

## BARNSLEY METROPOLITAN BOROUGH COUNCIL

### OVERVIEW AND MAIN PROVISIONS OF THE CONSTITUTION

#### 1. PURPOSE OF DOCUMENT

- 1.1 This document gives an overview and sets out the main provisions of the Council's constitution as agreed by the full Council on 10<sup>th</sup> May 2001, together with subsequent amendments introduced for example following a review in April 2005. A further update of the Council's governance arrangements was undertaken in November 2012, the implications of which are explained below.

#### 2. OVERVIEW OF ARRANGEMENTS

- 2.1 The arrangements set out in the constitution are summarised in the following sections of this document:

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(a)	Form and roles of the Executive (Cabinet)	3
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2.2 More detailed aspects of the arrangements are covered in the set of documents that comprise the remainder of the Council's constitution. These are referred to in the appropriate sections of this document.

### **3. FORM AND ROLES OF THE EXECUTIVE**

3.1 As agreed by the full Council on 15<sup>th</sup> February 2001, the form of executive operating in Barnsley is that of Leader and Cabinet. On 17<sup>th</sup> December 2009 the Council adopted a revised Leader and Cabinet model, as required by the Local Government and Public Involvement in Health Act 2007. Detailed features of the Leader and Cabinet arrangement are set out below.

#### **3.1.1 The Executive Role**

3.1.2 The Cabinet is responsible for making recommendations to the full Council on the authority's policy and budget framework, and for the coordination and performance of Council services and functions within the agreed policy and budget framework. The Cabinet also approves proposals that fall within the definition of a Key Decision (see section 3.7 below), and which have significant implications for a number of services. Details of Cabinet's decision-making powers are set out in the terms of reference and scheme of delegation contained in the constitution.

3.1.3 In recognition of the need to allow Cabinet to focus on strategic issues, Council agreed to delegate executive decision-making power on more routine issues to the individual Cabinet Spokespersons with responsibility for the service concerned. Cabinet Spokespersons are therefore authorised to take decisions on all matters other than those that are:-

- (a) Executive functions delegated by the Cabinet to officers of the Council;
- (b) Executive functions that, subject to statute, the authority has resolved should be reserved for determination by full Council, on the recommendation of Cabinet;
- (c) Executive functions that the authority has resolved should be reserved for determination by Cabinet meeting collectively;
- (d) Matters reserved by statute for determination by the full Council, or delegated to Regulatory Boards or officers by the full Council; and
- (e) Executive functions delegated to other bodies under specific statutory provisions.

3.1.4 Details of the arrangements for decision-making by individual Cabinet Spokespersons, including relevant procedures, are included in the terms of reference and scheme of delegation referred to above.

3.1.5 In recognition of the status of the full Council as the authority's sovereign legislative body, the terms of reference and scheme of delegation provide for the maintenance of a "strong" full Council, by reserving principally for its determination all of those executive functions where this Council has discretion under statute to do so. However, consideration has been given to

the statutory guidance, which provides that where these functions - mainly with regard to control of pollution and other environmental protection functions - involve the preparation of a strategic policy for the Council, the draft plan or strategy should be considered in the first instance by the Cabinet.

- 3.1.6 The terms of reference and scheme of delegation also provide that the responsibility for determining the scheme of delegations for functions which are, under statute, not the responsibility of the Executive, will be reserved for full Council, although the Cabinet may make recommendations to the full Council on such delegations.

## **3.2 Budget Virement**

- 3.2.1 It is acknowledged that, in the absence of any delegations, full Council's approval is required for the formation of, and any variation to, the Council's budget and policy framework. In view of this it is provided that, subject to the requirements of Financial Regulations, the following arrangements, determined in consultation with the Executive Director, Core Services, will apply in respect of budget virement:

- (a) The Chief Executive and Executive Directors shall have delegated authority to vire amounts up to and including £250,000 in any one instance within a service in their respective Directorate budgets for employees, premises, supplies and services, and transport, with the exception of virements affecting expenditure on the sub headings for rates, insurances, planned maintenance, central support charges, administrative building charges, grant aided schemes, energy management, professional fees (for architects, engineers, etc.) and financing charges, subject to the Financial Regulations, which provides for additional exclusions.
- (b) Individual Cabinet members shall have delegated authority to approve variations and virements at an unlimited amount to overall capital or revenue programmes, provided the cost can be contained within the overall budgetary allocation for the service concerned. However, this is subject to the Financial Regulations and the associated Code of Practice, which provide for exclusions. Individual Cabinet members also have delegated authority to approve variations to overall capital or revenue programmes by the inclusion of additional schemes funded from whatever source, where that funding has been specifically provided for the scheme in question and the Council has no discretion as to the use of that funding.
- (c) Cabinet shall have delegated authority to approve variations to overall capital or revenue programmes in respect of the cost of schemes which cannot be contained within the budgetary allocation for the service concerned, except where this represents a variation to the Council's strategy in establishing the relevant programme.
- (d) Authority shall be reserved to full Council to approve variations to overall capital or revenue programmes in respect of the cost of schemes which cannot be contained within the budgetary allocation for the service concerned, where this represents a variation to the Council's strategy in establishing the relevant programme.

3.2.2 As with all aspects of the constitution, virement arrangements will be subject to periodic review.

### **3.3 Composition of the Cabinet**

3.3.1 The Cabinet comprises the Leader of the Council plus seven additional Members. Only elected members of the Council are eligible for membership of the Cabinet. The Cabinet is composed wholly of members of the majority party on the Council, but the membership of most other member bodies of the Council will be broadly proportionate to the political composition of the Council as a whole, as required by the Local Government and Housing Act 1989. The exemptions in relation to political proportionality are the membership of the Area Councils and Ward Alliances (see Section 7), which comprise the members for the relevant electoral wards.

3.3.2 As required by the Local Government and Public Involvement in Health Act 2007, the Council adopted in December 2009 a revised Leader and Cabinet model of executive governance. The 2007 Act requires the appointment of the Leader for a four year term (starting in May 2010), subject to review should the person appointed cease to be an elected member of the Council during the term or if they no longer command a majority of seats on the Council. The Leader of the Council therefore has responsibility for determining the arrangements for the discharge of executive functions (including the number of Cabinet Spokespersons, the distribution of services between their portfolios, and the delegation of responsibilities), and the appointment of Cabinet Spokespersons. The executive governance arrangements in place before May 2010 have largely been retained following the adoption of the revised arrangements.

3.3.3 Each member of the Cabinet has a portfolio, comprising a group of responsibilities and services or issues in which they specialise. A Cabinet Member leads Cabinet discussions on issues relevant to his or her portfolio and takes decisions where appropriate in accordance with the delegated arrangements outlined at paragraph 3.1.3. From time to time the distribution of portfolios between Members of the Cabinet is rotated, the most recent “rotation” being in May 2013. There was a further review of the services within each portfolio in June 2014, when these were aligned to the Future Council directorates that will be operational from April 2015.

3.4 The allocation of responsibilities and services or issues to each of the portfolios is as follows:

3.41 Leader of the Council:

To appoint the Cabinet and determine responsibility for Executive functions; to appoint Area Council Chairs; to Chair meetings of the Cabinet; to lead on policy and budget matters; responsibility for issues relating to: Community Strategy and Planning; Regeneration (in its broadest sense); Sub-Regional, Regional and European issues.

3.42 Deputy Leader of the Council:

To deputise for the Leader of the Council, when necessary; Responsibility for issues in the Core Services Directorate relating to Legal Services, Elections & Land Charges, Town Twinning and the Governance support to Joint

Authorities, and ceremonial aspects of the Registration Service; Licensing matters that fall within the purview of the Executive of the Council; Issues relating to Public Health Protection, including Regulatory Services, Trading Standards/Environmental Health, including the Dog Warden service, the Core Offer to the Clinical Commissioning Group for Health Care and Health Improvement and Public Health Strategy and Advice

3.43 Cabinet Spokesperson without Portfolio:

Responsibility for issues relating to: the training and development of Elected Members and the provision of the necessary facilities to perform their duties effectively; Member representation on and attendance at Council bodies and outside organisations; Issues relating to the management and organisation of Cabinet business; Responsibility for issues in the Core Services Directorate relating to the Governance and Member Support business unit.

3.44 Core Services Spokesperson:

Responsibility for issues relating to: Taxation and Benefits assessments (including free school meals administration) and Debt Recovery; Commercial and Transactional Services including financial assessments; Accounting, Budgeting and Professional and Specialist Finance; Risk Management, Internal Audit and Corporate Fraud; Corporate Commissioning, Procurement and Contracting; Human Resources Business Advisory Service; Schools and Traded Services; Pay, Reward and Recruitment; Organisational Management and Talent Management; Business Intelligence; Customer Feedback and Improvement; Disclosure and Barring Service; Employee Wellbeing / Occupational Health Unit; Health, Safety and Emergency Resilience; Performance Management; Organisational and Workforce / Member Development; Corporate Programmes and Projects; Consultation; Change Management and Business Improvement; Support for Overview and Scrutiny; Communications and Marketing; Equality and Inclusion

3.45 Adults and Communities Spokesperson:

Responsibility for issues relating to: Adult Assessment and Care Management; Safeguarding and Social Workers; Assessment Care Planning; Self Directed Support Teams; Reviews; Emergency Duty Team; Customer Services/Contact Point; Customer Services development; Digital First, including Digital Strategy, web content and design; Information Technology hardware and software development, configuration and maintenance; Application training and customer liaison/support; IT procurement; Business analysis; Council's information governance and security; Records Management; Applications Management and Support (web mobile working); Libraries; Welfare Rights; Disable Facilities Grants / Equipment and Adaptations; Independent Living at Home Services, Day Opportunities and Supporting Living, and Carers Support; Sensory Impairment Services; Housing Options; School Catering Services; Registration Service; Community Safety and Community Enforcement; Gypsies and travellers; Landlords; Community Safety, Domestic Violence, Victim and Witness Support; Drugs and Alcohol Service, including Prevention; Think Family, Troubled Families; Graffiti Removal; Area Councils and Community Engagement, Volunteering and relationship with Third Sector/Private Sector; Community Health and Wellbeing and Promoting Healthy Lifestyles; Community Cohesion; Clean and Green and Parks and Allotments

3.46 Children's Services Spokesperson:

To act as the Designated Leader Member for Children's Services under Section 19 of the Children Act 2004

Responsibility for issues relating to: Education Welfare; Social Care and Safeguarding Quality and Standards; Children's Social Care; Quality Assurance; Access, Assessment, Care Planning and Reviews; Advocacy; Adoption and Fostering; Children's Residential and Leaving Care Service; Stronger Families; Education Strategic Planning, including School Improvement Strategy; Improvement Advisers and Brokerage; Early Years and Family Information Services; Quality of early years provision and integrated child provision for 2-3 year olds including Children's centres; Special Educational Needs; Outdoor Education; School Admissions; School organisation and school places, including strategies for Academies and Free Schools; School Governor Services; Leaving Care Services; Integrated Youth Services; Youth Council, Youth Voice and Participation

3.47 Place (Environment & Transportation) Spokesperson:

Responsibility for issues relating to: Bereavement Services; Waste Management and Recycling; Highways and Network Management, Bridges and Footpath Maintenance; Trans Pennine Trail; Street Lighting; Safer Roads/School Crossing Patrol strategy and operations; Drainage and Reservoirs and Flood Management; Transport, including Home to School Travel and Looked After Children and specialist transport, Transport Strategy including PTE, and Fleet Management; Street Cleansing, Litter Picking and Fly Tipping; Car Parks and Car Parking; Grounds Maintenance, Horticulture and Arboriculture; Sports and Active Lifestyle

3.48 Place (Regeneration & Culture) Spokesperson:

Responsibility for issues relating to: Support for Business and Start Up, Business Growth and Inward Investment; Regeneration; Worklessness, Skills and Enterprise; Adult Learning and Apprenticeships; Spatial Planning and Infrastructure, including Building Control/Development Control, SYMAS and Highways Development Control; Planning Enforcement; Strategic asset management including acquisition and disposals; Property valuations, condition surveys and management of maintenance; Energy and Carbon management; Tenanted non-residential property management and management of PFI and BSF schools; Community asset transfers and assets of community value; Hybrid mail, parcel services and digital printing; Building support and portage (excluding Records Management); Town Centre Management, including Town Centre Market and strategic market development; District Markets; Housing Strategy and Growth; Private Sector Housing, Affordable Housing and Contract and Client Management for Berneslai Homes; Energy and Sustainability; Culture and Visitor Economy

**3.5. Cabinet Support Members**

- 3.5.1 Cabinet Spokespersons are expected to attend every meeting of the Cabinet. However, it is recognised that they may occasionally be absent due to holidays, illness, and any unavoidable commitments that may arise in

exceptional circumstances. Previously, this was provided for by the appointment of Deputy Cabinet Spokespersons, which are not permitted in their previous form by the Local Government Act 2000. The legislation does however recognise the value in Cabinet members receiving support from other designated members, and makes provision for this. Arrangements have therefore been made for the Leader of the Council to appoint a Cabinet Support Member for Cabinet Spokespersons, with the exception of the Leader and Deputy Leader of the Council.

- 3.5.2 This Member attends Cabinet meetings to speak on behalf of their absent colleague to help the Cabinet in its deliberations, but is not able to vote on matters at Cabinet. Cabinet Support members receive the level of officer support consistent with performing this role from time to time. Cabinet Support members also give the Cabinet Spokesperson support in exercising their duties and act as a “sounding board” on developing issues.
- 3.5.3 Unlike Cabinet members, Cabinet Support members are not excluded from membership of Scrutiny Committees, although they are expected to withdraw from any meetings where matters on which they had helped the Cabinet are under consideration. In view of their role, where Cabinet Support members have helped Cabinet on a particular matter they cannot be required by Scrutiny Committees to give evidence on those matters, nor act as a substitute for a Cabinet Spokesperson in scrutiny proceedings.

### **3.6 Arrangements for Cabinet meetings**

- 3.6.1 The Cabinet meets on a fortnightly basis on Wednesday mornings and holds other meetings as necessary. Decisions by individual Cabinet Spokespersons will be taken at meetings held specifically for the purpose, as and when required.
- 3.6.2 As far as possible, decision-making both by Cabinet and individual Spokespersons will be based on consideration of written reports. All Cabinet meetings that take formal decisions will be held in public, except for those items which contain Exempt or Confidential Information as defined by Schedule 12A to the Local Government Act 1972, where Cabinet considers that it is in the public interest for those matters to be kept confidential. Meetings held by individual Spokespersons will not be open to the press or public but papers on which those decisions are based will be available for inspection, subject to the exemptions in the 1972 Act referred to above.
- 3.6.3 The Cabinet will occasionally meet in private in order, for example, to develop its proactive member-lead agenda, or to allow Cabinet members to undertake preliminary soundings with colleagues on forthcoming issues. However, these meetings will be purely deliberative, to identify issues for formal consideration at a future meeting to be held in public.
- 3.6.4 The fortnightly frequency for formal Cabinet meetings adopted in September 2001 allows time for the Cabinet and Senior Management Team to develop strategy and corporate management at special meetings for that purpose. In addition, the full Council approved a detailed review of the delegations to officers in October 2003 that reduced the more routine workload of collective Cabinet meetings and established, through detailed terms of reference, a more strategic focus for those meetings. There was a further review, increasing officer delegated limits, in November 2014.

3.6.5 The rules for proceedings of meetings of the Cabinet and access to papers are set out in Section 13 of this document.

### **3.7 Key Decisions**

3.7.1 Regulation 8 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012, requires each local authority to agree a definition of a “Key Decision”, based on outline guidance in the Regulations. The executive of the local authority is required to set out in a publicly available document (known in Barnsley as the 'Forward Plan') any decision falling within this definition that it is likely to take in the coming four months, as far as it is known. At least 28 days notice of a Key Decision must be given.

3.7.2 This authority has adopted the following definition of a Key Decision:

- (a) Any decision relating to the approval of or variation to the Council’s budget and policy framework that is reserved in the Council’s constitution for determination by full Council on a recommendation from Cabinet, subject to the application of virement limits,  
or;
- (b) Any decision which will result in income, expenditure, or savings, with a gross full year effect of £500,000 or greater, whether or not the item has been included in the relevant approved budget and including the provision by the Council of loans to third parties, with the exception of:
  - (i) decisions that are a direct consequence of implementing a previous Key Decision, and where it was in the contemplation of members when they made the original Key Decision;
  - (ii) bids for funding of £500,000 or more made by the Council to third parties, where a further report will be submitted for approval of the scheme should the bid be successful;
  - (iii) expenditure that is inevitable (as defined by the Executive Director, Core Services) for the day to day provision of services (e.g. day to day supplies, payment of energy bills, etc.), provided that such expenditure was in the contemplation of members when the revenue budget was approved or is necessary to comply with the requirements of contracts won by the Council in competitive tender,  
or;
- (c) Any decision which is likely to have a significant positive or negative impact (e.g. in environmental, physical, social, or economic terms) on people living or working in communities in two or more wards. However, matters will not be Key Decisions simply because the result of a decision would be that work would be carried out in two or more wards, for example following the approval of a borough-wide programme of works.



- 3.7.3 Detailed information on the agreed content and format of the Forward Plan, and the procedure for its collation and distribution, is set out in the constitution.

### **3.8 Joint Arrangements**

- 3.8.1 Following the passing of the Local Government Act 1985, the Council established joint arrangements for the discharge of the following functions with the other South Yorkshire District Councils (Doncaster and Rotherham MBCs, and Sheffield City Council):

South Yorkshire Archaeology Service  
South Yorkshire Archives Service

- 3.8.2 Joint committees of members from each local authority are responsible for these services. Barnsley is represented on each committee by two members of the Council.
- 3.8.3 In addition, the Council operates the South Yorkshire Mining Advisory Service jointly with Doncaster and Rotherham MBCs.
- 3.8.6 The Council also has an Arm's Length Housing Management Organisation (ALMO), known as Berneslai Homes, with responsibility for the management of the Council's housing stock. Details of the arrangements and delegated functions are set out in the constitution.

## **4. THE FULL COUNCIL**

- 4.1 The full Council is the "sovereign body" within the authority and has as substantial and as wide a role as is possible within the relevant legislation. The full Council sets the policy and budgetary framework for the authority. Detailed arrangements for the role and operation of the full Council are set out below.

### **4.2 Role**

- 4.2.1 Within its terms of reference and delegations, the role of the Council is to exercise the following competencies:-
- (a) adopting and changing the constitution;
  - (b) approving and adopting the policy framework, which shall have been arrived at through an inclusive process involving the public and other local stakeholders, as well as councillors;
  - (c) approving and adopting the budget and setting the Council Tax;
  - (d) approving any application to the Secretary of State in respect of any housing stock transfer;
  - (e) subject to the urgency procedure contained in the Access to Information Procedures Rules, making decisions about any matter regarding the discharge of an executive function which is covered by

the policy framework or the budget, where the Cabinet is minded to make it in a manner which will be contrary to the policy framework or contrary to/not wholly in accordance with the budget;

- (f) appointing the Leader, for a four year term ;
- (g) agreeing and/or amending the terms of reference for Regulatory Boards, the Audit Committee, and Scrutiny Committees, and making appointments to them;
- (h) appointing representatives to outside bodies, unless the appointment is an executive function or has been delegated by the Council - the Secretary of State advises that executives will make appointments to outside bodies in connection with functions that are their responsibility (e.g. housing, education, social services, regeneration etc.), and that all other appointments should be made by the full Council or through delegation arrangements;
- (i) the adoption of the Scheme of Allowances for elected members;
- (j) changes in the name of the area, conferring the title of Honorary Aldermen, or Freedom of the Borough;
- (k) confirming the appointment by the appropriate Appointment Panel of the Head of Paid Service;
- (l) making, amending, revoking, re-enacting, or adopting bylaws, and promoting or opposing the making of local legislation or private bills;
- (m) Such local choice functions and functions that cannot be undertaken by the executive as are set out in the Local Authority (Functions and Responsibilities) (England) Regulations 2000, which the Council has decided shall be undertaken by either itself, rather than the executive, or by delegation to a Regulatory Board. These are included and shown in the terms of reference document; and
- (n) all other matters which, by law, must be reserved to Council.

### **4.3 Membership**

4.3.1 All 63 elected members of the authority sit on the full Council.

### **4.4 Meeting frequency/modes**

4.4.1 The following meetings of the Council will be held:-

- (a) Annual meeting of the Council;
- (b) Ordinary meetings of the Council;
- (c) Extraordinary meetings of the Council; and
- (d) All Member Information Briefings.

- 4.4.2 The Annual meeting of the Council in a year where there is an ordinary election of councillors takes place within 21 days of the retirement of any outgoing councillors. In any other year, annual meetings take place on a date to be determined in May.
- 4.4.3 Ordinary meetings of the Council are held roughly every 8 weeks on Thursdays with a start time of 10.30am, or such other time as the Council may determine. The Standing Orders of the Council limit to ten minutes speeches made in relation to motions and comments on minutes.
- 4.4.4 Extraordinary meetings of the Council will be held from time to time to deliberate on issues that require the urgent or specific attention of the Council and shall be convened by the Mayor or, in his/her absence, the Deputy Mayor, or by one quarter of the whole number of the members of the Council, in line with the Council's Standing Orders.
- 4.4.5 All Member Information Briefings enable councillors to receive presentations on current issues affecting the Council. This might allow officers to seek the views of members informally prior to developing a policy, or to inform them of how a new policy or initiative will be implemented. Information Briefings can also help members meet their development needs, as identified by the Members' Development Working Party. For whatever purpose the Information Briefings are arranged, they have no decision-making powers.
- 4.4.8 Chairing of All Member Information Briefings is determined at each individual meeting and is not ordinarily the responsibility of the Mayor. Given that these meetings do not have formal decision-making powers, the provisions in Schedule 12 of the Local Government Act 1972 that require the Mayor to preside at meetings of the Council if present do not apply.

## **5. ARRANGEMENTS FOR OVERVIEW AND SCRUTINY**

- 5.1 The overview and scrutiny functions defined in Section 21(2) of the Local Government Act 2000 are discharged by the Overview and Scrutiny Committee. The business of the separate Safeguarding Services Scrutiny Committee, which considered issues in relation to the safeguarding of children and vulnerable adults, was subsumed into the work of the main Committee, on a trial basis from May 2016. This provided for the involvement of more Elected Members in the scrutiny of this activity, together with greater flexibility as to when these issues could be considered within the meetings cycle. These arrangements were confirmed in May 2017 following a review of their effectiveness.
- 5.2 From May 2019, an increased number of Members will be involved in scrutiny. The committee will meet in plenary mode to consider core safeguarding business such as the work of the Safeguarding Adults Board and Safeguarding Children Board as well as full service performance of social care services. The committee will also allocate time to 3 workstreams aligned to the Council priorities which will also allow time for consideration of other safeguarding business.

### **5.3 Characteristics of the Scrutiny Committees**

- 5.3.1 The Committees are defined by the following characteristics:

- (a) they serve to act as promoters of the public interest;
- (b) they aim to enhance the accountability and transparency of the decision- and policy-making process;
- (c) they have a thematic or cross-cutting view of local authority business and other borough-wide issues;
- (d) they are driven by Committee members, not by Council officers;
- (e) they hold the executive to account (the scrutiny role);
- (f) they develop and review policy (the overview role);
- (g) they are able to look at issues in-depth;
- (h) they have a holistic, wide-ranging view; and
- (i) they allow councillors to represent the views of the public and others to the executive, and to ensure that these views are taken into account.

5.3.2 The Scrutiny Committees do not therefore:

- (a) act to defend the Council interest over the public interest;
- (b) scrutinise individual decisions of quasi-judicial or regulatory bodies, such as the Licensing Regulatory Board, development control issues, and other permissions, nor do they act as an appeal mechanism on any matter;
- (c) have executive, decision-making powers;
- (d) have the direct advice of senior Council officers in the manner of a traditional local government committee (although senior officers must attend Committee meetings to act as witnesses when required to do so, and must cooperate generally with the Committees' work); or
- (e) Have a narrow, service based, or "departmentalist" view of local authority business.

## 5.4 Role of the Scrutiny Committees

5.4.1 The Overview and Scrutiny Committee's (OSC) work programme is approved by Cabinet. It also carries out this programme through three 'Task and Finish Groups' (TFGs), which each examine specific topics and report their findings to the OSC. Each TFG usually consists of eight councillors drawn from the OSC's membership, and is chaired by a Task and Finish Group Lead.

The OSC is responsible for:

- (a) scrutinising key Cabinet decisions/recommendations, and exercising 'call-in' if deemed necessary;

- (b) scrutinising important decisions taken by other organisations;
- (c) keeping a watching brief on a wide range of performance data, for the Council and for its partners;
- (d) monitoring progress against their respective work programmes, and recommending any amendments to them to Cabinet; and
- (e) reporting findings and recommendations to Cabinet.

The OSC is also responsible for:

- (a) considering Councillor Calls for Action (CCFAs), except where they are referred to an Area Council, in which case the OSC will retain a monitoring role;
- (b) receiving and considering the findings of Task and Finish Groups;
- (c) exercising powers on behalf of the local authority, granted under Section 244 of the National Health Service (NHS) Act 2006, as amended under Section 190 of the Health and Social Care Act 2012, in relation to the scrutiny of health services in the borough;
- (d) considering matters referred to it by the local HealthWatch organisation or HealthWatch contractor, as set out in Part 21 of the Local Authority (Public Health, Health and Wellbeing Boards, and Health Scrutiny) Regulations 2013; and
- (e) acting as the authority's designated crime and disorder scrutiny committee, as set out in the Police and Justice Act 2006.

## **5.5 Powers of the Committees**

### 5.5.1 The Committees may:

- (a) refer back to Cabinet for further consideration those items on which, under the Council's constitution, Cabinet can make recommendations, but which are subject to approval by the full Council;
- (b) exercise a power of "call-in" in respect of Cabinet decisions, as explained in paragraphs 5.7.1(b) and 5.7.2 below;
- (c) provide comments and advice to Cabinet on current and future executive business;
- (d) launch their own in-depth investigations and produce reports to Cabinet on important policy issues. (The agreed protocol for determining the response of Cabinet to these and other issues is included in the constitution);
- (e) require Cabinet members and senior Council officers to answer questions and give evidence at their meetings. The relevant legislation provides for attendance by any officer at a Scrutiny

Committee meeting when required, but it is considered appropriate within the Council's constitution to limit this in normal circumstances to attendance by officers of appropriate seniority; and

- (f) ask representatives of outside organisations to answer questions and give evidence at their meetings.

## **5.6 Responses to Scrutiny Committee Reports**

- 5.6.1 The Council has a protocol on how Scrutiny Committee reports are produced, and the timescales within which Cabinet is expected to respond to them. The protocol is included in the constitution.

## **5.7 Membership of the Committee**

- 5.7.1 Membership of the Committee is proportionate to the political composition of the Council as a whole, as required by the Local Government and Housing Act 1989. Cabinet members (but not Cabinet Support members) are excluded from membership of the Committee.
- 5.7.2 Arrangements have been made to prevent the exercise of the political whip system inhibiting the effective operation of scrutiny. The whip of the majority party applies to scrutiny only in relation to attendance and general standards of behaviour, and does not apply to speaking, questioning, or voting at Scrutiny Committee meetings.
- 5.7.3 The Committee has the power to co-opt representatives of the wider community, who are not members of the Council, which can include representatives of:-
  - Trade unions
  - Business
  - Community groups
  - The voluntary sector
  - Churches
  - Other specialist interest groups
  - Ordinary members of the public
- 5.7.4 Only those co-optees who represent the Church of England, Catholic Church, and parents (two representatives) have voting rights, as these are specifically granted by Government legislation.

## **5.8 Meetings of the Scrutiny Committee**

- 5.8.1 The Committee meet in public, except when considering items that contain exempt or confidential information as defined by schedule 12A to the Local Government Act 1972, where it is considered that it is in the interests of the Council to exclude the press and public.
- 5.8.2 All Scrutiny Committee meetings are official Council meetings, which have a formal agenda. Minutes of Committee meetings are received by full Council as part of the Summons for ordinary Council meetings.

## **5.9 Rights of Scrutiny Commission Members**

- 5.9.1 Scrutiny in Barnsley is a 'member led' process, with officers providing support and advice as appropriate. As well as having regular opportunities to scrutinise issues identified in the work programme, Scrutiny Committee members can also influence the Committee's agenda setting process. All non-Cabinet Members can invoke a process known as 'call-in'.
- 5.9.2 All Scrutiny Committee members (elected and co-opted) have the right to place any relevant item on the agenda of the relevant Committee and have it scrutinised. They can do this by making clear what issues they wish to scrutinise when the Committees agree their work programmes at the start of each municipal year, either formally at meetings or informally by raising the issue with the Committee Chair. The relevant procedure is set out in the Council's Standing Orders.
- 5.9.3 All members still have the right to ask for items to be scrutinised once the work programmes have been set. They can do this by bringing forward 'Councillor Calls for Action' under Section 119 of the Local Government and Public Involvement in Health Act 2007. This allows *any* elected member to refer a "local government matter" that falls within its remit to a Scrutiny Committee. Councillors can do this even if they are not a member of the relevant Committee. The Scrutiny Committees are obliged to include these 'Calls for Action' on their agenda, but have discretion regarding how they subsequently choose to address them. They can if they wish carry out a full investigation, and make recommendations for action. Alternatively they can decide, after preliminary discussion, to take no further action.
- 5.9.4 The 2007 Act defines a "local government matter" as something that:
- (i) relates to the discharge of any function of the authority;
  - (ii) affects all or part of the member's ward, or any person who lives or works in it;
- 5.9.5 The Executive Director, Core Services, will decide if specific proposals for scrutiny or Councillor Calls for Action fall within, or are relevant to, a Committee's terms of reference. If he or she judges that they do not, then the member(s) who have suggested the item(s) for scrutiny will be given reasons why this is the case.
- 5.9.6 Items accepted for scrutiny as Councillor Calls for Action will, if practicable, be placed on the agenda for the next relevant scheduled meeting of the Scrutiny Committee. If this is not practicable they will be placed on the agenda for the next but one scheduled meeting of the Scrutiny Committee. The Executive Director, Core Services, will ensure that appropriate officer support is provided to enable the Committee to undertake a preliminary investigation of items suggested by Committee members. Following these preliminary enquiries, the Committee will decide if they wish to carry out a more extensive investigation.
- 5.9.7 All non-Cabinet members have a right to ask that a decision made by the Cabinet be "called in" by a Scrutiny Committee. "Call-in" is a mechanism that prevents a decision of the executive being implemented until such time as the

Scrutiny Committee has reviewed the decision made. The “call-in” procedure is explained in more detailed in the constitution.

- 5.9.8 Where a matter is delegated to an individual Cabinet Spokesperson for a decision, Scrutiny Committees can only call-in that decision if it has not been implemented by the time the call-in request is made.

## **5.10 Relationship between the Overview and Scrutiny Committee and Area Councils**

- 5.10.1 All elected members who sit on the Scrutiny Committee are also members of an Area Council. Members can bring forward issues raised at Area Council meetings for consideration by the Scrutiny Committee, including Councillor Calls for Action that are of a strategic nature or have implications for the whole borough.
- 5.10.2 In the course of their meetings, Area Councils may highlight issues that the Scrutiny Committee could in future investigate further from a borough-wide perspective.
- 5.10.3 In the course of its investigations the Scrutiny Committee may identify issues that are of local concern, and refer these to the relevant Area Council for consideration.

## **6. MEMBER ARRANGEMENTS FOR CORPORATE PARENTING AND SAFEGUARDING CHILDREN**

- 6.1 In order to fulfil the Council’s duties in relation to Corporate Parenting and Safeguarding Children, the Council established informal Member Panels in 2008 and 2009 respectively. These were formalised as part of the Council’s constitution in May 2012. They were aligned to, but independent of, the Council’s Overview and Scrutiny function. The Safeguarding Children Panel was disbanded in May 2015 when the remit of the then Children’s Services Scrutiny Committee was broadened to cover safeguarding. Safeguarding is a core element of the Overview and Scrutiny Committee’s work programme. The activities of the Corporate Parenting Panel are also taken into account when the Scrutiny work programme is formulated.

## **7. AREA ARRANGEMENTS**

### **7.1 Area Councils**

- 7.1.1 Barnsley Council approved new governance arrangements in November 2012, to support and enable the delivery of its Corporate Plan priorities. Six Area Councils were established as Area Committees of the Executive, as defined by the Local Government Act 2000, with effect from May 2013.
- 7.1.2 Area Councils vary in size from two to five electoral wards, to reflect the borough’s natural communities as much as possible. The Chair of each Area Council is chosen by the Leader of the Council from amongst the members



representing the relevant wards, and appointed for a period of one municipal year.

- 7.1.3 Each Area Council meets 6 times per year, with appropriate officer support. Minutes are taken, approved at the following meeting, and received by full Council as appropriate. Meetings are held in public, but direct public participation is not allowed.
- 7.1.4 From 2014/15 Area Councils will be allocated devolved budgets on a proportionate basis, depending on their size. For example, Central Area Council (comprising five wards) will be allocated £500,000 for 2014/15, whilst Penistone Area Councils (comprising two wards) will receive £200,000. The purpose of these budgets is to provide local discretion on how borough-wide services can be enhanced or modified to meet the needs of the borough's many communities.
- 7.1.5 Each Area Council has drawn up an Area Plan that will set out its priorities for the local area, which will in turn help guide members' decisions on which services the Area Council should commission from its devolved budget. Local people will have an opportunity to comment on the Area Plan whilst it is still in draft form.
- 7.1.6 Area Councils will monitor the performance of services they have commissioned, to ensure they realise desired objectives and outcomes. In addition, Area Councils also scrutinise borough-wide services that are provided locally, identifying issues for attention or action.

## **7.2 Ward Alliances**

- 7.2.1 Approval of the Council's new governance arrangements also created 21 'Ward Alliances', with the task of with helping realise the Council's vision of a new relationship between itself and Barnsley's communities.
- 7.2.2 The purpose of the Ward Alliances is to:
- (a) work effectively in partnership for the benefit of the ward, its residents, and businesses;
  - (b) develop a vision and priorities for the ward, based on ward data, community consultation, and local intelligence;
  - (c) develop a ward plan to realise this vision and these priorities, and take collective ownership to deliver that plan, using all available assets within the ward;
  - (d) make decisions based on consensus and oversee a Ward Alliance Fund, as well as any other locally delegated budgets or external grant income available to the ward;
  - (e) make arrangements to engage and consult the wider community in setting ward priorities and helping to deliver the Ward Plan;
  - (f) ensure that the strengths, skills, and assets of the ward are developed and contribute to its sustainability; and

- (g) develop a two way relationship with other bodies and organisations, such as Area Councils, receiving and acting upon decisions and advice but also providing information and making recommendations.
- 7.2.3 Each Alliance is made up of all three elected members for the relevant ward, plus at least six community representatives. Community representatives serve on the Alliance for a one year term, and are recruited and appointed by the relevant three elected members. More detail on the role of community representatives is available in the constitution.
- 7.2.4 Each Ward Alliance is chaired and vice-chaired by an elected member. Ward Alliances are not formal Council committees, and operate with minimum officer support. They are supported by their local 'neighbourhood networks', individuals and groups (e.g. school governors, neighbourhood watches, and local businesses) who are dedicated to improving life in their communities. More information about neighbourhood networks is included in the constitution.
- 7.2.5 Each Alliance has access to a Ward Alliance Fund. All Alliance members have an equal say in deciding how to spend such monies to help the Alliance realise its Ward Plan priorities. However, projects supported by the Fund have to demonstrate an element of social responsibility and be matched by a volunteer contribution. For example, members of a local football team applying for funding to buy new equipment might give something back to the community by taking part in a local litter picking campaign, or volunteering at a community gala.

## **8 STANDARDS OF CONDUCT – ARRANGEMENTS FOR ADDRESSING ETHICAL STANDARDS ISSUES**

- 8.1 All elected members must adhere to the members' Code of Conduct, which was approved by the Council in July 2012. This includes the declaration of certain financial ('pecuniary') and other ('non-pecuniary') interests, as required by the Localism Act 2011. Any such declarations must be reported to the Council's Monitoring Officer, for inclusion in a 'Register of Members' Interests'.
- 8.2 More information about the types of interests members are required to disclose is available in the constitution. Any alleged breaches of the Code can be investigated by the Council's Appeals, Awards, and Standards Regulatory Board.
- 8.3 Membership of the Appeals, Awards, and Standards Regulatory Board, and arrangements for meetings**
  - 8.3.1 The Appeals, Awards, and Standards Regulatory Board comprises a minimum of 21 elected members, including at least one member from each ward wherever possible. The Board is chaired by an elected member appointed by the Council to serve for one municipal year at a time.
  - 8.3.2 The Board operates through a system of panels, which carry out their business in accordance with the relevant statutory provisions governing the

matter that is the subject of the appeal or standards complaint. Panel meetings are held as and when required, and can be held in private if an appropriate explanation (which adheres to the relevant legislation) is provided. Membership of such panels is chosen from the Board by the Executive Director, Core Services, in consultation with the Chair of the Board.

- 8.3.3 Complaints about breaches of the members' Code of Conduct are first considered by the Monitoring Officer. Where it is felt that a complaint warrants further investigation, and in consultation with the Deputy Leader, an officer will be asked to undertake such an investigation and produce a report on his/her findings. The report will be submitted to a Standards Panel, which will:
- (a) consider the report and, in the event that further action is considered appropriate, arrange to hold a meeting at which the member who is the subject of the complaint is entitled to be present and heard;
  - (b) seek where appropriate the views of the Independent Person (appointed in accordance with the Localism Act 2011), and take these into account before any decision is taken with regard to the allegation; and
  - (c) recommend appropriate action be taken in accordance with powers available to the authority.

#### **8.4 The Audit Committee**

8.4.1 The Audit Committee's role is to:

- (a) provide independent assurance of the adequacy of the risk management framework and associated control environment;
- (b) provide independent scrutiny of the authority's financial and non-financial performance, to the extent that it affects the authority's exposure to risk and weakens the control environment; and
- (c) to oversee the financial reporting process.

8.4.2 The Committee's activities are driven by the requirements of internal and external audit, as well as the statutory requirements of the Accounts and Audit Regulations Plan. Detailed terms of reference are included in the constitution.

8.4.3 The Audit Committee comprises four senior elected members and five co-opted members with a background in finance and governance. Meetings are held in public, but with some business conducted in private where to do otherwise might prejudice current investigations.

8.4.4 The Committee receive reports directly from the Executive Directors, and the lead officer is the Head of Internal Audit and Risk Management. The three statutory officers - the Chief Executive, Section 151 Officer, and Monitoring Officer - support the Committee on an on-going basis, aided by other officers as appropriate.

### **9. OTHER REGULATORY FUNCTIONS**

- 9.1 The following Regulatory Boards discharge the quasi-judicial responsibilities that the Local Government Act 2000 requires, or enables as a matter of local choice, to be treated by the Council as non-executive functions. More detail is included in the terms of reference of each Board.

## **9.2 Planning Regulatory Board**

### **9.2.1 Role**

The Planning Regulatory Board exercises the functions of the Council in relation to:

- (a) town and country planning, and development and building control, as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000;
- (b) highways use and regulation, as set out in Schedule 1 to the functions of the above Regulations;
- (c) minerals and waste disposal planning and control;
- (d) matters concerning the safety of sports grounds; and
- (e) supervision of all land subject to reclamation that is for the time being owned by the Council.

- 9.2.2 The Board also approves the delegation to officers of any of the above functions, as identified in the delegation section of the constitution.

### **9.2.3 Membership**

The Board's membership is proportionate to the political composition of the Council as a whole, as required by the Local Government and Housing Act 1989, but also includes at least one elected member from each ward. Cabinet members are excluded from membership, with the exception of the Cabinet Spokesperson for the planning function, who may at the Council's discretion be included. However, he or she may not be Chair of the Board.

### **9.2.4 Public involvement**

There will be provision for speeches by, or on behalf of, interested members of the public, on planning matters with a recognisable community impact. These are to be limited to one person speaking in favour and one against each relevant planning application, with speeches lasting no more than five minutes. More information is available in the constitution.

## **9.3 General Licensing Regulatory Board**

### **9.3.1 Role**

The Licensing Regulatory Board exercises the functions of the Council in relation to:

- (a) Licensing matters and licensing registrations, as set out in Schedule 1 to the Local Authorities Functions and Responsibilities (England) Regulations 2000, in relation to:-

- Hackney Carriages/Private Hire
- Gaming Licences
- Betting Track Licences
- Sex Establishments
- Waste Licences
- Dangerous Wild Animals Licences
- Nurses Agencies Licences
- House to House Collections

(NB: This excludes matters that relate to the licensing of entertainment premises under the Licensing Act 2003, which by law must be dealt with by a separate Licensing Committee);

- (b) Determination of appeals received in respect of the refusal of applications for the registration of premises for civil marriages; and
- (c) Non-executive powers under control of pollution, statutory nuisance, environmental protection, food safety regulations, and health and safety at work functions (other than as an employer).

9.3.2 The Board also approves the delegation to officers of any of the above functions, as identified in the delegation section of the constitution.

#### **9.3.4 Membership**

9.3.5 The Board's membership is politically proportionate to the political composition of the Council as a whole, as required by the Local Government and Housing Act 1989, but also includes at least one elected member from each ward. Cabinet members are excluded from membership, with the exception of the Cabinet Spokesperson for the licensing function, who may at the Council's discretion be included. However, he or she may not be Chair of the Board.

#### **9.3.6 Arrangements for meetings**

9.3.7 Hearings relating to the possible suspension or revocation of a licence are considered by a panel comprising three members of the Board, meeting as and when required.

9.3.8 Statutory requirements regarding public representation are taken into account.

9.3.9 Where the Board is acting in a quasi-judicial manner, or determining/considering the civil rights and obligations or the criminal responsibility of any person, it will follow a proper procedure that accords with the requirements of natural justice and the right to a fair hearing, as contained in Article 6 of the European Convention on Human Rights.

## **9.4 Statutory Licensing Regulatory Board**

### **9.4.1 Role**

The Statutory Licensing Regulatory Board exercises the Council's functions in relation to licences for liquor and entertainment premises, as set out in the Licensing Act 2003, through a system of sub-committees. The Board also monitors the operation of the Council's Licensing Statement, established under the 2003 Act.

### **9.4.2 Membership**

The Board's membership is politically proportionate to the political composition of the Council as a whole, as required by the Local Government and Housing Act 1989, to a maximum of 15 members. Membership of the Statutory Licensing Board is drawn from that of the General Licensing Board, to reduce the complexity of these arrangements. The Board also has a system of sub-committees, each comprising three elected members, which determine individual licence applications.

### **9.4.3 Arrangements for meetings**

9.4.4 Meetings of the sub-committees are held as and when required, depending upon the amount of business.

9.4.5 Statutory requirements regarding public representation are taken into account.

9.4.6 Where the Board is acting in a quasi-judicial manner, or determining/considering the civil rights and obligations or the criminal responsibility of any person, it will follow a proper procedure that accords with the requirements of natural justice and the right to a fair hearing, as contained in Article 6 of the European Convention on Human Rights.

## **9.5 Appeals, Awards, and Standards Regulatory Board**

### **9.5.1 Role**

9.5.2 The Board exercises the functions of the Council in relation to appeals, awards, and standards, as set out in its terms of reference.

9.5.3 These include responsibilities delegated by the Council relating to education, social services, discipline (excluding Executive Directors, for whom separate arrangements apply), performance in employment (capability), incapacity due to sickness or industrial injury, and grievances. The Board can also investigate alleged breaches of the member's Code of Conduct.

9.5.4 Appeals for admission to schools are not dealt with by the Regulatory Board but by Independent Panels established specifically for that purpose, as required by the relevant Education Acts.

### **9.5.5 Membership**

- 9.5.6 The Board operates on a panel system. Panels will be formed from the Board, which itself comprises a minimum of 22 members (at least one elected member per ward, plus any other non-executive members who express an interest). Cabinet members may not be members of the Board.
- 9.5.7 The precise arrangements made to deal with appeals and other matters, and the composition of the relevant panel, will vary according to the type of appeal or other issue being dealt with. A schedule containing a breakdown of these arrangements is included in the constitution.

### **9.5.8 Arrangements for meetings**

- 9.5.9 The Board, and panels, will meet as and when required. The formal status of any panel as convened from time to time is that of a committee that has been established by the Council under Section 102 of the Local Government Act 1972. The membership of the committee is not fixed and the composition on each occasion when it sits as a Panel is determined by the Executive Director, Core Services, who has delegated powers to select members of the Board to constitute any such Panel as appropriate.
- 9.6 Meetings may be held in public, but given their personal nature most are held in private where necessary, within the terms of the relevant legislation.
- 9.6.1 Where the panels of the Board are acting as a tribunal, or determining/ considering the civil rights and obligations or the criminal responsibility of any person, they will follow a proper procedure that accords with the requirements of natural justice and the right to a fair hearing, as contained in Article 6 of the European Convention on Human Rights.

## **10. MEMBERS' ALLOWANCES**

- 10.1 The Local Government Act 2000 requires the Scheme of Members' Allowances to be reviewed by an Independent Panel. The Council must have regard to the Panel's recommendations in setting the Scheme. The current scheme of Members' Allowances is included in the constitution.

## **11. ARRANGEMENTS FOR SENIOR OFFICER APPOINTMENTS**

- 11.1 Under the Local Government Act 2000, Cabinet may not make officer appointments. Those appointments that require member involvement are made by Appointment Panels, in accordance with the provisions in the Council's Standing Orders.

### **11.2 Role of Appointment Panels**

- 11.2.1 Appointment Panels will undertake appointments to the posts of Chief Executive, Executive Directors, and Directors.

### **11.3 Membership/Structure of Appointment Panels**

- 11.3.1 The Appointment Panel for the appointment of a Chief Executive will comprise the Leader (as Chair of the Panel), and all other Cabinet members and such other members of the Council as is necessary to achieve political proportionality.

- 11.3.2 For the appointment of Executive Directors, the Appointment Panels will comprise the relevant Cabinet Spokesperson (as Chairperson), the Cabinet Support Member to that Spokesperson, two other Cabinet members, and such other members of the Council as is necessary to achieve political proportionality but including the Chair of the Overview and Scrutiny Committee.
- 11.3.3 Any appointment made by the Panel to the post of Head of Paid Service (Chief Executive) must be reported to the full Council for confirmation. Any other appointments made will be subject to consultation with Cabinet members prior to confirmation, in line with the requirements of mandatory standing orders.
- 11.3.4 The individual membership of appointment panels will vary according to the nature of the appointment. The formal status of any panel as convened from time to time is a committee that has been established by the Council under Section 102 of the Local Government Act 1972. The membership of the committee is not fixed and the composition on each occasion when it sits as a panel is determined by the Executive Director, Core Services, who has delegated powers to select members to constitute any such panel as appropriate.
- 11.3.5 In exceptional cases where it is necessary to hold a disciplinary hearing in respect of any member of the Senior Management Team, a Panel would be constituted on a similar basis. In the case of the Head of the Paid Service, Monitoring Officer, and Chief Financial Officer, the formal provisions of the Local Government (Standing Orders) Regulations 1993, which require any such panel to have regard to the recommendation of an Independent Person, also apply.

## **12. ARRANGEMENTS FOR RISK MANAGEMENT**

- 12.1 The Council and its officers are committed to implementing risk management policies and procedures that identify and mitigate significant strategic and operational risks, so as to maximise opportunity and minimise uncertainty.
- 12.2 In order to achieve this, the Council has adopted a clear Policy Statement that includes the following requirements:
- a) a high level of awareness and ownership of risk in all functions and processes of Council activity, in order to maximise opportunities and benefits whilst minimising losses;
  - b) all members and officers of the Council have responsibility for the implementation of corporate governance principles, as set out in CIPFA/SOLACE guidelines, in particular Dimension 4 – Risk Management and Internal Control;
  - c) effective business continuity planning;
  - d) the inclusion of risk awareness within a Performance Assessment Framework; and



- e) the active consideration of risk in the setting of appropriate and effective policy options, service delivery methods, and budget and resource allocation, including partnership working.

12.3 These objectives will be achieved through:

- a) the setting up and review of effective and efficient operational, financial, and internal controls in the planning and delivery of services, including the control and monitoring of significant strategic and operational risks by Directorates;
- b) support and encouragement regarding ownership and responsibility of risk management activity throughout the authority;
- c) provision of practical guidance and training for management in developing good management practices in relation to risk;
- d) development of training schemes in risk awareness for all staff; and
- e) the setting up and regular review of corporate and directorate risk registers.

12.4 The Council's Risk Management Policy Statement is included in the constitution.

### **13. ACCESS TO MEETINGS AND INFORMATION**

13.1 It is expected and required that all meetings of the Council at whatever level are open to attendance by members of the public, subject to the exceptions contained within the rules regarding instances when confidential or exempt information is to be discussed. The meanings of exempt and confidential information are explained in the constitution.

#### **13.2 Supply of agenda etc.**

13.2.1 Copies of agenda and reports are available for public inspection at Barnsley Town Hall and on the Council's website, at least five clear days before the date of the meeting in question. Five clear days disregards the day of despatch, day of receipt, and weekends.

#### **13.3 Availability of minutes, agenda, and reports**

13.3.1 The Council makes available for public inspection copies of the minutes of meetings, and the agenda and reports of meetings (in relation to those parts of meetings that were open to the public), for a period of six years after the date of the meeting. Documents are also available electronically on the Council's website.

#### **13.4 Key Decisions and Forward Plan**

13.4.1 The Cabinet is required to follow procedures with regard to Key Decisions and prepare, on a rolling four weekly basis, a Forward Plan that will cover the following 16 weeks.

13.4.2 Statutory guidance states that the Plan should contain the following information:

- (a) a short description of matters under consideration, and state when Key Decisions are expected to be taken;
- (b) who is responsible for taking decisions (usually the Cabinet), and how they can be contacted;
- (c) what relevant reports and background papers are available

13.4.3 The Forward Plan is updated every 28 days. It is available for inspection at the Council's offices and on its website.

13.4.4 The constitution also refers to how matters that are likely to be a Key Decision but have not been included in the Forward Plan will be dealt with, and how any decisions may still be taken. These procedures include notification of the Chair of the Overview and Scrutiny Committee.

13.4.5 In special cases of urgency there is also provision for dealing more speedily with matters that are not included in the Forward Plan. This also involves obtaining the agreement of the Overview and Scrutiny Committee Chair, or in his or her absence the agreement of the Mayor or Deputy Mayor, that the taking of the decision cannot be reasonably deferred.

13.4.6 Quarterly reports are made to the Council on any executive decisions that have been taken under the "special urgency" proceedings in the previous three months.

## **14. THE CONSTITUTION**

14.1 Section 37(1) of the Local Government Act 2000 requires local authorities operating executive arrangements to prepare and keep up to date a document known as the 'constitution'. The document must include:-

- (a) Such information as the Secretary of State may direct;
- (b) A copy of the local authority's Standing Orders;
- (c) A copy of the local authority's Code of Conduct for Members (Section 51 of the Act);
- (d) Such other information as the local authority considers appropriate.

14.2 This document, and the other documents referred to herein, are the Council's constitution for the purposes of the Act, and include the material required by the Local Government Act 2000 (Constitutions) (England) Direction 2000

## **15 REVIEW ARRANGEMENTS**

15.1 The constitution is reviewed and developed on an ongoing basis, and formally reviewed at least every five years. The most recent review was completed in summer 2013.

**16 AVAILABILITY OF CONSTITUTION DOCUMENT**

- 16.1 The constitution is available for inspection by the public at the Council's principal office, at all reasonable times and free of charge. The Constitution is also available in the borough's public libraries and on the Council's website.
- 16.2 The Council has arrangements in place to ensure that members of minority ethnic communities and people with sensory disabilities are able to access the constitution. It is therefore available in a range of formats upon request.
- 16.3 This summary of the constitution has also been made available and is, as far as possible, written in plain language, to ensure the public know broadly who is responsible for which decisions made by the executive and the Council.

**17. EMPLOYEE ASPECTS**

- 17.1 The local code of conduct that applies to Barnsley MBC employees is included in the constitution.

**18. OFFICER CONTACTS**

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