements and local safety programmes.
17.6	Subject to there having been due compliance with relevant Financial and Contract Rules, performance criteria and the relevant client department being satisfied that value for money is likely to be obtained, allocate construction projects to contractors/consultants, who have been appointed within a strategic partnering agreement, to develop, design and/or target cost subject to any Cabinet approval of the final scheme, target cost and programme where required.	17.6	Subject to there having been due compliance with relevant Financial and Contract Rules, performance criteria and the relevant client department being satisfied that value for money is likely to be obtained, allocate construction projects to contractors/consultants, who have been appointed within a strategic partnering agreement, to develop, design and/or target cost subject to any Cabinet approval of the final scheme, target cost and programme where required.
17.7.	Negotiate target costs, tender variations, fees and settlement of final accounts to provide the economically most advantageous/settlement to the Council in accordance with Financial and Contract Rules subject to any Cabinet approval to the outcome where required.	17.7.	Negotiate target costs, tender variations, fees and settlement of final accounts to provide the economically most advantageous/settlement to the Council in accordance with Financial and Contract Rules subject to any Cabinet approval to the outcome where required.
17.8	(a) To make, facilitate and co-ordinate external grant/funding submissions and to accept offers of support for	17.8	(a) To make, facilitate and co-ordinate external grant/funding submissions and to accept offers of support for

regeneration or similar schemes, delivering the associated implementation, and monitoring and reporting of expenditure performance and output;	regeneration or similar schemes, delivering the associated implementation, and monitoring and reporting of expenditure performance and output;
(b) To enter into required agreements/contracts with partners/ organisations to facilitate/affect the delivery of grant/funding submission as detailed above, and where applicable in accordance with the Financial and Contractual Rules.	b) To enter into required agreements/contracts with partners/ organisations to facilitate/affect the delivery of grant/funding submission as detailed above, and where applicable in accordance with the Financial and Contractual Rules.
17.9 To undertake any necessary action for the implementation of a derelict land reclamation programme.	17.9 The management of the Council's markets including the granting, suspension, variation or revocation of individual licenses, permits, consents or letting and in consultation with the Portfolio holder changes to rental level, policies and procedures.
17.10 The management of the Council's markets including the granting, suspension, variation or revocation of individual licenses, permits, consents or lettings.	17.10 Approval of applications for temporary markets in accordance with policies approved by the Executive, other than for the purposes of the Town and Country Planning Act 1990.
17.11 Approval of applications for temporary markets in accordance with policies approved by the Executive, other than for the purposes of the Town and Country Planning Act 1990.	17.11 Authority to approve charity market stalls.
17.12 Authority to approve charity market stalls.	17.12 Authority to approve the transfer or market stall licences to another family member or employee upon application, providing the officer considering the application is satisfied that the licence holder had traded on the market concerned for at least 5 years; and that the 2 years immediately preceding the application:
	(a) The family member has personally assisted the licence holder in trading on the stall to which the application relates; or
	(b) The applicant has been employed (other than on a self employed basis) by the license holder for the purpose of trading on the stall to which the application relates.
17.13 Authority to approve the transfer or market stall licences to another family member or employee upon application, providing the officer considering the application is satisfied that the licence holder had	17.13 Approval to permit the addition/cancellation of trading days in respect of holiday periods for Walsall markets as deemed appropriate and in conjunction with the wishes of the various

traded on the market concerned for at least 5 years; and that the 2 years immediately preceding the application:	market traders representatives.
(a) The family member has personally assisted the licence holder in trading on the stall to which the application relates; or	
(b) The applicant has been employed (other than on a self employed basis) by the license holder for the purpose of trading on the stall to which the application relates.	
17.14 Approval to permit the addition/cancellation of trading days in respect of holiday periods for Walsall markets as deemed appropriate and in conjunction with the wishes of the various market traders representatives.	17.14 Write off irrecoverable market charges for former stall holders.
17.15 Write off irrecoverable market charges for former stall holders.	17.15 Make arrangements for the management of public conveniences.
17.16 To take any action and/or institute proceedings, including if necessary proceedings in the High Court, to restrain any rival market including any unauthorised temporary market, indoor market or car boot sale; in consultation with the Assistant Director of Legal and Constitutional Services.	17.16 To take any action and/or institute proceedings, including if necessary proceedings in the High Court, to restrain any rival market including any unauthorised temporary market, indoor market or car boot sale; in consultation with the Assistant Director of Legal and Constitutional Services.
17.17 Authority to determine the authorisation and de-authorisation of School Crossing Patrols in accordance with approved policy and in consultation with Road safety Officers.	17.17 Exercise all routine housing functions that are not specifically delegated to any relevant Cabinet member, the Cabinet, or any Committee.
17.18 Exercise all routine housing functions that are not specifically delegated to any relevant Cabinet member, the Cabinet, or any Committee.	17.18 Make decisions under Part 6 and Part 7 of the Housing Act 1996, and to review decisions made under Part 7, Sections 175-218.
17.19 Make decisions under Part 6 and Part 7 of the Housing Act 1996, and to review decisions made under Part 7, Sections 175-218.	17.19 To serve notices of seeking possessions and taking other legal action in respect of tenants (including introductory tenants) who are in arrears of rent or in other breach of their tenancy conditions.
17.20 To serve notices of seeking possessions and taking other legal action in respect of tenants (including introductory tenants) who are in arrears of rent or in other breach of their tenancy conditions.	17.20 Issue notices under Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976 in respect of information as to ownership of land and properties in advance of action by the

	Council.
17.21 Issue notices under Section 16 of the Local Government (Miscellaneous Provisions) Act, 1976 in respect of information as to ownership of land and properties in advance of action by the Council.	17.21 To instruct the Assistant Director of Legal and Constitutional Services to take summary proceedings for the recovery of Council owned properties that are occupied by a person or persons who entered, or remain in occupation without the Council's licence or consent.
17.22 To instruct the Assistant Director of Legal and Constitutional Services to take summary proceedings for the recovery of Council owned properties that are occupied by a person or persons who entered, or remain in occupation without the Council's licence or consent.	17.22 Approve, in conjunction with the Chief Finance Officer, submissions by registered social landlords for rehabilitation work, to approve mortgage terms and to make the relevant applications for grants.
17.23 Approve, in conjunction with the Chief Finance Officer, submissions by registered social landlords for rehabilitation work, to approve mortgage terms and to make the relevant applications for grants.	17.23 The Authority to seek planning permission in respect of future proposed development for education and community purposes.
17.24 Agree the termination of licences to occupy rooms or temporary accommodation units in respect of homeless families where necessary.	17.24 To exercise all the statutory powers and duties of the Council relating to private sector housing including The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and subject to the limits set out in the Financial and Contract Rules, authority to:
	(a) Purchase equipment, tools and materials and authorise the execution of works;
	(b) Approve the settlement of the third party claims including;
	(c) Write off of recovery of debt relating to Statutory Notices or completion of work in default in consultation with the Assistant Director of Legal and Constitutional Services and;
	(d) Issue house in multiple occupation (HMO) licences and related notices;
	(e) to consider and determine applications for loans or grants for aids and adaptations to the homes of people with

	disabilities below £50,000.
17.25 The Authority to seek planning permission in respect of future proposed development for education and community purposes.	<p>17.25 (a) To grant authorisations (as the appropriate officer), to enforcement officers under the Housing Act 2004 Section 243 for the purposes of:</p> <p>(i) Section 131 (management orders: power of entry to carry out work)</p> <p>(ii) Section 235 (power to require documents to be produced)</p> <p>(iii) Section 239 (powers of entry)</p> <p>(iv) Paragraph 3 (4) of Schedule 3 (improvement notices: power of entry to carry out work), and</p> <p>(v) Paragraph 25 Schedule 7 (Empty Dwelling Management Orders: power of entry to carry out work)</p>
	(b) To authorise in his absence the Assistant Director (Regeneration and Housing) to grant such authorisations
	(c) To authorise the Manager Housing Standards and Improvement to take action under the following legislation, including where relevant, the service and enforcement of notices, licences, authorisation of works in default, implementation of charges, approval of grants, loans and other financial assistance institution of legal proceedings:
	(d) To authorise in the absence of the Housing Standards and Improvement Manager, the Principal Environmental Health Officer (Housing Standards) and Principal Environmental Health Officer (Housing Improvements) to act on behalf of the Council, including where relevant, the service and enforcement of notices, licences, authorisation of works in default, implementation of charges, approval of grants, loans and other financial assistance, institution of legal proceedings:

- (1) Housing Acts 1980;
- (2) Housing Act 1985 (as amended);
- (3) Housing Act 1988;
- (4) Housing Act 1996;
- (5) Housing Act 2004;
- (6) Housing Association Act 1985;
- (7) Housing and Building Control Act 1984;
- (8) Housing Grants, Construction and Regeneration Act 1996;
- (9) Local Government Act 1972;
- (10) Local Government and Housing Act 1989;
- (11) Local Government (Miscellaneous Provisions) Act 1976;
- (12) Local Government (Miscellaneous Provisions) Act 1982;
- (13) Rent Act 1977;
- (14) Water Act 1989;
- (15) Protection from Eviction Act 1977;
- (16) Landlord and Tenant Act 1954;
- (17) Landlord and Tenant Act 1985;
- (18) Landlord and Tenant Act 1987;
- (19) Caravan Sites and Control of Development Act 1960;
- (20) Caravan Sites Act 1968, Part 1;
- (21) Mobile Homes Act 1973;
- (22) Mobile Homes Act 1983;
- (23) Land Compensation Act 1973;
- (24) Noise and Statutory Nuisance Act 1993;
- (25) Prevention of Damage by Pests Act 1949;
- (26) Public Health Act 1936;
- (27) Public Health Act 1961;
- (28) Public Health Act 1969;
- (29) Refuse Disposal (amenity) Act 1978;
- (30) Building Act 1984;
- (31) Environmental Protection Act 1990;
- (32) Control of Pollution Act 1974;
- (33) Defective Premises Act 1972;
- (34) Clean Air Act 1993;

	<ul style="list-style-type: none"> (35) Home Energy Conservation Act 1995; (36) European Communities Act 1972; (37) Health and Safety at Work Act 1974. (38) Homeless Act 2002
17.26 To exercise all the statutory powers and duties of the Council relating to private sector housing and subject to the limits set out in the Financial and Contract Rules, authority to:	<p>17.26 Authority to take action under the following legislation, including where relevant, the service of notices, issuing of licences, authorisation at works in default, implementation of charges, approval of grants, institution of legal proceedings etc:</p> <ul style="list-style-type: none"> (1) Planning and Compulsory Purchase Act 2004; (2) Homelessness Act 2002; (3) Immigration and Asylum Act 1999; (4) Nationality Immigration and Asylum Act 2002; (5) Asylums and Immigration (Treatment of Claimants) Act 2004; (6) Protection from Eviction Act 1977; (7) Children Act 2002.
(a) Purchase equipment, tools and materials and authorise the execution of works;	
(b) Approve the settlement of the third party claims including;	
(c) Write off of recovery of debt relating to Statutory Notices or completion of work in default in consultation with the Assistant Director of Legal and Constitutional Services and;	
(d) Issue house in multiple occupation (HMO) licences and related notices.	
17.27 (a) To authorise the Manager Housing Standards and Improvement to take action under the following legislation, including where relevant, the service and enforcement of notices, issuing of licences, authorisation or works in default, implementation of charges, approval of grants, institution of legal proceedings:	<p>17.27 Instruct the Assistant Director of Legal and Constitutional Services to initiate proceedings for contraventions of any of the Acts (listed previously), which relate to the private sector. This includes issuing of a formal caution in lieu of prosecution in appropriate circumstances, e.g.:</p> <ul style="list-style-type: none"> (a) Where mitigating circumstances exist;

	<p>(b) Where sufficient evidence exists to prosecute;</p> <p>(c) Where it is in the public interest to do so;</p> <p>(d) Where the perpetrator admits the offence.</p>
<p>(b) To authorise in the absence of the Manager Housing Standards and Improvement the Principal Environmental Health Officers to act on behalf of the Council, including where relevant, the service and enforcement of notices, issuing of licences, authorisation of works in default, implementation of charges, approval of grants, institution of legal proceedings:</p> <p>(1) Housing Acts 1980;</p> <p>(2) Housing Act 1985 (as amended);</p> <p>(3) Housing Act 1988;</p> <p>(4) Housing Act 1996;</p> <p>(5) Housing Act 2004;</p> <p>(6) Housing Association Act 1985;</p> <p>(7) Housing and Building Control Act 1984;</p> <p>(8) Housing Grants, Construction and Regeneration Act 1996;</p> <p>(9) Local Government Act 1972;</p> <p>(10) Local Government and Housing Act 1989;</p> <p>(11) Local Government (Miscellaneous Provisions) Act 1976;</p> <p>(12) Local Government (Miscellaneous Provisions) Act 1982;</p> <p>(13) Rent Act 1977;</p> <p>(14) Water Act 1989;</p> <p>(15) Protection from Eviction Act 1977;</p> <p>(16) Landlord and Tenant Act 1954;</p> <p>(17) Landlord and Tenant Act 1985;</p> <p>(18) Landlord and Tenant Act 1987;</p> <p>(19) Caravan Sites and Control of Development Act 1960;</p> <p>(20) Caravan Sites Act 1968, Part 1;</p> <p>(21) Mobile Homes Act 1973;</p> <p>(22) Mobile Homes Act 1983;</p> <p>(23) Land Compensation Act 1973;</p> <p>(24) Noise and Statutory Nuisance Act 1993;</p> <p>(25) Prevention of Damage by Pests Act 1949;</p>	

<ul style="list-style-type: none"> (26) Public Health Act 1936; (27) Public Health Act 1961; (28) Public Health Act 1969; (29) Refuse Disposal (amenity) Act 1978; (30) Building Act 1984; (31) Environmental Protection Act 1990; (32) Control of Pollution Act 1974; (33) Defective Premises Act 1972; (34) Clean Air Act 1993; (35) Home Energy Conservation Act 1995; (36) European Communities Act 1972; (37) Health and Safety at Work Act 1974. (38) Homeless Act 2002 	
<p>17.28 Authority to take action under the following legislation, including where relevant, the service of notices, issuing of licences, authorisation at works in default, implementation of charges, approval of grants, institution of legal proceedings etc:</p> <ul style="list-style-type: none"> (1) Planning and Compulsory Purchase Act 2004; (2) Homelessness Act 2002; (3) Immigration and Asylum Act 1999; (4) Nationality Immigration and Asylum Act 2002; (5) Asylums and Immigration (Treatment of Claimants) Act 2004; (6) Protection from Eviction Act 1977; (7) Children Act 2002. 	<p>17.28 Without prejudice to any delegations, authorise the Monitoring Officer to institute appropriate legal proceedings including against unauthorised occupiers found on the Council's land or premises.</p>
	<p>Note: (a) Except where otherwise stated, the holders of the following posts within Regeneration may exercise the above powers:</p> <p style="text-align: center;">Assistant Director Regeneration Head of Development and Delivery Head of Strategic Regeneration Head of Housing Head of Property Services Head of Planning & Building Control</p>
	<p>(b) After consultation with the Head of Paid Service and the</p>

	Monitoring Officer, the Executive Director, Regeneration is duly authorised to add to this list.
17.29 Instruct the Assistant Director of Legal and Constitutional Services to initiate proceedings for contraventions of any of the Acts (listed previously), which relate to the private sector. This includes issuing of a formal caution in lieu of prosecution in appropriate circumstances, e.g.:	
(a) Where mitigating circumstances exist;	
(b) Where sufficient evidence exists to prosecute;	
(c) Where it is in the public interest to do so;	
(d) Where the perpetrator admits the offence.	
Note: (a) Except where otherwise stated, the holders of the following posts within Regeneration may exercise the above powers: Assistant Director Regeneration and Performance Head of Development and Delivery Head of Strategic Regeneration	
(b) After consultation with the Head of Paid Service and the Monitoring Officer, the Executive Director, Regeneration and Performance is duly authorised to add to this list.	
18. Head of Planning and Building Control	No change
19. Head of Development and Delivery	
19.1 The Head of Development and Delivery has authority to determine the following applications and to take the following actions under Part VIII, Chapter 1 of the Town and Country Planning Act 1990 and Town and Country Planning (Trees) Regulations 1999:	19.1 The Head of Development and Delivery has authority to determine the following applications and to take the following actions under Part VIII, Chapter 1 of the Town and Country Planning Act 1990 and Town and Country Planning (Trees) Regulations 1999:

(a) authorise the making of Tree Preservation Orders where immediate action is necessary to protect a tree or trees under threat;	(a) authorise the making of Tree Preservation Orders where immediate action is necessary to protect a tree or trees under threat;
(b) determine applications to top, lop or prune protected trees;	(b) determine applications to top, lop or prune trees protected by a Tree Preservation Order;
(c) determine applications to fell and remove trees and/or to make and/or revoke Tree Preservation Orders where there is no significant community interest	(c) determine applications to fell and remove trees protected by a Tree Preservation Order where there is no significant community interest;
(d) enforce legal requirement for replacement tree planting by the service of the appropriate notice;	(d) confirm Tree Preservation Orders where there is no significant community interest;
(e) revoke or vary a Tree Preservation Order in circumstances when an old order has been updated or a replacement order has been made or an old order no longer protects any trees;	(e) enforce legal requirement for replacement tree planting by the service of the appropriate notice;
(f) undertake appropriate action in response to proposals to carry out works to trees in Conservation Areas.	(f) revoke or vary a Tree Preservation Order in circumstances when an old order has been updated or a replacement order has been made or an old order no longer protects any trees or where there is no significant community interest;
	(g) undertake appropriate action in response to notifications of intention to trees in Conservation Areas.
19.12 With regard to Environmental Enhancement to authorise:	19.12 With regard to Environmental Enhancement to authorise:
(a) The undertaking of any necessary action for the implementation of the Environmental Programmes approved annually by Development Control Committee, including design works, invitation to and acceptance of (the lowest) tender, quotation or estimate, subject to Financial and Contract Procedure Rules, and receipt, where appropriate, of necessary approvals by the Department of Transport, Local Government and the Regions for grant aided schemes;	(a) The undertaking of any necessary action for the implementation of the Environmental Programmes approved annually by Development Control Committee, including design works, invitation to and acceptance of (the most economically advantageous) tender, quotation or estimate, subject to Financial and Contract Procedure Rules, and receipt, where appropriate, of necessary approvals by the Department of Transport, Local Government and the Regions for grant aided schemes;

(b) The substitution of appropriate schemes and the movement of schemes between approved programmes to maximise grant aid;	(b) The substitution of appropriate schemes and the movement of schemes between approved programmes to maximise grant aid;
(c) The approval of minor variations up to £500 in grants approved for the promotion of Environmental Education and Building Conservation.	(c) The approval of minor variations up to £500 in grants approved for the promotion of Environmental Education and Building Conservation.
20. Head of Strategic Regeneration	No change
Head of Housing	New paragraph
	21.1 To carry out relevant duties specified in the Housing Act 1996 particularly under Part 6 and Part 7, as amended by Homelessness (Priority Need for Accommodation)(England)Order 2002.
	21.2 Make arrangements to ensure local authority functions are implemented with regards to the needs to safeguard and promote the welfare of vulnerable adults.
	21.3 Provide an interpretation service where necessary.
	21.4 Acceptance of standard fund and other grant allocations where these are costs in accordance with approved Council policy.
	21.5 To authorise the Assistant Director of Legal and Constitutional Services to complete tenancy agreements in respect of/and licences to occupy Supported and Temporary Accommodation.
	21.6 To ensure that all arrangements for service provision are reviewed in accordance with legislative requirements and mandatory guidance.
	21.7 Ensure that information about the directorates services provided under legislation is available to the public and avoid lawful discrimination, promote equality of opportunity and good relations between persons of different racial groups.

	21.8 Authority to admit to temporary accommodation, either provided by the Council, by other authorities, voluntary organisations, or privately registered homes, persons who are vulnerable and homeless.
	21.9 Authority to approve interest free loans or grants not exceeding £5,000 in accordance with guidelines as approved by the Council's Executive.
	21.10 Authority to approve applications for concessionary travel passes for vulnerable clients fleeing violence or homelessness.
	21.11 Agree the termination of licences to occupy rooms or temporary accommodation units in respect of homeless households where necessary
	21.12 To increase charges payable for the occupation of council owned supported housing and temporary accommodation in line with councils calculated rate of inflation
21. Assistant Director of Legal and Constitutional Services	
21.9 To act as Secretary to the school organisation committee.	Delete
22. Head of Service, Public Protection	22. Head of Service, Public Safety
	All references to Head of Service, Public Protection to be changed to "Head of Service, Public Safety.
22.5 To authorise the Head of Public Protection to appoint or recommend for appointment <ul style="list-style-type: none"> • The Chief Inspector of Weights and Measures • The Deputy Chief Inspector of Weights and Measures • An Inspector to institute legal proceedings in respect of the Health and Safety at Work etc. Act 1974 • Registrar of Crematorium 	22.5 To authorise the Head of Public Safety to appoint or recommend for appointment <ul style="list-style-type: none"> • The Chief Inspector of Weights and Measures • The Deputy Chief Inspector of Weights and Measures • An Inspector to institute legal proceedings in respect of the Health and Safety at Work etc. Act 1974 • Public Analyst for the purpose of Section 27 of the Food Safety Act

<ul style="list-style-type: none"> • Lead Officer for Food • Medical Referee (and deputies) for the Crematorium • The Superintendent and Registrar of Births, Deaths and Marriages and Civil Partnerships • Public Analyst for the purpose of Section 27 of the Food Safety Act 1990. 	<p>1990</p> <ul style="list-style-type: none"> • Lead Officer for Food
<p>22.11 To authorise the Bereavement and Registration Services Manager to administer the following legislation in relation to the disposal of the dead and to exercise all the powers and duties of the Council as a local authority, Burial and Cremation Authority, under, and to delegate this authority to officers in Bereavement Services from time to time:</p> <p>Burial Acts 1852, 1853, 1855, 1857, 1859, 1900 and 1906 Burial Laws Amendment Act 1880 Cemeteries Clauses Act 1847 Cremation Acts 1902 and 1952 Fees (Increase) Act 1923 Local Government Act 1972 Public Health (Control of Diseases) Act 1984 Environmental Protection Act 1990 Environment Act 1995</p>	<p>Delete</p>
<p>22.15 To act as Proper Officer for the Registration Service (Births, Deaths and Marriages and Civil Partnerships).</p>	<p>Delete</p>
<p>22.16 To act as Proper Officer, in relation to Walsall, for the Black Country Coroner.</p>	<p>Delete</p>
<p>23. Assistant Director, Leisure Culture and Lifelong Learning</p>	<p>23. Head of Service, Leisure and Community Health</p>

23.1	Acceptance of bids for concessions at events.	23.1	Acceptance of bids for concessions at events.
23.2	Acceptance of hand-over from developers of open space, or payments under agreements under Section 106 Town and Country Planning Act 1990.	23.2	Acceptance of hand-over from developers of open space, or payments under agreements under Section 106 Town and Country Planning Act 1990.
23.3	Approval of routine lettings for events on Leisure, Culture and Lifelong Learning and Neighbourhoods Services premises/land under control of Education and Neighbourhoods Services.	23.3	Approval of routine lettings for events on Leisure and Community Health premises/land under control of Education and Neighbourhoods Services.
23.4	Approval of free/concessionary use of Leisure, Culture and Lifelong Learning and Neighbourhoods Services facilities/equipment.	23.4	Approval of free/concessionary use of Leisure and Community Health facilities/equipment.
23.5	Approval of closure of Leisure, Culture and Lifelong Learning and Neighbourhoods Services facilities for essential maintenance.	23.5	Approval of closure of Leisure and Community Health facilities for essential maintenance.
23.6	Determining opening hours during holiday periods for Leisure, Culture and Lifelong Learning and Neighbourhoods Services facilities.	23.6	Determining opening hours during holiday periods for Leisure and Community Health facilities.
23.7	Approval of setting and variations in charges and core admission prices to Leisure, Culture and Lifelong Learning and Neighbourhoods Services parks, open spaces, facilities, and events.	23.7	Approval of setting and variations in charges and core admission prices to Leisure and Community Health parks, open spaces, facilities, and events.
23.8	Acceptance of bids for concessions at parks and open spaces.	23.8	Acceptance of bids for concessions at parks and open spaces.
23.9	The authority to seek planning permission in respect of future proposed development for education and community purposes.	23.9	The authority to seek planning permission in respect of future proposed development for sport, leisure, recreation, education and community purposes.
23.10	The authority to exercise all the powers and duties of the Council as a local authority to administer legislation in the furtherance of his duties, including but not limited, to the following Acts: Animals Act 1971 Anti-Social Behaviour Act 2003 Clean Neighbourhoods and Environment Act 2005	23.10	The authority to exercise all the powers and duties of the Council as a local authority to administer legislation in the furtherance of his duties, including but not limited, to the following Acts: Animals Act 1971 Anti-Social Behaviour Act 2003 Clean Neighbourhoods and Environment Act 2005

<p>Dangerous Dogs Acts 1989 and 1991 Dogs Act 1871 Dogs (Fouling of Land) Act 1996 Environmental Protection Act 1990 Local Government (Miscellaneous Provisions) Acts 1976 and 1982 Town Police Clauses Act of 1847 and 1889</p> <p>and to delegate this authority to officers under his control from time to time.</p>	<p>Dangerous Dogs Acts 1989 and 1991 Dangerous Wild Animals Act 1976 Dogs Act 1871 Dogs (Fouling of Land) Act 1996 Environmental Protection Act 1990 Fire Safety and Safety at Places of Sport Act 1987 Local Government (Miscellaneous Provisions) Acts 1976 and 1982 Regulation of Investigatory Powers Act 2000 Town Police Clauses Act of 1847 and 1889</p>
	<p>23.11 Authorisation of Directed Surveillance and Covert Human Intelligence Sources in accordance with the requirements of the Regulation of Investigatory Powers Act, 2000.</p>
	<p>23.12 To authorise the Head of Service and Leisure and Community Health to appoint or recommend for appointment</p> <ul style="list-style-type: none"> • Registrar of Crematorium • Medical Referee (and deputies) for the Crematorium • The Superintendent and Registrar of Births, Deaths and Marriages and Civil Partnerships
	<p>23.13 To authorise the Bereavement and Registration Services Manager to administer the following legislation in relation to the disposal of the dead and to exercise all the powers and duties of the Council as a local authority, Burial and Cremation Authority, under, and to delegate this authority to officers in Bereavement Services from time to time:</p> <p>Burial Acts 1852, 1853, 1855, 1857, 1859, 1900 and 1906 Burial Laws Amendment Act 1880 Cemeteries Clauses Act 1847 Cremation Acts 1902 and 1952 Fees (Increase) Act 1923 Local Government Act 1972 Public Health (Control of Diseases) Act 1984 Environmental Protection Act 1990 Environment Act 1995</p>

	23.14 Authority to vary fees and charges not fixed by Statute.
	23.15 To act as Proper Officer for the Registration Service (Births, Deaths and Marriages and Civil Partnerships).
	23.16 To act as Proper Officer, in relation to Walsall, for the Black Country Coroner and to delegate this authority to officers under his control from time to time.
<p>Note: Except where otherwise stated, the holder of the following posts within Leisure, Culture and Lifelong Learning may exercise the above powers:-</p> <p>Head of Leisure and Culture: 1, 2, 3, 4, 5, 6, 7, 8. Head of Greenspaces: 10</p>	<p>Note: Except where otherwise stated, the holder of the following post within Leisure and Leisure and Community Health may exercise the above powers:-</p> <p>Head of Greenspaces: 23,10</p>
24. Head of Property Services	
24.10 To complete the acquisition, by way of dedication, of land within development schemes which is required to be provided by the developer for open space or play area purposes, subject to the Head of Leisure and Community Services being satisfied as to the standard of the completed works and the availability of finance for future maintenance.	24.10 To complete the acquisition, by way of dedication, of land within development schemes which is required to be provided by the developer for open space or for other community uses provided by the Council, subject to the Head of Leisure and Community Services or Head of Development and Delivery as relevant being satisfied as to the standard of the completed works and the availability of finance for future maintenance
25. Assistant Director, Built Environment	25. Assistant Director, Neighbourhood Services
25.1 The following delegations will be undertaken in accordance with Council policy and, as necessary, with the approval of the Chief Finance Officer and/or the Assistant Director of Legal and Constitutional Services:	25.1 The following delegations will be undertaken in accordance with Council policy and, as necessary, with the approval of the Chief Finance Officer and/or the Assistant Director of Legal and Constitutional Services:
25.2 To authorise, in the absence of the Head of Engineering and Transportation, the Service Managers for Traffic and Transportation and Engineering Design and Construction to act on	25.2 To authorise, in the absence of the Head of Engineering and Transportation, the Service Manager for Traffic and Transportation to act on behalf of the Council, including the serving of Notices,

<p>behalf of the Council, including the serving of Notices, prosecutions, and such matters as may require attention.</p>	<p>prosecutions, and such matters as may require attention.</p>
<p>25.3 Authority to take action under the following legislation and to authorise members of staff from time to time employed in Engineering and Transportation to act on behalf of the Council in taking action under the following legislation, including where relevant:</p> <p>The service of Notices, issuing of licences, permits and authorisations, approval of registrations, prior consents and grants, authorisation of works in default, acceptance of statutory notifications, and to take any other action including the power to apply for warrants and to seize and detain goods and documents.</p> <ul style="list-style-type: none"> Clean Air Act 1993 Clean Neighbourhoods and Environment Act 2005 Control of Pollution Act 1974 Countryside and Rights of Way Act 2000 Environment Act 1995 Environmental Protection Act 1990 Highways Act 1980 Land Compensation Act 1973 Licensing Act 2003 Litter Act 1983 Local Government Act 1988 Local Government (Miscellaneous Provisions) Acts 1976 and 1982 New Roads and Street Works Act 1991 Noise Act 1996 Noise and Statutory Nuisance Act 1993 Pollution Prevention and Control Act 1999 Prevention of Damage by Pests Act 1949 Public Health Acts 1936 and 1961 Public Health (Control of Diseases) Act 1984 Refuse Disposal (Amenity) Act 1978 Road Traffic Acts 1988 and 1991 Road Traffic (Consequential Provisions) Act 1988 Road Traffic (Foreign Vehicles) Act 1972 	<p>25.3 Authority to take action under the following legislation and to authorise members of staff from time to time employed in Engineering and Transportation to act on behalf of the Council in taking action under the following legislation, including where relevant:</p> <p>The service of Notices, issuing of licences, permits and authorisations, approval of registrations, prior consents and grants, authorisation of works in default, acceptance of statutory notifications, and to take any other action including the power to apply for warrants and to seize and detain goods and documents.</p> <ul style="list-style-type: none"> Clean Air Act 1993 Clean Neighbourhoods and Environment Act 2005 Control of Pollution Act 1974 Countryside Act 1968 Countryside and Rights of Way Act 2000 Cycle Tracks Act 1981 Environment Act 1995 Environmental Protection Act 1990 Highways Act 1980 Land Compensation Act 1973 Licensing Act 2003 Litter Act 1983 Local Government Acts 1988, 2000, 2003 Local Government (Miscellaneous Provisions) Acts 1976 and 1982 National Parks and Access to the Countryside Act 1949 Natural Environment and Rural Communities Act 2007 New Roads and Street Works Act 1991 Noise Act 1996 Noise and Statutory Nuisance Act 1993 Pollution Prevention and Control Act 1999 Prevention of Damage by Pests Act 1949 Public Health Acts 1936 and 1961 Public Health (Control of Diseases) Act 1984

<p>Road Traffic Offenders Act 1988 Road Traffic Regulation Act, 1984 Town and Country Planning Act 1968 Town and Country Planning Act 1990 Town Police Clauses Act 1847 Transport Act 1985 Traffic Management Act 2004 West Midlands County Council Act 1980 Wildlife and Countryside Act 1981</p>	<p>Refuse Disposal (Amenity) Act 1978 Road Traffic Acts 1988 and 1991 Road Traffic (Consequential Provisions) Act 1988 Road Traffic (Foreign Vehicles) Act 1972 Road Traffic Offenders Act 1988 Road Traffic Regulation Act, 1984 Town and Country Planning Act 1968 Town and Country Planning Act 1990 Town Police Clauses Act 1847 Transport Act 1985 Traffic Management Act 2004 West Midlands County Council Act 1980 Wildlife and Countryside Act 1981</p>
<p>25.4 Authority to vary future levels of charges for services for which charges are currently made (excluding car parking charges), such revisions having regard to the retail price index and prevailing market conditions.</p>	<p>25.4 Authority to vary future levels of charges for services for which charges are currently made (excluding car parking charges), such revisions having regard to the retail price index and prevailing market conditions.</p>
<p>25.5 Authority to approve short lists of consultants to be invited to tender for or to submit proposals for specific investigations, analyses or designs, subject to compliance with Financial and Contract Rules.</p>	<p>25.5 Authority to approve short lists of consultants to be invited to tender for or to submit proposals for specific investigations, analyses or designs, subject to compliance with Financial and Contract Rules.</p>
<p>25.6 Authority to approve short lists of contractors to be invited to tender for contracts for a specific scheme of works or for a schedule of rates contract for such works, subject to compliance with Financial and Contract Rules.</p>	<p>25.6 Authority to approve short lists of contractors to be invited to tender for contracts for a specific scheme of works or for a schedule of rates contract for such works, subject to compliance with Financial and Contract Rules.</p>
<p>25.7 Authority to accept tenders for the supply of works, materials, equipment, plant, investigations, analyses or designs, subject to compliance with Financial and Contract Rules.</p>	<p>25.7 Authority to accept tenders for the supply of works, materials, equipment, plant, investigations, analyses or designs, subject to compliance with Financial and Contract Rules.</p>
<p>25.8 Authority to accept the tender which is next most economically advantageous to the Council in cases where the successful tenderer withdraws before entering into contract, subject to compliance with Financial and Contract rules.</p>	<p>25.8 Authority to accept the tender which is next most economically advantageous to the Council in cases where the successful tenderer withdraws before entering into contract, subject to compliance with Financial and Contract rules.</p>
<p>25.9 Authority to utilise other contractors in the event of the successful</p>	<p>25.9 Authority to utilise other contractors in the event of the successful</p>

tenderer being unable to meet the programme requirements. Additional or substitute contractors shall be chosen in order of their tenders' rank when assessed by officers, and appointed in compliance with Financial and Contract rules.	tenderer being unable to meet the programme requirements. Additional or substitute contractors shall be chosen in order of their tenders' rank when assessed by officers, and appointed in compliance with Financial and Contract rules.
25.10 Authority to appoint consulting engineers after fee bidding, subject to compliance with Financial and Contract Rules.	25.10 Authority to appoint consulting engineers after fee bidding, subject to compliance with Financial and Contract Rules.
25.11 Authority to appoint agency staff subject to compliance with Financial and Contract Rules.	25.11 Authority to appoint agency staff subject to compliance with Financial and Contract Rules.
25.12 Authority to exercise powers under all Sections of the Highways Act 1980 in respect of the maintenance, improvement and protection of highways, footpaths, bridleways and associated land, including consulting on proposed alterations to highways, granting Licenses, serving notices and taking legal action to prevent abuse or obstruction of the highway where appropriate.	25.12 Authority to exercise powers under all Sections of the Highways Act 1980 in respect of the maintenance, improvement and protection of highways, footpaths, bridleways, restricted byways, byways open to all traffic and associated land, including consulting on proposed alterations to highways, granting Licenses, serving notices and taking legal action to prevent abuse or obstruction of the highway where appropriate.
25.13 Authority to exercise powers under the Highways Act 1980 and the Town and Country Planning Act 1991 in relation to the stopping-up and diversion of highways where planning permission for a development requiring the stopping-up or diversion has previously been granted by the Council.	25.13 Authority to exercise powers under the Highways Act 1980 and the Town and Country Planning Act 1991 in relation to the stopping-up, creation, alteration and diversion of highways, footpaths, bridleways, restricted byways and byways open to all traffic where planning permission for a development requiring the stopping-up or diversion has previously been granted by the Council.
25.14 Authority to exercise powers under the New Roads and Street Works Act 1991 in respect of the protection of highways, footpaths, bridleways and associated land from the activities of Statutory Undertakers including serving notices and taking proceedings where appropriate.	25.14 Authority to exercise powers under the New Roads and Street Works Act 1991 in respect of the protection of highways, footpaths, bridleways, restricted byways, byways open to all traffic and associated land from the activities of Statutory Undertakers including serving notices and taking proceedings where appropriate.
25.15 Authority to exercise powers under the Road Traffic Regulation Act 1984 in respect of the management and safety of traffic and pedestrians and the placing of traffic signs on the highway.	25.15 Authority to exercise powers under the Road Traffic Regulation Act 1984 in respect of the management and safety of traffic, pedestrians and other highway users and the placing of traffic signs on the highway.
25.16 Authority to exercise powers under the Transport Act 1968 in	25.16 Authority to exercise powers under the Transport Act 1968 in

respect of objections to Operators' Licence applications on safety and environmental grounds.	respect of objections to Operators' Licence applications on safety and environmental grounds.
25.17 Authority to exercise powers under the Transport Act 1985 in respect of applications for Traffic Regulation Conditions on bus services and objections to Traffic Regulation Conditions on bus services.	25.17 Authority to exercise powers under the Transport Act 1985 in respect of applications for Traffic Regulation Conditions on bus services and objections to Traffic Regulation Conditions on bus services.
25.18 Authority to exercise powers under the Wildlife and Countryside Act 1981 in respect of alterations to the definitive footpath map following approval of changes to the route of a footpath or bridleway.	25.18 Authority to exercise powers under the Wildlife and Countryside Act 1981 in respect of alterations to the definitive map and statement:- in consequence of the occurrence of an event including the coming into operation of any enactment or instrument or any other event whereby a highway shown on the definitive map and statement has been authorised to be stopped up, diverted, widened or extended – where a claim is received for addition of a route
25.19 Authority to prepare agreements and contracts in pursuance of the powers of the Council under Section 33 of the Local Government - Miscellaneous Provisions Act 1982, Section 111 of the Local Government Act 1972, and Sections 38 and 278 of the Highways Act 1980.	25.19 Authority to exercise the serving of notices, implementation and review of Gating Orders in accordance with sections 129 (A) to (F) of the Highways Act 1980, as inserted by the Clean Neighbourhoods and Environment Act 2005 and the Highways Act 1980 (Gating Orders) (England) Regulations.
25.20 Authority to take action to prosecute offences under the Highways Act 1980, the Road Traffic Regulation Act 1984 and the New Roads and Street Works Act 1991, in accordance with approved policy.	25.20 Authority to prepare agreements and contracts in pursuance of the powers of the Council under Section 33 of the Local Government - Miscellaneous Provisions Act 1982, Section 111 of the Local Government Act 1972, and Sections 38 and 278 of the Highways Act 1980.
25.21 Authority to approve the design and location of new and replacement street furniture and other highway facilities, and their removal when required, including traffic signs, traffic signals, guardrailling, safety fencing, bollards, dropped kerb crossings, facilities for the disabled, seating, bus stops, bus shelters, statutory undertakers' equipment and street trees, in accordance with approved policy and DfT guidelines.	25.21 Authority to take action to prosecute offences under the Highways Act 1980, the Road Traffic Regulation Act 1984 and the New Roads and Street Works Act 1991, in accordance with approved policy.
25.22 Authority to install bollards in verges and footways in accordance with approved policy.	25.22 Authority to approve the design and location of new and replacement street furniture and other highway facilities, and their

	removal when required, including traffic signs, traffic signals, guard railing, safety fencing, bollards, dropped kerb crossings, facilities for the disabled, seating, statutory undertakers' equipment and street trees, in accordance with approved policy and DfT guidelines.
25.23 Authority to implement measures to ensure the safe operation of the highway network, including serving notices and carrying out minor works, within approved budgets.	25.23 Authority to object to the location of new bus stops and bus shelters on road safety grounds.
25.24 Authority to approve the names to be given to new roads in accordance with approved policy and there is no objection to the name(s) from the post or emergency authorities.	25.24 Authority to install bollards in verges and footways in accordance with approved policy.
25.25 Authority to approve the numbering of houses.	25.25 Authority to implement measures to ensure the safe operation of the highway network, including serving notices and carrying out minor works, within approved budgets.
25.26 Authority to approve minor variations to and substitution of schemes in the Highways Capital Programme, in accordance with priorities and within the allocation in the capital programme.	25.26 Authority to approve the names to be given to new roads in accordance with approved policy and there is no objection to the name(s) from the post or emergency authorities.
25.27 Authority to approve the details of Minor Improvement Schemes already approved by the Council as part of its annual approval of the Capital Programme, including:	25.27 Authority to approve the numbering of houses.
(a) The design and location of measures to assist pedestrians and cyclists such as pelican, zebra, toucan and puffin crossings, pedestrian refuges and cycle lanes.	
(b) The design and implementation of measures provided as part of any Safer Routes to School projects.	
(c) The design and location of traffic calming features.	
(d) The design of traffic signal controlled junctions.	
(e) The design of minor junction improvements and alterations.	

(f) The design of bus priority measures and the location of bus stops and shelters.	
(g) Enforcement powers under all sections of the Traffic Management Act 2004.	
Subject to the proposal being in accordance with approved policy and, where appropriate, following full consultation with local residents and businesses.	
25.28 Authority to approve the details of Highways Maintenance and Bridge Strengthening Schemes already approved by the Council as part of its annual approval of the Capital Programme, including:	25.28 Authority to approve minor variations to and substitution of schemes in the Highways Capital Programme, in accordance with priorities and within the allocation in the capital programme.
(a) The design of the necessary works;	
(b) The method of procuring the works, subject to compliance with Finance and Contract Rules;	
(c) The use of innovative methods of treatment following an assessment of alternative methods;	
(d) The traffic management arrangements to enable to works to be carried out safely in accordance with the requirements of the Health & Safety Executive;	
(e) Consultation with appropriate interested bodies, residents and businesses likely to be affected by the works, in accordance with approved policy.	
25.29 Authority to approve the advertising of Traffic Regulation Orders where either:	25.29 Authority to approve the details of Minor Improvement Schemes already approved by the Council as part of its annual approval of the Capital Programme, including:
(a) The Order has been requested by residents and businesses to control parking or traffic movements in a local area;	(a) The design and location of measures to assist pedestrians and cyclists such as pelican, zebra, toucan and puffin crossings, pedestrian refuges and cycle lanes.
(b) The Order is required to improve the safety of the highway	(b) The design and implementation of measures provided as

network;	part of any Safer Routes to School projects.
(c) The Order is required for safety reasons following the structural assessment of a bridge and structure;	(c) The design and location of traffic calming features.
(d) The Order is required to allow the satisfactory implementation of a Minor Improvement Scheme;	(d) The design of traffic signal controlled junctions.
(e) The Order is required to improve the efficient operation of the highway network;	(e) The design of minor junction improvements and alterations.
(f) The Order is required to assist with improving air quality.	(f) The design of bus priority measures and the location of bus stops and shelters.
	(g) Enforcement powers under all sections of the Traffic Management Act 2004.
Subject to the Order being in accordance with approved policy and only after discussion with Ward Councillors and, where appropriate, following full consultation with local residents and businesses. Where objections do not fall within 30(a) to (f) the matter will be referred to the Development Control Committee for determination.	Subject to the proposal being in accordance with approved policy and, where appropriate, following full consultation with local residents and businesses.
25.30 Authority to authorise the sealing of Traffic Regulation Orders made under the Road Traffic Regulation Act 1984 where there have been no objections received during the period for objection.	25.30 Authority to approve the details of Highways Maintenance and Bridge Strengthening Schemes already approved by the Council as part of its annual approval of the Capital Programme, including:
	(a) The design of the necessary works;
	(b) The method of procuring the works, subject to compliance with Finance and Contract Rules;
	(c) The use of innovative methods of treatment following an assessment of alternative methods;
	(d) The traffic management arrangements to enable to works to be carried out safely in accordance with the requirements of the Health & Safety Executive;

		e) Consultation with appropriate interested bodies, residents and businesses likely to be affected by the works, in accordance with approved policy.
25.31 Authority to approve the sealing of Traffic Regulation Orders made under the Road Traffic Regulation Act 1984 where objections have been received during the period for objection but where:	25.31 Authority to approve the advertising of Traffic Regulation Orders where either:	
(a) The concerns of the objectors can be accommodated by amending the Order without seriously prejudicing the original intention of the proposal;	(a) The Order has been requested by residents and businesses to control parking or traffic movements in a local area;	
(b) The concerns of the objectors are not based on a proper understanding of the effects of the Order but the objectors do not withdraw the objections following a further explanation of the effects;	(b) The Order is required to improve the safety of the highway network;	
(c) The number of objectors to the proposed Order is matched by an equal or greater number of supporters for the proposed Order;	(c) The Order is required for safety reasons following the structural assessment of a bridge and structure;	
(d) There are no more than 2 objectors to the proposed Order and their objections are based on the personal inconvenience which the proposed Order may cause to those individuals.	(d) The Order is required to allow the satisfactory implementation of a Minor Improvement Scheme;	
	(e) The Order is required to improve the efficient operation of the highway network;	
	(f) The Order is required to assist with improving air quality.	
25.32 Authority to approve "No Parking on the Verge" signs in accordance with approved policy.	25.32 Authority to authorise the sealing of Traffic Regulation Orders made under the Road Traffic Regulation Act 1984 where there have been no objections received during the period for objection.	
25.33 Authority to approve details and locations of authorised items of street furniture, including traffic signs, road markings, lighting and associated equipment, statutory undertakers' equipment, safety	25.33 Authority to approve the sealing of Traffic Regulation Orders made under the Road Traffic Regulation Act 1984 where objections have been received during the period for objection but where:	

barriers, bollards, bus stops, bus shelters, seats, litter bins and other street furniture in accordance with the approved policies of the Council.	
	(a) The concerns of the objectors can be accommodated by amending the Order without seriously prejudicing the original intention of the proposal;
	(b) The concerns of the objectors are not based on a proper understanding of the effects of the Order but the objectors do not withdraw the objections following a further explanation of the effects;
	(c) The number of objectors to the proposed Order is matched by an equal or greater number of supporters for the proposed Order;
	(d) There are no more than 2 objectors to the proposed Order and their objections are based on the personal inconvenience which the proposed Order may cause to those individuals.
	Subject to the Order being in accordance with approved policy and only after discussion with Ward Councillors and, where appropriate, following full consultation with local residents and businesses. Where objections do not fall within 25.31(a) to (f) the matter will be referred to the Development Control Committee for determination.
25.34 Authority to approve displays and exhibitions in pedestrianised areas in accordance with approved policy.	25.34 Authority to approve “No Parking on the Verge” signs in accordance with approved policy.
25.35 Authority to provide advice and direction to statutory undertakers and contractors on safety matters while working in the highway, including signing requirements, restrictions of working arrangements to suit traffic conditions, and requirement to cease working where such directions and renditions are not met.	25.35 Authority to approve details and locations of authorised items of street furniture, including traffic signs, road markings, lighting and associated equipment, statutory undertakers’ equipment, safety barriers, bollards, bus stops, bus shelters, seats, litter bins and other street furniture in accordance with the approved policies of the Council.
25.36 In accordance with the requirements of the Public Lighting Contract authorise advertising on street lighting columns.	25.36 Authority to approve displays and exhibitions in pedestrianised areas in accordance with approved policy.

<p>25.37 Authority to undertake administration of the Public Health Act, 1936, in relation to Part XI - Culverts, ditches and water courses.</p>	<p>25.37 Authority to provide advice and direction to statutory undertakers and contractors on safety matters while working in the highway, including signing requirements, restrictions of working arrangements to suit traffic conditions, and requirement to cease working where such directions and renditions are not met.</p>
<p>25.38 Authority to administer sections 169 and 173 of the Highways Act 1980, with regard to scaffold licences and hoarding permits.</p>	<p>25.38 In accordance with the requirements of the Public Lighting Contract authorise advertising on street lighting columns.</p>
<p>25.39 Authorise members of staff (in consultation with the Head of Public Protection) employed in Street Pride to act on behalf of the Council from time to time in enforcing the following legislation:-</p> <p>Control of Pollution Act 1974 Refuse Disposal (Amenities) Act 1978 Litter Act 1983 Environmental Protection Act 1990 Environmental Act 1995 Waste Minimisation Act 1998 Clean Neighbourhoods and Environmental Act 2005</p>	<p>25.39 Authority to undertake administration of the Public Health Act, 1936, in relation to Part XI - Culverts, ditches and water courses.</p>
	<p>25.40 Authority to administer sections 169 and 173 of the Highways Act 1980, with regard to scaffold licences and hoarding permits.</p>
	<p>25.41 Authorise members of staff (in consultation with the Head of Public Safety) employed in Street Pride to act on behalf of the Council from time to time in enforcing the following legislation:-</p> <p>Control of Pollution Act 1974 Refuse Disposal (Amenities) Act 1978 Litter Act 1983 Environmental Protection Act 1990 Environmental Act 1995 Waste Minimisation Act 1998 Clean Neighbourhoods and Environmental Act 2005</p>
<p>Note: The following provisions may be exercised by the:</p>	<p>Note: The following provisions may be exercised by the:</p>

<p>Head of Service, Engineering and Transportation: 25 (2) through to 25(39) Head of Property Services, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14.</p>	<p>Head of Service, Engineering and Transportation: 25 (2) through to 25(41)</p>
<p>26. Chief Internal Auditor</p>	<p>26. Head of Benefits</p>
<p>27. Head of Human Resources and Development</p>	<p>No change</p>

Part 4 – Rules of procedure

1 – Council procedure rules

Existing wording	Proposed wording
<p>1. Annual Meeting of the Council</p> <p>1.1 Timing and business</p> <p>In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.</p> <p>The annual meeting will:-</p> <ul style="list-style-type: none"> (i) elect a person to preside if the Mayor is not present; (ii) elect a person to be Mayor; (iii) appointment of a person to be Deputy Mayor; (iv) approve the minutes of the last meeting as a correct record to be signed by the person presiding; (v) receive any announcements from the person presiding; (vi) declarations of interest; (vii) elect the Leader; 	<ul style="list-style-type: none"> (vii) elect the Executive Leader if there is a vacancy

- (viii) agree the number of Members to be appointed to the Executive and appoint those Members of the Cabinet;
- (ix) appoint at least one Scrutiny and Performance Panel, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Table 1 of this Constitution);
- (x) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Table 3 of this Constitution);
- (x) approve a programme of ordinary meetings of the Council for the year; and
- (xii) consider any business set out in the notice convening the meeting.

(viii) Delete

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

- (i) appoint such Committees as they are required to appoint by or under statute, and may at the annual meeting (or at any other time) appoint such other Committees as it considers necessary;
- (ii) determine the terms of reference of each Committee appointed and of how many voting Members each Committee shall consist, in the case of any Committee discharging functions relating to disciplinary or appeals matters affecting staff, membership shall be restricted to those elected Members of the Council who have completed an approved training course in relation to the Council's disciplinary procedure and appeals procedure; in the case of a Scrutiny and Performance Panel, membership shall not include any Member of

<p>the Council who is a Member of the Executive;</p> <ul style="list-style-type: none">(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 appoint to those Committees;(v) receive nominations of Councillors to serve on each outside body and appoint to those outside bodies, except where appointment has been delegated by the Council or is exercisable only by the Executive.	
<p>2. Ordinary meetings</p> <ul style="list-style-type: none">(a) Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:<ul style="list-style-type: none">(i) elect a person to preside if the Mayor and Deputy Mayor are not present;(ii) approve the minutes of the last meeting;(iii) receive any declarations of interest from Members;(iv) receive any announcements from the person presiding;(v) to deal with any business which must by Statute be dealt with before any other business;(vi) at the first meeting in any calendar year the Council shall name from the Members of the Council at that date, the Mayor-Elect and Deputy Mayor-Elect for the ensuing	

Municipal Year;

- (vii) to receive any petitions;
- (viii) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (ix) answer questions received from Members under Rule 11 in the order in which they were received;
- (x) deal with any business from the last Council meeting;.
- (xi) receive reports and recommendations from the Executive and receive questions and answers on any of those reports;
- (xii) receive reports and recommendations from the Council's Committees and receive questions and answers on any of those reports;
- (xiii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xiv) consider motions in the order in which they were received;
- (xv) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Scrutiny and Performance Panel for debate.

New (xiv) then renumber existing (xiv) and (xv)

Receive an annual report limited to a 5 minute presentation, from each portfolio holder each municipal year followed by a reply to any question raised by a member.

(b) The order of items (i), (ii), (iii), (iv) and (v) shall be not be varied.

<p>The order of business may be varied:</p> <ul style="list-style-type: none"> (a) by the person presiding, but not so as to alter the order of items (i) to (v); or (b) a resolution of the Council moved, seconded and put to the vote without comment, but not so as to alter the order of items (i) to (v). 	
<p>3. Extraordinary meetings</p> <p>3.1 Calling extraordinary meetings</p> <p>Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:-</p> <ul style="list-style-type: none"> (i) the Council by resolution; (ii) the Mayor of the Council; (iii) the monitoring officer; and (iv) any five members of the Council if they have signed a requisition presented to the Mayor of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition. <p>3.2 Business</p> <ul style="list-style-type: none"> (a) The business to be transacted at an extraordinary meeting of the Council shall be restricted to the business for which the meeting was requisitioned. (b) No extraordinary meeting of the Council to consider business which would have the effect of varying its cash limits shall be called within three months of the Council Tax being set, except where this is necessary to comply with current legislation or regulations. 	<ul style="list-style-type: none"> (iii) the Head of Paid Service and/or the Monitoring Officer or the Chief Finance Officer

<p>11. Questions by members</p> <p>11.1 On reports of the Executive or Committees</p> <p>A Member of the Council may ask the Leader or the Chairman of a Committee any question without notice upon an item in a report of the Executive or the Cabinet or a Committee when that item is being received or under consideration by the Council.</p> <p>11.2 Questions on notice at Council</p> <p>Subject to Rule 11.4, a member of the Council may ask:-</p> <ul style="list-style-type: none"> • a Member of the Executive; • the Chairman of any Committee or Sub-Committee • the Member nominated by a Joint Authority or the Police Authority; <p>a question on any matter in relation to which the Council has powers or duties or which affects the Borough.</p> <p>11.3 Questions on notice at Committees and Sub-Committees</p> <p>Subject to Rule 11.4, a Member of a Committee or Sub-Committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the Borough and which falls within the terms of reference of that Committee or Sub-Committee.</p> <p>11.4 Notice of questions</p> <p>A Member may only ask a question under Rule 11.2 or 11.3 if:</p> <p>(a) since the last council meeting they have given at least 7 clear days notice in writing of the question to the Chief Executive, or in</p>	<p>11.1 (b) Portfolio holders annual report</p> <p>A member of the Council may ask the portfolio holder any question and another associate question without notice upon the annual portfolio holders report. Questioning by members of the Council shall be limited to 10 minutes for each report presented.</p>
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the case of a Joint Authority of which the Council is a constituent authority or the Police Authority, in which case 10 working days are required;

- (b) the question relates to urgent matters, they have the consent of the person presiding to whom the question is to be put and the content of the question has been given to the Chief Executive by noon on the day of the meeting;
- (c) questions will be dealt with strictly in accordance with the order in which they are received by the Chief Executive except where one or more member has submitted more than one question. In that case the first question from each member shall be listed, then the second question and so on , in the order they were received.
- (d) every question shall be relevant to the authority's function, or the area of authority or part of it or the inhabitants of the area or some of them;
- (e) the Member is not present to ask the question, it shall lapse.

11.5 **Response**

An answer may take the form of:

- (a) a direct oral answer;
- (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 orally, a written answer circulated later to the questioner.

11.6 **Supplementary question**

A Member asking a question under Rule 11.2 or 11.3 may ask one supplementary question without notice of the Member to whom the first

<p>question was asked. The supplemental question must arise directly out of the original question or the reply.</p> <p>11.7 Miscellaneous</p> <p>No speech or motion shall be made, and no discussion shall take place upon any question or the answer given.</p> <p>11.8 Time allowed for questions</p> <p>Not more than 30 minutes shall be allowed for dealing with questions received under this Rule.</p>	
<p>17. State of Walsall debate</p> <p>17.1 Calling of debate</p> <p>The Leader will call a state of Walsall debate annually at the final ordinary meeting of Council in the municipal year.</p> <p>17.2 Form of debate</p> <p>The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity.</p> <p>17.3 Chairing of debate</p> <p>The debate will be chaired by the person presiding.</p> <p>17.4 Results of debate</p> <p>The results of the debate will be:</p>	<p>17.1 The Leader will call a state of Walsall debate annually on the first ordinary meeting of Council in the municipal year.</p>

<ul style="list-style-type: none"><li data-bbox="224 159 1209 231">(i) disseminated as widely as possible within the community and to agencies and organisations in the area; and<li data-bbox="224 263 1164 343">(ii) considered by the Leader in proposing the budget and policy framework to the Council for the coming year.	
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4 – Executive procedure rules

Existing wording	Proposed wording
<p>1. How does the Executive operate?</p> <p>1.1 Who may make Executive decisions?</p> <p>The arrangements for the discharge of executive functions are set out in the Executive arrangements adopted by the Council.</p> <p>If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the adopted arrangements or the Leader may provide for executive functions to be discharged by:-</p> <ul style="list-style-type: none">(i) the Executive as a whole;(ii) a Committee of the Executive;(iii) an officer;(iv) joint arrangements; or(v) another local authority. <p>but not by an individual Member of the Executive.</p> <p>1.2 Delegation by the Leader</p> <p>At the Annual Meeting of the Council, the Leader will present to the Council a written record of delegations to individual Executive Members for inclusion in the Council’s scheme of delegation at Part 3 to this Constitution, insofar as this Constitution permits and insofar as these are not allocated by the Council itself. The document presented will contain the following information about executive functions in relation to the coming year:-</p>	

- (i) the names, addresses and wards of the people appointed to the Executive by the Council;
- (ii) the extent of any authority delegated to Executive Members individually, including details of the limitation on their authority;
- (iii) the terms of reference and constitution of such Executive Committees as the Leader appoints and the names of Executive Members appointed to them;
- (iv) the nature and extent of any delegation of executive functions to any other authority or any joint arrangements and the names of those Executive Members appointed to any joint Committee for the coming year; and
- (v) 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**

- (a) Unless the Council directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a Committee of the Executive or to an officer.
- (b) Unless the Leader directs otherwise, a Committee of the Executive to whom functions have been delegated by the Leader may delegate further to an officer.
- (c) Even 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**

- (a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- (b) If the Leader is able to decide whether to delegate executive functions, he/she may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Chief Executive 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, Committee or the Executive as a whole. The Chief Executive will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (c) Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its chair.

1.5 **Conflicts of Interest**

- (a) Where the Leader or any member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every Member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a Committee of the Executive, an individual Member or an

officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

The Code of Conduct contains specific rules relating to personal interests and prejudicial interests as set out in Part 5. Members must declare their interest and proceed in accordance with the Code.

1.6 Executive meetings – when and where?

The Executive will meet in accordance with the calendar of meetings approved by the Council at the Annual Council Meeting. The Executive shall meet at the Council House or another location to be agreed by the Leader.

1.7 Public or private meetings of the Executive?

The Executive will normally meet in public in accordance with the Access to Information Rules in Part 4 of this Constitution, except where confidential or exempt information is likely to be disclosed. The Executive will follow the principles of decision making set out in Article 13, inter alia, the presumption in favour of openness.

1.8 Quorum

The quorum for a meeting of the Executive, or a Committee of it, shall be one third of the number of Members of the Executive or its Committee respectively.

1.9 How are decisions to be taken by the Executive?

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

(b) Where executive decisions are delegated to a Committee of the Executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

2. How are Executive meetings conducted?

2.1 Who presides?

The Leader will preside at any meeting of the Executive or its Committees at which he/she is present. In his/her absence, then a person appointed to do so by those present shall preside.

2.2 Who may attend?

These details are set out in the Access to Information Rules in Part 4 of this Constitution. The Executive may determine if these rules should be widened, for example to enable members of the public to attend meetings that would otherwise be private.

2.3 What business?

At each meeting of the Executive the following business will be conducted:-

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;

2.2(b) A Scrutiny and Performance Panel chair, vice-chair or group leader may attend a meeting of the Cabinet (not a private meeting) and may without notice ask questions and or comment on any report that falls within their panels remit, subject to a maximum time limit of 5 minutes.

- (iii) matters referred to the Executive (whether by a Scrutiny and Performance Panel or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny and Performance Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) consideration of reports from Scrutiny and Performance Panels; and
- (v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

2.4 **Consultation**

All reports to the Executive from any Member of the Executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny and Performance Panels, 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 Executive agenda?**

- (a) The Leader may put on the agenda of any Executive meeting any matter which he/she wishes, whether or not authority has been delegated to the Executive, a Committee of it or any Member or officer in respect of that matter. The Chief Executive will comply with the Leader's requests in this respect.

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| <ul style="list-style-type: none">(b) Any Member of the Executive may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration. If he/she receives such a request the Chief Executive will comply.(c) The Chief Executive will make sure that an item is placed on the agenda of the next available meeting of the Executive where a relevant Scrutiny and Performance Panel or the Council have resolved that an item be considered by the Executive.(d) Any Member of the Council, by notice to the Chief Executive, may ask the Leader to put an item on the agenda of an Executive meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual may be invited to attend the meeting, whether or not it is a public meeting. However, there may only be one such item per Executive meeting. Where there is more than one item, the placement on the agenda or deferral to the following meeting of the Executive shall be at the discretion of the Leader.(e) The monitoring officer and/or the chief financial officer may include an item for consideration on the agenda of an Executive meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, chief financial officer and monitoring officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered. | |
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Access to information rules 15 and 16 reproduced for ease of location

3. General exception

If a matter which is likely to be a key decision has not been included in the forward plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- (b) the Chief Executive has informed the Chair of a relevant Scrutiny and Performance Panel, or if there is no such person, each Member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Chief Executive has made copies of that notice available to the public at the offices of the Council; and
- (d) at least 5 clear working days have elapsed since the Chief Executive complied with (b) and (c).

Where such a decision is taken collectively, it

must be taken in public.

4. Special urgency

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the Chair of a relevant Scrutiny and Performance Panel that the taking of the decision cannot be reasonably deferred. If there is no Chair of a relevant Scrutiny and Performance Panel, or if the Chair of each relevant Scrutiny and Performance Panel is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor will suffice.

14 – Visits by HM Government ministers and shadow ministers protocol

Government ministerial visits can fall into two categories – Political and Official.

1. Political visits

Such visits are arranged by or through the political parties or Members of Parliament themselves for political promotion purposes and officers should not take part in these visits. However, it is recognised that some political visits may be for purposes where briefings by Council officers could benefit the Council. These situations must always be the subject of prior discussion with the Chief Executive.

2. Official visits

2.1 Official visits will usually be organised by the Government Regional Office. Attendance at such visits has to be agreed between the Council and the Minister. In seeking agreement about attendance, consideration should be given to the following:

- the Leader of the Council
- all other political group leaders
- the appropriate Cabinet member
- the appropriate Scrutiny and Performance Panel and/or Council Committee chair
- the ward Councillors if the visit includes initiatives or issues which have a particular ward connection. Visits for purposes which affect more than one ward would not normally involve ward Councillors
- the Chief Executive, Executive Directors and support staff as appropriate.

Variations to this list must always be the subject of prior agreement with the Chief Executive. It is acknowledged that it is not for either the Council or the Minister's Office to determine attendance but for agreement between the two.

2.2 It is not necessary for Council officers to concern themselves about arrangements for the Member of Parliament to attend on Ministerial visits. These arrangements are handled direct by the Minister's Office or Government Regional Office.

2.3 It is also important to alert all Executive Directors to forthcoming ministerial visits so that clashes of visits can be avoided.

2.4 The Chief Executive must always be consulted in cases of difficulty and requests to vary this protocol for particular visits should be referred to the Chief Executive.

2.5 Shadow ministerial visits will fall into the "political visits" category.

Protocol 15 – Handling of petitions

Introduction

1. This protocol relates to the procedure for the submission of petitions by Councillors and members of the public on matters of concern to the appropriate Committee to ensure that the petition is dealt with in the appropriate manner.
2. Petitions may be presented at any meetings of the Council (or its Committees), handed in by members or received from Members of Parliament or members of the public.

Procedure

- Petition received by members and either presented at Council or referred to Constitutional Services .
- Petition presented by a Member of Parliament or member of the public.
- Petition recorded by Constitutional Services
- Petitions, in the first instance, will be forwarded to the appropriate Executive Director, with the exception of those addressed directly to an Executive Director.
- In the case of petitions addressed directly to an Executive Director, the Director to acknowledge and a copy sent to Constitutional Services for record purposes.
- If appropriate action can be taken by the Executive Director within delegated powers, this will be carried out and a note of the action sent to person presenting the petition and Constitutional Services.
- In the case of petitions relating to regulatory matters, these will be dealt with as objections to published proposals and processed in the usual manner.

TIMETABLE 2010/2011

	May	June	July	August	September	October	November	December	January	February	March	April	May
Mon.	3 Bank hol.			2			1 Bloxwich AC		3 Bank hol				2 Bank hol
Tue.	4	1 Bank hol		3			2 Employ B Streetly AC		4 Employ B Environ. SP Health SP	1 Employ B Streetly AC	1 Employ B Children SP		3
Wed.	5	2 Licensing		4	1 Audit		3	1 Licensing	5 Darlaston AC	2	2 Licensing		4
Thur.	6 Elections	3	1 Employ A Streetly AC	5	2 Social Care SP		4 Employ A Children SP	2 Employ A Planning	6 Employ A Planning	3 Employ A	3 Employ A Corporate SP		5 Elections
Fri.	7	4	2	6	3	1	5	3 Sp. Children£	7	4	4	1	6
Mon.	10	7 Sp. Council	5 St. Matthews AC	9	6 Brownhills AC	4 Environ. SP	8 Council	6 Sp. Regen£	10 Council	7 Bloxwich AC	7 Health SP	4 Bloxwich AC	9
Tue.	11	8 Employ B Com. Serv.SP	6 Employ B Darlaston AC	10	7 Employ B Com. Serv. SP	5 Employ B Health SP	9 Employ B St. Matts.AC	7 Employ B Audit	11 Employ B Regen. SP	8 Employ B	8 Employ B Environ. SP	5 Employ B	10
Wed.	12	9 Cabinet	7	11	8	6	10 Willenhall AC	8	12 Cabinet	9 Cabinet	9	6 Willenhall AC	11
Thur.	13	10 Employ A Environ. SP Social Care SP	8 Employ A Planning	12	9 Employ A Planning	7 Employ A Social Care SP	11 Employ A Planning	9 Employ A Corporate SP£	13 Employ A	10 Employ A	10 Employ A Planning	7 Employ A Com. Serv. SP	12
Fri.	14	11	9	13	10	8	12	10 Corporate£	14 Health SP£	11	11	8	13
Mon.	17	14 Audit	12 Standards SACRE	16	13 Council	11 SACRE	15 Corporate SP	13 Brownhills AC	17 Social Care SP£	14 St. Matts. AC	14 SACRE	11 Standards St. Matts. AC	16
Tue.	18	15 Employ B Children SP Corporate SP	13 Employ B Com. Serv.SP	17	14 Employ B Bloxwich AC	12 Employ B	16 Employ B Environ. SP	14 Employ B Bloxwich AC	18 Employ B Audit	15 Employ B Social Care SP	15 Employ B	12 Employ B Audit	17
Wed.	19	16	14 Cabinet	18	15 Cabinet	13 Cabinet	17 Cabinet Darlaston AC	15 Cabinet	19 Licensing	16 Willenhall AC	16 Cabinet	13 Cabinet Darlaston AC	18
Thur.	20	17 Employ A Planning	15 Employ A Social Care SP	19 Planning	16 Employ A Corporate SP	14 Employ A Com. Serv. SP	18 Employ A Social Care SP	16 Employ A Children SP	20 Employ A Com. Serv SP£	17 Employ A Planning	17 Employ A Regen. SP	14 Employ A Corporate SP	19
Fri.	21	18	16	20	17	15	19	17	21 Corporate£	18	18	15	20
Mon	24 An. Council	21 Audit	19 Council	23	20 St. Matts. AC	18 Standards	22	20 St. Matts. AC	24 Standards Environ. SP£	21	21 Brownhills AC	18 Council	23 An. Council
Tue.	25	22 Employ B Health SP	20 Employ B Children SP	24	21 Employ B StreetlyAC	19 Employ B	23 Employ B	21 Streetly AC	25 Employ B Children SP	22 Employ B Com. Serv. SP	22 Employ B	19 Employ B Environ. SP	24
Wed	26 Adj. Council	23	21 Licensing	25	22 Willenhall AC	20 Licensing	24	22 Willenhall AC	26	23 Darlaston AC	23	20 Licensing	25 Adj Council
Thur	27 Planning	24 Employ A Regen. SP	22 Employ A Corporate SP	26	23 Employ A Regen. SP	21 Employ A Planning	25 Employ A Com. Serv.SP	23	27 Employ A Planning	24 Employ A Council	24 Employ A Social Care SP	21 Employ A Planning	26
Fri	28	25	23	27	24	22	26 Sp. Health£	24	28 Regen. £	25	25	22 Bank hol	27
Mon	31 Bank hol	28 Brownhills AC	26 Environ. SP Regen. SP	30 Bank hol	27 Children	25 Audit	29Sp Envir SP£ Sp Soc. Care£	27 Bank hol	31 Brownhills AC	28 Audit	28 Streetly AC	25 Bank hol	30 Bank hol
Tue		29 Employ B Bloxwich AC	27 Employ B Health SP	31 Bank hol	28 Employ B Audit	26 Employ B Brownhills AC	30 Employ B Sp. Com Serv.£	28 Bank hol			29 Employ B	26 Bank hol	31 Bank hol
Wed		30 Willenhall AC	28		29 Darlaston AC	27		29 Bank hol			30	27 Regen. SP	
Thur			29 Employ A Planning		30 Employ A Planning	28 Employ A Regen. SP		30			31 Employ A Planning	28 Children SP Health SP	
Fri			30			29		31				29	

Abbreviations – see overleaf

Timetable abbreviations

Regulatory Committees

Audit	Audit Committee
Employ A	Employment Appeals Committee A
Employ B	Employment Appeals Committee B
Licensing	Licensing and Safety Committee
Planning	Planning Committee
Standards	Standards Committee

Scrutiny and Performance Panels

Children SP	Children’s and Young People Scrutiny and Performance Panel
Com. Serv. SP	Community Services Scrutiny and Performance Panel
Corporate SP	Corporate Scrutiny and Performance Panel
Environ. SP	Environment Scrutiny and Performance Panel
Health SP	Health Scrutiny and Performance Panel
Regen. SP	Regeneration Scrutiny and Performance Panel
Social Care SP	Social Care and Inclusion Scrutiny and Performance Panel

Area Community meetings

Bloxwich AC	Bloxwich/Blakenall, Birchills-Leamore
Brownhills AC	Brownhills/ Pelsall, Rushall-Shelfield
Darlaston AC	Darlaston/Bentley
St. Matts AC	St. Matthew’s/Paddock/Palfrey/Pleck
Streetly AC	Streetly/Pheasey/Aldridge/Walsall Wood
Willenhall AC	Willenhall/Short Heath