

# Rules of Procedure

## Council Procedure Rules

### 1. RULE 1 ANNUAL MEETING OF THE COUNCIL

#### 1.1 Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place a date in May to be fixed by the Council.

The annual meeting will:

- 1.1.1 elect a person to preside if the Chairman of Council is not present;
- 1.1.2 elect the Chairman of Council;
- 1.1.3 elect the Vice-Chairman of Council;
- 1.1.4 approve the minutes of the last meeting;
- 1.1.5 deal with any matters arising from those minutes;
- 1.1.6 receive any announcements from the Chairman;
- 1.1.7 elect the Leader;
- 1.1.8 appoint at least one overview and scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate **to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Table 1 of this Constitution)**;
- 1.1.9 appoint Chairmen and Vice-Chairmen for the Area Forums;
- 1.1.10 **agree such part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Table 3 of this Constitution)**;
- 1.1.11 approve a programme of ordinary meetings of the Council for the year (only at the first meeting of a newly elected council);
- 1.1.12 consider any business set out in the notice convening the meeting;
- 1.1.13 consider any other business which the chairman considers to be urgent

## 1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council will:

- 1.2.1 decide which committees to establish for the municipal year;
- 1.2.2 decide the size and terms of reference for those committees;
- 1.2.3 decide the allocation of seats to political groups in accordance with the political balance rules;
- 1.2.4 receive nominations of councillors to serve on each committee, ratify those nominations and (unless appointed by Full Council) the committees to then appoint their Chairmen and Vice-Chairmen;
- 1.2.5 appoint members to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive

## **RULE 2 ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme determined by the Council. Ordinary meetings will:

- 2.1 elect a person to preside if the Chairman and Vice-Chairman are not present;
- 2.2 except at an extraordinary meeting approve the minutes of the last meeting;
- 2.3 deal with any matters arising from those minutes;
- 2.4 receive any declarations of interest from members;
- 2.5 for a period not exceeding 15 minutes for the leader, members of the executive and Chairmen of committees to receive questions from members, to permit the Leader, members of the executive or Chairmen to reply and for the questioner to ask a supplementary question but without any debate on the issues raised;
- 2.6 receive any announcements from the Chairman and Leader;
- 2.7 deal with any business remaining from the last Council meeting;
- 2.8 receive reports from the executive and the Council's committees and receive questions and answers on any of those reports;
- 2.9 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- 2.10 consider any other business specified in the summons to the meeting,

including consideration of proposals from the executive in relation to the Council's budget and policy framework and reports of the overview and scrutiny committees for debate;

2.11 consider motions;

2.12 consider any business which, by reason of special circumstances (which shall be specified in the minutes) in the opinion of the Chairman should be considered as a matter of urgency and for this purpose "special circumstances" shall mean a reason which justifies the matter not being held over to be placed on the agenda of the next ordinary meeting of the Council

### **RULE 3 EXTRAORDINARY MEETINGS**

#### **3.1 Calling extraordinary meetings.**

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

3.1.1 the Council by resolution;

3.1.2 the Chairman of the Council;

3.1.3 the Monitoring Officer;

3.1.4 the Chief Financial Officer; and

3.1.5 any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition

#### **3.2 Business**

The summons to the extraordinary meeting shall set out the business to be considered. No business other than that set out in the summons shall be considered at that meeting.

## **RULE 4 TIME AND PLACE OF MEETINGS**

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

## **RULE 5 NOTICE OF AND SUMMONS TO MEETINGS**

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

## **RULE 6 CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Chairman.

## **RULE 7 QUORUM**

The quorum of a meeting will be one quarter of the whole number of members or (in the case of a committee) three, whichever is the greater. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **RULE 8 DURATION OF MEETING**

Meetings of the Council should aim to cease after two hours duration. In the event that the business has not been concluded within that time the Chairman shall seek the view of the meeting as to how long it should continue. Only in exceptional circumstances should a meeting continue after 10.30pm. Where necessary the Chairman shall adjourn unfinished business to another date or to the next meeting of the Council.

## **RULE 9 QUESTIONS BY MEMBERS**

### **9.1 On reports of the executive or committees**

A member of the Council may ask the Leader, member of the executive or the Chairman of a committee any question without notice upon an item of the report of the executive or a committee when that item is being received or under consideration by the Council.

### **Questions on notice at [Fthe Cthe C](#)**

## **RULE 10 MOTIONS ON NOTICE**

### **10.1 Notice**

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least one member, must be delivered to the Chief Executive not later than six clear working days before the date of the meeting. These will be entered in a book open to public inspection.

### **10.2 Motion set out in agenda**

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

### **10.3 Scope**

Motions must be about matters for which the Council has a responsibility or which affect the district.

## **RULE 11 MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- 11.1 to appoint a Chairman of the meeting at which the motion is moved;
- 11.2 to appoint a Chairman or Vice-Chairman of the Council or any of its committees or a Leader of the Council in the event of a casual vacancy arising (including a vacancy arising as a result of a vote of no confidence under Article 7.4 of the Constitution)
- 11.3 in relation to the accuracy of the minutes;
- 11.4 to change the order of business in the agenda;
- 11.5 to refer something to an appropriate body or individual;
- 11.6 to appoint a committee or member arising from an item on the summons for the meeting;
- 11.7 to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- 11.8 to withdraw a motion;
- 11.9 to amend a motion;

- 11.10 to proceed to the next business;
- 11.11 that the question be now put;
- 11.12 to adjourn a debate;
- 11.13 to adjourn a meeting;
- 11.14 that the meeting continue beyond two hours in duration;
- 11.15 to suspend a particular Council procedure rule;
- 11.16 to exclude the public and press in accordance with the Access to Information Rules;
- 11.17 to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and
- 11.18 to give the consent of the Council where its consent is required by this Constitution.

## **RULE 12 RULES OF DEBATE**

### **12.1 No speeches until motion seconded**

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

### **12.2 Right to require motion in writing**

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

### **12.3 Seconders speech**

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

### **12.4 Content and length of speeches**

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

### **12.5 When a member may speak again**

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

- 12.5.1 to speak once on an amendment moved by another member;

- 12.5.2 to move a further amendment if the motion has been amended since he/she last spoke;
- 12.5.3 if his/her first speech was on an amendment moved by another member, to speak on the main issue if the amendment on which he/she spoke was not carried;
- 12.5.4 in exercise of a right of reply;
- 12.5.5 on a point of order; and
- 12.5.6 by way of personal explanation

## 12.6 **Amendments to motions**

12.6.1 An amendment to a motion must be relevant to the motion and will either be:

- 12.6.1.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;
- 12.6.1.2 to leave out words;
- 12.6.1.3 to leave out words and insert or add others; or
- 12.6.1.4 to insert or add words

as long as the effect of the amendment is not to negate the motion.

- 12.6.2 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- 12.6.3 If an amendment is not carried, other amendments to the original motion may be moved.
- 12.6.4 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- 12.6.5 After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

## 12.7 **Alteration of motion**

- 12.7.1 A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 12.7.2 A member may alter a motion which he/she has moved without

notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

12.7.3 Only alterations which could be made as an amendment may be made.

## 12.8 **Withdrawal of motion**

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

## 12.9 **Right of reply**

12.9.1 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

12.9.2 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

12.9.3 The mover of the amendment has no right of reply to the debate on his or her amendment.

## 12.10 **Motions which may be moved during debate**

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

12.10.1 to withdraw a motion;

12.10.2 to amend a motion;

12.10.3 to proceed to the next business;

12.10.4 that the question be now put;

12.10.5 to adjourn a debate;

12.10.6 to adjourn a meeting;

12.10.7 that the meeting continue beyond two hours in duration

12.10.8 to exclude the public and press in accordance with the Access to Information Rules; and

12.10.9 to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4



## 12.11 Closure motions

12.11.1 A member may move, without comment, the following motions at the end of a speech of another member:

12.11.1.1 to proceed to the next business;

12.11.1.2 that the question be now put;

12.11.1.3 to adjourn a debate; or

12.11.1.4 to adjourn a meeting.

12.11.2 If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

12.11.3 If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

12.11.4 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

## 12.12 Point of order

A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

## 12.13 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

## 12.14 Speaking at meetings when not a member of the committee

A member of the Council may attend a meeting of a committee of the

Council of which he or she is not a member and may speak on any matter dealt with at that meeting subject to having advised the Chairman of the member's intention in that regard before the meeting begins provided that this provision does not extend to permit members to attend hearings before the Licensing Committee hearing applications for licences or certificates or applications for variations or reviews of licenses or certificates unless the member or member concerned shall have first made relevant representations as interested parties within the meaning of the Licensing Act 2003.

## **RULE 13 PREVIOUS DECISIONS AND MOTIONS**

### **13.1 Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least one quarter of the Council.

### **13.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least one quarter of the Council. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## **RULE 14 VOTING**

### **14.1 Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

### **14.2 Chairman's casting vote**

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

### **14.3 Show of hands**

Unless a ballot or recorded vote is demanded under Rules 14.4 and 14.5, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **14.4 Ballots**

The vote will take place by ballot if five members present at the meeting demand it. The Chairman will announce the numerical result of the ballot

immediately the result is known.

#### **14.5 Recorded vote**

If any member present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

#### **14.6 Right to require individual vote to be recorded**

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

#### **14.7 Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

### **RULE 15 MINUTES**

#### **15.1 Signing the minutes**

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

#### **15.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

#### **15.3 Form of minutes**

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

## **RULE 16 RECORD OF ATTENDANCE**

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

## **RULE 17 EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 19 (Disturbance by Public).

## **RULE 18 MEMBERS' CONDUCT**

### **18.1 Standing to speak**

When a member speaks at Full Council they must stand and address the meeting through the Chairman. If more than one member stands, the Chairman will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

### **18.2 Chairman speaking**

When the Chairman speaks during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

### **18.3 Member not to be heard further**

If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

### **18.4 Member to leave the meeting**

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

### **18.5 General disturbance**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

## **RULE 19 DISTURBANCE BY PUBLIC**

### **19.1 Removal of member of the public**

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

### **19.2 Clearance of part of meeting room**

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

## **RULE 20 SUSPENSION AND AMMENDMENT OF COUNCIL PROCEDURE RULES**

### **20.1 Suspension**

All of these Council Rules of Procedure except Rule 14.6 and 17 and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the item being discussed and may not extend beyond the duration of that meeting without further notice.

### **20.2 Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## **RULE 21 APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to meetings of Full Council. None of the rules apply to meetings of the executive. Rules 3 – 19 (except rules 17.1 and 19.2) apply to meetings of committees and sub-committees.

# **Access to Information Procedure Rules**

## **RULE 1 SCOPE**

These rules apply to all meetings of the Council, overview and scrutiny committees, Area Forums, the Standards Committee, regulatory committees and public meetings of the executive (together called meetings).

## **RULE 2 ADDITIONAL RIGHTS TO INFORMATION**

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

## **RULE 3 RIGHT TO ATTEND MEETINGS**

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

## **RULE 4 QUESTIONS OR STATEMENTS BY THE PUBLIC**

- 4.1 The Council has a period to enable the public to ask questions or make statements at the start of meetings of the Council and meetings of the executive. A period of 15 minutes is set-aside for members of the public to ask questions or make statements on any matters for which the Committee is responsible.
- 4.2 The purpose of the question time is to enable the public to express their concerns and receive a response directly from the leader, a member of the executive, the Chairman of a committee, other councillors or officers of the Council.
- 4.3 The question time is kept as informal as possible but there are guidelines in order to make the system as fair and easy to operate as possible. A time limit of three minutes is allowed for each speaker and two working days' notice to the Chief Executive is required in writing or by email.
- 4.4 Most meetings are held at the Council Offices, London Road, Saffron Walden and commence at 7.30pm, and public questions are dealt with at the start of meetings. The following meetings incorporate a question and answer session:
  - Council
  - Public meetings of the executive
  - Scrutiny Committee
  - Performance and Audit Committee
- 4.5 The Development Control Committee allows members of the public to speak on planning applications. The procedure is set out in Part 5 of the Constitution.

- 4.6 Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.
- 4.7 A question may only be asked if notice has been given by delivering it in writing or by email to the proper officer no later than 12pm two working days before the day of the meeting. Each question must give the name and address of the questioner.
- 4.8 At any one meeting no person may submit more than two questions and no more than two such questions may be asked on behalf of one organisation.
- 4.9 The proper officer may reject a question if it:
- 4.9.1 is not about a matter for which the local authority has a responsibility or which affects the district;
  - 4.9.2 is defamatory, frivolous or offensive;
  - 4.9.3 is substantially the same as a question which has been put at a meeting in the past six months; or
  - 4.9.4 requires the disclosure of confidential or exempt information
- 4.10 The proper officer will enter each question/statement in a book open to public inspection and will immediately send a copy of the question to the leader or other councillor to whom it is to be put. Rejected questions will include reasons for rejection.
- 4.11 Copies of all questions/and statements accepted will be circulated to all members and will be made available to the public attending the meeting.
- 4.12 The Chairman will invite the questioner to put the question to the Council, or member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.
- 4.13 A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in Rule 4.9 above.
- 4.14 Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

- 4.15 No discussion will take place on any question.

## **RULE 5 NOTICES OF MEETING**

The council will give at least five clear working days notice of any meeting by posting details of the meeting at the Council Offices, London Road, Saffron Walden, Essex, CB11 4ER (“the designated office”).

## **RULE 6 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection for the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Chief Executive shall make each such report available to the public as soon as the report is completed and sent to councillors.

## **RULE 7 SUPPLY OF COPIES**

The Council will supply copies of:

- 7.1 any agenda and reports which are open to public inspection;
- 7.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- 7.3 unless an exemption under the Freedom of Information Act 2000 the Environmental information Regulations 2004 or any other legislation which may require disclosure of information applies, copies of any other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs.

## **RULE 8 ACCESS TO MINUTES ETC AFTER THE MEETING**

The Council will make available copies of the following for six years after a meeting:

- 8.1 the minutes of the meeting or records of decisions taken by the Council or any of its committees excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- 8.2 the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the executive, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- 8.3 a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;



- 8.4 the agenda for the meeting; and
- 8.5 reports relating to items when the meeting was open to the public

## **RULE 9 BACKGROUND PAPERS**

### **9.1 List of background papers**

The proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- 9.1.1 disclose any facts or matters on which the report or an important part of the report is based; and
  - 9.1.2 which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 11) and, in respect of executive reports, the advice of a political advisor.
- 9.2 The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **RULE 10 SUMMARY OF PUBLIC'S RIGHTS**

A written summary of public rights to attend meetings and to inspect and copy documents is kept at and is available to the public at the Council Offices, London Road, Saffron Walden, Essex, CB11 4ER and is available on the Council's website. Details are also set out in a leaflet available to the public.

## **RULE 11 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

- 11.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.
- 11.2 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.
- 11.3 Where the meeting will determine any persons civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.
- 11.4 The Licensing Committee may exclude the public from all or part of a

meeting where the Committee is of the opinion that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing taking part in public (Licensing Act 2003 (Hearings) Regulations regulation 14). This includes parties to the hearing and those representing them. In general it is considered desirable that the part of the meeting when members debate applications before announcing a decision should take place in the absence of the public.

- 11.5 Confidential information means information given to the Council by a Government department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.
- 11.6 Exempt information means information falling within the following categories:
- 11.6.1 Information relating to any individual.
  - 11.6.2 Information which is likely to reveal the identity of an individual.
  - 11.6.3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
  - 11.6.4 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.
  - 11.6.5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceeding.
  - 11.6.6 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
  - 11.6.7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
  - 11.6.8 Information presented to the Standards Committee or a Sub Committee of the Standards Committee set up to consider a matter under regulations 13 or 16 – 20 The Standards Committee (England) Regulations 2008 or referred under s.58(1)(c) Local Government Act 2000

- 11.6.9 For the purposes of the Standards Committee or a Sub-Committee of a Standards Committee, when considering allegations of a breach of the Members Code of Conduct only:
- 11.6.9.1 Information which is subject to any obligation of confidentiality.
  - 11.6.9.2 Information which relates in any way to matters concerning national security.
  - 11.6.9.3 The deliberations of a Standards Committee or of a sub-committee of a Standards Committee in reaching any finding on a matter relating to an alleged breach of the Members Code of Conduct.
- 11.7 Information falling with paragraph 11.6.3 above is not exempt information if it is required to be registered under an Act of Parliament.
- 11.8 Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.
- 11.9 Where information would be exempt by virtue of paragraphs 11.6.1 to 11.6.7 above and is not prevented from being exempt by virtue of paragraphs 11.7 and 11.8 above then it is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 11.10 For the purposes of paragraphs 11.6 to 11.9 above
- 11.10.1 "Employee" means a person employed under a contract of service.
  - 11.10.2 "Financial or business affairs" includes contemplated, as well as past or current, activities.
  - 11.10.3 "Labour relations matter" means any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 or any dispute relating to any such matter.
  - 11.10.4 "Office Holder" in relation to the authority means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.

11.10.5 References to “the authority” are a reference to Full Council, the executive or as the case may be committees or sub-committees of the Council.

11.11 If the proper officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

## **RULE 12 APPLICATION OF RULES TO THE EXECUTIVE**

12.1 Rules 13 - 24 apply to the executive and its committees. If the executive or its committees meet to take a key decision then it must also comply with Rules 1 - 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.3 of this Constitution.

12.2 If the executive or its committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1 - 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.3 of this Constitution. This requirement does not include meetings, whose sole purpose is for officers to brief members.

## **RULE 13 PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

13.1 a notice (called here a forward plan) has been published in connection with the matter in question;

13.2 at least five clear days have elapsed since the publication of the forward plan; and

13.3 where the decision is to be taken at a meeting of the executive or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings)

## **RULE 14 THE FORWARD PLAN**

14.1 Forward plans will be prepared by the Leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

14.2 The forward plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the executive, a

committee of the executive, individual members of the executive, officers, Area Forums or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- 14.2.1 the matter in respect of which a decision is to be made;
  - 14.2.2 where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
  - 14.2.3 the date on which, or the period within which, the decision will be taken;
  - 14.2.4 the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
  - 14.2.5 the means by which any such consultation is proposed to be undertaken;
  - 14.2.6 the steps any person might take who wishes to make representations to the executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
  - 14.2.7 a list of the documents submitted to the decision taker for consideration in relation to the matter.
- 14.3 The forward plan must be published at least 14 days before the start of the period covered. The proper officer will publish once a year a notice in at least one newspaper circulating in the area, stating:
- 14.3.1 that key decisions are to be taken on behalf of the Council;
  - 14.3.2 that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
  - 14.3.3 that the plan will contain details of the key decisions to be made for the four month period following its publication;
  - 14.3.4 that each plan will be available for inspection at reasonable hours free of charge at the Council's offices and will be published on the Council's website;
  - 14.3.5 that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;

- 14.3.6 the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
- 14.3.7 that other documents may be submitted to decision takers;
- 14.3.8 the procedure for requesting details of documents (if any) as they become available; and
- 14.3.9 the dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices
- 14.3.10 Exempt information need not be included in a forward plan and confidential information cannot be included.

## **RULE 15 GENERAL EXCEPTION**

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

- 15.1 the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- 15.2 the proper officer has informed the Chairman of a relevant overview and scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
- 15.3 the proper officer has made copies of that notice available to the public at the offices of the Council; and
- 15.4 at least five clear days have elapsed since the proper officer complied with 15.1 and 15.2
- 15.5 where such a decision is taken collectively, it must be taken in public.

## **RULE 16 SPECIAL URGENCY**

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the agreement of the Chairman of a relevant overview and scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no Chairman of a relevant overview and scrutiny committee, or if the Chairman of each relevant overview and scrutiny committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman will suffice.

## **RULE 17 REPORT TO COUNCIL**

17.1 If an overview and scrutiny committee thinks that a key decision has been taken which was not:

17.1.1 included in the forward plan; or

17.1.2 the subject of the general exception procedure; or

17.1.3 the subject of an agreement with a relevant overview and scrutiny committee chair, or the Chairman/Vice-Chairman of the Council under Rule 16;

the committee may require the executive to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the proper officer, who shall require such a report on behalf of the committee when so requested by (the chairman or any five members). Alternatively the requirement may be raised by resolution passed at a meeting of the relevant overview and scrutiny committee.

17.2 The executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within six clear working days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the leader is of the opinion that it was not a key decision the reasons for that opinion.

17.3 In any event the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## **RULE 18 RECORD OF DECISIONS**

After any meeting of the executive or any of its committees, whether held in public or private, the proper officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

## **RULE 19 EXECUTIVE MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS**

The executive will decide whether meetings relating to matters which are not key decisions will be held in public or private.

## **RULE 20 NOTICE OF PRIVATE MEETING OF THE EXECUTIVE**

Members of the executive or its committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

## **RULE 21 ATTENDANCE AT PRIVATE MEETING OF THE EXECUTIVE**

All members of the council may attend private meetings of the executive unless exempt or confidential information is being considered but may not vote and may only speak with the Leader's consent.

## **RULE 22 DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE**

- 22.1 Where an individual member of the executive receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least five clear days after receipt of that report.
- 22.2 On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chairman of every relevant overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.
- 22.3 As soon as reasonably practicable after an executive decision has been taken by an individual member of the executive or a key decision has been taken by an officer, he/she will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 8 and 9 relating to inspection of documents after meetings will also apply to the making of decisions by individual members of the executive. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

## **RULE 23 OVERVIEW AND SCRUTINY COMMITTEES' ACCESS TO DOCUMENTS**

- 23.1 Subject to Rule 23.2 below, an overview and scrutiny committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the executive and which contains material relating to:
  - 23.1.1 any business transacted at a public or private meeting of the executive or its committees; or
  - 23.1.2 any decision taken by an individual member of the executive
- 23.2 An overview and scrutiny committee will not be entitled to:
  - 23.2.1 any document that is in draft form;



23.2.2 any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or

23.2.3 the advice of a political adviser

## **RULE 24 ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

- 24.1 All members will be entitled to inspect any document which is in the possession or under the control of the executive or its and contains material relating to any business previously transacted at a private meeting unless either it contains exempt information falling within paragraphs 1 to 6, 9, 11, 12 and 14 of the categories of exempt information; or it contains the advice of a political adviser.
- 24.2 All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the executive or its committees which relates to any key decision unless either it contains exempt information falling within paragraphs 1 to 6, 9, 11, 12 and 14 of the categories of exempt information; or it contains the advice of a political adviser.
- 24.3 These rights of a member are additional to any other right he/she may have.

# Budget and Policy Framework Procedure Rules

## 1. The framework for executive decisions

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the executive to implement it.

## 2. Process for developing the framework

The process by which the budget and policy framework shall be developed is:

- (a) The executive will publicise by including in the forward plan a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The Chairmen of overview and scrutiny committees will also be notified. The consultation period shall in each instance be not less than six weeks.
- (b) At the end of that period, the executive will then draw up firm proposals having regard to the responses to that consultation. If a relevant overview and scrutiny committee wishes to respond to the executive in that consultation process then it may do so. As the overview and scrutiny committees have responsibility for fixing their own work programme, it is open to the overview and scrutiny committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The executive will take any response from an overview and scrutiny committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the executive's response.
- (c) Once the executive has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.
- (d) In reaching a decision, the Council may adopt the executive's proposals, amend them, refer them back to the executive for further consideration, or in principle, substitute its own proposals in their place.
- (e) If it accepts the recommendation of the executive without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (f) The decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader.
- (g) An in-principle decision will automatically become effective on the sixth

working days from the date of the Council's decision, unless the Leader informs the proper officer in writing within five working days that he/she objects to the decision becoming effective and provides reasons why.

- (h) In that case, the proper officer will call a Council meeting within a further 10 working days. The Council will be required to re-consider its decision and the leader's written submission within 10 working days. The Council may:
  - i) approve the executive's recommendation by a simple majority of votes cast at the meeting; or
  - ii) approve a different decision which does not accord with the recommendation of the executive by a simple majority.
- (i) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately;
- (j) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the executive, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

### **3. Decisions outside the budget or policy framework**

- (a) Subject to the provisions of paragraph 5 (virement) the executive, committees of the executive, individual members of the executive and any officers or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wish to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Full Council, then that decision may only be taken by the Council, subject to paragraph 4 below.
- (b) If the executive, committees of the executive individual members of the executive and any officers or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the monitoring officer and/or the chief financial officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

#### **4. Urgent decisions outside the budget or policy framework**

- (a) The executive, a committee of the executive, an individual member of the executive or officers or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken:
- i) if it is not practical to convene a quorate meeting of the Full Council; and
  - ii) if the Chairman of a relevant overview and scrutiny committee agrees that the decision is a matter of urgency

The reasons why it is not practical to convene a quorate meeting of Full Council and the Chairman of the relevant overview and scrutiny committees consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of a relevant overview and scrutiny committee the consent of the Chairman of the Council, and in the absence of both the Vice-Chairman's consent will be sufficient.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

#### **5. Virement**

- (a) The Council shall determine budget heads and shall allocate budgets to those heads
- (b) Steps taken by the executive, an individual member of the executive or officers or joint arrangements discharging executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget in accordance with provisions contained within the Council's financial regulations. Virements which do not fall within the financial regulations shall require the approval of the Full Council.

#### **6. In-year changes to policy framework**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the executive, a committee of the executive an individual member of the executive or officers or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes which are:

- (a) necessary to ensure compliance with the law, ministerial direction or

government guidance;

- (b) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration

## 7. **Call-in of decisions outside the budget or policy framework**

- (a) Where an overview and scrutiny committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Councils budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- (b) In respect of functions which are the responsibility of the executive, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the executive must meet to decide what action to take in respect of the monitoring officers report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the overview and scrutiny committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the overview and scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 working days of the request by the overview and scrutiny committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
  - i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
  - ii) amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated

to all councillors in the normal way; or

- iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the executive to reconsider the matter in accordance with the advice of either the Monitoring Officer or the Chief Finance Officer

# Executive Procedure Rules

## 1. Delegation

1.1 At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- i) the names, addresses and wards of the people appointed to the executive by the leader;
- ii) the extent of any authority delegated to executive members individually, including details of the limitation on their authority;
- iii) the terms of reference and constitution of such executive committees as the Leader appoints and the names of executive members appointed to them;
- iv) the nature and extent of any delegation of executive functions to Area Forums, any other authority or any joint arrangements and the names of those executive members appointed to any joint committee for the coming year; and
- vi) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

## 1.2 Sub-delegation of executive functions

- (a) Where the executive, a committee of the executive or an individual member of the executive is responsible for an executive function, they may delegate further to joint arrangements or an officer.
- (b) Unless the Leader directs otherwise, if the Leader delegates functions to the executive, then the executive may delegate further to a committee of the executive or to an officer.
- (c) Unless the Leader directs otherwise, a committee of the executive to whom functions have been delegated by the Leader may delegate further to an officer.
- (d) Where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

### 1.3 **The Council's scheme of delegation and executive functions**

- (a) Where matters are not the responsibility of the executive the Council's scheme of delegation will be subject to adoption by the Council at the first annual meeting following an ordinary election of councillors. It will contain the details required in Article 7 and set out in Part 3 of this Constitution. Committees may delegate committee functions to officers.
- (b) Delegation of executive functions is the responsibility of the Leader. He/she may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the leader must give written notice to the proper officer and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the executive as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (c) Where the Leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chair.

### 1.4 **Conflicts of Interest**

- (a) Where any member of the executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) if the exercise of an executive function has been delegated to a committee of the executive and a member of the committee has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) if the exercise of an executive function has been delegated to an individual member or an officer, should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

### 1.5 **Executive meetings**

The executive will meet at least **[x]** times per year at times to be determined by the Leader. The executive shall meet at the Council's main offices or another location to be determined by the Leader.



## 1.6 **Public and private meetings of the executive**

Subject to the right of the executive to determine that meetings considering only matters which are not key decisions may be held in private, all meetings of the executive shall be held in public although the public may be excluded from part of any meeting in accordance with the Access to Information Rules if confidential or exempt information is to be considered.

## 1.7 **Quorum**

The quorum for a meeting of the executive, or a committee of it, shall be one quarter of the total number of members of the executive or three, whichever is the larger.

## 1.8 **Decisions of the executive**

- (a) Executive decisions which have been delegated to the executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where executive decisions are delegated to a committee of the executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the executive as a whole.

## 2. **Conduct of executive meetings**

### 2.1 **Presiding over a meeting**

If the Leader is present he/she will preside. In his/her absence, then the Deputy Leader shall preside. In the absence of the Leader and Deputy Leader the Leader may appoint a member of the executive to preside and in default of such appointment a person appointed to do so by those present shall preside.

### 2.2 **Business at meetings of the executive**

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

- i) apologies for absence and declarations of interest, if any
- ii) consideration of the minutes of the last meeting;
- iii) matters referred to the executive (whether by an overview and scrutiny committee or by the Council) for reconsideration by the executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this

Constitution;

- iv) consideration of reports from overview and scrutiny committees; and
- v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

### **2.3 Consultation**

All reports to the executive from any member of the executive or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant overview and scrutiny committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

### **2.4 Agenda items for meetings of the executive**

The Leader will decide upon the schedule for the meetings of the executive. He/she may put on the agenda of any executive meeting any matter which he/she wishes, whether or not authority has been delegated to the executive, a committee of it or any member or officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.

There will be a standing item on the agenda of each meeting of the executive for matters referred by overview and scrutiny committees. However there may only be up to three such items per executive meeting.

Any member of the Council may ask the Leader to put an item on the agenda of an executive meeting for consideration, and if the leader agrees the item will be considered at the next available meeting of the executive. The notice of the meeting will give the name of the councillor who asked for the item to be considered. This councillor will be invited to attend the meeting, whether or not it is a public meeting. However, there may only be up to three such items per executive meeting.

The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an executive meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the

agenda of an executive meeting. If there is no meeting of the executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

## Overview and Scrutiny Procedure Rules

The Council will have the overview and scrutiny committees set out in Article 6 and will appoint to them as it considers appropriate from time-to-time. Such committees may appoint sub-committees. Overview and scrutiny committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

- (a) The Council will have one Performance and Audit and one Scrutiny committee, which will perform all overview and scrutiny functions on behalf of the Council. They will each consist of 10 members of the Council.
- (b) The terms of reference of the overview and scrutiny committees will be:
  - i) the performance of all overview and scrutiny functions on behalf of the Council;
  - ii) the appointment of such sub-committees as it considers appropriate to fulfil those overview and scrutiny functions;
  - iii) to receive reports from the Leader at their first meeting after each annual council meeting on the state of the district, the executive's priorities for the coming year and its performance in the previous year;
  - iv) to approve an annual work programmes, including the programmes of any sub-committees they appoint so as to ensure that the committees and sub-committees time is effectively and efficiently utilised;
  - v) where matters fall within the remit of more than one overview and scrutiny sub-committee, to determine which of those sub-committees will assume responsibility for any particular issue;
  - vi) to put in place a system to ensure that referrals to the executive either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in this Constitution;
  - vii) in the event of reports to the executive exceeding the limits in this Constitution, or if the volume of such reports creates difficulty for the management of executive business or jeopardises the efficient running of Council business, at the request of the executive to make decisions about the priority of referrals made.
- (c) All councillors except members of the executive may be members of an overview and scrutiny committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved.

- (d) There shall be at least [x] ordinary meetings of each overview and scrutiny committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An overview and scrutiny committee meeting may be called by the Chairman of the relevant overview and scrutiny committee, by any three members of the committee or by the proper officer if he/she considers it necessary or appropriate.
- (e) The quorum for an overview and scrutiny committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.
- (f) Chairmen of overview and scrutiny committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee, and subject to this requirement the committee/sub-committee may appoint such a person as it considers appropriate as chair.
- (g) The overview and scrutiny committees/sub-committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council.
- (h) Any member of an overview and scrutiny committee or sub-committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda. An overview and scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and, if it considers it appropriate, the executive to review particular areas of Council activity. Where they do so, the overview and scrutiny committee shall report their findings and any recommendations back to the executive and/or Council. The Council and/or the executive shall consider the report of an overview and scrutiny committee within one month of receiving it.
- (i) The role of the overview and scrutiny committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules. In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, overview and scrutiny committee or sub-committees may make proposals to the executive for developments in so far as they relate to matters within their terms of reference. Overview and scrutiny committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold

public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration.

- (j) Once it has formed recommendations on proposals for development, an overview and scrutiny committee will prepare a formal report and submit it to the proper officer for consideration by the executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (eg if the recommendation would require a departure from or a change to the agreed budget and policy framework). If an overview and scrutiny committee cannot agree on one single final report to the Council or executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or executive with the majority report. The Council or executive shall consider the report of the overview and scrutiny committee at the next available meeting of it being submitted to the proper officer subject to the restriction on the number of items which may be referred from an overview and scrutiny committee to any one meeting.
- (k) The agenda for executive meetings shall include an item entitled Issues arising from overview and scrutiny. The reports of overview and scrutiny committees referred to the executive shall be included at this point in the agenda (unless they have been considered in the context of the executive's deliberations on a substantive item on the agenda) at the next available meeting of it being submitted to the proper officer subject to the restriction on the number of items which may be referred from an overview and scrutiny committee to any one meeting. Where an overview and scrutiny committee or sub-committee prepares a report for consideration by the executive in relation to a matter where the Leader has delegated decision making power to another individual member of the executive, then the overview and scrutiny committee will submit a copy of their report to that member for consideration. At the time of doing so, the overview and scrutiny committee shall serve a copy on the proper officer. The member with delegated decision-making power must consider the report and respond in writing to the overview and scrutiny committee within four weeks of receiving it. A copy of his/her written response to it shall be sent to the proper officer and the Leader. The member will also attend a future meeting of the overview and scrutiny committee to present their response. Overview and scrutiny committees will in any event have access to the executive's forward plan and timetable for decisions and intentions for consultation. Where an item is not the subject of detailed proposals from an overview and scrutiny committee following a consideration of possible policy/service developments, the committee will be able to respond in the course of the executive's consultation process in relation to any key decision.
- (l) In addition to their rights as councillors, members of overview and

scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

- (m) Any overview and scrutiny committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the executive, the Head of Paid Service and/or any chief officer or deputy chief officer to attend before it to explain in relation to matters within their remit including any particular decision or series of decisions; the extent to which the actions taken implement Council policy; and/or their performance and it is the duty of those persons to attend if so required. Where any member or officer is required to attend an overview and scrutiny committee under this provision, the Chairman of that committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving at least 10 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance. An overview and scrutiny committee may invite people other than those people referred to above to address it, discuss issues of local concern and/or answer questions. It may wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.
- (n) When a decision is made by the executive, an individual member of the executive or a committee of the executive, or a key decision is made by an officer with delegated authority from the executive or under joint arrangements, notice of the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two days of being made. The Chairman of the Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision. The notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless the Scrutiny Committee objects to it and calls it in. During that period, the proper officer shall call-in a decision for scrutiny by the committee if so requested by the Chairman or any three members of the scrutiny committee, and shall then notify the decision taker of the call-in. He/she shall call a meeting of the committee on such date as he/she may determine, where

possible after consultation with the Chairman of the Scrutiny Committee, and in any case within 10 days of the decision to call-in. If, having considered the decision, the Scrutiny Committee is still concerned about it, it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council. If referred to the decision maker then they shall reconsider within a further five working days, amending the decision or not, before adopting a final decision. If following an objection to the decision, the Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the overview and scrutiny meeting, or the expiry of 15 working days from the date of the decision whichever is the earlier. If the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the executive as a whole or a committee of it a meeting will be convened to reconsider within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within five working days of the Council request. If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

- (o) The call-in procedure set out above shall not apply where the decision being taken by the executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominees consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency. The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.
- (p) Overview and scrutiny committees and sub-committees shall consider the following business:



- i) apologies for absence and declarations of interests;
- ii) minutes of the last meeting;
- iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
- iv) responses of the executive to reports of the overview and scrutiny committee; and
- v) the business otherwise set out on the agenda for the meeting.

Where the overview and scrutiny committee conducts investigations (eg with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

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

Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public.

**FINANCIAL PROCEDURE RULES**

*[As existing]*

**CONTRACTS PROCEDURE RULES**

*[As existing]*

# Officer Employment Procedure Rules

## 1. Recruitment and appointment

### (a) Declarations

- i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or an officer of the Council; or of the partner of such persons.
- ii) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

### (b) Seeking support for appointment.

- i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii) Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the Council.
- iii) Nothing in paragraphs (i) and (ii) above will preclude a councillor from giving a written reference for a candidate for submission with an application for appointment.

## 2. Recruitment of Head of Paid Service and chief officers

Where the Council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

### (a) draw up a statement specifying:

- i) the duties of the officer concerned; and
- ii) any qualifications or qualities to be sought in the person to be appointed;

### (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

### (c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

### 3. **Appointment of Head of Paid Service**

This process is subject to mandatory standing orders regulations.

The Full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the executive.

### 4. **Appointment of chief officers and deputy chief officers**

This process is subject to mandatory standing orders regulations.

- (a) A committee or sub-committee of the Council will appoint chief officers. That committee or sub-committee must include at least one member of the executive.
- (b) An offer of employment as a chief officer shall only be made where no well-founded objection from any member of the executive has been received.
- (c) Appointment of deputy chief officers is the responsibility of the Head of Paid Service or his/her nominee.

### 5. **Other appointments**

- (a) **Officers below deputy chief officer.** Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

### 6. **Disciplinary action**

- (a) **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- (b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person.
- (c) Councillors will not be involved in the disciplinary action against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct,

though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

7. **Dismissal**

Councillors will not be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.