



Walsall Council

REPORTS BOOKLET

To be presented to Adjourned Council at the Meeting
to be held on **Wednesday 25TH MAY 2022**

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HELEN PATERSON

Chief Executive
Walsall

Formation of political groups

1. Summary of report

This report informs the Council of the composition of political groups making up the Council. The report explains the political balance on Council Committees consistent with the provisions of the Local Government (Committees and Political Groups) Regulations 1990 (as amended).

2. Recommendations

That the Council notes the receipt of returns from political groups.

3. Political Groups

- 3.1 Returns have been received in accordance with the provisions of the Local Government (Committees and Political Groups) Regulations, 1990 (as amended) as follows:

(a) **Conservative Group (38)**

Group Leader:	Councillor M. Bird
Deputy Leader:	Councillor A. Andrew

Councillor G. Ali
Councillor B. Allen
Councillor B. Bains
Councillor G. Clarke
Councillor S. Cooper
Councillor S. Elson
Councillor K. Ferguson
Councillor G. Flint
Councillor M. Follows
Councillor N. Gandham
Councillor A. Garcha
Councillor A. Harris
Councillor L. Harrison
Councillor A. Hicken
Councillor A. Hussain
Councillor I. Hussain
Councillor S. Johal
Councillor P. Kaur
Councillor R. Larden
Councillor E. Lee
Councillor R. Martin

Councillor K. Murphy
Councillor J. Murray
Councillor K. Pedley
Councillor G. Perry
Councillor W. Rasab
Councillor L. Rattigan
Councillor S. Samra
Councillor K. Sears
Councillor G. S. Sohal
Councillor C. Statham
Councillor M. Statham
Councillor C. Towe
Councillor V. Waters
Councillor J. Whitehouse
Councillor T. Wilson

(b) Labour Group (20)

Group Leader: Councillor A. Nawaz
Deputy Leader: Councillor K. Hussain

Councillor H. Bashir
Councillor C. Bott
Councillor P. Bott
Councillor R. Burley
Councillor S. Cheema
Councillor C. Creaney
Councillor S. Ditta
Councillor N. Gultasib
Councillor C. Horton
Councillor S. Hussain
Councillor T. Jukes
Councillor F. Mazhar
Councillor R. Mehmi
Councillor S. Nasreen
Councillor A. Nazir
Councillor A. Underhill
Councillor R. Worrall
Councillor A. Young

Ratio for allocation of Committee seats

4. The allocation of Council Committee places must be made in accordance with the provisions of the Local Government and Housing Act, 1989. Achieving political balance is a complex process which requires a compromise to be made between sets of calculations. This can result in marginal differences which may be significant to Committee representation of individual political groups. The required “balance” has to be achieved by the Council allocating seats on individual Committees to properly constituted political groups based on the size of each group in relation to the size of the Council and so far as is reasonably practicable at the same time the total number of seats allocated to each group across all Committees must be in the same proportion.
5. These calculations are rarely exact, but in seeking to ensure that all political groups are dealt with fairly, this report implements the requirements of the relevant legislation.
6. The Council is open to legal challenge if it was thought not to have used its best endeavours to achieve “so far as reasonably practicable” a position where the allocation of seats reflects the political make-up of the Council. The final decision necessary to achieve political balance lies with the Council and officers have worked to bring forward to Council clear recommendations to achieve the intentions of the legislation.
7. On the basis of the political groups the allocation of seats on Committees must be calculated in the ratio of 38: 20: 1:1 reflecting the size of the groups on the Council.
8. The declared political groups have been asked for nominations to the allocated places in accordance with their numerical strength as recorded in their returns to the Chief Executive.

Background papers

Local Government (Committees and Political Groups) Regulations 1990 (as amended)
Papers returned by Group Leaders to the Chief Executive May 2022.

Signed: 

Chief Executive

Date: 18th May 2022

Members appointed to Executive – Portfolio Responsibilities including Council Plan Vision and Outcomes Leads 2022/23-25

The Council has 5 Corporate Priorities – Economic Growth, People, Internal Focus, Children and Communities. These are underpinned by 10 Outcomes.

The Leader oversees the Council Plan Vision and each Portfolio Holder has been designated as Lead for at least one Outcome (shown in italics). It is recognised however, that each of the outcomes are cross-cutting in nature and therefore linkages will be made with all portfolios to deliver these outcomes.

Description of portfolio	Names of portfolio holder
<p>Leader of the Council</p> <p><i>Council Plan Vision: Inequalities are reduced and all potential is maximised. Together we are committed to developing a healthier, cleaner and safer Walsall and creating an environment that provides opportunities for all residents, communities and businesses to fulfil their potential and thrive.</i></p> <p>Overall responsibility for Council strategy, the Council Plan, Proud Way of Working, communications and public relations, emergency planning, government relations and liaison with local MPs and West Midlands leaders. West Midlands Combined Authority, Association of Black Country Authorities and Black Country Joint Committee. Transformation and digital (incl. Information Governance). Financial vision and strategy. Finance including payroll and pensions, insurance, risk management, financial reporting, policy led budgeting and MTFO. Financial Regulations, Audit, Counter Fraud and Corruption, Treasury Management, financial systems, external funding Legal and Democratic Services, Performance. Member Development. Governance, Business Insights (intelligence), Policy and Strategy Unit.</p>	<p>Cllr Mike Bird</p>
<p>Deputy Leader and Regeneration</p> <p><i>Supporting a dynamic, resilient and diverse economy where businesses invest and everyone has the right jobs and the right housing in the right place.</i></p> <p>Statutory Deputy Leader as required by Schedule A1 of Local Government Act 2000</p>	<p>Cllr Adrian Andrew</p>

<p>Economic development, physical development, markets, property and strategic asset management, Black Country Consortium, sub regional regeneration issues. Town and district centres, planning policy and local development framework. Strategic housing role. Traffic and transportation, car parks, strategic transport and highways. Business liaison. Programme Delivery.</p>	
<p>Deputy Leader and Resilient Communities</p> <p><i>Children and young people grow up in connected communities and feel safe everywhere</i></p> <p><i>Our communities will be more resilient and supportive of each other</i></p> <p>Oversight role for all Cabinet portfolios;</p> <p>Resilient Communities including Locality co-ordination, community development, engagement and consultation, community associations, voluntary and community sectors, Community Safety, community cohesion, Safer Walsall Partnership, public protection. Leisure and culture services including the New Art Gallery, libraries, sports and museums. Cemeteries and crematoria.</p>	<p>Cllr Garry Perry</p>
<p>Education and Skills</p> <p><i>Education, training and skills enable people to contribute to their community and our economy</i></p> <p>Schools and education services, interagency cooperation, involvement of children and young people, special educational needs, disabilities and inclusion. Adult learning.</p>	<p>Cllr Mark Statham</p>
<p>Adult Social Care</p> <p><i>People can access support in their community to keep safe and well and remain independent at home</i></p> <p>Care services for older people and people with learning disabilities, people with physical disabilities and people with mental health needs, health partnership, commissioning and CCG/health interface lead supporting people, protection for vulnerable adults, transition arrangements between Children's and Adult Social Care.</p>	<p>Cllr Keir Pedley</p>

<p>Clean and Green</p> <p><i>The people of Walsall feel safe in a cleaner, greener Borough</i></p> <p>Gateways and corridors, pollution control, waste strategy, refuse collection, recycling, street cleaning, parks (maintenance) and the Council's vehicle fleet.</p>	<p>Councillor Kerry Murphy</p>
<p>Children's</p> <p><i>Children and young people thrive emotionally, physical, mentally and feel they are achieving their potential</i></p> <p>Statutory role as Lead Member for Children's Services</p> <p>Services for children in need of help and protection, children looked after and care leavers, early help, involvement of children and young people, transition arrangements between Children's and Adult Social Care and Walsall children's Safeguarding board, Chair of Corporate Parenting Board</p>	<p>Cllr Tim Wilson</p>
<p>Customer</p> <p><i>The Council will deliver trusted, customer focused, and enabling services which are recognised by customers and our partners for the value they bring</i></p> <p>Customer Experience Centre, Customer Access Management, Revenues and Benefits, Housing and Welfare, Housing Standards and Improvement, Migrant Support</p>	<p>Cllr Gaz Ali</p>
<p>Internal Services</p> <p><i>We get things right, first time and make all services accessible and easy to use.</i></p> <p>HR, Organisation Development. Learning and development, workforce equalities, procurement, Corporate Landlord including facilities and general asset management, catering, cleaning, caretaking. Admin and Business Support. Workforce.</p>	<p>Cllr Ken Ferguson</p>
<p>Health and Wellbeing</p> <p><i>People are supported to maintain or improve their health, wellbeing and quality of life</i></p> <p>Public Health functions and activities including commissioning services that affect the long term health</p>	<p>Cllr Gary Flint</p>

<p>of residents. Health protection for local outbreak management, infection prevention and control, immunisation. Healthy Spaces. Mental and emotional wellbeing.</p> <p>Chair of Health & Wellbeing Board.</p>	
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Annual Council – 23rd May 2022

Constitution, Officer Scheme of Delegation and timetable of meetings 2022/2023

1. Aim

- 1.1 To ensure that the Council's Constitution is accurate, decision making by officers is clear, transparent and lawful and an agreed timetable of meetings for the 2022/23 municipal year is made available.

2. Summary

- 2.1 In accordance with the Council's duty and requirements of Article 13 of the Constitution, a review of the Constitution is undertaken annually to ensure appropriateness for the forthcoming municipal year.
- 2.2 The review includes amendments to officer delegations, listed under Part 3.5 of the Council's Constitution, which must clearly set out the delegated powers given to holders of various posts within the Council.
- 2.3 The proposed timetable of meetings for the municipal year 2022/2023 is submitted to Annual Council to comply with the Council's Rules of Procedure and provides the pattern for the organisation and transaction of business at member level.

3. Recommendation

That:-

- 1 The proposed amendments to the Constitution (**appendix 1**), Officer Delegations (**appendices 2 and 3**) and timetable of meetings for the 2022/23 municipal year (**appendix 4**), be approved; and
- 2 That the Director of Governance be authorised to make minor and/or necessary changes to the Constitution.

4. Report detail – know

- 4.1 To assist members, proposed amendments have been attached as follows:-
 - **Appendix 1** sets out changes to the Constitution excluding officer delegations;
 - **Appendices 2 and 3** set out changes specifically relating to officer delegations and;
 - **Appendix 4** is a proposed timetable of meetings for the 2022/2023 Municipal Year.

- 4.2 The proposed amendments to the Constitution and officer delegations for the forthcoming municipal Year (2022/2023) reflect new legislation and operational changes across the Council during the last municipal year.
- 4.3 **Appendix 3** is a new addition to the delegations providing clarity on the level of delegations to officer tiers within the Council providing a clear and succinct guide for members, officers and the public alike.
- 4.4 Members will note that it is suggested that the Director of Governance be granted authority, by way of a delegation, to make minor and/or necessary amendments, as and when required, to ensure that the Council can react to situations as they develop. It is likely that, in practice, such changes will be minor such as updating changes to job titles. Any necessary amendments would only be undertaken should they be required due to an emergency, such as with Covid, when all other options have been explored.
- 4.5 To ensure openness and transparency in our governance arrangements, the Director of Governance, should Council approve the recommendation, would maintain a record of any changes within a register which will be submitted alongside the annual report to Council each May when the review of delegations is submitted.

5. Financial information

- 5.1 There are no direct financial implications.

6. Reducing Inequalities

- 6.1 It is imperative that the Councils decision making structures and processes are lawful, clear and transparent. This ensures that powers are used responsibly and reasonably to give confidence to the entire borough that decision making is fair and beyond reproach.

7. Decide

- 7.1 Whilst helpful in terms of ensuring that the Constitution can be amended more responsively to events or restructures (job titles etc..), Members may decide not to authorise the Councils Director of Governance to make minor and/or necessary amends and rely on existing processes instead.

8. Respond

- 8.1 If approved, the proposed amendments will be incorporated into the Constitution and published on the Councils Committee Management Information Website available to members and officers and the public.

9. Review

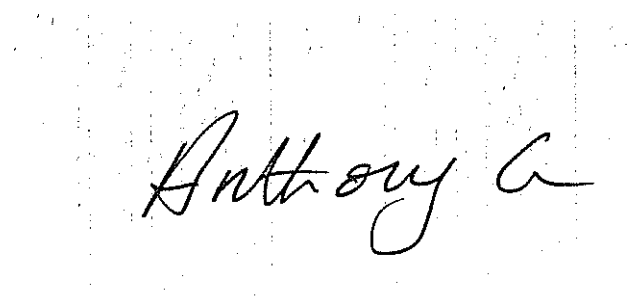
- 9.1 There will be an ongoing requirement to keep the Constitution up to date and officer delegations under review to ensure that the Council acts within the law.

Background papers

None

Author

Neil Picken
Principal Democratic Services Officer
☎ 01922 654369
✉ neil.picken@walsall.gov.uk

A handwritten signature in black ink, appearing to read 'Anthony A.', is written over a faint, dotted grid background.

Director of Governance
20th May 2022

Constitution Review 2022

Part/Article	Revision(s)	Reason
Index	<p>A. Access to Information include:-</p> <ul style="list-style-type: none"> Elected Members 	New section inserted detailing the member/officer protocol and member access to information.
Part 2 – Articles of the Constitution		
Article 2 – Members of the Council 2.03 (b)(i)	Reference to the Member Officer Protocol removed.	New section for Members created under Access to Information to provide clarity.
Article 4 – The Council 4.05	Delete word 'Development Control' and replace with 'Planning and Licensing'.	Updated wording.
Article 5 – Chairing the Council 5.01 (5 & 6)	<p>References to Scrutiny and Performance Panels deleted and replaced with:-</p> <p>'Overview and Scrutiny Committee'</p>	Name of committees has changed
Article 7 –The Executive 7.04	An 's' added to the word 'resolve' so it reads 'resolves'.	Typo corrected
Article 7 –The Executive 7.05 (2) Other Executive Members	List updated to reflect current structure of the Executive	Updated following the elections
Article 8 – Regulatory and Other Committees	Additional wording in italics:-	

<p>8.04 (a & b)</p>	<p>a) If an Overview and Scrutiny Committee is reviewing a decision of a Committee, of which the Councillor was a member when the decision was made, then the Councillor will have a significant interest, which she/he must disclose, before the agenda item is reached. <i>The Councillor should leave the room and not participate in the debate or decision.</i></p> <p>(b) If the interest is a disclosable pecuniary interest then the Councillor may not speak or vote on the matter and should leave the room or chamber where the meeting is being held. <i>Where a matter arises at a meeting which directly relates to an Other Registerable Interests, Councillors must disclose the interest. Councillors may speak on the that matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.</i></p>	<p>Rewritten to provide more clarity over dealing with interests</p>
<p>Article 12 – Finance, Contracts and legal matters</p> <p>12.03</p> <p>12.04 and 12.05</p>	<p>Insert word in <i>italics</i> and replace ‘Head of Legal and Democratic Services’ with ‘Director of Governance’:-</p> <p>The Director of Governance is authorised to institute, defend, <i>settle</i>, 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 Director of Governance considers that such action is necessary to protect the Council’s interests.</p> <p>Delete ‘Head of Legal and Democratic Services’ and insert ‘Director of Governance’</p>	<p>Change of 12.03 to reflect job title and power to settle proceedings</p> <p>Change of 12.03 to reflect job title</p>

PART 3 - RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS TABLE 2 - RESPONSIBILITY FOR COUNCIL FUNCTIONS		
7. Health and Wellbeing Board	<p>Revised Remit, frequency and start time:-</p> <p>To meet quarterly at 4.00.</p> <p>Remit:</p> <p>Remit</p> <p>(1) To deliver the Health and Wellbeing Board's statutory functions (under the Health and Social Care Act 2012), namely:</p> <ul style="list-style-type: none"> a) A duty to encourage integrated working between commissioners of NHS, public health and social care services, including arrangements under Section 75 of the NHS Act 2006. b) A duty to exercise the functions of Clinical Commissioning Groups (CCGs) and local authorities (conferred in Sections 192 and 193) to prepare and have regard to Joint Strategic Needs Assessments and joint Health and Wellbeing Strategies. c) A requirement to develop, publish and update Pharmaceutical Needs Assessments in a 3 year cycle. d) A right to be consulted by each Clinical Commissioning Group on its Commissioning plan, 	<p>Decision of the H & WBB</p>

	<p>Annual report and Performance Assessments and to give an opinion whether its plan takes proper account of the joint Health and Wellbeing Strategy.</p> <p>e) To support joint commissioning and pooled budget arrangements as a means of delivering service priorities; to seek assurance from respective organisations through regular reports on associated activity; and to approve plans accordingly.</p> <p>f) To require upon request, reports from other partnership bodies to assist the Board to perform its functions.</p> <p>g) To make arrangements for Joint Health and Wellbeing Board's as necessary.</p> <p>(2) To set strategic objectives across the health and social care system informed by the Joint Strategic Needs Assessment, with wider partners, in Walsall to advance the health and wellbeing of the people of Walsall</p> <p>(3) To gain assurance that strategic objectives are being fulfilled by the health and social care system in Walsall.</p> <p>(4) To gain assurance from partnership bodies in relation to plans for dealing with national and local public health crises.</p>	
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11. Standards Committee	<p>Include the following:-</p> <p>14) to consider the annual report of the Local Government and Social Care Ombudsman;</p> <p>15) to consider reports from the Local Government and Social Care Ombudsman in relation to investigations into complaints against the Council, in accordance with Section 31(2) of the Local Government Act 1974.</p>	<p>Lawful requirement</p> <p>Lawful requirement</p>
Part 4.0 Rules of Procedure	<p>Insertion of new section at paragraph 25 entitled:-</p> <p>‘Members access to information and to Council Documents’</p> <p>See attached – appendix 1(a).</p>	<p>New section inserted to assist members</p>
Part 4.7 Financial Rules		
Removal of ‘Assistant Directors’	That all references to Assistant Directors be removed from the Financial Rules and replace with ‘Directors’.	Change in structure.
Paragraphs 2.3.2 C (i) & (ii); D (i) & (ii), 2.4.2, 2.4.3, 3.6, 8.3, 8.5, 8.6, 8.8(a) & 9 (c), 9.2.10, 9.4.2 (a).	Insertion of the Director of Finance, Corporate Landlord and Performance in the paragraphs listed.	Change in structure.
Paragraph 6.2.3.	Replace Head of Legal and Democratic Services with ‘Director of Governance’	Change in structure.
PART 5 – CODES AND PROTOCOLS		
1. Members Code of Conduct	<p>Member Code of Conduct updated.</p> <p>See appendix 1b.</p>	Revised Code of Conduct approved by Standards Committee

Part 6 – Members Allowances Scheme	Updated following Council to reflect current figures.	Council decision February, 2021
Part 10 – List of members of the Council	To be updated after the Elections in May.	To ensure that the list is current.

25. Members' access to information and to Council documents

Introduction

- 25.1 Members all have the ability to ask for information pursuant to their legal rights to information. This right extends to such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Head of Service or another officer of the division concerned. In cases of doubt, Members should approach the Head of Democratic Services for assistance.
- 25.2 As regards the legal rights of Members to inspect Council documents, these are covered partly by statute and partly by common law.

Statutory Right of Access

- 25.3 Members have a statutory right to inspect any Council document which contains material relating to the business which is to be transacted by a meeting of Full Council or Committee thereof. This right applies irrespective of whether the Member is a Member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not, however, apply to documents relating to certain items which may appear as confidential/exempt (pink) item on the agenda for a meeting, see appendix 1: Exempt Information – Schedule 12A Local Government Act 1972. Examples of the items in question are those which contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, legal advice and criminal investigations.
- 25.4 In relation to business of the Executive, by virtue of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations, 2012 (the regulations) any document:
- (a) which is in the possession/under the control of the Executive; and
 - (b) contains material relating to the business to be conducted at that meeting, that document shall be available for inspection;
- must be available for inspection by members of the Council.
- 25.5 The Regulations do not require a document to be available for inspection by member if it discloses exempt information of a description falling within exempt information (see appendix 1) subject to a document is to be available for inspection if the information is information of a description for the time being falling within:

- (a) paragraph 3 of Schedule 12A - Information relating to the financial or business affairs of any particular person (including the authority holding that information). Except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract); or
- (b) paragraph 6 of Schedule 12A - Information which reveals that the authority proposes:
 - i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - ii) to make an order or direction under any enactment.

25.6 In addition a member has the same rights of access to information held by the Council under the Freedom of Information Act 2000 as a member of the public. The Act contains a number of exemptions, for example, where information is confidential, contains personal data or is commercially sensitive, it is likely to be exempt from disclosure under the Act.

Individual Members of Overview and Scrutiny Committee

25.7 In addition to the above rights, and per paragraph 23 of these Procedure Rules, the regulations provide that members of the Overview and Scrutiny Committee can obtain exempt information as set out in Appendix 1 or confidential information (see paragraph 9 below) but only if it is relevant to an action or decision that the Committee is reviewing or scrutinising; or which is relevant to any review contained in any work programme of the committee.

25.8 These members will also be entitled to copies of any document which is in the possession or control of the Executive, Executive (Cabinet) Committee, a Portfolio Holder, Advisory Panel or Consultative Forum and which contains material relating to:

- a) any business transacted at a meeting of the Executive, Executive (Cabinet) Committee, Advisory Panel or Consultative Forum; or
- b) any decision taken by an individual member of the Executive. Confidential information is defined as:
 - i). Information provided to the local authority by a government department which has forbidden the disclosure of the information to the public; or
 - ii). Information which cannot be disclosed to the public by a law or court order.

Common Law (Case law determined by the Courts)

25.9 The common law rights of Members remains intact, are much broader and

are based on the principle that any Member(s) has a prima facie right to inspect Council documents so far as his/her access to the document is reasonably necessary to enable the Member(s) properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the “need to know” principle.

- 25.10 The exercise of this common law right depends therefore, upon an individual Member being able to demonstrate that he/she has the necessary “need to know”. In this respect a Member has no right to “a roving commission” to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the “need to know”. This question must initially be determined by the particular Head of Service Manager whose Division holds the document in question (with advice from the Monitoring Officer).
- 25.11 In some circumstances (e.g. a Committee Member wishing to inspect documents relating to the business of that Committee) a Member’s “need to know” will normally be presumed. In other circumstances (e.g. a Member wishing to inspect documents which contained personal information about third parties), the Member will normally be expected to justify the request in specific terms. Furthermore, there will be a range of documents which, because of their nature are either not accessible to Members or are accessible only by the political group forming the administration and not by other political groups. An example of this latter category would be draft documents compiled in the context of emerging Council policies and draft Committee reports, the disclosure of which prematurely might be against the Council’s and the public interest.
- 25.12 Whilst the term “Council document” is very broad and includes for example, any document produced with Council resources, it is accepted by convention that a Member of one party group will not have a “need to know” and therefore, a right to inspect, a document which forms part of the internal workings of another party group.
- 25.13 Further and more detailed advice regarding Members rights to inspect Council documents may be obtained from the Monitoring Officer.
- 25.14 Finally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member’s duties as a Member of the Council. Therefore, for example, early drafts of Committee reports/briefing papers are not suitable for public disclosure and should not be used other than for the purpose for which they were supplied. This point is emphasised in paragraph 3 of the Code of Local Government Conduct:-

“A Member must not:

- (a) disclose information given to him in confidence by anyone, or

information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; nor

- (b) prevent another person from gaining access to information to which that person is entitled by law.”

Protocol for requesting information

25.15 If a member requests information and the officer concerned has no doubts that it can be disclosed, the information should be provided. However, where the officer has doubts that the information should be disclosed, the steps below should be followed.

25.16 Members should be asked to make a written request to the appropriate Director for the information to be provided. The request must state the purposes for which the information is required, having regard to the above guidance.

25.17 Where personal information is requested, the Member should complete the form attached at Appendix 2.

25.18 The Director should consider whether the information should be provided in accordance with the guidance above.

The Director should reply to the member within 5 working days and should either:

- a) Provide the information,
- b) Refuse to grant the request, stating reasons in writing, or
- c) Give a timescale for providing the information which should be as soon as possible but not longer than 20 working days after the date of the request.

25.18 Where the request is not granted and the member is not satisfied with the reasons provided, the member may seek advice from the Director of Legal and Governance Services on whether the refusal is justified. If the Director of Legal and Democratic Services decides that the information should be provided, then the Director who has refused the information must provide it to the member within a further 5 working days of that decision.

25.19 Where the Director of Legal and Democratic Services decides that the information should not be provided, the request may be referred to the Chair of the Standards Committee for consideration in consultation with the Director of Legal and Democratic Services..

25.20 Where the request is granted, the member may be allowed to inspect the relevant information, or to take away copies, depending on the information. Where copies are taken off site, the Director may specify steps which the

member must take to keep the information secure, for example, keeping documents in a lockable cabinet.

- 25.21 The member must not use information for any other reason than that specified in the request and, where it is confidential or exempt, must keep it confidential in accordance with the code of conduct.

Appendix 1 Exempt information

Schedule 12A Local Government Act 1972

- 1) Information relating to any individual.
- 2) Information which is likely to reveal the identity of an individual.
- 3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- 5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6) Information which reveals that the authority proposes:
 - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - b) to make an order or direction under any enactment.
- 7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The following categories apply to meetings of the standards committee or sub-committee in connection with the investigation and consideration of an allegation of a breach of the Code of Conduct for Councillors:

- 7A) Information which is subject to any obligation of confidentiality.
- 7B) Information which relates in any way to matters concerning national security.
- 7C) The deliberations of a standards committee or of a sub-committee of a standards committee in reaching any finding on a matter relating to the conduct of a Councillor or Co-opted member.

Councillor Code of Conduct

Purpose of Code of Conduct

The purpose of this code is to set out the principles and associated standards of behaviour expected of Councillors when undertaking their public duties.

Background

In 1994, the UK Government established the Committee on Standards in Public Life to advise on how it might improve the conduct of people in publicly funded roles and agreed to adopt its recommendation to establish “The Seven Principles of Public Life”, that subsequently became known as “The Nolan Principles”.

The Nolan Principles outline the standards of behaviour expected of those who work as a public office holder, including those who are either elected or appointed to a role.

All councils are legally required to have a Code of Conduct for their Councillors, which must be aligned to the Nolan Principles.

Definitions of terms used in this Code

For the purposes of this Code of Conduct:

“Councillor” means a person who:

- is elected as a councillor; or
- is co-opted as a member of the Council, a “co-opted member”. (A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who a) is a member of any committee or sub-committee of the authority, or; b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority; and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.); or
- is elected as mayor.

“Council” means Walsall Council.

The Nolan Principles

The seven Nolan principles as defined are listed below.

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

Holders of public office should be truthful.

Leadership

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

Application of the Code of Conduct

This Code of Conduct applies:

- as soon as a Councillor signs a declaration of acceptance of the office of councillor or attend their first meeting as a co-opted member and continues to apply until they cease to be a Councillor.
- when acting in their capacity as a Councillor which may include when:
 - they misuse their position as a Councillor; or
 - their actions would give the impression to a reasonable member of the public with knowledge of all the facts that they were acting as a Councillor;
- to all forms of communication and interaction, including:
 - at face-to-face meetings
 - at online or telephone meetings
 - in written communication
 - in verbal communication
 - in non-verbal communication such behaviour for example could include rolling of the eyes disdainfully, or other aspects of body language that could be interpreted as being disrespectful
 - in electronic and social media communication, posts, statements and comments.

The Council's Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and should be contacted for advice on any matters that may relate to the Code of Conduct.

Allegations of a failure to comply with the Councillor Code of Conduct will be considered in accordance with the arrangements for dealing with such complaints as agreed by Council.

Standards of Councillor Conduct

This section sets out the obligations, which are the minimum standards of conduct required of Councillors.

Councillors should behave in accordance with the Nolan principles by:

1.1 Using their position as a Councillor in the public interest and not for personal advantage, or disadvantage of someone else.

1.2 Dealing with all matters fairly, appropriately and impartially, and in accordance with the law and the Council's Constitution, policies and procedures.

1.3 Respecting the confidentiality of information which they receive as a Councillor, and not disclosing the same unless:

- i) They have received the consent of the person authorised to give it; or
- ii) Are required to do so by law; or
- iii) The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agree not to disclose the information to any other person; or
- iv) The disclosure is a) reasonable and in the public interest; and b) made in good faith and in compliance with the reasonable requirements of the local authority.

1.4 Not obstructing or preventing anyone obtaining information to which they are entitled by law.

1.5 Complying with the Council's rules on the use of public resources for private and political purposes, and not acting in a manner that compromises or attempts to compromise the impartiality of anyone who works for, or on behalf of, the Council.

1.6 Not bullying any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others. This is the standard against which such behaviour will be judged.

1.7 Not harassing any person

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

1.8 Not unlawfully discriminating against any person

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil

partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services. This is the standard against which such behaviour will be judged.

1.9 Not conducting themselves in a manner as a Councillor that is likely to bring the Council into disrepute.

Complying with the Code of Conduct

A: Declaration

Councillors are required to declare they will:

- Undertake Code of Conduct training provided by the Council, and in addition will endeavour to attend a minimum of 12 hours training each municipal year. This includes mandatory training in respect of Licensing, Employment Appeal, and Planning matters which has to be undertaken prior to a Councillor sitting on the relevant committee.
- Cooperate fully with any Code of Conduct investigation and/or determination.
- Not intimidate or attempt to intimidate any person who is likely to be involved in any investigation or proceedings in relation to the application of the Code of Conduct.
- Comply with any sanction imposed following a finding that there has been a breach of the Code of Conduct.

B: Registration of Interests

Councillors will register and disclose interests in accordance with legislative requirements and the requirements of this Code. The detailed requirements of registration and disclosure are set out in Appendix A of this Code.

C: Gifts and hospitality

Councillors should exercise caution in accepting any gifts or hospitality which are (or which they reasonably believe to be) offered to them because they are a Councillor. However, there may be times when such a refusal may be difficult, or it may be seen as rude not to accept. It is also acknowledged that it is appropriate to accept normal expenses and hospitality associated with duties as a Councillor.

The presumption should always be not to accept "significant" gifts or hospitality. For the purposes of this Code of Conduct the Council has determined "significant" as £50.00 (fifty pounds).

Councillors should be particularly cautious about accepting multiple gifts or hospitality from the same individual or company even where such gifts or hospitality do not exceed the £50.00 limit.

However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. If you are unsure, do contact your Monitoring Officer for guidance.

In complying with this Code of Conduct, Councillors:

- should not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on part of themselves to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage; and
- must register, in accordance with guidance issued by the Monitoring Officer or her/his office, any single or gift or hospitality with an estimated value of £50 or more within 28 days of its receipt; and
- must register, in accordance with guidance issued by the Monitoring Officer or her/his office, any single or multiple gift or hospitality that have been offered but have been refused.

APPENDIX A – REGISTRATION AND DISCLOSURE OF INTERESTS

Register of Interests

1. Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of Councillors.
2. Within 28 days of election and re-election or appointment and re-appointment Councillors must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. Councillors should also register details of their other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.
3. Councillors must register their interests so that the public, Council employees and fellow Councillors know which interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects Councillors by allowing them to demonstrate openness and a willingness to be held accountable. Councillors are personally responsible for deciding whether or not to disclose an interest in a meeting, but it can be helpful for them to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.
4. Councillors should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.
5. **“Disclosable Pecuniary Interest”** means an interest of a Councillor, or of their partner if they are aware of their partner's interest, within the descriptions set out in Table 1 below.
6. **"Partner"** means a spouse or civil partner, or a person with whom the Councillor is living as husband or wife, or as a civil partner.
7. Councillors must ensure that their register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
8. A ‘sensitive interest’ is as an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
9. Where a Councillor has a ‘sensitive interest’ she/he must notify the Monitoring Officer with the reasons why they believe it is a sensitive interest. If the Monitoring Officer agrees she/he will withhold the interest from the public register.

Non-participation in case of disclosable pecuniary interest

10. Where a matter arises at a meeting which directly relates to a Disclosable Pecuniary Interests as set out in **Table 1**, Councillors must:

- disclose the interest; and
- not participate in any discussion or vote on the matter; and
- not remain in the room unless they have been granted a dispensation. Dispensation may be granted in limited circumstances, to enable Councillors to participate and vote on a matter in which they have a disclosable pecuniary interest.

Where there is a 'sensitive interest', Councillors must disclose they have an interest but should not disclose the nature of that interest.

11. Where a Councillor has a disclosable pecuniary interest on a matter to be considered or is being considered by them as a Cabinet member in exercise of their executive function, they must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

12. Where a matter arises at a meeting which **directly relates** to an Other Registerable Interests (as set out in **Table 2**), Councillors must disclose the interest.

Councillors may speak on the that matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

Where there is a 'sensitive interest', Councillors must disclose they have an interest but should not disclose the nature of that interest.

Disclosure of Non-Registerable Interests

13. Where a matter arises at a meeting which **directly relates** to a Councillor's financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, the Councillor must disclose the interest.

The Councillor may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise they must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

Where there is a 'sensitive interest', Councillors must disclose they have an interest but should not disclose the nature of that interest.

14. Where a matter arises at a meeting which **affects** –

- a: the financial interest or well-being of a Councillor; or
 - b: a financial interest or well-being of a relative, or close associate of a Councillor; or
 - c: a financial interest or well-being of a body included in those to be disclosed under Other Registrable Interests as set out in **Table 2**; then
- the Councillor must disclose the interest.

15. In order to determine whether a Councillor can remain in the meeting after disclosing an interest (as per paragraph 14 above) the following test will be applied by the Councillor,

who may seek advice from the Chair of the meeting, and/or any legal or democratic services officer present in the meeting.

a: to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision; and

b: a reasonable member of the public knowing all the facts would believe that it would affect the Councillor's view of the wider public interest, or be perceived as a conflict of interest; then

c: the Councillor may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise they must not take part in any discussion or vote on the matter and must not remain in the room unless they have been granted a dispensation.

Where there is a 'sensitive interest', Councillors must disclose they have an interest but should not disclose the nature of that interest.

16. Where a Councillor has a personal interest in any business of the Council and has made an executive decision in relation to that business, he/she must make sure that any written statement of that decision records the existence and nature of that interest.

Disclosure of Interests at Overview and Scrutiny Meetings

17. If a Councillor you is the Chair of an Overview and Scrutiny meeting they should not preside over the scrutiny of a relative. Section 28(10) Localism Act 2011 defines a relative as: a) a spouse or civil partner, b) someone they are living with as husband and wife or as if they were civil partners, c) a grandparent d) a lineal descendant of grandparent, e) a parent, sibling or child of a person within paragraph a) or b), f) the spouse or civil partner of a person within paragraph c),d),e), or g) living with a person within paragraph c), d), or e) as husband and wife or as if they were civil partners.

18. Scrutiny has a role to play in holding decision-makers accountable therefore if a Councillor was previously a Cabinet Member they should not scrutinise decisions that were taken when they were a part of the Cabinet. This means they should leave the room during the discussion of the item. This is particularly pertinent upon the initial changing of roles but, depending on the issue, can still have significance after a substantial period of time. A discussion with the Monitoring Officer should be sought if there is an item on an agenda that Councillors think they may have an interest in.

Notification of Disclosable Pecuniary Interests and Other Registrable Interests

NAME

A member of

WALSALL METROPOLITAN BOROUGH COUNCIL

Important notes

- (1) The requirement to notify the Monitoring Officer of a disclosable pecuniary interest applies not only to your own interests but also those of your husband/wife/civil partner, or a person with whom you are living as husband/wife or as if you are civil partners, where you are aware that the other person has the interest.

The term “relevant person” therefore means you and any other person referred to above.

- (2) Details of your notified interests will appear in the members’ register of interests and will be published on the Council’s website, and open to public inspection.
- (3) If you consider that the disclosure of the details of any of your interests could lead to you, or a person connected with you, being subject to violence or intimidation, and you would like to withhold these details from the register of interests, please provide this information to the Monitoring Officer and explain your concerns regarding the disclosure of the sensitive information, including why it is likely to create such a risk. If the Monitoring Officer agrees, the information will not be included in copies of the register made available for inspection, or any published version of the register.
- (4) Please state “none” where appropriate.

Further explanatory notes are included at the end of this notification.

Part A: Employment

Any employment, office, trade profession or vocation carried on for profit or gain:

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

Part B: Sponsorship

Any payment or provision of any other financial benefit other than Walsall Metropolitan Borough Council made or provided within the relevant period* in respect of expenses incurred by you in carrying out duties as a member, or towards the election expenses of yourself. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

* "relevant period " means the period of 12 months ending with the day on which you gave a notification for the purposes of Section 30(1) or Section 31(7), as the case may be, of the Localism Act 2011.

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Part C: Contracts

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest*) and Walsall Council:

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

* "body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest.

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

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

Part D: Land

Any beneficial interest in land* which is within the area of Walsall Metropolitan Borough Council.

* "land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

Part E: Licences

Any licence (alone or jointly with others) to occupy land* in the area of the relevant authority for a month or longer.

*“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

Part F Corporate tenancies

Any tenancy where, to your knowledge:

- (a) the tenant is Walsall Metropolitan Borough Council; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

* “body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest.

“director” includes a member of the committee of management of an industrial and provident society.

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

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

Part G: Securities

Any beneficial interest in securities* of a body where:

- (a) that body (to your knowledge) has a place of business or land in the area of the Walsall Metropolitan Borough Council; and
- (b) either:
 - (i) the total nominal value of the securities exceeds £25,000 (face value) or one hundredth (1/100th) of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

You	Husband/wife/civil partner or a person with whom you are living as husband/wife or as if you are civil partners

Part H: Other Registerable Interests

Any interest in any activity which is or could be related to the business of the Council. These include:

- a) any position (for example, as trustee, governor, or unpaid director) that may have influence in any charitable or voluntary organisation, including:
- b) any to which you are nominated or appointed by the Council; and
- c) any position of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Part I: Declarations

Important: It is a criminal offence to fail to notify the Monitoring Officer of any disclosable pecuniary interest (DPIs). This requirement arises in each of the following circumstances:

- (a) before the end of 28 days beginning with the day on which you become a member or co-opted member of the authority (s30(1) Localism Act 2011);
- (b) where the DPI is not entered in the authority's register and is not the subject of a pending notification, but is disclosed at a meeting of the authority (or any committee, sub-committee, joint committee or joint sub-committee) as required by s31(2) of the Localism Act, within 28 days beginning with the date of the disclosure (s31(3) Localism Act 2011);
- (c) where the DPI is not entered in the authority's register and is not the subject of a pending notification, with 28 days beginning with the date when you become aware that you have a DPI in any matter to be dealt with, or being dealt with, by you acting alone in the course of discharging of a function of the authority (s31(7) Localism Act 2011).

It is also a criminal offence to knowingly provide information that is false or misleading (or being reckless as to whether the information is true and not misleading).

In addition to the above, the Walsall Metropolitan Borough Council has adopted a Code of Conduct for members which requires you to notify the Monitoring Officer of any DPs before the end of 28 days beginning with the day on which the code takes effect. Failure to comply with this requirement would not in itself be a criminal offence, but could render you liable to action being taken against you under the Code.

To the best of my knowledge, the information given in this form is complete and correct.

Name:		Signed:	
		Date:	

This form is to be returned direct to the Monitoring Officer.

This declaration has been registered by me:	
Monitoring Officer	Date:

Disclosable Pecuniary Interests and Other Registrable Interests

FAQ's

1. Where do I find a copy of the 'Notification of Disclosable Pecuniary Interests and Other Interests' form?

The 'Notification of Disclosable Pecuniary Interests and Other Interests' form can be downloaded from the intranet or requested from Sarah.read@walsall.gov.uk

2. Do I have to register my interests?

Yes. The Localism Act is law and states that Members must declare their interests in line with the Councillor Code of Conduct. The requirement to disclose pecuniary interests (DPI's) also applies to co-opted Members.

3. What will happen if I do not register my interests?

If a Member has not registered their interests they are not complying with the Code of Conduct or the [Localism Act 2011](#). If a Member then participates in any discussion relating to an interest that they have not declared then they are at risk of either failing to comply with the Council's Councillor Code of Conduct or in the case of Disclosable Pecuniary Interests, at risk of being charged with committing an offence.

Failure to declare Disclosable Pecuniary Interest will be an offence and dealt with by the Police. If found guilty, a Member will be liable for:

- a fine up to Level 5 of standard scale (currently £5,000); and
- disqualification from being a member of any local authority for a period not exceeding 5 years.

If you have not declared any interests other than Disclosable Pecuniary Interest as detailed in the Council's Code of Conduct, then this could be the subject of a complaint where you may be found to have failed to comply with the Councillor Code of Conduct. Such a complaint will be dealt with under the Members Standards Arrangements.

4. Does the Council have to publish the Register of Interests on its website?

The Council must publish its Register of Members Interests on its website.

5. Will my signature be included in the Register of Interests published on the website?

No. The Council will hold the original signed copy of your Register of Councillors Interests form, which must be made available for viewing. However, when your form is scanned and uploaded to the Council's website, your signature will be redacted in the interests of security.

6. What happens if I realise I have an interest in a meeting that I have not previously registered?

If you are in a meeting and realise that you have an interest that you had not previously registered, you must declare that interest at the start of the meeting (or immediately before the relevant item is discussed) and if it relates to a Disclosable Pecuniary Interest, you must not take part in any discussion of the matter at the meeting and you must not vote on the matter. You need not withdraw from the meeting, but participation by yourself at the meeting in respect of the matter in which you have a pecuniary interest is a criminal offence. You will then have 28 days from the date of the meeting to update your Register of Councillors Interests form and submit it to the Council's Monitoring Officer.

7. What if I am at risk of abuse or intimidation due to interests I register which are available on the register?

A Member may, on written request, ask the Monitoring Officer for their interest to be classed as a 'sensitive interest' if they consider that disclosure of that interest could lead to the Member, or co-opted member or a person connected with them could be subjected to violence or intimidation.

8. I am a Member of more than one local authority, do I need to fill out more than one Register of Councilors Interests form?

Yes. You will be required to complete a separate Register of Councilors Interests form for each authority at which you are a Member. This is because each may have a different Member Code of Conduct, so requiring different interests to be registered.

8. Do I have to include my house/property in the register of interests form?

Yes. The definition of Disclosable Pecuniary Interests (DPI's) includes the requirement to register any property or land that you or your spouse /partner have an interest in. This includes the land occupied by any property that you own, lease or rent including the property you reside at.

9. Do I have to fill out a separate Register of Councillors Interests form for my spouse/partner?

No. As a Member you only need to complete one form and detail all the interests that are relevant to both you as a Member and your spouse/partner.

10. What happens if my interests change, for example I buy or sell a piece of land?

If your interests change at any time during your term of office, you can update your interests by updating your Register of Councillors Interests form and resubmitting it to the Council's Monitoring Officer. Please ensure the form is personally signed and dated again when resubmitted.

11. I have lots of different pieces of land. Can I include a map with my Register of Councillor Interests form?

Yes. If you have a number of pieces of land that you have a beneficial interest in, then you can, for example, attach a map to your Register of Councillors Interests form. Please sign and date each page of attachments so that we can be sure that if it changes we have the right version. Also, Members are advised not to use maps that are covered by copyright as they will be published on the internet.

12. What 'other registrable interests' might I have to include on my Register of Councillors Interests form?

'Other registrable interests' that would need to be included on your Register of Interests form are non-pecuniary interests i.e., any organisation/outside body and to which you are appointed or nominated by the Council. Other interests also include the register of gifts or hospitality (form can be downloaded) from the intranet or requested from Sarah.Read@walsall.gov.uk).

13. Can Members email a copy of their Register of Councillors of Interests form to the Monitoring Officer?

Yes, your signed copy of the Register of Interests form can either be emailed directly to the monitoring officer Anthony.Cox@walsall.gov.uk or to Sarah.Read@walsall.gov.uk Following receipt of the form it will be published to the Council website.

14. Do I have to declare any income for any pension(s) I receive?

Receipt of a pension by you is a pecuniary interest and should be disclosed as part of your Register of Councillors Interests form.

15. Do I have to declare I am Member of a Pensions Committee?

Yes. Please disclose as a non-pecuniary interest.

16. Do I have to declare I am a Member of a Trade Union?

Yes. Membership of a trade union body is to be declared as a non-pecuniary interest. If you also receive sponsorship from that trade union body, this should be declared separately as a disclosable pecuniary interest (DPI).

17. What does the 'Personal Wellbeing interest' mean?

The requirement is set out in the Councillor Code of Conduct Appendix A. If a meeting you attend concerns Council business that affects your personal wellbeing or financial position or that your spouse/partner more than it would the majority of the residents in your Ward then this is to be declared as a 'personal wellbeing'. Examples of this are

– where you live next to or close by to an ‘off licence’ that is having its alcohol licence application considered by the Council.

18. Do I have to declare a Disclosable Pecuniary Interest that is outside my Ward or Council boundary?

Some DPI's are geographically bound and some are not.

Those DPI's that are not bound by geography/a boundary, are:

- employment, office, trade, profession or vocation; and
- sponsorship - this includes any payment or financial benefit from a trade union

Those DPI's that are bound by geography/a boundary, are:

- **contracts** – this means, only contracts within the area of the Council;
- **land** – this means, any interest in land held by you, spouse/partner which is within the area of the Council;
- **licence(s)** – this means, alone or jointly with others (spouse/partner) to occupy land in Walsall for a month or longer;
- **corporate tenancies** – this means, any tenancy with you/your spouse/partner where the landlord is the Council; and
- **securities** – this means, any interest in which you, spouse/partner has securities in a body where a) that body is within the area of the Council; and b) either i) the value of the that security exceeds £25,000 or one hundredth of the total issued share capital; or ii) if the total share you, spouse/partner hold exceeds one hundredth of the total share capital of that class. NB - if you have any specific queries in relation to ‘securities’, please contact the Monitoring Officer.

19. If needed, in what circumstances could I obtain a dispensation for having a disclosable pecuniary interest?

The Monitoring Officer, may grant a dispensation to a Member in the following circumstances:

- where a meeting would be inquorate where the Members of that committee have a disclosable pecuniary interest;
- to ensure balanced political representation on decision making committee;
- where it is judged to be in the interests of the residents of Birmingham for a dispensation to be granted; or
- otherwise considered appropriate.

The Monitoring Officer will keep a written record of any dispensations granted in the above circumstances alongside the Register of Interests.

20. Do I need to declare every organisation that I am a member?

No, you do not need to declare every organisation that you are a member, unless you receive a payment or funding linked to Walsall MBC or it includes membership of a body whose principal purposes include the influence of public policy, including party associations, trade union or professional associations, or it is an appointment by Walsall Metropolitan Borough Council.

If you hold any positions of general control or management, in any Public authority or body exercising functions of a public nature; or Company, industrial and provident society, charity, or body directed to charitable purposes, you should also declare these.

21. I am a co-opted (non-elected) member of a committee does this apply to me?

Yes, the requirements are the same for Councillors and Co-opted (non-elected) members.

21 April 2021

Table 1: Disclosable Pecuniary Interests

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

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

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

Table 2: Other Registerable Interests

Any interest in any activity which is or could be related to the business of the Council. These include:

- any position (for example, as trustee, governor, or unpaid director) that may have influence in any charitable or voluntary organisation, including:
 - any to which you are nominated or appointed by the Council; and
 - any position of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Proposed Amendments to the Scheme of Delegations

Part/Article	Revision(s)	Reason
Part 3.5 (Table 5) – Scheme of Delegations of Functions to Officers	Revised Job Titles throughout document to reflect the structure	Re-structure
4.9	Additional wording in <i>italics</i> :- Anything delegated to an officer is also delegated to the Chief Executive. <i>Executive Directors have the authority to exercise delegated decisions relating to their Directorate.</i> Any officer with a delegation can in writing delegate the exercise of the function to an officer under their management.	To make it clear that Executive Directors are able to exercise delegated decisions which relate to their directorate.
11. General 1 (a)	Request to increase ex gratia payments to staff from £250 to £500/£1000 per incident.	Request by Executive Director Resources & Transformation (ED R & T)
NEW SECTION	General Scheme of Delegations	Request by ED R & T
Chief Executive		
n/a	No changes required	
Executive Director – Resources and Transformation		
13.1 & 13.43 To respond to consultation documents received from	Request for 13.1 & 13.43 to refer only to Group Leader and relevant Portfolio Holder rather than all Group Leaders and relevant Portfolio Holder.	Officer request

various government departments, subject to consultation with Group Leaders and the relevant portfolio holder.		
Advised that all delegations relating to Corporate Landlord need to be inserted under ED R & T:-	<p>16.9 – 16.10 19.3 – 19.22 & 19.24</p> <p>To be inserted as follows:-</p> <p>16.9 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.</p> <p>16.10 To instruct the Director of Governance 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.</p> <p>19.3 Maintain a schedule of Local Sites (Sites of importance/Local Importance for Nature Conservation) with the authority to add or remove sites from the schedule in line with published criteria and endorsement by the Birmingham and Black Country Local Sites Partnership.</p> <p>19.4 The authority not to pursue enforcement action if it is considered that it is no longer expedient to do so.</p> <p>19.5 Authorised to grant powers of entry to appropriate officers.</p> <p>19.6 Authority to issue and serve notices under Section 330 of the Town and Country Planning Act, 1990 and Section 16 of the Local Government Miscellaneous Provisions) Act, 1976 where it is required to facilitate the gathering of information in respect of the ownership and other relevant interests in land.</p>	ED R & T suggestion

	<p>19.7 To authorise the issue of Listed Building Enforcement Notices in circumstances where the delegated powers of officers to determine Listed Building Consents have resulted in the refusal of Listed Building Consent for retrospective development.</p> <p>19.8 Authority to serve a breach of condition notice where planning conditions and Listed Building Consent conditions have not been complied with.</p> <p>19.9 Preparation and service of a Building preservation Notice where a building that is judged to be worthy of 'Listing' as of Special architectural or Historic interest is subject to a threat of demolition or material alteration.</p> <p>19.10 Preparation and service of an Urgent Works Notice where a building that is judged to be worthy of 'Listing' as of Special Architectural or Historic interest is considered to be at risk due to failure by the owner to carry out reasonable maintenance/upkeep.</p> <p>19.11 Maintain a schedule of Locally Listed Buildings with the authority to add or remove sites from the schedule in line with published criteria.</p> <p>19.12 To determine and review Conservation Areas in accordance with Section 69 1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>19.13 To undertake the day-to-day management of the land and premises including the authorisation of expenditure, subject to budgetary control.</p> <p>19.14 To approve the grant take up of leases, agreements and licences not exceeding 21 years of land and/or premises, subject as necessary to receipt of satisfactory references and where appropriate planning consent and to approve the surrender of leases, agreements and licences.</p> <p>19.15 To approve easements, wayleaves, licences and deeds of covenant, subject to</p>	
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	<p>consultation as appropriate with relevant service areas.</p> <p>19.16 To approve rent reviews on behalf of the Council as either landlord or tenant where provided for in existing leases.</p> <p>19.17 To approve assignments of the residue of leases and tenancy agreements and under leases thereof, subject to the receipt of satisfactory references.</p> <p>19.18 To approve the modification or release of covenants contained in existing conveyances, leases, agreements and licences, subject to compliance with the Council's planning or other policies, and to approve the terms of any such modification or release.</p> <p>19.19 To institute proceedings for the forfeiture of any lease, agreement or tenancy-at-will of any industrial or commercial premises, except where residential accommodation is included, following non-payment by the tenant of rent or any other violation which renders such forfeiture appropriate.</p> <p>19.20 To take any action and/or institute proceedings to terminate unauthorised encroachment on land and property in the Council's ownership.</p> <p>19.21 To complete the purchase of land or premises included in compulsory purchase orders made by the Council or its predecessor Councils, together with blight/purchase notices accepted by the Council, including the payment of compensation in accordance with relevant legislation, subject to committed identified provision and to terms to be agreed by the District Valuer or some other professionally qualified valuer.</p> <p>19.22 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, Culture and Operations and or the Head of Clean and Green being satisfied as to the</p>	
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	<p>standard of the completed works and the availability of finance for future maintenance.</p> <p>19.24 To approve minor amendments to decisions of the Executive on sales, purchases, leases and contracts.</p>	
13.5 Exercise all routine housing functions that are not specifically delegated to any relevant Cabinet member, the Cabinet, or any Committee.	Removed as not in remit. Added to Executive Director Economy, Environment & Communities.	ED R & T request
13.6 To authorise the Systems Leader (Money, Home, Job) and the Senior Housing Strategy Officer to agree requests from Registered Providers to dispose of surplus housing stock.	Removed as not in remit. Added to Executive Director Children's Services	ED R & T request
13.11 – 13.15	<p>Removed as housing/unauthorised occupier matters and not in remit.</p> <p>13.11 – 13.14 - Added to Executive Director Children's Services</p> <p>13.11 To exercise all the statutory powers and duties of the Council relating to</p>	ED R & T request

	<p>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:</p> <p>(a) Purchase equipment, tools and materials and authorise the execution of works;</p> <p>(b) Write off of recovery of debt relating to Statutory Notices or completion of work in default in consultation with the Director of Governance;</p> <p>(c) Issue house in multiple occupation (HMO) licences and related notices;</p> <p>(d) consider and determine applications for loans or grants for aids for purposes detailed within the Council's Housing Renewal Assistance policy including aids and adaptations to the homes of people with disabilities below £46,000.</p> <p>(e) consider and determine applications for repair and improvements to private housing in line with the Council's Housing Renewal Assistance Policy.</p> <p>13.12 (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> <p>(b) To authorise the Systems Leaders (Money, Home, Job), the Manager of Housing Standards</p>	
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	<p>and Improvement and Manager for Supported Housing to grant such authorisations under 13.12 and those listed in 13.13 and 13.14.</p> <p>(c) To make decisions and to take action under the following legislation, including all orders and statutory instruments issued as a result. This will include 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:</p> <ol style="list-style-type: none"> (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; 	
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	<p>(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 (39) Care Act 2014 (18.25) (40) Housing and Planning Act 2016</p> <p>13.13 To take action under the following legislation (as may be amended), including where relevant, the determination of homelessness applications, the service of notices, issuing of licences, authorisation at works in default, implementation of charges, approval of grants, institution of legal proceedings etc:</p> <p>(1) Planning legislation (including the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Planning Act 2008; (2) Housing Act 1996 (as amended by the 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; (8) Localism Act 2011 (9) Homeless Reduction Act 2017</p> <p>13.14 Instruct the Director of Governance 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> <p>(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.</p> <p>&</p> <p>13.15 added to Director of Resilient Communities:-</p> <p>13.15 Without prejudice to any delegations, authorise the Monitoring Officer to</p>	
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	institute appropriate legal proceedings including against unauthorised occupiers found on the Council's land or premises.	
13.39 Engage in data matching exercises designed to assist in the detection of fraud.	<p>Suggest that the following be included in each Executive Director/Director delegation as data matching will need to take place across the organisation – add to 4.1 as 4.1 (h):-</p> <ul style="list-style-type: none"> Engage in data matching exercises designed to assist in the detection of fraud. 	ED R & T suggestion
Executive Director – Children's Services		
14.88 & 14.99	<p>Removed as should now be in Executive Director Economy, Environment & Communities. To be added to ED E, E & C:-</p> <p>14.88 Encourage enable or assist young people's participation in education or training and make arrangements to ensure that 15 and 17 year olds have received an offer of a suitable place in post-16 education or training and that they are assisted to take up the place.</p> <p>14.99 A range of responsibilities in relation to the operational duties of the Youth Justice Service including assessing young people subject to our Court disposals including assessment and interventions to prevent and reduce offending.</p>	Executive Director (Children's Services) request
13.6 (removed from ED R & T) as now in ED CS remit.	13.6 To authorise the Systems Leader (Money, Home, Job) and the Senior Housing Strategy Officer to agree requests from Registered Providers to dispose of surplus housing stock.	
13.11 – 13.14 (removed from ED R & T) as now in ED CS remit.	<p>13.11 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:</p> <p>(a) Purchase equipment, tools and materials and authorise the execution of works;</p> <p>(b) Write off of recovery of debt relating to Statutory Notices or completion of work in default in consultation with the Director of Governance;</p>	

	<p>(c) Issue house in multiple occupation (HMO) licences and related notices;</p> <p>(d) consider and determine applications for loans or grants for aids for purposes detailed within the Council's Housing Renewal Assistance policy including aids and adaptations to the homes of people with disabilities below £46,000.</p> <p>(e) consider and determine applications for repair and improvements to private housing in line with the Council's Housing Renewal Assistance Policy.</p> <p>13.12 (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> <p>(b) To authorise the Systems Leaders (Money, Home, Job), the Manager of Housing Standards and Improvement and Manager for Supported Housing to grant such authorisations under 13.12 and those listed in 13.13 and 13.14.</p> <p>(c) To make decisions and to take action under the following legislation, including all orders and statutory instruments issued as a result. This will include where relevant, the service and enforcement of notices, licences, authorisation of works in default, implementation of charges, approval of grants,</p>	
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	<p>loans and other financial assistance institution of legal proceedings:</p> <ol style="list-style-type: none"> (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; (35) Home Energy Conservation Act 1995; (36) European Communities Act 1972; (37) Health and Safety at Work Act 1974. (38) Homeless Act 2002 (39) Care Act 2014 (18.25) (40) Housing and Planning Act 2016 <p>13.13 To take action under the following legislation (as may be amended), including where</p>	
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	<p>relevant, the determination of homelessness applications, the service of notices, issuing of licences, authorisation at works in default, implementation of charges, approval of grants, institution of legal proceedings etc:</p> <p>(1) Planning legislation (including the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Planning Act 2008;</p> <p>(2) Housing Act 1996 (as amended by the Homelessness Act 2002;</p> <p>(3) Immigration and Asylum Act 1999;</p> <p>(4) Nationality Immigration and Asylum Act 2002;</p> <p>(5) Asylums and Immigration (Treatment of Claimants) Act 2004;</p> <p>(6) Protection from Eviction Act 1977;</p> <p>(7) Children Act 2002;</p> <p>(8) Localism Act 2011</p> <p>(9) Homeless Reduction Act 2017</p> <p>13.14 Instruct the Director of Governance 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> <p>(a) Where mitigating circumstances exist;</p> <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>	
Executive Director – Economy, Environment and Communities		
20.	<p>The following post now reports to Corporate Landlord.</p> <p>20. Head of Programme Management</p>	
Insert 14.88 & 14.99	<p>14.88 Encourage enable or assist young people’s participation in education or training and make arrangements to ensure that 15 and 17 year olds have received an offer of a suitable place in post-16 education or training and that they are assisted to take up the place.</p> <p>14.99 A range of responsibilities in relation to the operational duties of the Youth Justice Service including assessing young people subject to our</p>	

	Court disposals including assessment and interventions to prevent and reduce offending.	
13.5 removed from ED R & T and included in ED E, E & C	13.5 Exercise all routine housing functions that are not specifically delegated to any relevant Cabinet member, the Cabinet, or any Committee.	
Executive Director – Adult Social Care		
15. Executive Director Adult Social Care	<p>Deb Hindson suggest that Hub Function be referred to here. Title amended to:-</p> <p>Executive Director – Adult Social Care (including Public Health and the Hub)</p>	
15.22	<p>To replace the following wording:-</p> <p>Authority to waive Financial and Contract Rules in relation to seeking quotations and tenders for certain community care services to be replaced.</p> <p>with:-</p> <p>Authority to waive Financial and Contract Rules in relation to Adult Social Care services covered by the procurement Light Touch Regime, subject to procurement law</p>	ED R & T request
15.27	<p>Insert word ‘any’ shown in bold and underlined below:-</p> <p>Authority to approve interest free loans not exceeding £30,000 in accordance with <u>any</u> guidelines as approved by the Council’s Executive.</p>	ED R & T request
15.29	<p>Remove the following as now covered by new general delegations:-</p> <p>Authority to make ex-gratia payments in appropriate circumstances to non-staff up to the value of £500 per instance.</p>	New general delegations to different tiers has been created. See Appendix 3.

Director of Governance		
	Reference to Head of Legal and Democratic removed and replaced with Director of Governance.	Job title changed throughout
24.6 (e) To authorise the sealing or signature of any Order, Deed or any other document necessary to give effect to the substance of a decision of the Council, Executive, Committee, or officer acting under the Delegated Powers, in compliance with Rule 19 of the Council's Contract Rules.	Add at sub note (e) a new (iii) as follows: (iii) For the purposes of promoting and or protecting the Councils legal interests.	Clarity on role and function
Head of Business Change		
25. Head of Business Change	Post deleted from structure. The following delegation now rests with the Director of Resilient Communities:- Authorisation of directed surveillance and covert human intelligence sources in accordance with the requirements of the Regulation of the Investigatory Powers Act, 2000.	Post no longer exists

Additions for Scheme of Delegations

1. General Rules

Application & Scope

1.1. In this Scheme, the term “officer” or “officers” includes all permanent, contract and temporary staff working for the Council. Officers will have the delegated powers of the post they are undertaking, including posts held under any interim, acting up or deputising arrangements.

2.1. Unless stated, all financial limits in this Scheme:

2.1.1. include any expenditure up to and including the figure stated *and*

2.1.2. where no figure is stated, the Key Decision Thresholds will apply by default

2.3. All powers delegated to an officer will apply to all services and functions within their direct line management or responsibility, except where expressly stated and the terms “directorate”, “service”, “division”, “team” or “business unit” shall be interpreted to include such services and functions under the officer.

Discharge of Delegations by Senior Officers

2.4. Where a function or power falls to be discharged by an officer, a more senior post holder in the Directorate, Division or Service may also discharge that function or power, unless the officer has been expressly prohibited from doing so.

Successor Posts and Legislative or Constitutional Powers

2.5. Subject to any specific restriction in writing, a function or power which may be discharged by an officer with delegated powers or an authorised Officer, may also be discharged by any person who holds a post which is a successor post to that of the original post with delegated powers or the authorised Officer following any reorganisation, restructure or similar process

2.6. Any reference in this Scheme to any legislation or to any Council procedure or rule shall be deemed to include a reference to any successor legislation, procedure, rule or constitutional provision (as the case may be) as may be introduced or enacted by way of substitution, revision or amendment or by Council agreement.

General Management Delegation to Officers	
Designated Level of Authority	Posts
1	Chief Executive, Executive Directors
2	Directors and officers reporting to tier 1 posts (excluding officers in support/clerical roles)
3	Heads of Service and officers reporting to tier 2 posts (excluding administrative or clerical posts)
4	Officers reporting to tier 3 posts(excluding administrative or clerical posts)

COUNCIL FUNCTION	OFFICER LEVEL OF AUTHORITY & POWERS <i>All thresholds include decisions up to the value stated</i>				SOURCES (where relevant) & GUIDANCE
	1	2	3	4	

GENERAL MANAGEMENT POWERS						
1.	To make all significant operational decisions as to the discharge of functions and powers of services under their management	X	X	X		s.101 LGA 1972 s.9E LGA 2000 Significant includes major changes/interruptions to services, no budget is available,

						politically controversial, risk of reputational damage.
2.	To undertake day to day management and non-significant operational decisions relating to those services and staff under their management.			X	X	
3.	To manage and respond to members of the public *non-serious complaints about the staff and the services under their management. To manage and respond to members of staff *non-serious complaints under their management.				X X	*Not significant in terms of impact and not requiring or meriting deep reflection/investigation. Subject to referring to the Corporate Complaints System where required.
4.	To manage and respond to members of the public complaints about the staff and the services under their management, that does not fall within 3 above, and where escalation is considered appropriate. To manage and respond to members of staff complaints under their management.	X	X	X	X	Subject to referring to the Corporate Complaints System where required
5.	To manage and respond to member complaints about the staff or the services under their management.	X	X	X		Subject to escalation request by member or Level 1/2 Manager.
6	To make minor variations to decisions of the Executive, where such variation is calculated to facilitate or induce implementation of the Executive decision. Subject to consultation with the CFO and relevant Portfolio holder and the cumulative effect of a number of changes making the decision significantly/substantially different to		X			Minor in the context of the impact of the decision & financial

	the original decision or a significant changes in circumstances.					implications.
7.	In addition to any of their general and/or specific delegated functions set out in this Scheme or in the Constitution, to make all decisions which are calculated to facilitate, or are conducive or incidental to the discharge of such delegated functions.	X	X	X	X	s.101 LGA 1972 s.9E LGA 2000
8.	<p>To make ex gratia payments on a without admission of liability and on a without prejudice basis, to the limits set below.</p> <p>£10,000* £5,000 £2,500 £250</p> <p>(Unlimited for the Chief Executive, in consultation with the CFO and Leader)</p>	X	X	X	X	Subject to identified funding being available.
8.	<p>To authorise or delegate to Officers under his/her management (or with the agreement of the Chief Executive any other Council Officer not under their management) to perform any or all of their functions and powers set out in this Scheme of Delegations.</p> <p>NB Any onward authorisation/delegation of powers must be made in writing by way of a written Directorate Scheme of Delegation, as required by the Constitution or, where for reasons of urgency, in writing copied to the Monitoring Officer.</p>	X	X	X		s.101 LGA 1972 s.9E LGA 2000

TIMETABLE 2022/2023

	May 2022	June	July	August	September	October	November	December	January	February	March	April	May 2023
Mon.	2 Bank hol			1		3 Standards			2 Bank hol			3	1 Bank hol
Tue.	3			2		4 Employ A Scrutiny O	1 Employ A		3 Employ A			4 Employ A C Parent B	2
Wed.	4	1		3		5 Taxi Sub A	2		4	1	1	5 Licensing	3
Thur.	5 Elections	2 Bank hol		4	1	6 Employ B Planning	3 Employ B Children OS	1 Employ B Planning	5 Employ B Planning	2 Employ B	2 Employ B	6 Employ B Social Care OS	4 Election
Fri.	6	3 Bank hol	1	5	2	7	4	2	6	3	3	7 Bank hol	5
Mon.	9	6	4 C Parent B	8	5 C Parent B	10 SACRE	7 Council	5 Personnel	9 Council	6	6 Personnel	10 Bank hol	8
Tue.	10	7	5 Employ A Taxi Sub B	9	6 Employ A Education OS	11 Employ A Education OS	8 Employ A	6 Employ A Health WB	10 Employ A C Parent B	7 Employ A Scrutiny O	7 Employ A	11 Employ A Audit	9
Wed.	11	8 Licensing	6	10	7 Cabinet Taxi Sub A	12 Licensing	9 Taxi Sub A	7 Taxi Sub A	11 Licensing	8 Cabinet £	8	12 Standards	10
Thur	12	9	7 Employ B Economy	11	8 Employ B Planning	13 Employ B	10 Employ B Scrutiny O	8 Employ B Children OS	12 Employ B Education OS	9 Employ B Planning	9 Employ B Planning	13 Employ B Economy OS	11
Fri	13	10	8	12	9	14	11	9	13	10	10	14	12
Mon	16	13 Personnel	11 Standards	15	12 Personnel	17	14 C Parent B	12 Scrutiny O	16	13 C Parent B	13 Children OS	17 Council	15
Tue	17	14	12 Employ A Health WB	16	13 Employ A Economy OS	18 Employ A Taxi Sub B	15 Employ A Taxi Sub B	13 Employ A	17 Employ A Economy OS	14 Employ A	14 Employ A	18 Employ A Children OS	16
Wed	18	15	13	17	14	19 Cabinet	16	14 Cabinet	18 Taxi Sub A	15 Taxi Sub A	15 Taxi Sub A	19 Cabinet	17
Thur	19	16 Scrutiny OS	14 Employ B Social Care	18	15 Employ B Social Care OS	20 Employ B Economy OS	17 Employ B	15 Employ B	19 Employ B Social Care OS	16 Employ B Education OS	16 Employ B Scrutiny O	20 Employ B Scrutiny O	18
Fri	20	17	15	19	16	21	18	16	20	17	17	21	19
Mon	23 Annual Council	20 Planning SACRE	18 Council	22	19 Council	24	21 Audit	19	23 Personnel	20 Social Care OS	20 SACRE	24 Personnel	22 Annual Council
Tue	24	21 Education OS	19 Employ A	23	20 Employ A Taxi Sub B Health WB	25 Employ A Personnel	22 Employ A Education OS	20 Employ A Taxi Sub B	24 Employ A	21 Employ A Audit	21 Employ A Health WB	25 Employ A	
Wed	25 Adj. Council	22 Taxi Sub A Cabinet	20 Taxi Sub A Cabinet	24	21	26	23 Licensing	21	25	22 Licensing	22 Cabinet	26 Taxi Sub A	24 Adj Council
Thur	26	23 Employ B	21 Employ B Planning	25	22 Employ B	27 Employ B Social Care OS	24 Employ Economy OS	22 Employ B	26 Employ B	23 Employ B Council £	23 Employ B	27 Employ B Planning	25
Fri	27	24	22	26	23	28	25	23	27	24	24	28	26
Mon	30	27 Audit	25	29 Bank hol	26 Audit	31 Planning	28	26 Bank hol	30 Children OS	27 Taxi Sub B	27		29 Bank hol
Tues	31	28 Children OS Employ A	26 Employ A	30	27 Employ A Children OS		29 Employ A Social Care OS	27 Bank hol	31 Employ A Standards	28 Employ A Economy OS	28 Employ A Taxi Sub B Education OS		30
Wed		29	27	31	28		30	28			29		31
Thur		30 Employ B	28 Employ B Taxi Sub B		29 Employ B			29 Employ B			30 Employ B		
Fri			29		30			30			31		

Nominations to Committees 2022/23

REGULATORY COMMITTEES	Seats	Composition (22/23)	Nominations for 2022/23
1. Audit <ul style="list-style-type: none"> 3 independent members 	7	Con (4)	Elson Bains Singh Sohal Larden
		Lab (3)	R K Mehmi S Hussain
		None	None
2. Corporate Parenting Board <i>(To include the portfolio holder for children's services and chair of Children's Services Overview and Scrutiny Committee and still to be politically balanced)</i>	7	Con (4)	A. Hussain I. Hussain Hicken Wilson
		Lab (3)	T Jukes R Worrall F Mazhar
3. Health and Wellbeing Board <i>(This Committee is not subject to the requirements for political balance)</i>		Chairman from controlling group	Flint
		Portfolio holders: Adult Social Care	Pedley
		Children's Services	Wilson
4. Licensing and Safety <i>* One seat to be allocated to Independent</i>	14	Lab (1)	A Nawaz
		Con (9)	Bains Clarke Cooper Gandham Harrison A. Hussain Samra Sears Kaur
		Lab (4)	A Nawaz K Hussain C Bott S Nasreen
5. Personnel Committee <i>(All appointees must have completed relevant training prior to sitting on the Committee)</i>	9	Independent (1)	Vacant
		Con (6)	Andrew Bird Elson Garcha Samra Whitehouse
		Lab (3)	A Nawaz K Hussain N Gultasib
6. Planning <i>(This Committee is not subject to the requirements for political balance)</i>	20	Ward: Ald. Central & S. Ald. Nrth & W.W. Bentley & Darl N. Birchills-Leamore Blakenall Bloxwich East	Bains Harris A Underhill A. Hussain I Hussain M. Statham

REGULATORY COMMITTEES	Seats	Composition (22/23)	Nominations for 2022/23
<i>Note: All groups to bid for a seat on this Committee based on ward members</i>		Bloxwich West Brownhills Darlaston South Paddock Palfrey Pelsall Pheasey P. Farm Pleck Rushall-Shelfield Short Heath St. Matthews Streetly Willenhall North Willenhall South	Allen Murray P Bott Gandham H Bashir Perry Bird K Hussain Waters Cooper A Nawaz Samra Larden S Cheema
7. Standards (Leader of Council to nominate 1 member of Executive*)	10	Con (6)	Allen Andrew Kaur Lee Towe Elson
		Lab (3) *x1 Seat to Independent	A Young A Nazir R Burley
		Independent (1)	James

OVERVIEW AND SCRUTINY COMMITTEES	Seats	Composition (22/23)	Nominations for 2022/23
8. Scrutiny Overview Committee	11	Con (7) *membership must include all those nominated as scrutiny chairs	Follows Hicken Kaur S. Johal Murray Sohal Cooper
		Lab (4) *membership must include all those nominated as scrutiny chairs	A Nawaz K Hussain S Ditta P Bott
9. Children's Services	11	Con (7)	Garcha Harrison Hicken Kaur Rattigan C. Statham Waters
		Lab (4)	C Horton T Jukes S Nasreen F Mazhar
10. Education	11	Con (7)	Bains Elson A. Hussain I. Hussain Kaur Rattigan Towe

		Lab (4)	S Ditta S Cheema R Burley S Hussain
12. Economy and Environment	11	Con (7)	Allen Follows Garcha I. Hussain Kaur Larden Whitehouse
		Lab (4)	C Creaney P Bott R Worrall A Nazir
13. Social Care and Health	11	Con (7)	Clarke Cooper Elson Martin Rattigan Sears Waters
		Lab (3) *Seat to No Political Party	K. Hussain R Mehmi R Worrall
		No political party (1)	Smith

Chairs and Vice-Chairs of Committees

	2022/23	
Committee	Chair	Vice-Chair
Audit	Mr. A. Green (independent member)	Singh Sohal
Corporate Parenting Board	Wilson *The Portfolio Holder for Children's Services is Chair	Jukes
Health and Wellbeing Board	Flint Nominee of controlling group	*To be appointed by Health and Wellbeing Board
Licensing and Safety	Gandham	Sears
Personnel	Bird	Perry
Planning	Bird	Perry
Standards	P. Kaur	Burley
Scrutiny Overview	J. Murray	Nawaz
Children's Services Overview and Scrutiny	Hicken (C)	Jukes
Education Overview and Scrutiny	S Ditta	Elson
Economy Overview and Scrutiny	M Follows (C)	Allen
Social Care and Health Overview and Scrutiny	K Hussain	Waters

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Nominations to outside bodies and charities 2022/23

Outside bodies	No. of reps	Conservative	Labour	Independent
Birmingham Airport Consultative Committee	2 (1 member and 1 named substitute)	Kaur Lee		
Birmingham Airport Holdings Ltd.	1	Bird		
Black Country Cluster Board (NHS)	1	Pedley		
Black Country Commonwealth Games 2022 Steering Group	1 (Leader or nominee)	Perry		
Black Country Consortium	1 (Leader or nominee)	Andrew		
Black Country Partnership NHS Foundation Trust	1		S Hussain	
Bus Lane Adjudication Service Joint Committee	(1 + deputy member)	Singh-Sohal		
Dudley and Walsall Mental Health Partnership Trust	1		R K Mehmi	
Forest of Mercia Advisory Group	3	Harrison Murphy	A Nawaz	
Investigation of Air Pollution Standing Conference	1	Hicken		
Joint Committee for Civil Parking Enforcement of Parking and Traffic Regulations	2 (1 + deputy member)	Larden	R K Mehmi (Deputy)	
Local Government Association – General Assembly Note: 1 nominee to be allocated 2 votes	4	* Allen Hicken *allocated 2 votes	A Nawaz K Hussain	
Project WR2 Contract Management Board (Cabinet member for environment)	1	Murphy		
River Trent Regional Flood and Coastal Committee (Cabinet member for environment)	2 (1 member & deputy)	Murphy Lee (Deputy)		
Steps to Work (Walsall) Limited	1	Martin		
Walsall Citizens Advice Bureau	2	Rattigan	S Hussain	
Walsall Museum and Art Galleries Development Trust	1	Follows		
Walsall Society for the Blind	2	Towe	T Jukes	
West Midlands Combined Authority Board	2 (+2 subs)	Bird Andrew (Sub)	R Burley K Hussain (Sub)	
West Midlands Combined Authority – Overview and Scrutiny Committee	1 (+1 sub)	Waters *(Vacant – Sub)		
West Midlands Combined Authority – Audit, Risk and Assurance Committee	1 (+1 sub)		R Mehmi *(Vacant – Sub)	
West Midlands Combined Authority – Transport Delivery Committee (£)	2	Singh Sohal	R Worrall	
WMCA Investments Board	1	Bird		

WMCA Public Service Perform Board	1	Flint		
WMCA Strategic Economic Development Board	1	Andrew		
WMCA Wellbeing Board	1	Flint		
WMCA Environment & Energy Board – (ideally the Cabinet Member with environmental responsibilities)	1	Murphy		
WMCA Transport Scrutiny Sub-Committee – 1 member (ideally someone who sits on your scrutiny committee that has responsibility for transport)	1	Waters		
(£) West Midlands Fire and Rescue Authority	2*	Waters (To answer questions on the discharge of the functions of the Fire Authority)	A Young	
West Midlands Pension Fund Committee	2	(Vacant)	Underhill	
West Midlands Police and Crime Panel	1	Samra		
West Midlands Shareholders Airport Committee <i>* Two Councillors that are not necessarily members of the Executive (as determined by Council) from each district shall be invited to attend one of the scheduled meetings of the Airport Committee each year as observers. – TBA</i>	1 voting member + 2 observers*	Kaur		
West Midlands Strategic Migration Partnership Board	1		A Nawaz	
West Midlands Superannuation Committee, Investment Advisory Sub-Committee and Joint Consultative Panel *need to know who is voting and who is sub	2 (1 voting & 1 sub)	Waters Harris		

Charities

Charity	No. of reps	Term of office	Nominations (Conservative)	Nominations (Labour)	Nominations (Independent)
Barr Beacon Trust	10	<i>(Ward Cllrs for Aldridge Central, Pheasey, Streetly and portfolio for regeneration and clean and green)</i>	Mike Bird Pard Kaur Tim Wilson Bobby Bains Adrian Andrew Chris Towe Sat Johal Keir Pedley Suky Samra Kerry Murphy (Portfolio Holder Clean and Green)		
Harper, Marsh and Crumps Almshouses	1	Municipal year	Singh Sohal		
Henry Boys Almshouses	1	Municipal year		A Nawaz	

Advisory and statutory bodies

Advisory and statutory bodies	No. of reps	Conservative	Labour	Independent
Fostering Panel	1	Murphy		
Standing Advisory Council for Religious Education (Note: Political balance rules apply)	7 4 (Con) 3 (Lab)	Pedley M. Statham Lee Singh-Sohal	R K Mehmi C Horton F Mazhar	

Walsall Admission Forum	2	Samra	C Horton	
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