

PART 4

RULES OF PROCEDURE

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 in March, April or May.

The Annual Meeting will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Mayor and/or the Chief Executive;
- (vi) elect the Leader (only in the case of the first Annual Meeting following the ordinary election of Councillors);
- (vii) receive any report from the Leader on the appointment of the Deputy Leader and members of the Cabinet and the allocation of responsibility for the Cabinet Portfolios among the Cabinet members or any subsequent changes thereto;
- (viii) appoint 3 Overview and Scrutiny Committees, 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 of this Constitution);
- (ix) agree such part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (x) approve a programme of ordinary meetings of the Council for the year;
- (xi) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council will:

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

2. ORDINARY MEETINGS

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

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Mayor or the Chief Executive;
- (v) receive any report from the Leader on the appointment of members to the Cabinet and the allocation of responsibility for the Cabinet Portfolios among the Cabinet members or any subsequent changes thereto;
- (vi) receive any announcements or reports from the Leader or other Members of the Cabinet and receive questions and answers on any of those reports or on matters within their respective portfolios;
- (vii) receive questions from, and provide answers to, the public in relation to matters, which in the opinion of the person presiding at the meeting are relevant to the business of the Council;
- (viii) deal with any outstanding business from the last Council meeting;
- (ix) receive reports or referrals from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- (x) receive reports or referrals from Overview and Scrutiny Committees and receive questions and answers on any of those reports.
- (xi) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xii) consider motions; and
- (xiii) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committees for debate.
- (xiv) deal with any Petitions as detailed in the Dacorum Borough Council Petitions Scheme 2010.

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:

- (i) The Council by resolution;
- (ii) the Mayor;

- (iii) the ~~Assistant Director (Corporate and Contracted Services)~~Assistant Director (Legal and Democratic Services); and
- (iv) any five members of the Council if they have signed a requisition presented to the Mayor 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

No business shall be transacted at a meeting other than that specified in the summons except as required by any enactment or as a matter of urgency in accordance with this Constitution.

4. TIME AND PLACE OF MEETINGS

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

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 days before a meeting, the Chief Executive will send a summons signed by him or her by post 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.

6. CHAIR OF MEETING

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

7. QUORUM

The quorum of a meeting will be 18 members of the whole number of members. During any meeting if the Mayor 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 Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. DURATION OF MEETING

All meetings of the Council, except meetings where the summons states a different time, will commence at 7.30 pm.

9. QUESTIONS BY THE PUBLIC

9.1 General

Members of the public may ask questions of members of the Cabinet at ordinary meetings of the Council.

9.2 Order of questions

Questions will be asked in the order notice of them was received, except that the Mayor may group together similar questions.

9.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive or the ~~Assistant Director (Corporate and Contracted Services)~~ Assistant Director (Legal and Democratic Services) no later than the date and time set out in Appendix A. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

9.4 Number of questions

At any one meeting no person may submit more than 1 question and no more than 2 such questions may be asked on behalf of one organisation.

9.5 Time allowed for questions

The time allocated for questions by the public and replies shall not exceed one half-hour. Each questioner shall be allowed up to three minutes to put his/her question.

9.6 Scope of questions

The Mayor may reject a question if it:

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

9.7 Record of questions

The Chief Executive will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

9.8 Asking the question at the meeting

The Mayor will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf. The Mayor 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.

9.9 Supplemental question

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 Mayor may reject a supplementary question on any of the grounds in Rule 9.6 above.

9.10 Written answers

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.

9.11 Reference of question to Cabinet or a Committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to Cabinet, the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

10. QUESTIONS BY MEMBERS

10.1 On reports of Cabinet Members

- 10.1.1 The Leader and Cabinet members may make a report (either orally or in writing) to the Council on any matter falling within their portfolio.
- 10.1.2 Where the Leader or a Cabinet member makes a report to the Council under 10.1.1 above a member of the Council may, at the conclusion of the report, ask the Leader or Cabinet member any question without notice upon an item on the report or upon any matter falling within their portfolio.
- 10.1.3 Where the Leader or a Cabinet member does not make a report to the Council under 10.1.1 above a member of the Council may, nonetheless, ask the Leader or Cabinet member any question without notice upon any matter falling within their portfolio.
- 10.1.4 If a Cabinet member is absent a report need not be given to the Council on their behalf by another Cabinet member. Any question which may have been asked of the absent Cabinet member may be asked of the Leader. The Leader may, where appropriate, ask another Cabinet member to answer any such question.
- 10.1.5 The maximum time allowed for members of the Council to ask questions without notice of the Leader or a Cabinet member under 10.1.2 and 10.1.3 above and for answers to be given is 10 minutes in respect of each executive member.

10.2 On reports of the Cabinet or Committees

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

10.3 Questions on notice at full Council

Subject to Rule 10.5, a member of the Council may ask:

- the Mayor
- a member of the Cabinet;
- the chairman of any committee or sub-committee

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

10.4 Questions on notice at committees and sub-committees

Subject to Rule 10.5, a member of a committee or sub-committee may ask the chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the Borough and which falls within the terms of reference of that committee or sub-committee.

10.5 Notice of questions

A member may only ask a question under Rule 10.3 or 10.4 if either:

- (a) they have given notice in writing as set out in Appendix A; or
- (b) the question relates to urgent matters, they have the consent of the Mayor or chairman of the committee or sub-committee to whom the question is to be put and the content of the question is given to the Chief Executive by 10 am on the day of the meeting.

10.6 Response

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

10.7 Supplementary questions

A member asking a question under Rule 10.3 or 10.4 may ask a maximum of three supplementary questions without notice of the member to whom the first question was asked. A supplementary question must arise directly out of the reply to the previous question.

11. MOTIONS ON NOTICE

11.1 Notice

Except for motions which can be moved without notice under Rule 13, written notice of every motion must be delivered to the Chief Executive or the ~~Assistant Director (Corporate and Contracted Services)~~Assistant Director (Legal and Democratic Services) not later than the date and time set out in Appendix A. These will be entered in a book open to public inspection.

11.2 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.

11.3 Scope

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

12. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of the Cabinet or committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;

- (l) to adjourn a meeting;
- (m) to suspend a particular Council procedure rule;
- (n) to amend the Council procedure rules;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

13. RULES OF DEBATE

13.1 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.

13.2 Right to require motion in writing

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

13.3 Seconder's speech

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

13.4 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 10 minutes in the case of a mover of a motion and 5 minutes in the case of any other speaker without the consent of the Mayor.

13.5 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;

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;

- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

13.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add wordsas long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

13.7 Alteration of Motion

- (a) 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.

- (b) 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.
- (c) Only alterations which could be made as an amendment may be made.

13.8 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.

13.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

13.10 Motions which may be moved during debate

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

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

13.11 Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) to proceed to the next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor 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.
- (c) If a motion that the question be now put is seconded and the Mayor 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.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor 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.

13.12 Point of order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules 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 Mayor on the matter will be final.

13.13 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 Mayor on the admissibility of a personal explanation will be final.

14. RULING BY MAYOR/CHAIRMAN

The Mayor/Chairman may issue a ruling during a meeting which can only be overturned by two thirds of members present voting against the ruling. The proposer of the motion to reverse the ruling will have 2 minutes to speak, the seconder will have the right to speak and there will be no debate. The Mayor/Chairman will put the motion to the vote.

15. PREVIOUS DECISIONS AND MOTIONS

15.1 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 8 members.

15.2 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 8 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16. VOTING

16.1 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.

16.2 Mayor's casting vote

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

16.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 16.4 and 16.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

16.4 Ballots

The vote will take place by ballot if 3 members present at the meeting demand it. The Mayor will announce the numerical result of the ballot immediately the result is known.

16.5 Recorded vote

16.5.1 If 3 members 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.

16.5.2 A recorded vote will be required at a meeting of the Council on business to approve the Budget or set Council Tax. The minutes of the Council meeting will record the names of those voting for, against and abstaining.

(Amended 02/15)

16.6 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.

16.7 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.

17. MINUTES AND RECORD OF PROCEEDINGS

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

17.2 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(11) and (2) of schedule 12 relating to signing of minutes.

17.3 Form of minutes

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

17.4 Record of proceedings

Those present may make a written record of the proceedings but no person (including members) may undertake photography or any form of sound or vision recording without the express consent of the Mayor.

18. 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.

19. EXCLUSION OF THE 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 21 (Disturbance by Public).

20. MEMBERS' CONDUCT

20.1 Standing to speak

When a member speaks at full Council they must stand and address the meeting through the Mayor. If more than one member stands, the Mayor 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.

20.2 Mayor standing

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

20.3 Member not to be heard further

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

20.4 Member to leave the meeting

If the member continues to behave improperly after such a motion is carried, the Mayor 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.

20.5 General disturbance

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

21. DISTURBANCE BY PUBLIC

21.1 Removal of member of the public

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

21.2 Clearance of part of meeting room

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

22. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

22.1 Suspension

All of these Council Procedure Rules except Rule 16.6 and 17.2 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 duration of the meeting.

22.2 Amendment

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

23. COMMITTEES RULE APPLICATION

23.1 All of these Council Procedure Rules apply to meetings of full Council. Rules 4-6, 9, 10.4, 14 and 16-19 apply to meetings of committees and sub-committees. The Rules applicable to meetings of the Cabinet are set out in the Executive Procedure Rules.

23.2 Rule 8 also applies to meetings of Committees and Sub-Committees except that the meeting of the Development Management Committee will commence at 7.00 pm.

24. PROGRAMME

24.1 A programme of meetings of the Council's Committees shall be approved annually by the Council but the date of any meeting may be varied by the appropriate Council's Committee.

24.2 Meetings of other Committees or Sub-Committees shall be held at times determined by the respective Chairs.

25. SPECIAL MEETINGS

25.1 The Chairman of a Committee may call a special meeting at any time.

25.2 On the written requisition signed by one half of the whole number of members of a Committee delivered to the Chief Executive a special meeting of the Standing Committee shall be called.

25.3 The summons to a special meeting shall set out the business to be transacted and no other business shall be considered at that meeting.

26. RIGHT TO ATTEND

A member of the Council may attend any meeting of any Committee or sub-Committee of which he or she is not a member and may, with the permission of the Chairman of the meeting, speak but shall not move or second any motion or vote.

27. QUORUM

The quorum of a meeting of a Committee appointed by the Council will be a third of the whole number of members. During any meeting, if the Chair/man counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately.

28. ORDER OF BUSINESS

Order of business shall be as indicated in the agenda or otherwise as the Chairman shall prescribe.

29. PUBLIC PARTICIPATION

29.1 An item will be included on the agenda for meetings of the Committees after the item on "Apologies for Absence" to allow members of the public to make statements or ask questions in accordance with the rules for public participation.

- 29.2 At a meeting of a Committee (except for planning applications at Development Management Committee) a member of the public may (if written notice has been given by 12 noon on the working day preceding the date of the meeting) make a statement or ask the Chairman a question provided that it is within the powers and functions of that Committee.
- 29.3 The maximum time allowed for the making of statements and the asking of questions is 15 minutes.
- 29.4 Every person is allowed a maximum of 2 minutes in which to make their statement or ask their question.
- 29.5 Every person must when invited to do so address their statement or question to the Chairman of the Committee.
- 29.6 Every statement or question answered must be answered without discussion and the Chairman may decline to answer.
- 29.7 Every person must maintain respect for the Chairman and the meeting.
- 29.8 Every person must after making a statement or asking a question take their seat to listen to the reply or if they wish join the public for the rest of the meeting or leave the meeting.
- 29.9 The Chairman may at his or her discretion disallow the making of a statement or the asking of questions if he or she is of the opinion that the proper dispatch of the business of the Committee may be impeded or that a breach of order may be occasioned.
- 29.10 The questioner may not ask the same or a similar question within a six month period except for the following circumstances:
- (a) Deferred planning applications which have foregone a significant or material change since originally being considered.
 - (b) Re-submitted planning applications which have foregone a significant or material change.
 - (c) Any issues which are re-submitted to Committee in view of further facts or information to be considered.

That matters with regard to (a) and (b) above be determined by the case officer in consultation with the Development Control Manager and Chairman. Matters with regard to (c) above, the case officer and relevant Chairman.

That in cases where there are more than 1 or 2 people wishing to speak on a planning application, the shared time be increased from 3 minutes to 5 minutes.

29.11 Development Management Committee

At a meeting of the Development Management Committee, a person or their representative may, if notice in writing, by telephone or in person has been given by 12 noon on the day of the meeting, speak on a particular planning application, provided that it is on the agenda to be considered at the meeting.

29.12 For each planning application, which is subject of consideration at the meeting, a maximum period of five minutes will be allocated for each of the following to address the meeting, on a 'first come first served' basis:

Town/Parish Council and Neighbourhood Associations
Objectors to an application
Supporters of the application

29.13 If more than one person in any of the categories in 29.12 above wishes to speak they should agree with the other members of that category the order in which they should speak or alternatively they may if they so wish, agree that one member of a category will represent the views of the others. Where one person in a category wishes to speak that person will be allowed a maximum of three minutes. Where more than 1 person in a category wishes to speak, a total time of 5 minutes will be shared between the speakers in that category.

29.14 If a person wishes to speak on any other matter (other than a planning application) they must give notice and comply with the conditions in paragraph 29.2 above.

30. MOTIONS AND AMENDMENTS

30.1 Every motion shall be relevant to some matter within the Committee's terms of reference and shall arise upon a matter contained within the agenda. The Chairman may however at his or her discretion allow consideration of reports or motions which are within the Committee's terms of reference but not contained within the agenda, if by reason of special circumstances which shall be specified in the minutes, the matter is urgent.

30.2 Motions and amendments shall not be considered unless they are moved and seconded.

31. SPEECHES

All speeches shall be concise and relevant to the matter in hand.

32. QUESTIONS

32.1 Questions relating to matters on the agenda shall be asked when that matter is discussed.

32.2 Questions may be addressed to the Chairman or, through the Chairman, to an employee, who may answer orally, may undertake to provide a written reply within seven days or may decline to answer.

33. CONDUCT

33.1 The Chairman shall control the conduct of the meeting and the decision of the Chairman on any point of order shall be final and shall not be questioned during the meeting.

33.2 Smoking is prohibited during meetings.

33.3 Members may speak sitting and as often as the Chairman may consider reasonable and may move motions without notice.

33.4 Except as otherwise indicated in this paragraph, the rules of order of debate of the Council shall, as far as they are applicable, govern the proceedings of all Committees and Sub-Committees.

34. MISCONDUCT

34.1 Misconduct by Member

If a member persistently disregards the ruling of the Chairman, behaves in a disorderly manner or wilfully obstructs the business of the meeting, the Chairman may require that the member be silent or that the member leave the meeting. If the member does not comply or otherwise persists in misconduct, the Chairman may order that the member be removed.

34.2 Misconduct by Public

If a member of the public interrupts the meeting or behaves in a disorderly manner the Chairman shall give a warning. If the warning is disregarded, the Chairman may order that the member of the public be removed and may adjourn or suspend the meeting for so long as seems fit.

34.3 General Disturbance

In the case of general disturbance by members of the public, the Chairman may order that all or part of the room be cleared and may order that members of the public be removed from all or any part of the building.

35. SUBSTITUTE MEMBERS

35.1 Subject to paragraph 35.10, below, substitute members will where required be nominated by the relevant Leader or Deputy Leader of a political group for each Committee and Sub-Committee

,subject to the following rules:

- 35.2 The substitution of a member shall be effected by the service of an email notice upon the ~~Assistant Director (Corporate and Contracted Services)~~Assistant Director (Legal and Democratic Services) sent to member.support@dacorum.gov.uk by the Leader or Deputy Leader of the appropriate political group.
- 35.3 The Leader or Deputy Leader of the political group of which the member to be substituted is a member must serve notice of the substitution on the ~~Assistant Director (Corporate and Contracted Services)~~Assistant Director (Legal and Democratic Services) as soon as possible, and in any event not less than 24 hours before the meeting in respect of which the substitution is proposed.
- 35.4 That a reason for the substitution of a member be included in the email and that the circumstances in which substitution may be permitted are Members' business commitments (including Council business) sickness, inescapable family commitments, religious or cultural reasons or reasons of disability.
- 35.5 The substitute member must be of the same political group as the member substituted and no substitute member may substitute for more than one ordinary member of a Committee or Sub-Committee at any one time.
- 35.6 In respect of the Development Management Committee, the Licensing and Health & Safety Enforcement Committee (including the appointed Licensing sub-committees), the Appeals and Reviews Committee and the Audit Committee, the substitute member must have attended appropriate training.
- 35.7 Notices of substitute membership served on the ~~Assistant Director (Corporate and Contracted Services)~~Assistant Director (Legal and Democratic Services) in accordance with this Standing Order shall be recorded in the minutes.
- 35.8 If a substitute member attends a Committee in accordance with the above rules he or she will be entitled to the full rights of membership including the right to speak and vote, subject to the rules relating to declaration of interests.
- 35.9 Once a member or substitute member has attended for part of a meeting he or she shall not be entitled to be replaced for any subsequent part of the same meeting.
- 35.10 These rules relating to substitute members shall not apply to the Standards Committee or any sub-committee of the Standards Committee.

TABLES

Notices of Motion

Set out in the table below is the day and time on which Notices of Motion must be delivered to the Chief Executive or the ~~Assistant Director (Corporate and Contracted Services)~~Assistant Director (Legal and Democratic Services)

Day of Meeting	Date on which notice must be delivered to Chief Executive or the Assistant Director (Corporate and Contracted Services) <u>Assistant Director (Legal and Democratic Services)</u>	Latest time notice must be received by the Chief Executive or the Assistant Director (Corporate and Contracted Services) <u>Assistant Director (Legal and Democratic Services)</u>
Monday and Tuesday	The 2nd Wednesday preceding the meeting	4.00 pm
Wednesday, Thursday and Friday	The 2nd Friday preceding the meeting	4.00 pm

Questions by Members of the Council and Public

Set out in the table below is the day and time on which Questions must be delivered to the Chief Executive or the ~~Assistant Director (Corporate and Contracted Services)~~Assistant Director (Legal and Democratic Services)

Day of Meeting	The date on which notice must be received by the Chief Executive or the Assistant Director (Corporate and Contracted Services) <u>Assistant Director (Legal and Democratic Services)</u>	Latest time notice must be received by the Chief Executive or the Assistant Director (Corporate and Contracted Services) <u>Assistant Director (Legal and Democratic Services)</u>
Monday and Tuesday	The Wednesday preceding the meeting	4.00 pm
Wednesday, Thursday and Friday	The Friday preceding the meeting	4.00 pm

PART 4 ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These rules apply to all meetings of the Council, Overview and Scrutiny Committees, the Standards Committee and regulatory committees and public meetings of the Cabinet (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETING

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Council's main offices.

4(a) NOTICE OF PRIVATE MEETINGS OF THE EXECUTIVE

4(a)(1) At least 28 days before a private meeting of the Executive the proper officer will publish on the Council's website and make available at the Council's office a notice of the Executive's intention to hold a meeting in private. The notice must contain the reasons why the meeting is to be held in private.

4 (a)(2) At least 5 clear days before a private meeting the proper officer will publish on the Council's website and make available at the Council's office a further notice detailing the reasons for the meeting being held in private and details of any representations received about why the meeting should be open to the public and any response to those representations.

4 (a) (3) Where the date by which a meeting must be held makes compliance with 4 (a) (1) and/or 4 (a) (2) impracticable the meeting may only be held in private where agreement has been sought and obtained from the Chairman of the relevant Overview and Scrutiny Committee, or if there is no Chairman or they are unable to act, the Mayor or in his absence the Deputy Mayor.

4 (a) (4) Where agreement has been obtained under 4 (a) (3) a notice must be published on the Council's website and made available at the Council's office setting out the reasons for the urgency of the meeting.

5. 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 Council's main offices at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors).

6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the proper officer thinks fit, 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.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

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

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers

The report author 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:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) 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 10)

8.2 Public inspection of background papers

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.

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council's main offices.

A copy of these Rules will constitute the written summary.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

10.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 established 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.

10.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.4 Meaning of exempt information

- (a) Exempt information means information falling within the descriptions set out in the following paragraphs (subject to the qualifications mentioned at (b) (c) and (d) below):

Category	Condition
1. Information relating to any individual.	
2. Information which is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	"financial or business affairs" includes contemplated, as well as past or current activities.
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.	"employee" means a person employed under a contract of service "labour relations matter" means: (a) any of the matters specified in paragraphs (a) to (g) of sections 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act): or

	<p>(b) any dispute about a matter falling within paragraph (a) above</p> <p>and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority</p> <p>"office-holder in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.</p>
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6. Information which reveals that the authority proposes:	
(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or	
(b) to make an order or direction under any enactment	
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	
Where a meeting of the Standards Committee, or a sub-committee of the Standards Committee is convened to consider a matter referred under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000 the following descriptions of exempt information are inserted -	
7A. Information which is subject to any obligation of confidentiality.	
7B. Information which relates in any way to matters concerning national security.	
7C. Information presented to the Standards Committee or a sub-committee of the Standards Committee, set up to consider any matter under regulations 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1)(c) of the Local Government Act 2000.	

- (b) Information falling within the description in paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:
 - (h) the Companies Act 1985;
 - (ii) the Friendly Societies Act 1974 and 1992;
 - (iii) the Industrial and Provident Societies Acts 1965 to 1978;
 - (iv) the Building Societies Act 1986*; or
 - (v) the Charities Act 1993

"registered" in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file of any building society (within the meaning of the Act)

- (c) Information falling within any of the above descriptions is not exempt information if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
- (d) Information which:
 - (i) falls within any of the above descriptions; and
 - (ii) is not prevented from being exempt by virtue of (b) and (c) above;

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

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.

12. APPLICATION OF RULES TO THE EXECUTIVE

- (a) Rules 13-22 apply to the Cabinet and its committees. If the Cabinet or its committees meet to take a decision in public then it must also comply with Rules 1-11.
- (b) If the Cabinet or its committees meet to discuss a key decision to be taken collectively 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. This requirement does not include meetings, whose sole purpose is for officers to brief members.

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:

- (a) a notice (called here a forward plan) has been published in connection with the matter in question;
- (b) at least 5 clear days have elapsed since the publication of the forward plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. THE FORWARD PLAN

14.1 Period of forward plan

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 months covered in the preceding plan.

14.2 Contents of forward plan

- (a) The forward plan will contain matters which the Leader has reason to believe will be the subject of a key decision to be taken by the Cabinet, a committee of the Cabinet, individual members of the Cabinet, officers, 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 insofar as the information is available or might reasonably be obtained:
 - (i) the matter in respect of which a decision is to be made;
 - (ii) 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;
 - (iii) the date on which, or the period within which, the decision will be taken;
 - (iv) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;

- (v) the means by which any such consultation is proposed to be undertaken;
 - (vi) the steps any person might take who wishes to make representations to the Cabinet 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
 - (vii) a list of the documents submitted to the decision taker for consideration in relation to the matter.
- (b) 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:
- (i) that key decisions are to be taken on behalf of the Council;
 - (ii) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
 - (iii) that the plan will contain details of the key decisions to be made for the fourth month period following its publication;
 - (iv) that each plan will be available for inspection at reasonable hours free of charge at the Council's main offices;
 - (v) 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;
 - (vi) 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;
 - (vii) that other documents may be submitted to decision takers;
 - (viii) the procedure for requesting details of documents (if any) as they become available; and
 - (ix) 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.
- (c) Exempt information need not be included in a forward plan and confidential information cannot be included.

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:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- (b) the proper officer has informed the Chairman of the 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;
- (c) the proper officer has made copies of that notice available to the public at the offices of the Council, and published notice on the Council's web-site; and
- (d) at least 5 clear days have elapsed since the proper officer complied with (a) and (b).

As soon as reasonably practicable after the proper officer has complied with a) and b) he/she must publish a notice on the Council's website stating why compliance with Rule 14 is impracticable.

16. SPECIAL URGENCY

If by virtue of the date by which a key decision must be taken Rule 15 (general exception) cannot be followed, then the decision can be made by the decision taker if the Chairman of the relevant Overview and Scrutiny Committee agrees that the decision is urgent and cannot reasonably be deferred. If there is no Chairman of a relevant Overview and Scrutiny Committee, or if the Chairman of the relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor will suffice.

As soon as reasonably practicable after the decision taker has obtained agreement a notice must be published on the Council's web-site setting out the reasons for urgency and that it cannot reasonably be deferred.

17. REPORT TO COUNCIL

17.1 When an Overview and Scrutiny Committee can require a report

If an Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) included in the forward plan; or

- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with the relevant Overview and Scrutiny Committee Chairman or the Mayor/Deputy Mayor of the Council under Rule 16;

the Overview and Scrutiny Committee may require the Cabinet 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 Mayor or any 5 members. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

17.2 Cabinet's report to Council

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 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 Quarterly reports on special urgency decisions

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.

18. RECORD OF DECISIONS

After any meeting of the Cabinet or any of its committees, 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.

19. OFFICERS

- (a) the Head of the Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Cabinet and its committees. The Cabinet may not meet unless the proper officer has been given reasonable notice that a meeting is to take place.

- (b) A Cabinet meeting may only take place in the presence of the proper officer or his/her nominee with responsibility for recording and publicising the decisions.

In all of the above examples, the provisions of Rule 18 (recording and publicising decisions) will apply.

20. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE OFFICERS UNDER DELEGATED POWERS

20.1 Reports intended to be taken into account

Where an individual member of the Cabinet 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 5 clear days after receipt of that report.

20.2 Provision of copies of reports to Overview and Scrutiny Committees

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 and Vice-Chairman of every relevant Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

20.3 Record of individual decision

As soon as reasonably practicable after an executive decision has been taken by an individual member of the Cabinet or 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 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet or officers. This does not require the disclosure of exempt or confidential information.

21. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

21.1 Rights to copies

Subject to Rule 21.2 below, an Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and which contains material relating to:

- (a) any business transacted at a meeting of the Cabinet or its committees; or
- (b) any decision taken by an individual member of the Cabinet.

21.2 Limit on rights

An Overview and Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form;
- (b) 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.

22. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

22.1 Material relating to previous business or business to be transacted

22.1.2 Subject to paragraph 22.1.3 below, all members of the Council will be entitled to inspect any document which is in the possession or under the control of the Council or the Cabinet and contains material relating to any business to be transacted (or previously transacted) at a meeting of the Council, or a committee or sub-committee of the Council, or the Cabinet.

22.1.3 Members of the Council are not entitled to inspect any document if it appears to the proper officer that it discloses exempt information unless it is information of a description for the time being falling within:

- (a) paragraph 3 (except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract, or

- (b) paragraph 6.

22.2 Material relating to key decisions

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 Cabinet or its committees which relates to any key decision.

22.3 Nature of rights

These rights of a member are additional to any other right he/she may have.

PART 4 BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. The Council is 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 is the responsibility of the Cabinet to implement it.
2. **The Process for Developing the Framework**
 - (a) The Cabinet will publicise 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 the Overview and Scrutiny Committee will also be notified. The consultation period shall in each instance be not less than 6 weeks.
 - (b) At the end of that period, the Cabinet 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 Cabinet 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 Cabinet 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 Cabinet's response.
 - (c) Once the Cabinet 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 Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place.
 - (e) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
 - (f) The decision will be publicised in accordance with the Access to Information Rules and a copy shall be given to the Leader.
 - (g) An in-principle decision will automatically become effective at least 5 days from the date of the Council's decision, unless within that period the Leader informs the proper officer in writing 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 5 days. The Council will be required to re-consider its decision and the Leader's written submission within 10 days of being called. The Council may:
 - (i) approve the Cabinet'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 Cabinet by a simple majority.
- (i) The decision shall then be made public in accordance with the Access to Information Rules, 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 Cabinet. Any other changes to the policy and budgetary framework are reserved to the Council.

3. Urgent Decisions Outside the Budget or Policy Framework

- (a) The Cabinet, a Committee of the Cabinet, an individual member of the Cabinet 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) unless both the Chairman and Vice 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 and Vice-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 and Vice-Chairman of a relevant Overview and Scrutiny Committee the decision be referred to a special meeting of the Council.

4. Virement

- (a) The Council's rules concerning the transfer of budgets (virement) are set out in the Financial Regulations

5. In-Year Changes to Policy Framework

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, a Committee of the Cabinet, an individual member of the Cabinet 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 necessary to ensure compliance with the law, ministerial direction or statutory guidance.

6. 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 Council's budget, then it shall seek advice from the ~~Assistant Director (Corporate and Contracted Services)~~Assistant Director (Legal and Democratic Services) and/or Chief Finance Officer.
- (b) In respect of functions which are the responsibility of the Cabinet, the ~~Assistant Director (Corporate and Contracted Services)~~Assistant Director (Legal and Democratic Services) report and/or Chief Finance Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the ~~Assistant Director (Corporate and Contracted Services)~~Assistant Director (Legal and Democratic Services) report and/or Chief Finance Officer's report and to prepare a report to Council in the event that the ~~Assistant Director (Corporate and Contracted Services)~~Assistant Director (Legal and Democratic Services) or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the ~~Assistant Director (Corporate and Contracted Services)~~Assistant Director (Legal and Democratic Services) 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 ~~Assistant Director (Corporate and Contracted Services)~~Assistant Director (Legal and Democratic Services) 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. At the meeting the Council will receive a report of the decision or proposals and the advice of the ~~Assistant Director (Corporate and Contracted Services)~~Assistant Director

(Legal and Democratic Services) 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 Cabinet to reconsider the matter in accordance with the advice of either the ~~Assistant Director (Corporate and Contracted Services)~~Assistant Director (Legal and Democratic Services) Chief Finance Officer.

CABINET PROCEDURE RULES

1. HOW DOES THE CABINET OPERATE?

1.1 Who may make executive decisions?

The Leader decides how the Council's executive functions are to be exercised unless this Constitution directs otherwise.

Executive functions may be discharged by:

- (i) the Cabinet as a whole;
- (ii) a committee of the Cabinet;
- (iii) an individual member of the Cabinet;
- (iv) an officer;
- (v) joint arrangements; or
- (vi) another local authority.

1.2 Delegation by the leader

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 allocation of the Cabinet Portfolios among the Cabinet members for insertion in Schedule 1 of this Constitution;
- (ii) the extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority;
- (iii) the terms of reference and constitution of such Cabinet committees as the Leader appoints and the names of Cabinet members appointed to them;
- (iv) the nature and extent of any delegation of executive functions to any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year; and
- (v) the nature and extent of any delegation to officers with details of any limitation on that delegation and the title of the officer to whom the delegation is made.

1.3 Sub-delegation of executive functions

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

1.4 The Council's scheme of delegation and executive functions

- (a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- (b) The Leader 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 Cabinet 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 Cabinet 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 Cabinet committee, notice will be deemed to be served on that committee when he/she has served it on its Chairman.

1.5 Conflicts of Interest

- (a) Where the Leader 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 any member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

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

1.6 Cabinet meetings – when and where

The Cabinet will meet at least 12 times per year at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

1.7 Meetings of the Cabinet

Meetings of the Cabinet shall be open to the public (subject to the exclusion in circumstances defined in the Access to Information Rules in Part 4 of this Constitution).

1.8 Quorum

The quorum for a meeting of the Cabinet, or a committee of it, shall be one quarter of the total number of members of the Cabinet (including the Leader), or 3 including the Leader, whichever is the larger.

1.9 How are decisions to be taken by the cabinet?

- (a) Cabinet decisions which have been delegated to the Cabinet 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 Cabinet decisions are delegated to a committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. HOW ARE CABINET MEETINGS CONDUCTED?

2.1 Who presides?

If the Leader is present he/she will preside. In his/her absence, then a person appointed to do so by those present shall preside.

2.2 Who may attend?

See Access to Information Rules in Part 4.

2.3 What business?

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

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

2.4 Consultation

All reports to the Cabinet from any member of the Cabinet 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.

2.5 Who can put items on the Cabinet agenda?

- (a) The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, 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.
- (b) Any member of the Cabinet may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request the proper officer will comply.

- (c) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Overview and Scrutiny Committees.
- (d) Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. However, there may only be up to 3 such items per Cabinet meeting.
- (e) The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet 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 Chief Executive, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Cabinet meeting. If there is no meeting of the Cabinet 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.

3. TIME AND DURATION OF MEETINGS

All meetings of the Cabinet except meetings where the agenda states a different time, will commence at 7.30 pm.

4. VOTING

4.1 Majority

Any matter shall be decided by a simple majority of those members voting and present in the room at the time the question is put.

4.2 Chair'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.

4.3 Show of hands

The Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

4.4 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.

4.5 Right to require a 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.

5. PUBLIC PARTICIPATION AT CABINET MEETINGS

- 5.1 At a meeting of the Cabinet a member of the public may (if written notice has been given by 12 noon on the working day preceding the date of the meeting) make a statement or ask the Chairman a question provided that it is within the powers and functions of the Cabinet.
- 5.2 The maximum time allowed for the making of statements and the asking of questions is 15 minutes.
- 5.3 Every person is allowed a maximum of 2 minutes in which to make their statement or ask their question.
- 5.4 Every person must when invited to do so address their statement or question to the Chairman of the Cabinet.
- 5.5 Every statement or question answered must be answered without discussion and the Chairman may decline to answer.
- 5.6 Every person must maintain respect for the Chairman and the meeting.
- 5.7 Every person must after making a statement or asking a question take their seat to listen to the reply or if they wish join the public for the rest of the meeting or leave the meeting.
- 5.8 The Chairman may at his or her discretion disallow the making of a statement or the asking of questions if he or she is of the opinion that the proper dispatch of the business of the Committee may be impeded or that a breach of order may be occasioned.
- 5.9 The questioner may not ask the same or a similar question within a six month period except on any issues which are re-submitted to Cabinet in view of further facts or information to be considered.

6. DISTURBANCE BY PUBLIC

6.1 Removal of a 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.

6.2 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.

PART 4 OVERVIEW AND SCRUTINY PROCEDURE RULES

1. THE NUMBER AND ARRANGEMENTS FOR OVERVIEW AND SCRUTINY COMMITTEES

- (a) The Council will have the Overview and Scrutiny Committees set out in Article 6 and will appoint to them annually. Overview and Scrutiny Committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

- (b) The Council will have a minimum of three Overview and Scrutiny Committees, which will perform all overview and scrutiny functions on behalf of the Council. They will consist of at least 12 members of the Council on a politically proportional basis to be appointed at the Annual Meeting of Council. The Chairman and Vice-Chairman of each Committee will be appointed at the Annual Meeting of Council.

- (c) The Chairman and Vice-Chairmen of the Overview & Scrutiny Committees will be appointed from within the majority group and one of the three Vice-Chairmen will be appointed from outside the majority group.

- (d) The terms of reference of each Overview and Scrutiny Committee on matters within its scope will be:
 - (i) the performance of all overview and scrutiny functions on behalf of the Council;
 - (ii) to approve an annual overview and scrutiny work programme, so as to ensure that the committee's time is effectively and efficiently utilised;
 - (iii) in the event of reports to the Cabinet exceeding limits in this Constitution, or if the volume of such reports creates difficulty for the management of business or jeopardises the efficient running of Council business, at the request of the Cabinet to make decisions about the priority of referrals made.
 - (iv) to appoint informal member working groups or panels to assist the work of the Committee.

2. WHO MAY SIT ON OVERVIEW AND SCRUTINY COMMITTEES?

All Councillors except the Mayor and Cabinet members may be members of an Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

3. CO-OPTEEES

Each Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

4. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEES

Each Overview and Scrutiny Committee shall have meetings programmed at least every 8 weeks. Additional Overview and Scrutiny Committee meetings may be called by the Chairman of the relevant Overview and Scrutiny Committee, by any 3 members of an Overview and Scrutiny Committee, 1 member of an Overview and Scrutiny Committee with the agreement of the Chairman or by the proper officer if he/she considers it necessary or appropriate.

5. QUORUM

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.

6. CHAIRMAN

The Chairman and Vice-Chairman of each Overview and Scrutiny Committee will be appointed at the Annual Meeting of Council.

7. WORK PROGRAMME

Each Overview and Scrutiny Committee 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. The Chairman and Vice Chairman of all Overview and Scrutiny Committees will meet at least once a month to ensure that the work of the Committees is properly co-ordinated.

8. Agenda Items

- (a) Any member of an Overview and Scrutiny Committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request, the proper officer will ensure that it is included on the next available agenda.
- (b) The leader of any political party may, without the consent of the Chairman, on up to 3 occasions per Overview and Scrutiny Committee per year require the proper officer to include an item on the agenda of a relevant Overview and Scrutiny Committee for consideration. The proper officer shall inform the Chairman of the relevant Overview and Scrutiny Committee of the request at the earliest opportunity, and make arrangements for the matter to be included on the agenda at the next available meeting of that Overview and Scrutiny Committee.
- (c) Any 5 members of the Council may give written notice to the proper officer that they wish an item to be included on the agenda of a relevant Overview and Scrutiny Committee. If the proper officer receives such a notification, then he/she will include the

item on the first available agenda of the relevant Overview and Scrutiny Committee for consideration by the committee.

- (d) Any member of the Council may give written notice to the proper officer that they wish a local government matter to be included on the agenda of a relevant Overview and Scrutiny Committee of which he/she is not a member. If the proper officer receives such a notification, then he/she will include the matter on the first available agenda of the relevant Overview and Scrutiny Committee for consideration by the Committee. In deciding how to deal with the matter the Committee may consider representations from the member who referred the matter, and take into account the extent to which the member has exercised any delegated functions which the Council or Leader may have given them. It is open to the Committee to decide not to exercise any of its powers in relation to the matter, but it must let the member know its decision and the reasons for it.
- (e) Where a member has referred a local government matter to an Overview and Scrutiny Committee, and the Committee makes a report or recommendation to the Council or the Cabinet in relation to the matter, it must provide a copy to the member.

“Local government matter” means any matter which relates to the discharge of any function of the Council and affects all or part of the member’s ward or any person who lives or works in the ward, with the exception of:

- a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006,
- issues relating to individuals concerning planning and licensing,
- issues which are vexatious, discriminatory or not reasonable to be included on the agenda, and

issues where there is already a right to a review or appeal (other than the right to complain to the Local Government Ombudsman).

- (f) Where an Overview and Scrutiny Committee makes a report or recommendations to the Council or the Cabinet –
- (i) it may publish the report or recommendation
- (ii) it must by notice in writing, require the Council or the Cabinet –
- to consider the report or recommendations,

- to respond to the Overview and Scrutiny Committee indicating what (if any) action the Council, or the Cabinet, proposes to take
 - if the Overview and Scrutiny Committee has published to report or recommendations, to publish the response,
 - if the Overview and Scrutiny Committee provided a copy of the report or recommendations to a member of the Council under (e) above, to provide the member with a copy of the response.
- (g) The 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 Cabinet, 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 Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee within two months of receiving it.

9. POLICY REVIEW AND DEVELOPMENT

- (a) 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.
- (b) 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 Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

10. REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES

- (a) 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 Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework). The Chairman, or in his/her absence, the Vice-Chairman of the relevant Overview and Scrutiny Committee will be responsible for presenting the report to the Cabinet or the Council as appropriate.
- (b) If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.

- (c) The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee within two months of it being submitted to the proper officer.

11. MAKING SURE THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY THE CABINET

- (a) The agenda for Cabinet meetings shall include an item entitled 'Issues Arising From Overview and Scrutiny'. The reports of Overview and Scrutiny Committees referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within two months of the Overview and Scrutiny Committee completing its report/recommendations.
- (b) Where an Overview and Scrutiny Committee prepares a report for consideration by the Cabinet in relation to a matter where the Leader has delegated decision making power to another individual member of the Cabinet, then the Overview and Scrutiny Committee will submit a copy of their report to him/her for consideration. At the same time, 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 4 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, if requested by the Committee.
- (c) Only one report every three months may be submitted by each Overview and Scrutiny Committee to the Cabinet.
- (d) Overview and Scrutiny Committees will in any event have access to the Cabinet's forward plan and timetable for decisions and intentions for consultation. Even 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 at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

12. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

- (a) 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.
- (b) Nothing in this paragraph prevents more detailed liaison between Cabinet and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

13. MEMBERS AND OFFICERS GIVING ACCOUNT

- (a) Any Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance

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

- (b) 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 5 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.
- (c) 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 to take place within a maximum of 10 working days from the date of the original request.

14. ATTENDANCE BY OTHERS

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and may invite such people to attend.

15. CALL-IN

Call-in should only be used in exceptional circumstances. These are where Members of the appropriate Overview and Scrutiny Committee have evidence which suggests that the Cabinet or Officer did not take the decision in accordance with the principles set out in Article 12 (Decision Making).

- (a) When a decision is made by the Cabinet, an individual member of the Cabinet or a Committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or under joint arrangements, the decision shall be published, and shall be available at the main offices of the Council within 2 working days of being made. Chairmen and Vice Chairmen of all Overview and Scrutiny Committees will be sent copies of the records of all such decisions within the same timescale, by the proper officer responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless 5 members of the Council objects to it and calls it in.
- (c) During that period, the proper officer shall call-in a decision for scrutiny if so requested by any 5 members of the Council. Any member who calls in a decision must give supporting reasons in writing which must fall within one or more of the 'Principles of Decision Making set out in paragraph 12.2 of Article 12. Such member may also submit in writing a proposed recommendation(s) for suggested actions or alternative actions for consideration by the relevant Overview and Scrutiny. The Proper Officer shall notify the decision-taker of the call-in. The called in decision will be referred to the next meeting of the Overview and Scrutiny Committee. In exceptional circumstances, the Proper Officer may, after consultation with the Chairman and Vice Chairman arrange an extraordinary meeting of the Committee to consider the called in decision.
- (d) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. The decision maker shall then reconsider the decision within 4 weeks amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the Overview and Scrutiny Committee 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 Committee meeting.
- (f) If the matter was referred by an Overview and Scrutiny Committee to full Council and the Council does not object to the decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provisions below. However, if the Council does object, it has no power to overturn or change a Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, 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 or not to amend the decision before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a

whole or a committee of it, the decision will be reconsidered at its next meeting. Where the decision was made by an individual, the individual will reconsider within 4 weeks of the Council request.

- (g) If the Council 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.

16. CALL-IN AND URGENCY

16.1 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public'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 Mayor 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 Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's 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.

16.2 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.

17. THE PARTY WHIP

17.1 The Party Whip is defined as:

"Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner"

17.2 The imposition of the party whip is regarded by the Council as incompatible with Overview and Scrutiny. The Party Whip should not therefore be imposed on any member of an Overview and Scrutiny Committee while engaged in the work of Overview and Scrutiny.

18. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

(a) Overview and Scrutiny Committees shall consider the following business:

- (i) minutes of the last meeting;

- (ii) declarations of interest;
 - (iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
 - (iv) responses of the Cabinet to reports of the Overview and Scrutiny Committee; and
 - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the Overview and Scrutiny Committee conducts investigations (eg with a view to reviewing policy), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted 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.
- (c) Following any investigation or review, the Committee shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

20. MATTERS WITHIN THE REMIT OF MORE THAN ONE OVERVIEW AND SCRUTINY COMMITTEE

- (a) Where an Overview and Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Overview and Scrutiny Committee, then the Committee conducting the review shall:
- (i) invite the Chairman of the other Committee (or his/her nominee) to attend its meetings when the matter is being reviewed
- or
- (ii) before submitting its findings to the Cabinet and/or Council for consideration, the report of the reviewing Overview and Scrutiny Committee shall be considered by the other Overview and Scrutiny Committee for comment. These comments shall be incorporated into the report which is then sent to that body for consideration.

TASK AND FINISH GROUPS PROCEDURE RULES

1. PROGRAMMING PANEL

- 1.1 The Programming Panel will comprise the three political Group Leaders or their representatives and will receive advice and support from appropriate officers.
- 1.2 The Panel will have the following functions:
 - 1.2.1 To co-ordinate requests for the setting up of Task and Finish Groups made by the Chairman or Vice-Chairmen of Overview and Scrutiny Committees, the Cabinet or individual Cabinet Members.
 - 1.2.2 To regulate the number and duration of the Task and Finish Groups to ensure that there is no duplication of work being carried out by these Groups.
 - 1.2.3 To appoint the membership and decide the terms of reference for each Task and Finish Group.
 - 1.2.4 To assist both Members and officers in the allocation and timetabling of matters for consideration. The Panel is to be regarded as an administrative tool to promote effective and efficient decision making and co-ordination of the work of the Task and Finish Groups.
- 1.3 The Panel will meet at least once every cycle of meetings and will elect its own Chairman.

2. THE APPOINTMENT AND ROLE OF TASK AND FINISH GROUPS

- 2.1 Task and Finish Groups will be set up by the Programming Panel to carry out detailed work in relation to specific topics or issues. The Panel will decide what Task and Finish Groups are set up and what their terms of reference will be. All requests to the Panel for the setting up of a Task and Finish Group must be submitted to the Panel in the form of a standard pro forma.
- 2.2 Subject to these procedure rules, Members will be appointed to Task and Finish Groups by the Panel. The important consideration will be a Member's interest in the particular topic or issue, their interest as a Ward Member (if the issue is geographically based), and any particular personal knowledge, ability or expertise that may be valuable to the group.
- 2.3 Task and Finish Groups are informal bodies and shall have no decision making powers. There is no requirement to have formal agendas or minutes of meetings.

- 2.4 Meetings of Task and Finish Groups will, as far as possible, be Member led, and will not require advice or support from officers unless specifically requested.
- 2.5 All Task and Finish Groups set up at the request of an Overview and Scrutiny Committee shall –
 - 2.5.1 Consist of at least six members.
 - 2.5.2 Comply with the political balance rules in section 15 of the Local Government and Housing Act 1985.
 - 2.5.3 Elect their own Chairman.
- 2.6 Task and Finish Groups set up at the request of the Cabinet or an individual Cabinet Member do not have to comply with the political balance rules and may, if appropriate, consist entirely of Members from the same political Group.

PART 4 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 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) 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) No councillor will seek support for any person for any appointment with the Council.

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

- (a) The full Council will approve the appointment of the Head of Paid Service before the offer of appointment is made following the recommendation of such an appointment by the Appointments

Committee. The Appointments Committee must include at least one member of the Cabinet.

- (b) The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

4. **Appointment of Chief Officers and deputy Chief Officers**

- (a) The Appointments Committee will appoint Chief Officers and deputy Chief Officers. The Appointments Committee must include at least one member of the Cabinet.

~~(b) An offer of employment as a Chief Officer or deputy Chief Officer shall only be made where no well-founded objection from any member of the Cabinet has been received.~~

5. **Other appointments**

- (a) **Officers below deputy chief officer.** Appointment of officers below deputy chief officer 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) The terms of reference of the Appointments Committee include the dismissal of, and taking disciplinary action against, a Chief Officer or deputy Chief Officer. Where the Chief Officer or the deputy Chief Officer is the designated Head of Paid Service, Chief Finance Officer or Monitoring Officer full Council must approve the dismissal before notice of dismissal is given.
- (b) The Appointments Committee may suspend a Chief Officer or deputy Chief Officer for a period of up to two months on full pay for the purpose of investigating alleged misconduct, or the taking of disciplinary action, where the officer under investigation or the subject of the disciplinary action is the designated Head of Paid Service.
- (c) The Chief Executive, in consultation with the Chairman of the Appointments Committee, may suspend a Chief Officer or deputy Chief Officer, including the designated Chief Finance Officer or Monitoring Officer, for a period of up to two months on full pay for the purpose of investigating alleged misconduct, or the taking of disciplinary action.
- (d) No other disciplinary action may be taken in respect of the designated Head of Paid Service, Chief Finance Officer or Monitoring Officer except in accordance with the procedure set out in the Schedule below and the

Appointments Committee, together with any independent persons appointed to it by the Council, shall constitute “the Panel” as referred to in the Schedule.

(e) The Appointments Committee together with two Independent Persons, to be co-opted to the Committee shall approve any Special Severance Payments to the Head of Paid Service.

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.

SCHEDULE

Procedure to be followed in the event that disciplinary action is taken in respect of the designated Head of Paid Service, Chief Finance Officer or Monitoring Officer

[inserted under regulation 6 of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015]

1. In the following paragraphs –
 - (a) “the 2011 Act” means the Localism Act 2011;
 - (b) “the chief finance officer”, “disciplinary action”, “head of the authority’s paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
 - (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
 - (d) “local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;
 - (e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
 - (f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
 - (g) “relevant officers” means the chief finance officer, head of authority’s paid service or monitoring officer, as the case may be.
2. A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.
3. The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.
4. In paragraph 3 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.

5. Subject to paragraph 6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order –
 - (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
 - (b) any other relevant independent person who has been appointed by the authority;
 - (c) a relevant independent person who has been appointed by another authority or authorities
6. An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.
7. The authority must appoint any Panel at least 20 working days before the relevant meeting.
8. Where the Panel proposes dismissal, the Monitoring Officer shall notify every Member of the Cabinet of the name and any particulars relevant to the dismissal. The Leader of the Council shall notify the Monitoring Officer within 5 working days if the Cabinet object to the dismissal with reasons. The objection shall then be referred to the Panel for further consideration.
9. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular –
 - (a) any advice, views or recommendations of the Panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
9. Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to the independent person in respect of that person's role as independent person under the 2011 Act".