



BOURNEMOUTH, CHRISTCHURCH AND POOLE SHADOW AUTHORITY

Notice of Shadow Authority meeting

Date: Wednesday 6 June 2018 at 7.00 pm

Venue: Bournemouth University, KG01 Theatre, Kimmeridge House, Talbot Campus, Fern Barrow, Poole, BH12 5BB.

All Members of the Shadow Authority are summoned to attend this meeting to consider the items of business set out on the agenda below.

The press and public are welcome to attend.

If you would like any further information on the items to be considered at the meeting please contact: Karen Tompkins: Tel: 01202 451255 - Email - karen.tompkins@bournemouth.gov.uk

Press enquiries should be directed to Ceri Lewis: Tel: 01202 795455 - Email - clewis@christchurchandeastdorset.gov.uk

This Notice of Meeting and all the papers mentioned within it are available at <https://bcpsshadowauthority.wordpress.com/meetings/>

Councillor	Authority	Councillor	Authority
Janet Abbott	Christchurch	Robert Chapman	Bournemouth
John Adams	Bournemouth	Ian Clark	Bournemouth
Peter Adams	Poole	Eddie Coope	Bournemouth
Mark Anderson	Bournemouth	Blair Crawford	Bournemouth
Sue Anderson	Bournemouth	Bernie Davis	Christchurch
Amedeo Angiolini	Bournemouth	Malcolm Davies	Bournemouth
Elaine Atkinson	Poole	Norman Decent	Bournemouth
Julie Bagwell	Poole	Lesley Dedman *	Christchurch
Stephen Bartlett	Bournemouth	Lesley Dedman *	Dorset
Claire Bath	Christchurch	Sally Derham Wilkes	Christchurch
Mark Battistini	Bournemouth	Xena Dion	Poole
John Beesley	Bournemouth	David d'Orton-Gibson	Bournemouth
Derek Borthwick	Bournemouth	Bobbie Dove	Bournemouth
Philip Broadhead	Bournemouth	Beverley Dunlop	Bournemouth
Mike Brooke	Poole	Philip Eades	Poole
David Brown	Poole	Jackie Edwards	Bournemouth
Simon Bull	Bournemouth	Malcolm Farrell	Poole
Colin Bungey	Christchurch	Lawrence Fear	Bournemouth
Les Burden	Poole	Anne Filer	Bournemouth
Judy Butt	Poole	Michael Filer	Bournemouth
John Challinor	Poole	Mike Fisher	Poole

David Flagg	Christchurch	David Newell	Poole
Tavis Fox	Christchurch	Jane Newell	Poole
Sean Gabriel	Poole	Ray Nottage	Christchurch
Andy Garner-Watts	Poole	Pat Oakley	Bournemouth
Nick Geary	Christchurch	Ron Parker	Poole
Wendy Grace	Christchurch	Peter Pawlowski	Poole
Mike Greene	Bournemouth	John Perkins	Bournemouth
Nicola Greene	Bournemouth	Susan Phillips	Bournemouth
Vishal Gupta	Poole	Margaret Phipps *	Christchurch
Andy Hadley	Poole	Margaret Phipps *	Dorset
May Haines	Poole	Marion Pope	Poole
Peter Hall *	Christchurch	Ian Potter	Poole
Peter Hall *	Dorset	Lynda Price	Bournemouth
Vicki Hallam	Christchurch	John Rampton	Poole
Nigel Hedges	Bournemouth	Karen Rampton	Poole
Paul Hilliard	Christchurch	Chris Rochester	Bournemouth
Jennie Hodges	Poole	Nick Rose	Bournemouth
Mark Howell	Poole	Allister Russell	Bournemouth
Mohan Iyengar	Poole	Louise Russell	Poole
Colin Jamieson *	Christchurch	Gill Seymour	Bournemouth
Colin Jamieson *	Dorset	Vikki Slade	Poole
Patricia Jamieson	Christchurch	David Smith	Bournemouth
Cheryl Johnson	Bournemouth	Lisle Smith	Christchurch
Andy Jones	Bournemouth	Susan Spittle	Christchurch
David Jones *	Christchurch	Philip Stanley-Watts	Bournemouth
David Jones *	Dorset	Rae Stollard	Bournemouth
Denise Jones	Christchurch	Ann Stribley	Poole
Jane Kelly	Bournemouth	Ray Tindle	Poole
David Kelsey	Bournemouth	Russell Trent	Poole
Ian Lancashire	Bournemouth	John Trickett	Bournemouth
Robert Lawton	Bournemouth	Chris Wakefield	Bournemouth
Marion Le Poidevin	Poole	Janet Walton	Poole
John Lofts	Christchurch	Trevor Watts	Christchurch
Gina Mackin	Bournemouth	Michael Weinhonig	Bournemouth
Stephen MacLoughlin	Bournemouth	Mike White	Poole
Roger Marley	Bournemouth	Mike Wilkins	Poole
Chris Mayne	Bournemouth	Emma Williams	Poole
Don McQueen	Bournemouth	Lawrence Williams	Bournemouth
Drew Mellor	Poole	Graham Wilson	Poole
Sandra Moore	Poole	Kieron Wilson	Bournemouth
Andrew Morgan	Bournemouth	Lindsay Wilson	Poole
Frederick Neale	Christchurch		

* Denotes a councillor of Christchurch Borough Council and Dorset County Council and a member of the Shadow Authority in respect of both

AGENDA

Items to be considered while the meeting is open to the public

1. Apologies

To receive any apologies for absence from Members.

2. Declarations of Interests

Councillors are required to comply with the requirements of the Localism Act 2011 regarding disclosable pecuniary interests. Declarations received will be reported at the meeting.

3. Election of Chairman

To elect the Shadow Authority Chairman.

4. Election of Vice-Chairman

To elect the Shadow Authority Vice-Chairman.

5. Adoption of the Shadow Authority Constitution, incorporating Standing Orders; Code of Conduct and Scheme of Allowances

To adopt the Shadow Authority Constitution recommended by the Bournemouth, Christchurch and Poole Joint Committee.

See report circulated at 5.

6. Designation of Interim Statutory Officers

To designate the following interim Statutory Officers:

- Head of Paid Service
- Monitoring Officer
- Chief Finance Officer

See report to be circulated at 6.

7. Political Balance of the Shadow Authority and Nominations

a. To approve the political balance of the Shadow Authority.

b. To confirm the nominations for the Executive Committee, as nominated by Bournemouth, Christchurch and Poole constituent authorities.

c. To approve the nominations for the following bodies:-

- Overview and Scrutiny Committee
- Standards Committee

- Senior Appointments Committee

See report to be circulated at 7.

8. Appointment of Chairmen and Vice-Chairmen

To appoint the Chairmen and Vice-Chairmen of the following committees:

- Overview and Scrutiny Committee
- Standards Committee
- Senior Appointments Committee

General Note

Only the members of each individual committee are entitled to vote in the election for Chairmen and Vice-Chairmen of the respective committees.

9. Calendar of Meetings

To agree that meetings of the Shadow Authority will take place in the following months:

- October 2018
- February 2019

and that the final dates of the meetings be agreed by the Chairman and Vice-Chairman of the Shadow Authority.

To note that meetings of the Shadow Executive Committee will be held on a monthly basis and to agree that the calendar of meetings for this body will be agreed at its first meeting and subsequently published on the Authority's website.

To note that the calendar of meetings of the other committees will be agreed by the Chairmen and Vice-Chairmen of the respective committees and published on the Authority's website in due course.

Tuesday 29 May 2018

Tanya Coulter

Monitoring Officer Bournemouth and Poole

Town Hall, Bourne Avenue, Bournemouth, BH2 6DY



Bournemouth, Christchurch and Poole Shadow Authority

5

Report Subject	Shadow Authority Constitution
Meeting date	6 June 2018
Report Author	Tanya Coulter, Monitoring Officer, Bournemouth & Poole
Contributors	Members of the Governance Task and Finish Group – Cllrs Nicola Greene (Chair), Haines, Flagg, Broadhead and Walton, Cllrs Potter and Crawford substituted at various points. Members of the Overview & Scrutiny Joint Working Group.
Status	Public
Classification	For decision
Executive summary	The report sets out the recommendation of the Bournemouth, Christchurch & Poole Joint Committee to the Shadow Authority that it adopt the Constitution at Appendix 1 to be the Constitution of the Shadow Authority. The Constitution includes the relevant Standing Orders, Code of Conduct for Members, and Scheme of Allowances.
Recommendations	That the Shadow Authority adopts the Constitution attached at Appendix 1
Reason for Recommendations	To ensure the Shadow Authority is properly constituted in accordance with the provisions of the Structural Changes Order and the local government legal framework and can undertake its functions within a lawful framework.

	<p>To ensure that the purpose and functions of the Shadow Authority are clearly set out; that procedure rules are in place for conduct of business at meetings of the Authority and its committees; that a Code of Conduct for members is agreed, and a scheme of allowances adopted as required by the Structural Changes Order.</p>
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Background detail

1. The Shadow Authority will exist alongside the current councils until 1 April 2019.
2. The role of the Shadow Authority will be to do all that is necessary to prepare for the assumption, as the Bournemouth, Christchurch & Poole Council, of local government functions and full local authority powers on 1st April 2019. Until then the Shadow Authority will have no service delivery role as the functions and powers of the current councils will continue. Nevertheless, the Shadow Authority will still require standing orders and rules of procedure to govern the way in which business is to be conducted.
3. At its first meeting the Shadow Authority is required to create a Leader and Cabinet executive and the majority of functions of the Shadow Authority are to be delegated to, and discharged by, the Shadow Executive Committee. The Constitution attached has accordingly been prepared on the basis that the Shadow Authority will be operating executive decision-making arrangements similar to those in place in some but not all of the current councils.

Constitution of the Shadow Bournemouth, Christchurch & Poole Authority

4. Section 9P of the Local Government Act 2000 as applied to the Shadow Authority by the Structural Changes Order requires the Shadow Authority to prepare and keep up to date a document, to be known as the Constitution, which contains:
a copy of the authority's standing orders for the time being;
a copy of the authority's code of conduct;
such information as the Secretary of State may direct; and
such other information (if any) as the authority considers appropriate.
5. In due course the Bournemouth, Christchurch & Poole Council will adopt its own Constitution once member and officer structures have been identified and service delivery arrangements have been agreed.

6. In the meantime, the Structural Changes Order applies the requirements of section 9P to the Shadow Authority. So, the Shadow Authority must adopt its own Constitution at its first meeting.
7. Given the short life-span of the Constitution and the very specific role the Shadow Authority is to perform, the Constitution should provide for: basic articles; procedure rules relating to meetings; overview and scrutiny provisions and a code of conduct.
8. The legal framework established by the Structural Changes Order is such that the governance model applicable to the Shadow Authority is a Leader and Cabinet model, with some specific variations applied by the Order. The Chairman of the Shadow Executive Committee will therefore also be identified in law as the Leader of the Shadow Authority, and there is provision for delegated decision making and Portfolio Holders should the Shadow Executive decide that this is appropriate. This model does accommodate collaborative working and collective decision making, and there is therefore potential for consistency with the way in which the Joint Committee currently operates.
9. Although this is a limited Constitution, it nevertheless takes time to prepare, and with fewer than 10 weeks between the Secretary of State's decision and the date these papers need to be published for the first meeting of the Shadow Authority, Monitoring Officers adopted the pragmatic approach of adapting a constitution used by a shadow authority in the last round of unitary council re-organisations in 2009 to reflect legislative changes and the final draft of the Structural Changes Order. The resulting document, which is attached at Appendix 1, is not ideal, but given what is needed is a practical interim solution for the approximately relatively short time that the Shadow Authority will exist.
10. During the period up to 1 April 2019 the Shadow Authority will focus on preparing a new Constitution for the Bournemouth, Christchurch & Poole Council and the adoption of a more developed and comprehensive document that will reflect the structure and service delivery arrangements of the new Council. This will include among other things: officer and member decision-making arrangements; local and strategic decision-making arrangements; regulatory committees; finance and procurement rules and an enhanced scheme of delegation.

Work undertaken by the Joint Committee Task & Finish Group and Overview and Scrutiny Working Group

11. The Joint Committee Task & Finish Group met on four occasions to consider the proposed Constitution in detail and taken on board feedback from the Joint

Overview & Scrutiny Working Group which constituted five members from each of Bournemouth, Christchurch and Poole which met to consider the draft Constitution, and the Scrutiny function on 2nd May 2018.

12. The Constitution identifies three committees: Overview and Scrutiny; Senior Appointments; and Standards. In regard to the Scrutiny function, an initial workshop was held on 21st March 2018 attended by members of Bournemouth, Christchurch and Poole, facilitated by the Centre for Public Scrutiny. This has started the conversation within the Scrutiny members' arena as to the potential ways of working within the Shadow Authority and the way in which this could develop to consider the role within the future new Council. This work is ongoing, and following the establishment of the Working Group, it has met and considered the Scrutiny provisions of the proposed Constitution in detail. The feedback has been considered and taken on board and changes to the Constitution made to accommodate the feedback.
13. The Joint Committee considered the proposed Constitution at its meeting on 23 May 2018 and agreed to recommend its adoption to the Shadow Authority at its first meeting.

Key issues

14. The Constitution consists of six parts:
 - a. Part 1 - Summary and Explanation – sets out briefly what the Shadow Authority is and how it works;
 - b. Part 2 – contains the formal Articles of the Constitution;
 - c. Part 3 – sets out the responsibilities of the committees and individuals in respect of decision making and functions;
 - d. Part 4 – contains the Rules of Procedure which govern how meetings are conducted and business transacted;
 - e. Part 5 – includes the Code of Conduct for members;
 - f. Part 6 – sets out the required Scheme of Allowances for members which it is proposed will be set at “nil”.
15. Within the procedure rules are provisions which enable the public to ask questions and submit deputations to meetings. They also provide for members of the Shadow Authority to ask questions on general business of the Authority. It should be noted that there is no provision on the Agenda of the first meeting of the Shadow Authority for questions as at the date of publication of the Agenda the Constitution has not been formally adopted and the provisions are not in place. Following the adoption of the Constitution at its first meeting all subsequent meetings will include the provisions.

16. Scheme of Allowances – it is proposed that the Scheme to be adopted is “nil” so that no allowances are payable for positions within the Shadow Authority. This does not preclude expenses being claimed by members pursuant to individual councils’ schemes as appropriate.

Background papers – report to Joint Committee of 23 May 2018

<https://bcpshadowauthority.files.wordpress.com/2018/05/agenda-and-reports-23-may-2018.pdf>

Bournemouth, Christchurch and Poole Council Shadow Authority

CONSTITUTION

PART 1 - SUMMARY AND EXPLANATION

Part 1 - Constitution - summary and explanation

General

- 1 Bournemouth, Christchurch and Poole Council Shadow Authority (“the Shadow Authority”) has been created by the Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (“the 2018 Order”) to operate as a shadow authority for a new local authority that will come into being on 1 April 2019 to be known as Bournemouth, Christchurch and Poole Council. The Shadow Authority will exist for the period beginning with the day on which the 2018 Order comes into force and ending on the fourth day after the 2019 Election Day (“the Shadow Period”). As required under the Local Government Act 2000, the Shadow Authority has approved this Constitution which sets out:
 - how the Shadow Authority operates;
 - how its decisions are made; and
 - the procedures which will be followed.
- 2 Some of the processes in the Constitution are required by law while others are considered by the Shadow Authority to be necessary to ensure that it operates effectively and efficiently; and in the interests of the people it serves.

The Constitution and its Content

- 3 The Constitution is divided into six parts.

Part 1 sets out an explanation of what the Shadow Authority is and how it works.

Part 2 sets out the formal articles of the Constitution:

Article 1-The Constitution;

Article 2-The Shadow Authority;

Article 3-Rights and Responsibilities of Members of the public;

Article 4-The Full Shadow Authority;

Article 5-The Role of the Chairman;

Article 6-Scrutiny;

Article 7-The Shadow Executive Committee;

Article 9- Arrangements for promoting good standards of behaviour by Members;

Article 10-Officers;

Article 11-Decision Making;

Article 12-Legal Matters; and

Article 13-Review, Revision, Suspension, Interpretation and Publication of the Constitution.

Part 3 sets out the responsibility of bodies and individuals for various functions carried out by the Shadow Authority in relation to the exercise of its powers.

Part 4 contains the Rules of Procedure which are designed to regulate the conduct of the Shadow Authority's business to ensure decisions are made in accordance with the law and the wishes of the Shadow Authority.

Part 5 includes the Code of Conduct for Shadow Councillors which is designed to ensure that Councillors carry out their duties to the highest ethical standards. It also includes a protocol on Member/Officer Relations.

Part 6 covers the Scheme of Shadow Councillors' Allowances. Article 27 of the 2018 Order provides that the Shadow Authority has to prepare and adopt a scheme for the payment of allowances to its members.

The Shadow Authority and how it operates in making decisions

There are 125 Shadow Councillors who sit on the Shadow Authority. They are the councillors who were elected to Bournemouth Borough Council; Christchurch Borough Council; Borough of Poole; and those councillors who were elected to Dorset County Council for the County Divisions within the area of Dorset covered by Christchurch Borough Council. The Councillors will continue in office after 1 April 2019 when a new local authority to be known as Bournemouth, Christchurch and Poole Council will come into existence before retiring from office on the expiry of the Shadow Period. Some of the councillors are both Christchurch Borough Councillors and Dorset County Councillors – known as twin-hatters. They will have two votes. There are currently five such councillors, meaning that although the total number of Councillors is 125, there are in fact 120 individuals representing the 125 seats.

The role of the Shadow Authority is to:

- prepare for the assumption of local government functions and full local authority powers on 1 April 2019;
- prepare budgets and plans required to be put in place on 1 April 2019; and
- liaise with other local authorities in its area to ensure continuity of public service delivery on or after 1 April 2019 and thereafter.

The Shadow Councillors are directly accountable to their constituents for the running of the Shadow Authority. Whilst Shadow Councillors have this very broad role they have a duty to represent the interests of all their constituents. They also work closely with officers in developing policies and strategies to give direction to the Shadow Authority's vision and to ensure that services are delivered in accordance with the Shadow Authority's wishes.

The Shadow Authority will meet on a number of occasions during the Shadow Period. Meetings are open to the public, but the public may be excluded where an item of a confidential or exempt nature is being discussed.

At its first meeting, the Shadow Authority will appoint its Chairman and Vice-Chairman; and the Chairmen and Vice-Chairmen of any Committees, Sub-Committees and Special Committees. It will be for members of each Committee to

elect the Chairmen and Vice-Chairmen at the first meeting of the Shadow Authority. It will also agree the range of responsibilities to be exercised by Shadow Councillors individually or collectively.

There are two main areas in the Shadow Authority's political structure covering the Shadow Executive Committee; and Overview and Scrutiny. These are covered in more detail within the Constitution.

The Shadow Executive Committee is that part of the Shadow Authority which is responsible for most of the day-to-day decisions. The Shadow Executive Committee comprises 16 Shadow Councillors nominated in accordance with Article 12 of the 2018 Order.

At the first meeting of the Shadow Executive Committee it will elect a Councillor from among those who have been nominated to the Shadow Executive Committee to chair the Shadow Executive Committee. The Councillor who is elected will also as a matter of law be the Shadow Authority Leader. A second Councillor will be elected to be the vice-chair and Shadow Authority Deputy Leader. This reflects the legal model required by the Structural Changes Order and Local Government legal framework.

Any Key Decisions to be made by the Shadow Executive Committee are published on a monthly basis in the Shadow Executive Committee's Forward Plan which looks at the forthcoming four- month period. It is not always possible to anticipate all the items to be included in the Plan. However, in cases where this is not possible items will be added to the Plan at the next date of publication. Special arrangements apply where a matter is urgent or cannot be included in the Plan.

The Shadow Authority's Overview and Scrutiny arrangements ensure that Shadow Councillors who are not on the Shadow Executive Committee can be involved in Shadow Executive Committee decisions by questioning and making recommendations.

The Overview and Scrutiny arrangements will reflect as far as practicable the overall political proportionality of the Shadow Authority. Members of the Shadow Executive Committee cannot sit on the Overview and Scrutiny Committee.

In performing their various roles, Shadow Councillors are supported by the Officers who give advice, implement decisions and manage the delivery of services. Officers ensure the Shadow Authority acts within the law and uses resources efficiently and effectively.

As the Shadow Authority is a public body, members of the public have a number of rights in their dealings with it. Whilst some are legal rights such as the right to film, audio record or to report on meetings, others will depend on the Shadow Authority's own processes. These rights are set out in Parts 2 and 4 of this Constitution.

The Constitution will be updated to reflect changes within the Shadow Authority, its procedures and processes.

PART 2 – ARTICLES OF THE CONSTITUTION

- Article 1 - The Constitution
- Article 2 - The Shadow Authority
- Article 3 - Rights and Responsibilities of Members of the public
- Article 4 - The Full Shadow Authority
- Article 5 - The Role of the Chairman of the Shadow Authority
- Article 6 - Overview and Scrutiny Committee
- Article 7 - The Shadow Executive Committee
- Article 8 - Other Committees
- Article 9 - Arrangements for promoting good standards of behaviour by Shadow Councillors
- Article 10 - Officers
- Article 11 - Decision Making
- Article 12 - Legal Matters
- Article 13 - Review, Revision, Suspension, Interpretation and Publication of the Constitution

Article 1 - The Constitution

1 Powers and Duties of the Shadow Authority

- 1.1 The powers and duties of the Shadow Authority are set down in Acts of Parliament and secondary legislation. The Shadow Authority will exercise those powers and duties in accordance with the law and its Constitution.

2 The Constitution

- 2.1 The Shadow Authority's Constitution includes all those parts listed in Part 1 – Summary and Explanation.

3 Purpose of the Constitution

- 3.1 The objectives of this Constitution are:
- (a) to support the Shadow Authority's preparations;
 - (b) to provide a framework for clear leadership to the community in partnership with its people, businesses and other organisations;
 - (c) to enable decisions to be taken efficiency and effectively;
 - (d) to provide a robust and effective overview and scrutiny function;
 - (e) to ensure that a decision will not be reviewed or scrutinised by anyone who was directly involved in making the decision; and
 - (f) to ensure that those responsible for decision making can be clearly identified by local people and that they can explain the reasons for their decisions.
- 3.3 The Shadow Authority will ensure that the articles, procedural rules and protocols in this Constitution reflect and deliver the objectives set out above.

Article 2 - The Shadow Authority

1 Composition

- 1.1 The Shadow Authority comprises the 125 Shadow Councillors who are the councillors who were elected to Bournemouth Borough Council; Christchurch Borough Council; Borough of Poole; and those councillors who were elected to Dorset County Council for the County Divisions within the area of Dorset covered by Christchurch Borough Council. Appendix 1 to this Article lists details of the Shadow Councillors and the area each represents. Further information on the Shadow Councillors can be found on the Shadow Authority's website.

2 Term of Office

- 2.1 Shadow Councillors' term of office will commence on the day after the day on which the 2018 Order is made and continue for the Shadow Period.
- 2.2 Where a casual vacancy occurs in the office of a Shadow Councillor on or before 30 September 2018, a by-election will be held and the person elected will serve until the fourth day after the date of the 2019 election.

3 Role of Shadow Councillors

- 3.1 Shadow Councillors will undertake the following roles:
- (a) as a body, they will: set the Shadow Authority's major plans, policies and strategies as required by law; perform those functions identified in the 2018 Order; and will take decisions on such matters as must be reserved to the full Shadow Authority by law or as provided for in this Constitution ;
 - (b) oversee the Shadow Authority's strategic and corporate management;
 - (c) represent their communities and the views of their electorate in the decision-making process;
 - (d) support, as appropriate, individuals in their dealings with the Shadow Authority and represent them in seeking to resolve particular concerns or grievances;
 - (e) balance the different interests of people within their constituency with a view to representing their constituency as a whole;
 - (f) participate, as appropriate, in the decision-making, and overview and scrutiny processes; and
 - (g) maintain the highest standards of conduct and ethics and will observe the Shadow Authority's Code of Conduct for Elected Shadow Councillors.

4 Shadow Councillors' Representational Roles

- 4.1 All Shadow Councillors represent their constituents and the Shadow Authority sees this as an important role and responsibility under this Constitution.
- 4.2 Shadow Councillors have an important job in consulting their communities on the development of policies, plans and strategies and other local initiatives.
- 4.3 The Shadow Authority will ensure in its processes that appropriate procedures are in place so that Shadow Councillors can contribute to the Shadow Authority's business on behalf of their local community both in terms of policy development and decision making.

5 Shadow Councillors' Rights

- 5.1 Shadow Councillors will have rights of access to any document, information, land or buildings of the Shadow Authority where this is necessary for the proper discharge of their functions as a Shadow Councillor and in accordance with the law and this Constitution.
- 5.2 A Shadow Councillor is not permitted to make available to the press or to a member of the public any information which he/she has been sent or given in whatever form and which is exempt or confidential information as defined in the Access to Information Procedure Rules which are set out in Part 4 of this Constitution.
- 5.3 A Shadow Councillor shall not divulge information given in confidence to anyone other than a Shadow Councillor or officer or other person legally entitled to know it.

6 Chairman and Vice-Chairman of the Shadow Authority

- 6.1 The Shadow Authority will elect, from amongst its number, at its first meeting, a Shadow Councillor to serve as Chairman of the Shadow Authority for the Shadow Period.
- 6.2 Similarly the Shadow Authority will appoint the Vice-Chairman of the Shadow Authority for the Shadow Period.
- 6.3 Where a vacancy occurs in respect of either office the Shadow Authority will elect/appoint as appropriate a successor at its next meeting.
- 6.4 A member of the Shadow Executive Committee cannot be elected or appointed as Chairman or Vice-Chairman of the Shadow Authority while serving on the Shadow Executive Committee. Otherwise any Shadow Councillor is eligible for election as Chairman or Vice Chairman of the Shadow Authority.
- 6.5 Where the Chairman and Vice-Chairman of the Shadow Authority are both absent from a meeting of the Shadow Authority, or a part of it, the Shadow

Authority will appoint one of their members, other than a member of the Shadow Executive Committee, to preside.

7 Leader and Deputy Leader of the Shadow Authority

- 7.1 The Shadow Executive Committee will elect, from amongst its number, at the first meeting of the Shadow Executive Committee, a chairman and deputy chairman, who upon election will be the Leader and Deputy Leader of the Shadow Authority and will hold office in accordance with paragraph 3(1) of Article 7.

8 Other Offices

- 8.1 The Shadow Authority will elect other Members to fill such other offices as it may determine from time to time in accordance with any requirements set out in law or this Constitution.

9 Conduct of Shadow Councillors

- 9.1 All Shadow Councillors are required, at all times, to observe the Shadow Councillors' Code of Conduct and to have appropriate regard to such other protocols, policies, guidance and advice as may be issued from time to time through the Shadow Authority's formal processes.

10 Shadow Councillors' Scheme of Allowances

- 10.1 All Shadow Councillors shall be entitled to receive such allowances as are laid down from time to time in the Shadow Councillors' Scheme of Allowances.

11 Shadow Councillor Support

- 11.1 The Shadow Authority will also provide support to Shadow Councillors as appropriate to enable them to fulfil their roles and responsibilities.

SHADOW COUNCILLORS OF THE SHADOW AUTHORITY

NAME	ADDRESS AND TEL. NO.	ELECTORAL WARD	ELECTED
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[Add details of all elected Shadow Councillors]

Date: * 2018

Article 3 - Rights and responsibilities of Members of the Public

1 Rights

- 1.1 Members of the public have the following rights in regard to the affairs of the Shadow Authority:
- (a) access to information subject to such constraints as may be imposed, by law and as set out in the Access to Information Procedure Rules in Part 4 of this Constitution;
 - (b) to attend meetings of the Shadow Authority and its Committees and Sub-Committees except where exempt or confidential information is likely to be disclosed;
 - (c) to attend public meetings of the Shadow Executive Committee except where exempt or confidential information is likely to be disclosed;
 - (d) to film, audio record or report on meetings of the Shadow Authority and its Committees and Sub-Committees and the Shadow Executive Committee subject to guidelines published on the Shadow Authority's website and available at meetings;
 - (e) to have access to the Shadow Authority's Forward Plan of Key Decisions to be taken by the Shadow Executive Committee;
 - (f) in accordance with the statutory framework to inspect reports, background papers and any records of decisions made by: the Shadow Authority; the Shadow Executive Committee; a Committee; Sub-Committee; the Leader or a Portfolio Holder subject to the provisions on exempt or confidential information applying;
 - (g) in accordance with the statutory framework to inspect the Shadow Authority's Accounts and to make their views known to the external auditors where appropriate;
 - (h) to ask questions or present petitions at designated meetings in accordance with such procedures as the Shadow Authority may determine from time to time;
 - (i) to contribute to investigations by a the Overview and Scrutiny Committee where invited to do so; and
 - (j) to complain to the Shadow Authority where there is an alleged breach of the Shadow Councillors' Code of Conduct.

2 Responsibilities of members of the public

- 2.1 The Shadow Authority in turn expects those living within the Shadow Authority's area and/or receiving services not to use violent, abusive or

threatening behaviour in any form against any Shadow Councillor, Officer or persons acting for or on behalf of the Shadow Authority.

- 2.2 The Shadow Authority also asks that the property, assets and other resources of the authority, Shadow Councillors, Officers or persons acting for or on behalf of the Shadow Authority are not wilfully harmed or damaged.

Article 4 - The full Shadow Authority

1 Functions

- 1.1 The functions of the Shadow Authority are set out in the Bournemouth, Dorset and Poole (Structural Changes) Order 2018 (“the 2018 Order”) and in relevant consequential orders.
- 1.2 Save to the extent any provision of any Act, the 2018 Order or regulations under sections 9D or 9DA of the Local Government Act 2000 require otherwise then unless the Shadow Executive Committee requests the Shadow Authority to discharge any function in accordance with Article 37 of the 2018 Order, the functions of the Shadow Authority conferred on the Shadow Authority by or under the 2018 Order are delegated to the Shadow Executive Committee.
- 1.3 The Shadow Authority will be responsible for the adoption of the Shadow Authority’s budget and policy framework. For these purposes the budget includes the setting of the council tax; and the policy framework means such plans and strategies as must by law be approved by the Shadow Authority.
- 1.4 The Shadow Authority also has the functions set out in Part 3 of this Constitution.

2 Shadow Authority Meeting

- 2.1 The first meeting of the Shadow Authority will be held within 14 days after the coming into force of the 2018 Order.
- 2.2 Ordinary Meetings will be held according to a calendar of meetings to be agreed by the Shadow Authority and which will be published once agreed.
- 2.3 Extraordinary meetings may be called as and when required as provided in the Shadow Authority Procedure Rules.

3 Conduct of Shadow Authority Meetings

- 3.1 Shadow Authority meetings will be conducted in accordance with the law and the Shadow Authority Procedures Rules.

4 Responsibility for Functions

- 4.1 The Shadow Authority will maintain a record of those Shadow Authority functions which are the responsibility of its subordinate bodies.

Article 5 - The role of the Chairman of the Shadow Authority

1 Civic Role

- 1.1 The Chairman of the Shadow Authority, supported by the Vice-Chairman, and as appropriate other Shadow Councillors, will perform the civic role on behalf of the Shadow Authority.
- 1.2 The civic role entails raising and maintaining the profile of the Shadow Authority's area, the Shadow Authority and its members of the public. The office will promote the aims and values of the Shadow Authority in an apolitical manner.
- 1.3 The Chairman will promote such civic and ceremonial functions as the Shadow Authority or he/she may determine following consultations, where appropriate.
- 1.4 The Chairman will represent the Shadow Authority at civic and ceremonial functions of other local authorities or involving other appropriate bodies.

2 Shadow Authority Role

- 2.1 The Chairman will be elected by the Shadow Councillors at its first meeting. The Vice-Chairman is also appointed at the same meeting.
- 2.2 The Chairman is responsible for the following:
 - (a) upholding and promoting the purposes of this Constitution and interpreting it with appropriate advice when necessary;
 - (b) presiding over meetings of the full Shadow Authority to ensure that business is carried out efficiently and effectively whilst preserving the rights of Shadow Councillors and the interests of members of the public;
 - (c) ensuring that at Shadow Authority meetings matters of concern to local communities can be debated through the appropriate Shadow Councillors;
 - (d) ensuring that Shadow Councillors who are not on the Shadow Executive Committee or who do not hold the Chairmanship of a main Committee are able to hold those office holders to account;
 - (e) promoting public involvement in the Shadow Authority's affairs and acting as a contact between members of the public and organisations and the Shadow Authority; and
 - (f) undertaking such other roles as may be placed upon the office from time to time by the Shadow Authority.

3 Vice-Chairman of the Shadow Authority

- 3.1 The Vice-Chairman will support the Chairman in his/her civic role and will carry out civic duties as well on behalf of the civic office.
- 3.2 The Vice-Chairman will also deputise in the absence of the Chairman in carrying out the responsibilities of the office of Chairman.

Article 6 – Overview and Scrutiny Committee

1 Overview and scrutiny

- 1.1 The Shadow Authority has established arrangements for the overview and scrutiny of decisions or other action taken by the Shadow Executive Committee and others in accordance with the Local Government Act 2000 as applied by the 2018 Order. This Article sets out those arrangements. It should be read in conjunction with the Overview and Scrutiny Procedure Rules
- 1.2 The Shadow Authority will keep under review its overview and scrutiny arrangements and will make changes where it considers these are appropriate and will lead to improvements and an improved overview and scrutiny function.

2 Responsibilities of the Overview and Scrutiny Committee

- 2.1 The Overview and Scrutiny Committee has the functions set out in Part 3 of this Constitution.

3 Membership of the Overview and Scrutiny Committee.

- 3.1 The Overview and Scrutiny Committee shall comprise 15 Shadow Authority Councillors.
- 3.2 No member of the Shadow Executive Committee may be a member of the Overview and Scrutiny Committee or any working group of the Committee.
- 3.3 Any body established under these Scrutiny arrangements will be a politically proportionate body reflecting the overall political representation on the Shadow Authority.
- 3.4 The 15 Overview and Scrutiny Committee members will consist of five from Bournemouth Borough Council, Christchurch Borough Council and the Borough of Poole , so far as is practicable given the need for political balance referenced at 3.3 above.
- 3.5 In performing its role the Overview and Scrutiny Committee may consult and involve the local community - this may include Parish Council representatives, established community representatives and co-opted members of Bournemouth Borough Council, Christchurch Borough Council and the Borough of Poole, and other local public, private and voluntary bodies or organisations - with the purpose of adding value to its overview and scrutiny work.

4 Conduct of Overview and Scrutiny Committee meetings

- 4.1 Conduct of the proceedings at Overview and Scrutiny Committee meetings shall be in accordance with the Shadow Authority and Overview and Scrutiny

Procedure Rules as appropriate.

5 Working Groups

- 5.1 The Overview and Scrutiny Committee may establish such working groups as it considers necessary after taking into account the availability of resources, the work programme and the matter under review.
- 5.2 Working groups will be informal bodies with the ability to meet at short notice to progress overview and scrutiny work at the necessary pace. For this reason, working groups will not be required to be held in public or meet statutory deadlines for publication of agendas. The outcome of working group meetings will be reported by its members to the next available meeting of the O&S Committee.
- 5.3 Working groups will consist of 3-5 members and may include any Shadow Authority councillor who has an interest or expertise in the matter under review and is not on the Shadow Executive Committee.
- 5.4 The O&S Committee will appoint the Chairman (and Vice Chairman, if appropriate) of each working group and agree the membership.

Article 7- The Shadow Executive Committee

1 Role of the Shadow Executive Committee

- 1.1 The Shadow Executive Committee will carry out all of the Shadow Authority's duties and responsibilities which are not the responsibility of any other part of the Shadow Authority, whether by law or under this Constitution, and in particular it will carry out the duties and responsibilities of the Shadow Executive Committee which are contained in the 2018 Order. It is established pursuant to the 2018 Order, and within the legal framework reflected in the Order. Accordingly there are references within this Constitution to Leader and Portfolio Holders. The Shadow Executive Committee may choose not to use a Portfolio Holder structure with formal delegations during the transition period.
- 1.2 The Shadow Executive Committee will also exercise the functions of the Shadow Authority that must be delegated to it by the full Shadow Authority under the 2018 Order.
- 1.3 The Shadow Executive Committee shall be responsible for making recommendations to the Shadow Authority on the setting of a budget for the Bournemouth, Christchurch and Poole Council and will have the opportunity to express a view to the Shadow Authority on the appointment of Senior Officers prior to any such appointment being confirmed.

2 Composition of the Shadow Executive Committee

- 2.1 The 2018 Order provides that the Shadow Executive Committee is to consist of (a) eight persons nominated by Bournemouth Borough Council, each of whom is for the time being a member of that Council; (b) two persons nominated by Christchurch Borough Council, each of whom is for the time being a member of that Council; and (c) six persons nominated by Borough of Poole, each of whom is for the time being a member of that Council.
- 2.2 The Chairman and Vice-Chairman of the Shadow Executive Committee will be elected by the Shadow Executive Committee at its first meeting. The Chairman will be the Leader of the Shadow Authority and the Vice-Chairman will be the Deputy Leader of the Shadow Authority.
- 2.3 Where a Shadow Executive Committee Member, other than the Leader or Deputy Leader, ceases to hold office, the Leader will reassign the relevant portfolio within the remaining Shadow Executive Committee membership from the date of cessation to the date of the next Shadow Executive Committee meeting. Where the Leader and Deputy Leader hold portfolio responsibilities and either cease to hold their office then the Leader or the Deputy Leader, as the case may be, shall reassign the relevant portfolio.
- 2.4 No deputy or substitution arrangements are allowed in respect of the Shadow Executive Committee. The Chairman and Vice Chairman of the Shadow Authority cannot be appointed to the Shadow Executive Committee.

3 The Leader and Deputy Leader

3.1 The Leader and Deputy Leader will hold office until:

- (a) he/she resigns from the office of Leader or Deputy Leader (as the case may be);
- (b) he/she becomes ineligible to be a Shadow Councillor for a specific period or indefinitely;
- (c) he/she ceases to be a Shadow Councillor; or
- (d) he/she is removed from office by a resolution of the Shadow Executive Committee.

3.2 Where there is a vacancy in the office of Leader, the Deputy Leader shall assume the responsibilities of the Leader until the next meeting of the Shadow Executive Committee, whether that be an Ordinary or Extraordinary meeting of the body.

3.3 Where both the Leader and the Deputy Leader cease to hold office at the same time, the Interim/Appointed Head of Paid Service shall call a meeting of the Shadow Executive Committee as soon as possible for the purpose of electing a new Leader and Deputy Leader.

4 Other Shadow Executive Committee Members

4.1 Other members of the Shadow Executive Committee shall hold office until any of the events listed in paragraph 3.1 above for ending the term of office of the Leader apply to them collectively or individually as Shadow Executive Committee Members.

5 Proceedings of the Shadow Executive Committee

5.1 All proceedings of the Shadow Executive Committee shall be conducted in accordance with the Shadow Executive Committee Procedure Rules set out in this Constitution.

6 Responsibility for Functions

6.1 The Leader can exercise any executive power.

6.2 If the Leader is unavailable, absent or there is a vacancy in the post of the Leader, the Deputy Leader can exercise any executive power.

6.3 Unless the Shadow Executive Committee requests the Shadow Authority to discharge any function in accordance with Article 22 of the 2018 Order, the Shadow Executive Committee can exercise any function of the Shadow Authority conferred on the Shadow Authority by or under the 2018 Order save to the extent any provision of any Act, the 2018 Order or regulations under

section 9D or 9DA of the Local Government Act 2000 require otherwise.

- 6.4 Any Member of the Shadow Executive who has been allocated a portfolio by the Leader (“Portfolio Holder”) can exercise any executive power that falls within that portfolio, the scope of which the Leader will determine. The Leader may amend or revise those portfolios at any time.
- 6.5 The Leader and Deputy Leader may have a portfolio responsibility
- 6.6 The Leader, Deputy Leader, Shadow Executive Committee and any Portfolio Holder can delegate powers to the extent as provided for in Part 1A of the Local Government Act 2000. The arrangements set out in this Constitution reflect those currently agreed. Further, the Shadow Executive Committee can also delegate its powers to any Officer of the Shadow Authority, Dorset County Council and/or a District Council as defined in the 2018 Order.
- 6.7 The Leader will ensure that a record is kept of the Shadow Executive Committee functions which are the responsibility of each Portfolio Holder, any committee or sub-committee of the Shadow Executive Committee, or officers or under any joint arrangements.
- 6.8 Where a delegation arrangement is made under paragraph 6.7 above, it shall not preclude the body or person delegating the function, or part of it, from exercising that function on giving notice in writing to that body or person.

Article 8 - Other Committees

1 Other Committees

- 1.1 The Shadow Authority will appoint the following other Committees to take such decisions which are not within the responsibilities of the Shadow Executive Committee:

Committee	Shadow Councillors
Overview and Scrutiny Committee	15
Senior Appointments Committee	7
Standards Committee	5
Independent Remuneration Panel *	

* [Stipulate the composition]

- 1.2 The Shadow Authority may appoint other Committees, Sub-Committees and Special Committees with delegated powers to act under specific terms of reference which must be set out in the Minutes.

2 Powers of Committees

- 1.1 The Committees shall have the functions set out in Part 3 of this Constitution.
- 1.2 A Committee may, at any time, decline to exercise a delegated power. The matter must then be considered and determined by the Shadow Authority as appropriate.

3 Conduct of Committee Meetings

- 3.1 Committee meetings will be conducted in accordance with the law and Parts B and C the Meeting Procedures Rules set out in Part 4 of this Constitution.

Article 9 – Joint Arrangements

9.1 There are no joint arrangements.

Article 10 - Arrangements for promoting good standards of behaviour

1 Adoption of a code of conduct for Shadow Councillors

- 1.1 The Shadow Authority has adopted the Code of Conduct for Shadow Councillors set out in Part 5.

2 Application of the Code of Conduct

- 2.1 The Code of Conduct will apply to all Shadow Councillors when they are acting as a member of the Shadow Authority or hold themselves out as doing so.

3 Alleged breaches of the Code of Conduct

- 3.1 Any allegations that a Shadow Councillor has breached the Code of Conduct are to be reported to the Interim/Appointed Monitoring Officer who, after consulting the Independent Person, will refer the allegation to the Standards Committee for assessment and determination if s/he is satisfied that:
- (a) the allegation is about a Shadow Councillor;
 - (b) the Shadow Councillor was a member of the Shadow Authority at the time when the matters that led to the allegation occurred;
 - (c) the Shadow Councillor was a member of the Shadow Authority at the time of the allegation;
 - (d) the Shadow Councillor is still a member of the Shadow Authority; and
 - (e) the matters that led to the allegation would, if proven, be capable of breaching the Shadow Authority's Code of Conduct.
- 3.2 If the allegation fails to meet any of the criteria in paragraph 3.1 above, the Interim/Appointed Monitoring Officer will not take any further action other than to advise the person who made the allegation.
- 3.3 Before referring the allegation to the Standards Committee, the Interim/Appointed Monitoring Officer will notify the member against who the allegation has been made of the allegation and invite the Shadow Councillor to provide a response.
- 3.4 In making its assessment and determination the Standards Committee will consider the information provided by the person making the allegation and any representations received from the Shadow Councillor. If further information is required the Standards Committee may request it. There is a presumption that allegations will be dealt with "on the papers" and without the need for a formal investigation.

- 3.5 The Standards Committee may:
- (a) reject the allegation;
 - (b) take no further action;
 - (c) require the Shadow Councillor to make a public apology; or
 - (d) censure the Shadow Councillor.
- 3.6 The Standards Committee will give reasons for its decision.
- 3.7 For the purposes of this Article, references to “the Independent Person” are to a person chosen by the Interim/Appointed Monitoring Officer from among all of the Independent Persons appointed by each of the Bournemouth, Christchurch and Poole Councils under section 28(7) of the Localism Act 2011 as part of their arrangements under which decisions on allegations are made.

Article 11 - Officers

1 Bournemouth, Dorset and Poole (Structural Changes) Order 2018

- 1.1. Article 13 of the 2018 Order makes provision for the Shadow Authority to: designate officers to the posts of Interim Monitoring Officer; Interim Chief Finance Officer and to be its Interim Interim/Appointed Head of Paid Service; and at any time before 1 April 2019 to appoint a person to become Bournemouth, Christchurch and Poole Council's Monitoring Officer, Chief Finance Officer or Interim/Appointed Head of Paid Service.
- 1.2 The roles and functions of those officers are set out in the 2018 Order.
- 1.3 The Interim/Appointed Monitoring Officer may appoint, in writing, further deputies as he/she considers appropriate.
- 1.4 The Interim/Appointed Chief Finance Officer may appoint, in writing, a deputy as appropriate.

2 Functions of the Head of the Paid Service

- 2.1 The Head of the Paid Service will report to the full Shadow Authority on the manner in which the Shadow Authority develops its functions and the co-ordination of those functions. The Head of Paid Service will act as the Senior Responsible Officer in respect of the overall Implementation Programme. He/she also has statutory functions in relation to staff.

3 Functions of the Interim/Appointed Monitoring Officer

- 3.1 The Interim/Appointed Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Shadow Councillors, staff and the public.
- 3.2 After consulting with the Interim/Appointed Head of Paid Service, the Interim/Appointed Monitoring Officer will report to the full Shadow Authority, (or to the Shadow Executive Committee in relation to a Shadow Executive Committee function), if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission would give rise to a finding of maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 3.3 He/she will contribute to the promotion and maintenance of high standards of conduct.
- 3.4 He/she will provide advice to all Shadow Councillors on issues in relation to the scope of powers and authority to take decisions, maladministration, financial impropriety and probity.

4 Functions of the Interim/Appointed Chief Finance Officer

- 4.1 After consulting with the Interim/Appointed Head of Paid Service and the Interim/Appointed Monitoring Officer, the Interim/Appointed Chief Finance Officer will report to the full Shadow Authority (or to the Shadow Executive Committee in relation to a Shadow Executive Committee function) and the Shadow Authority's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Shadow Authority is about to enter an item of account unlawfully.
- 4.2 He/she in consultation will have overall responsibility for the administration of the financial affairs of the Shadow Authority.
- 4.3 He/she will contribute to the corporate management of the Shadow Authority, in particular, through the provision of professional financial advice.
- 4.4 He/she will provide advice on issues to all Shadow Councillors in relation to the scope of powers and authority to take decisions, maladministration, financial impropriety and probity issues and will support and advise Shadow Councillors and officers in their respective roles.
- 4.5 He/she will provide financial information to the media, members of the public and the community.

5 Duty to provide sufficient resources to the Interim/Appointed Monitoring Officer and Interim/Appointed Chief Finance Officer

- 5.1 The Shadow Authority will provide these officers with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed in their statutory roles.

6 Conduct

- 6.1 Officers will comply with any Protocol on Member/Officer Relations that has been adopted by the Shadow Authority.

7 Employment

- 7.1 The recruitment, selection and dismissal of officers will comply with the Staff Employment Procedure Rules as set out in this Constitution, if it is deemed appropriate for the Shadow Authority to itself directly employ staff.

Article 12 - Decision Making

1 General

- 1.1 The Shadow Authority will keep an up-to-date record, which shall be available for public inspection, of who has responsibility for making decisions in relation to Shadow Authority functions and services.
- 1.2 All decisions of the Shadow Authority will be made in accordance with the law, this Constitution and the principles set out below.

2 Types of Decision and the Decision-Takers

- 2.1 The Shadow Authority will take all decisions which it has reserved to itself or which it is required to take by law.
- 2.2 The Shadow Executive Committee will take all decisions including Key Decisions which it is required to determine as required by law or because the Shadow Authority has decided to delegate the matter to the Shadow Executive Committee.
- 2.3 Other Committees, Sub-Committees, Officers of the Central Implementation Team and Officers of the Shadow Authority will take such decisions as are delegated to them by the Shadow Authority or the Shadow Executive Committee.

3 Decision Making Procedures

- 3.1 In taking decisions the full Shadow Authority, the Shadow Executive Committee, Overview and Scrutiny Committee, and other Committees and Sub-Committees will follow the Shadow Authority's Procedure Rules and in particular as follows:
- (a) Shadow Authority – Meeting Procedure Rules Parts A and C;
 - (b) Shadow Executive Committee - Shadow Executive Committee Procedure Rules and Meeting Procedure Rule Part C ;
 - (c) Overview and Scrutiny Committee - Overview and Scrutiny Procedure Rules, and Meeting Procedure Rules Parts B and C; and
 - (d) Committees and Sub-Committees - Meeting Procedure Rules Parts B and C.

4 Definition of Key Decision

- 4.1 A Key Decision means:-
- “a decision which, is likely –

- (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority."

In determining the meaning of "*significant*" for these purposes the Shadow Authority will have regard to any guidance for the time being issued by the Secretary of State in accordance with section 9Q of the Local Government Act 2000 Act

Article 13 - Legal Matters

1 Legal Proceedings

- 1.1 The Interim/Appointed Monitoring Officer is authorised to institute, defend or participate in any legal proceedings or to take such other action where such action is necessary to give effect to decisions of the Shadow Authority or in any case where he/she considers that such action is necessary to protect or further the Shadow Authority's interests.

2 Document Authentication

- 2.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Shadow Authority, it will be signed by the Interim/Appointed Monitoring Officer or other person authorised by him/her unless any enactment otherwise authorises or requires, or the Shadow Authority has given requisite authority to some other person.
- 2.2 In the absence of any authority given to a specific officer, whether by this Constitution or in any other manner, all contracts entered into on behalf of the Shadow Authority. may be signed by any one or more of the following:
- (a) the Interim/Appointed Head of Paid Service;
 - (b) the Interim/Appointed Monitoring Officer; and/or
 - (c) the Interim/Appointed Section 151 Officer.

3 Address for service of documents

- 3.1 Documents to be served on the Shadow Authority may be addressed to the Interim/Appointed Monitoring Officer at the main office of the Shadow Authority. For this purpose and all purposes connected with this Constitution the Shadow Authority's main office is at the main office of the Council employing the Interim Interim/Appointed Head of Paid Service or the Appointed Interim/Appointed Head of Paid Service once employed by any of the Councils mentioned in Article 2 paragraph 1.1.

Article 14 - Review, Revision, Suspension, Interpretation and Publication of the Constitution

1 Review

- 1.1 The Interim/Appointed/ Monitoring Officer and Interim/Appointed Chief Finance Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

2 Changing the Constitution

- 2.1 The:

- (a) Shadow Authority;
- (b) the Leader; and
- (c) the Shadow Executive Committee,

may all authorise changes to the Constitution to the extent that the 2018 Order and the law allows provided only that the Leader may not alter the voting arrangements of the Shadow Executive Committee as set out in this Constitution save with the approval of the Shadow Executive Committee.

- 2.2 The Interim/Appointed Monitoring Officer may make amendments to the Constitution:

- (a) without referral to any Shadow Councillor/body of the Shadow Authority where he considers this necessary and/or expedient to reflect legislative change, secure consistency, address any legal ambiguity and/or other legal issue and/or address any uncertainty in interpretation; or
- (b) for any other reason without referral to any body subject to prior consultation with the Chairman of the Shadow Authority and the Leader, provided that any such amendment does not seek to remove any reserved power of the Shadow Authority and/or the Shadow Executive Committee and confirmation of such amendments are reported to the next available meeting of the Shadow Authority.

3 Suspension of the Constitution

- 3.1 The Articles of this Constitution may not be suspended. However the Procedure Rules set out in this Constitution may be suspended by the full Shadow Authority to the extent permitted within those Rules and the law.

- 3.2 A motion to suspend any rules cannot be moved without notice, unless at least one half of the whole number of Shadow Councillors is present. The extent and duration of suspension will be proportionate to the result to be

achieved, taking into account the purposes of the Constitution set out in Article 1.

4 Interpretation

- 4.1 The ruling of the Chairman of the Shadow Authority as to the construction or application of this Constitution or as to any proceedings of the Shadow Authority shall not be challenged at any meeting of the Shadow Authority. Such interpretation will have regard to the purposes of this Constitution.

5 Publication

- 5.1 The Interim/Appointed Monitoring Officer:

- (a) will give each Shadow Councillor access to an electronic copy of this Constitution;
- (b) will ensure that a copy of this Constitution is made available on the Shadow Authority's website;
- (c) will ensure that copies are available for inspection at Shadow Authority Main Office, and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee; and
- (d) will provide to any Shadow Councillor, upon request, a copy of the Constitution.

PART 3 - RESPONSIBILITY FOR FUNCTIONS

Responsibility for Functions

1 General

- 1.1 The Shadow Authority has the functions set out in Part 4 of the 2018 Order and in particular it will have the following responsibilities:
- (a) to commence and sustain its running as a shadow authority;
 - (b) to prepare the Shadow Authority for the assumption of local government functions and full local authority functions and powers on 1 April 2019;
 - (c) to prepare any budgets or plans required beyond 1 April 2019 when those functions and powers are assumed;
 - (d) to liaise with Bournemouth Borough Council; Christchurch Borough Council; Borough of Poole; Dorset County Council and the Dorset Council Shadow Authority for the purposes of ensuring continuity of public service delivery on and after 1 April 2019;
 - (e) to take all such practical steps as are necessary or expedient to liaise with the other local authorities within its area for the purposes of ensuring continuity of public service delivery on and after 1 April 2019; and
 - (f) to exercise any of the Local Government Act 1972 functions referred to in, and in accordance with, Part 4 of the Order.
- 1.2 The powers and functions of the Shadow Authority are therefore limited and, consequently, the powers and functions of its Shadow Executive Committee, committees, sub-committees and other decision making bodies are similarly limited. The responsibilities for functions described in this Part of the Constitution must therefore be considered in this context. However, upon the assumption of full local authority functions and powers on 1 April 2019, these responsibilities will increase.
- Until that date, the councils within the Shadow Authority's area will continue to have responsibility for local authority functions within their areas.
- 1.3 The Shadow Authority is required in this Constitution to set out the allocation of responsibilities for its functions.
- 1.4 The following paragraphs cover functions which are:
- (a) the responsibility of the Leader and the Shadow Executive Committee;
 - (b) the responsibility of Portfolio Holders; and
 - (c) the responsibility of the Shadow Authority and/or its Committees/Sub-

Committees; and

(d) the responsibility of Officers.

- 1.5 Where a function is not specified as being the responsibility of the Shadow Authority, a Committee, Sub-Committee, or officer that function shall, unless otherwise proved to the contrary by law, be the responsibility of the Leader.
- 1.6 The exercise of any power or duty is subject to compliance with the law, the provisions of this Constitution, sufficient budgetary provision having been made.
- 1.7 Any reference to a function or matter includes a reference to all statutory powers about that function or matter whether directly or indirectly and authority to exercise all such powers.
- 1.8 Any reference in the scheme of delegation to an Act of Parliament or statutory instrument includes a reference to any amendment, modification or statutory re-enactment (with or without modification).
- 1.9 Where a power or duty of the Council has been delegated the delegation includes any action that may be incidental to the exercise of the power or duty.

2 Functions of the Leader and the Shadow Executive Committee

- 2.1 The functions to be exercised by the Leader or Shadow Executive Committee are set out in Article 7 of this Constitution. Where the Leader or the Shadow Executive Committee is exercising a Shadow Executive Committee function, in whole or in part, the Leader or the Shadow Executive Committee is empowered to take all necessary and appropriate decisions to fulfil the obligations placed upon them subject to any restrictions or constraints imposed by the law or this Constitution

3 Responsibilities of Portfolio Holders.

- 3.1 Where the Leader has allocated a portfolio to an individual member of the Shadow Executive Committee and the Portfolio Holder is exercising a function falling within the scope of the Portfolio, in whole or in part, they are empowered to take all necessary and appropriate decisions to fulfil the obligations placed upon them by the Leader subject to any restrictions or constraints imposed by the law or this Constitution.

4 Functions of the Shadow Authority

- 4.1 The functions of the Shadow Authority are set out in Article 4 of Part 2 but include:

(a) approving a budget for the Bournemouth, Christchurch and Poole Council and the setting of the council tax for its area;

- (b) adopting the Shadow Authority's Constitution in accordance with the requirements of section 9P of the Local Government Act 2000;
- (c) appointing the:
 - Chairman of the Shadow Authority;
 - Vice Chairman of the Shadow Authority;
 - Chairmen and Vice-Chairmen of Committees, Sub-Committees and Special Committees; and
 - such other offices as may be required by or under the 2018 Order or this Constitution;
- (d) adopting the Shadow Authority's Codes of Conduct for Shadow Councillors and Officers and the Protocol on Member/Officer Relations;
- (e) where permitted by the law, will make arrangements for appointments to outside bodies;
- (f) carrying out all duties specified in and comply with the 2018 Order where the Shadow Executive Committee has given notice under Article 22 of the 2018 Order;
- (g) approving the Shadow Councillors Allowance Scheme;
- (h) appointing/dismissing the Interim/Appointed Head of Paid Service, designating an officer to act as Interim Monitoring Officer and Interim/Chief Finance Officer, and the appointment/dismissal of a person to the position of appointed Monitoring Officer and appointed Chief Finance Officer in accordance with the 2018 Order; and
- (i) may determine other matters which may from time to time be submitted to it for determination, either by resolution or through approved procedures, where such matters do not fall within the functions of the Shadow Executive Committee.

5 Regulatory Committees

- 5.1 Until the Shadow Authority assumes local government functions and full local authority powers on 1 April 2019, in accordance with the 2018 Order, the Shadow Authority will not exercise any regulatory powers and functions. The Shadow Authority will, however, take such practical steps as are necessary or expedient to prepare the Shadow Authority for the assumption of such regulatory functions and powers.

6 Responsibility of the Senior Appointments Committee

- 6.1 The Senior Appointments Committee normally has responsibility for:
- (a) Undertaking the selection process for the appointment, and formulating recommendations to the Shadow Authority in relation to:
 - the appointment and dismissal of the Head of the Paid Service;
 - before 1 April 2019 the appointment of persons to be the Monitoring Officer and Chief Finance Officer of the Bournemouth, Christchurch and Poole Council;

in accordance with the appropriate procedures set out in the Staff Employment Procedure Rules;
 - (b) undertaking the selection, appointment and dismissal processes for any other staff in accordance with the appropriate procedures set out in the Staff Employment Procedure Rules;
 - (c) hearing and determining any appeals by staff under the Shadow Authority's approved personnel policies and procedures including through any appointed Sub-Committee;
 - (d) hearing and dealing with disputes registered with the Shadow Authority by recognised Trade Unions.

7. Responsibility of the Overview and Scrutiny Committee

- 7.1 The Shadow Authority shall have one Overview and Scrutiny Committee, which may commission working groups to undertake in depth scrutiny work. The Overview and Scrutiny Committee will specifically:
- (a) discharge the Shadow Authority's functions under Section 9F of the Local Government Act 2000;
 - (b) oversee the Shadow Authority's overall overview and scrutiny function including the preparation, implementation, monitoring and review of a work programme for overview and scrutiny;
 - (c) establish such working groups, appointing the Chairman with such membership as it sees fit, to undertake in depth overview and scrutiny;
 - (d) scrutinise decisions of the Shadow Executive Committee, and offer advice or make recommendations on the matter under scrutiny once the Overview and Scrutiny Committee has considered the issues;
 - (e) refer to the Shadow Authority, the Shadow Executive Committee or appropriate Committee/Sub-Committee any matter which, following scrutiny, the Overview and Scrutiny Committee determines should be brought to the attention of the Shadow Authority, Shadow Executive Committee or

the Committee or Sub-Committee;

- (f) if requested, offer any views or advice to the Shadow Executive Committee in relation to any matter referred to the Overview and Scrutiny Committee for consideration;
- (g) assist the Shadow Authority in the development of the budget and policy framework for the new authority by in depth analysis of policy issues;
- (h) undertake general policy reviews with a cross-service and multi-organisational approach wherever possible and make recommendations to the Shadow Authority or the Shadow Executive Committee to assist in the development of future policies and strategies;
- (i) review and scrutinise the Shadow Authority's overall performance management regime and where appropriate advise the Shadow Executive Committee and the Shadow Authority of its findings;
- (j) monitor the implementation of decisions to examine their effect and outcomes;

8. Responsibility of the ~~Standards~~Committee

- 8.1 The Standards Committee is responsible for assessing and determining allegations that Shadow Councillors have breached the Shadow Authority's Code of Conduct in accordance with Article 10 of this Constitution.

9 Independent Remuneration Panel

- 9.1 The 2018 Order requires the Shadow Authority to prepare and make a scheme for the payment of allowances to its Shadow Councillors. The Independent Remuneration Panel shall have the functions given by Regulation 21 of the Local Authorities (Members' Allowances) (England) Regulations 2003.

10 Powers of Officers

- 10.1 The Shadow Authority and its Shadow Executive Committee may delegate such powers, responsibilities and decisions to any of its own officers, or to any officers of the existing Councils as defined in the 2018 Order.
- 10.2 The Interim/Appointed Interim/Appointed Head of Paid Service shall have the power to take:
 - (a) all necessary action for the effective day-to-day management, operation and/or administration of the Shadow Authority and for the efficient discharge of the professional responsibilities of his office;
 - (b) any action required to implement a decision of the Shadow Authority, the

Leader, the Shadow Executive Committee, a Portfolio Holder or any committee or sub-committee;

- (c) in consultation with the Leader, unless the Leader is unavailable or absent, any urgent action as may be appropriate in connection with any of the executive or non-executive functions of the Shadow Authority; and
- (d) without prejudice to the above, any action for the purposes of agreeing the terms and entering into any secondment agreements under section 113 of the Local Government Act 1972 and/or any arrangements for the purposes of securing the provisions of any goods and/or services whether pursuant to the Local Authorities (Goods and Services) Act 1970 or otherwise.

10.3 The Interim/Appointed Monitoring Officer, and the Interim/Appointed Chief Finance Officer have the statutory powers which are set out in the 2018 Order together with the power:

- (a) to take all necessary action within their areas of responsibility for the effective day-to-day management, operation and/or administration of the Shadow Authority and for the efficient discharge of the professional responsibilities of their office;
- (b) to take any action within their areas of responsibility required to implement a decision of the Shadow Authority, the Leader, the Shadow Executive Committee, a Portfolio Holder or any committee or sub-committee;
- (c) without prejudice to the above, to take any action for the purposes of agreeing the terms and entering into any secondment agreement under section 113 of the Local Government Act 1972 and/or any arrangements for the purposes of securing the provision of any goods and/or services whether pursuant to the Local Authorities (Goods and Services) Act 1970 or otherwise; and
- (d) to exercise any power of the interim/Appointed Interim/Appointed Head of Paid Service if unavailable, absent and/or any such post is vacant.

10.4. .When exercising delegated powers officers:-

- (a) must comply with the Shadow Authority's Financial and other relevant Procedure Rules and with the law;
- (b) may authorise expenditure only which is in accordance with approved estimates and which does not require an approval which has not been authorised or received;
- (c) save to the extent that the determining officer considers necessary in order to give effect to a matter to which delegation 10.3 (c) above relates shall comply with approved policies, schemes or directions of the Shadow Authority, Leader. Shadow Executive Committee or of any Committee and

shall not depart from such policies, schemes or directions; and

- (d) shall consult with the appropriate professional or technical officer(s) of the Shadow Authority or the Bournemouth, Christchurch and Poole Councils (as defined in the 2018 Order).
- 10.5. Delegation to officers does not affect the powers of the Shadow Authority, Leader, Shadow Executive Committee or any Committee at any time to decide upon any delegated matter.
- 10.6. Officers may refer issues on which they have delegated power to the body or person by whom the delegation was given.
- 10.7. Authority to take decisions and other action including the signing of documents and the requirement to arrange consultations shall be undertaken on behalf of the Shadow Authority in the name of the officer to whom the authority to act is given, but need not necessarily be personally by them.
- 10.8. Any specific delegation to the Interim/Appointed Interim/Appointed Head of Paid Service, Interim/Appointed Monitoring Officer or the Interim/Appointed Chief Finance Officer (including power to act as the Proper Officer), may be exercised by another Officer specifically designated in writing by the Interim/Appointed Interim/Appointed Head of Paid Service, Interim/Appointed Monitoring Officer or the Interim/Appointed Chief Finance Officer to whom the delegation applied initially, in accordance with any general directions issued and included in such written authorisation.
- 10.9. Neither the Interim/Appointed Monitoring Officer's nor the Interim/Appointed Chief Finance Officer's statutory responsibilities may be delegated, although they may each appoint a member of their staff to carry out those functions in their absence.

PART 4- PROCEDURE RULES

A. Access to Information Procedure Rules

1 General

- 1.1 These rules apply to all meetings of the Shadow Authority, its Committees and Sub-Committees and to public meetings of the Shadow Executive Committee.
- 1.2 In these Rules the word “meeting” means a meeting or meetings of any of those bodies unless specifies otherwise.
- 1.3 These rules do not affect any other specific rights to information contained elsewhere in this Constitution or the law.
- 1.4 Members of the public may attend all public meetings subject to the exceptions contained in these Rules.
- 1.5 Members of the press and public are also entitled to film, audio record and report on meetings of the Shadow Authority, Committees and Shadow Executive Committee, except in circumstances where the public have been excluded as permitted by law. Any such filming, audio recording or reporting shall be in accordance with any guidelines published by the Shadow Authority on its website or made available at the meeting.

2 Notice of Meetings

- 2.1 The Shadow Authority will give, wherever possible, at least five clear working days’ notice of any such meeting by publicising, including by electronic means, relevant details.
- 2.2 A copy of the official notice will be sent to main libraries and appropriate information points. The notice will also be published on the Shadow Authority’s website.

3 Agenda and Supporting Papers - Rights of Access

- 3.1 Copies of the Agenda and supporting papers will be made available on the Shadow Authority’s website, for inspection by the public at least five clear working days before the meeting. Where an item is added to an Agenda at a later date, a supplementary agenda will be made available, with any supporting papers, to the public as soon as possible.
- 3.2 The Shadow Authority will supply on request copies of any agenda and reports which are open to public inspection, and if the Interim/Appointed Monitoring Officer thinks fit, copies of any further documents supplied to Shadow Councillors relating to that item.
- 3.3 The Shadow Authority may require any person to make a payment in advance covering postage and costs connected to the supply of the papers in Rule 3.2 above.

4 Access to Decision Records, Minutes, Agenda and Supporting Papers after a meeting

- 4.1 The Shadow Authority will make electronically available, for a period of six years from the date of the meeting:
- (a) the minutes of the meeting where, under these rules or the Constitution Minutes are required to be made, excluding any part of the minutes relating to the conduct of business when the public were not present or where exempt or confidential information would be disclosed;
 - (b) the records of decisions taken, together with reasons by the Shadow Executive Committee, excluding any part of the record relating to the conduct of business when the public were not present or where exempt or confidential information would be disclosed.
 - (c) where information relating to a decision is considered in private, a summary of the proceedings to provide a reasonably fair and coherent record will be provided excluding any information which is of a confidential or exempt nature; and
 - (d) the agenda and supporting papers covering items which were considered when the public were entitled to be present.

5 Background Documents

- 5.1 The Officer, in whose name an item is to be submitted for decision, will set out in the agenda a list of the background documents which in his/her opinion:
- (a) relates to the subject matter of the item in question;
 - (b) discloses any facts or matters on which the agenda item or an important part of it has been based; and
 - (c) has been relied upon to a material extent in preparing the agenda item.
- 5.2 The requirements in Rule 5.1 above do not apply to or include any published works or any document in whole or in part which would disclose confidential or exempt information.
- 5.3 Background documents which have been made available for public inspection will continue to be available for a period of four years from the date the decision is made.

6 Definition of Confidential and Exempt Information

- 6.1 For the purposes of these Rules the definitions of confidential and exempt information are set out below.
- 6.2 Confidential Information means information supplied or given to the Shadow

Authority by a Government Department on terms which forbid its disclosure to the public or is information which cannot be disclosed to the public by Order of the Courts.

- 6.3 Exempt Information is information falling within any of the categories set out in Appendix 1 subject to the conditions noted in that Appendix.

7 Exclusion of the Public from Meetings

Confidential Information – Requirement to Exclude

- 7.1 The public will be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the proceedings, that confidential information, as described in Rule 6.2 above will be disclosed.

Exempt Information – Discretion to Exclude

- 7.2 In the case of exempt information, the public may be excluded from a meeting where Rule 6.3 and Appendix 1 applies.

8 No public right of access to agenda papers

- 8.1 The Interim/Appointed Monitoring Officer, where he/she considers it necessary, may refuse access by the public to any agenda or supporting papers which in his/her opinion relate to items during which, in accordance with Rule 7 above, the meeting is likely not to be open to the public. Any such papers will be clearly marked “Not for Publication” and will contain the category of information to be disclosed as set out in Appendix 1 to these Rules. Similar provisions apply to the disclosures of documents related to decisions of the Shadow Authority, including the Shadow Executive Committee.

9 The Shadow Executive Committee: Application of these Rules

- 9.1 Rules 10 to 20 will apply to the Shadow Executive Committee and any Committees or Sub-Committees which it may establish from time to time.
- 9.2 Where the Shadow Executive Committee, including a Committee or Sub-Committee of the Shadow Executive Committee meet to discuss a Key Decision, with an officer or officers present, within 28 days of the date according to the Forward Plan by which it is to be decided, then the Shadow Executive Committee must comply with Rules 1 to 8 above unless Rules 12 (general exception) or 13 (special urgency) apply. This requirement does not apply where the sole purpose of the meeting is for officers to brief Shadow Councillors.

10 Procedure before taking a Key Decision

- 10.1 Subject to Rules 12 or 13, a Key Decision cannot be taken unless:

- (a) a notice (“the Forward Plan”) has been published in connection with the matter in question and made available by the public at the main office of the Shadow Authority;
- (b) at least 28 clear calendar days have elapsed since publication of the Forward Plan, and
- (c) where the decision is to be taken at a meeting of the Shadow Executive Committee, including a Committee or Sub-Committee of the Shadow Executive Committee, public notice of the meeting has been given under Rule 2 above.

11 The Forward Plan

- 11.1 The Forward Plan will be prepared on behalf of the Leader on a monthly basis to cover a four month period beginning with the first day of any month. The Forward Plan will be rolled forward and published each month to cover the four month period beginning again with the new date of publication. There will be instances where it is impracticable to include an item in the Forward Plan. In this case Rule 12 or 13 below will apply
- 11.2 The Forward Plan will contain such matters as the Leader has reason to believe will be Key Decisions to be taken by the Leader, the Shadow Executive Committee, a Portfolio Holder, a Committee or Sub-Committee of the Shadow Executive Committee, an Officer in the course of the discharge of an Shadow Executive Committee function during the period covered by the Forward Plan.
- 11.3 The Forward Plan will describe in respect of each matter the following particulars:
 - (a) the matter relating to the decision to be made;
 - (b) the name and title of the decision taker if an individual, or the name and details of the membership where the decision taker is a body;
 - (c) the date on which, or the period within which, the decision will be taken;
 - (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
 - (e) the means by which any such consultation is proposed to be undertaken;
 - (f) the steps any person might take to make representations to the Shadow Executive Committee or decision taker about the matter before the decision is made, and the date by which those steps must be taken;
 - (g) a list of the documents to be submitted to the decision taker for consideration in relation to the matter;

- (h) 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;
- (i) that other documents relevant to the matter may be submitted to the decision taker; and
- (j) the procedure for requesting details of those documents (if any) as they become available.

11.4 Where in relation to any matter where the public may be excluded from a public meeting under Rule 7, or documents relating to the decision need not be disclosed to the public, the Forward Plan must contain the particulars of the matter, but may not contain any confidential information, exempt information or particulars of the advice of a political adviser or assistant.

12 General exception for Key Decisions

12.1 If a matter which is likely to be a Key Decision has not been included in the Forward Plan then, subject to Rule 13, the decision may still be taken if:

- (a) the decision has to be taken by such a date that it is impracticable to defer the decision until it can be included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
- (b) the Interim/Appointed Monitoring Officer has informed the Chairman of the 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 Interim/Appointed Monitoring Officer has made copies of that notice available to the public at the main office of the Shadow Authority; and
- (d) at least five clear working days have elapsed since the Interim/Appointed Monitoring Officer complied with his obligations under this paragraph.

12.2 Where such a decision is taken by the Shadow Executive Committee, it must be taken in public subject to any requirements relating to the disclosure of confidential or exempt information and the exclusion of the public.

13 Special urgency for Key Decisions

13.1 If by virtue of the date by which a key decision must be taken, the requirements of Rule 12 above cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body taking the decision, obtains the agreement of the Chairman of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairman of the Overview and Scrutiny Committee or if he or she is unable to act, then the agreement of the Chairman of the Shadow

Authority, or in his/her absence the Vice Chairman will suffice.

- 13.2 In addition to the requirement for the Chairman to agree to the matter being dealt with as urgent business, the Chairman of the Overview and Scrutiny Committee will be consulted, and may comment, on the subject matter of the decision itself

14 Report to Shadow Authority

- 14.1 If the Overview and Scrutiny Committee is of the opinion 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 under Rule 12 above; or
- (c) the subject of an agreement with the Overview and Scrutiny Committee Chairman, or the Chairman/Vice Chairman of the Shadow Authority under Rule 13 above;

the Committee may require the Shadow Executive Committee to submit a report to the Shadow Authority within such reasonable time as the Committee specifies.

- 14.2 In response to any requirement under Rule 14.1 above, the Shadow Executive Committee will prepare a report for submission to the next available meeting of the Shadow Authority. However, if the next meeting of the Shadow Authority is within 7 days of the resolution of the Committee, then the report may be submitted to the subsequent meeting. The report to the Shadow Authority will set out particulars of the decision, the individual or body taking the decision, and if the Shadow Executive Committee is of the opinion that it was not a key decision, the reasons for that opinion.

15 Record of decisions of the Shadow Executive Committee

- 15.1 After any meeting of the Shadow Executive Committee or any of its Committees or Sub- Committees, whether held in public or private, the Interim/Appointed Monitoring Officer or their nominee, or, where no officer was present, the person presiding at the meeting, will normally produce as soon as practicable an electronic record of every decision taken at that meeting. The record will include:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the decision taker;
- (d) a record of any conflict of interest relating to the matter decided which is

declared by any member of the decision taker; and

- (e) in respect of any declared conflict of interest, a note of any dispensation granted by the Interim/Appointed Monitoring Officer.

16 Shadow Executive Committee Meetings relating to matters which are not Key Decisions

- 16.1 The Shadow Executive Committee will decide whether meetings relating to matters which are not key decisions will be held in public or private.

17 Meeting of the Shadow Executive Committee in private

- 17.1 Where a meeting of the Shadow Executive Committee, including a Committee or Sub-Committee of the Shadow Executive Committee, is to be held in private under these Rules, at least 28 clear days before the meeting, the Shadow Executive Committee shall make available at the main office of the Shadow Authority a notice of its intention to hold a meeting in private giving reasons as to why the meeting is to be held in private.

- 17.2 At least five clear days before the meeting, the Shadow Executive Committee must make available at the main office of the Shadow Authority a further notice of its intention to hold a meeting in private containing: the reasons as to why the meeting is to be held in private; details any representations received by the Shadow Executive Committee about why the meeting should be open to the public; and a statement of the Shadow Executive Committee's response to any such representations.

- 17.3 All Members of the Shadow Executive Committee shall be entitled to be given five clear working days' notice of the meeting, whether or not they are summoned to attend, unless the meeting is convened at shorter notice on urgency grounds.

- 17.4 Copies of the notices required by Rules 17.1 and 17.3 shall be sent to the Chairman of the Overview and Scrutiny Committee.

- 17.5 Where the date by which a private meeting must be held makes compliance with Rules 17.1 and 17.2 impracticable, the meeting may only be held in private where the Shadow Executive Committee has obtained agreement from:

- (a) the chairman of the Overview and Scrutiny Committee; or
- (b) if there is no such person, or if the chairman of the Overview and Scrutiny committee is unable to act, the chairman of the Shadow Authority; or
- (c) where there is no chairman of either the Overview and Scrutiny Committee or of the Shadow Authority able to act, the vice-chairman of the Shadow Authority,

that the meeting is urgent and cannot reasonably be deferred.

18 Attendance at private meetings of the Shadow Executive Committee

- 18.1 Any Member of the Shadow Executive Committee may attend a private meeting of a Committee or Sub-Committee of the Shadow Executive Committee whether or not they are members of that body unless the body determines otherwise.
- 18.2 Any Shadow Executive Committee member who is not a member of such a Committee or Sub-Committee shall be entitled to speak with the consent of the person presiding but not to vote.

19 Officer attendance at Shadow Executive Committee Meetings

- 19.1 The Interim/Appointed Head of the Paid Service, the Interim/Appointed Chief Finance Officer and the Interim/Appointed Monitoring Officer, or their nominees, are entitled to attend any meeting of the Shadow Executive Committee. The Shadow Executive Committee cannot meet unless the Interim/Appointed Monitoring Officer has been given reasonable notice that a meeting is to take place. This provision also applies to Committees and Sub-Committees of the Shadow Executive Committee.
- 19.2 A private meeting of the Shadow Executive Committee, including a Committee or Sub-Committee of the Shadow Executive Committee, may only take place in the presence of the Interim/Appointed Monitoring Officer or his nominee, who shall have responsibility for recording and publicising any decisions.

20 Decisions by Portfolio Holders

- 20.1 Where an individual member of the Shadow Executive Committee receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least five clear working days after receipt of that report.
- 20.2 On giving of such a report to a Portfolio Holder, the person who prepared the report will give a copy of it to the chair of the Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.
- 20.3 As soon as reasonably practicable after an executive decision has been taken by a Portfolio Holder, a written record of the decision must be produced which must include the following:
- a) a record of the decision including the date it was made;
 - b) a record of the reasons for the decision;
 - c) details of any alternative options considered and rejected by the member;

- d) a record of any conflict of interest relating to the matter decided which is declared by any member of the Shadow Executive Committee who is consulted by the member which relates to the decision; and
- e) in respect of any declared conflict of interest, a note of any dispensation granted by the Interim/Appointed Monitoring Officer.

20.4 The provisions of Rules 4 and 5 will also apply to the making of decisions by Portfolio Holders. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

21 Record of executive and non-executive decisions taken by officers

21.1 As soon as reasonably practicable after an officer has made a decision which is an executive decision (ie the responsibility of the Shadow Executive Committee) a written statement will be prepared including:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the officer when making the decision;
- (d) a record of any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Interim/Appointed Monitoring Officer.

21.2 Any record prepared in accordance with rule 21.1 and any report considered by the officer and relevant to the decision will be available for public inspection at the main office of the Shadow Authority and on the Shadow Authority's website.

21.3 Rules 21.1 to 21.2 do not apply to day to day administrative or operational decisions taken by officers in connection with the discharge of functions which are the responsibility of the Shadow Executive Committee.

21.4 As soon as reasonably practicable after an officer has made a decision under an express delegation from the Shadow Authority, its Committees, Sub Committees or any Joint Committee in which the Shadow Authority is involved or under a general delegation from one of these bodies where the effect of the decision is to grant a permission or licence, affect the rights of an individual or award a contract or incur expenditure, which in either case materially affects the Shadow Authority's position a written statement will be prepared including:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;

- (c) details of any alternative options considered and rejected by the officer when making the decision;
 - (d) a record of the name of any Shadow Councillor or local government body who has declared an interest (for decisions taken under an express delegation).
- 21.5 Any record prepared in accordance with rule 21.4 together with any background papers considered by the officer and relevant to the decision will be available for public inspection at the main office of the Shadow Authority and on the Shadow Authority's website.
- 21.6 Rules 21.4 to 21.5 do not apply to:
- (a) routine administrative and organisational decisions;
 - (b) decisions on operational matters such as day to day variations in services;
 - (c) decisions if the whole or part of the record contains confidential or exempt information; and
 - (d) decisions that are already required to be published by other legislation, provided the record published includes the date the decision was taken and the reasons for the decision.

22 Access to documents - Overview and Scrutiny Committee

- 22.1 This section outlines the rights of Overview and Scrutiny Committee members to access documents in addition to their rights as a Shadow Authority Councillor as set out in this constitution at 'Procedure Rules - 'Access to Information Procedure Rules'.
- 22.2 Subject to Rule 22.4 below, any member of the Overview and Scrutiny Committee is entitled to copies of any document which is in the possession or control of the Leader, the Shadow Executive Committee including its Committees and Sub-Committees and which contains material relating to:
- (a) any business transacted at a public or private meeting of the Shadow Executive Committee including any of its Committees and Sub-Committees;
 - (b) any decision taken by an individual member of the Shadow Executive Committee; or
 - (c) any executive decision taken by an officer in accordance with Part 3 of this Constitution.
- 22.3 Where a member of an Overview and Scrutiny Committee (including its sub-committees) requests a document which falls within Rule 22.1 the Leader must provide that document as soon as reasonably practicable and in any

case no later than 10 clear working days after the Leader receives the request.

- 22.4 Subject to Rule 22.4 the chairman and vice-chairman of the Overview and Scrutiny Committee is entitled to see papers in relation to private decisions of the Shadow Executive Committee before the decision is made.
- 22.5 Where the Leader so determines, a member of the Overview and Scrutiny Committee will not be entitled to:
- (a) any document that is in draft form;
 - (b) any such document or part of a document that contains exempt or confidential information– as detailed in ‘Appendix 1 – Descriptions of Exempt Information’ -, unless the Monitoring Officer determines that the information is relevant to an action or decision he/she is reviewing or scrutinising or any review contained in any programme of work of the Committee;
 - (c) the advice of a political advisor.

Where the Leader determines that a member of the Overview and Scrutiny Committee is not entitled to a copy of a document, or part of any such document, for the reasons set out above the Leader must provide the Overview and Scrutiny Committee with a written statement setting out his/her reasons for that decision.

23 Additional rights of access for Shadow Councillors

- 23.1 All Shadow Councillors will be entitled to inspect any document which is in the possession or under the control of the Leader and or the Shadow Executive Committee including its Committees or Sub-Committees and contains material relating to any business to be transacted at a public meeting; any business previously transacted at a private meeting; any decision made by an individual member; or an executive decision by an officer unless in the opinion of the Interim/Appointed Monitoring Officer it contains exempt information falling within the categories of exempt information as set out in the Appendix; or it contains the advice of a political advisor.
- 23.2 All Shadow Councillors will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Leader or the Shadow Executive Committee including its Committees and Sub-Committees which relates to any Key Decision unless Rule 22.1 above applies.
- 23.3 In relation to public meetings, where a document is required to be available for inspection by all Shadow Councillors under Rule 23.1 it must be available for at least 5 clear working days before the meeting except where the meeting is convened at shorter notice or an item is added to an agenda at shorter notice in which case the document must be available for inspection when the

meeting is convened or the item is added to the agenda.

- 23.4 In relation to private meetings, decisions made by an individual member or executive decisions made by an officer, where a document is required to be available for inspection by all Shadow Councillors under Rule 23.1 it must be available within 24 hours of the meeting concluding or where an executive decision is made by an individual member or an officer within 24 hours of the decision being made.
- 23.5 These rights of a Shadow Councillor are additional to any other right he/she may have.

Appendix 1 - Descriptions of Exempt Information

Exempt information means information falling within the following categories (subject to any qualification):

- (a) Information relating to any individual.
- (b) Information which is likely to reveal the identity of an individual.
- (c) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- (d) 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.
- (e) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (f) Information which reveals that the authority proposes—
 - (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (ii) to make an order or direction under any enactment.
 - (iii) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Qualifications

Information falling within the above descriptions is not exempt information if it is required to be registered under:

- (a) the Companies Act 1985;
- (b) the Friendly Societies Act 1974;
- (c) the Friendly Societies Act 1992;
- (d) the Industrial and Provident Societies Acts 1965 to 1978;
- (e) the Building Societies Act 1986; or
- (f) the Charities Act 1993.

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Information which

- (a) falls within any of the descriptions above; and
- (b) is not prevented from being exempt by the previous two qualifications 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.

B. Shadow Executive Committee Procedure Rules

1 Meetings of the Shadow Executive Committee

- 1.1 The Shadow Executive Committee will meet as indicated in the Shadow Authority's programme of meetings. The Shadow Executive Committee or the Leader may agree to change the date of any programmed meeting, to cancel a meeting or to arrange additional meetings as it/he/she sees fit. Locations of meetings will be published in the calendar of meetings.
- 1.2 The Shadow Executive Committee may meet in public or in private, subject to legal requirements and the Access to Information Procedure Rules set out in this Constitution.
- 1.3 The Leader will chair meetings of the Shadow Executive Committee or in his/her absence, the Deputy Leader will preside. Where both the Leader and Deputy Leader are absent, the Members present, may appoint one member of the Shadow Executive Committee to chair that meeting.
- 1.4 All Members of the Shadow Executive Committee shall be entitled to attend meetings of the Shadow Executive Committee unless the Shadow Executive Committee determine otherwise.
- 1.5 Attendance by other Members of the Shadow Authority or the public shall be in accordance with the Access to Information Procedure Rules, by invitation under Rule 1.6 below, or as set out Rules 4.1 to 4.2 below.
- 1.6 The Shadow Executive Committee may invite any person it/he/she consider appropriate, to its meetings to discuss matters of mutual interest or concern or to advise. Such persons may only be given access to confidential and/or exempt information on terms to be decided by the Interim/Appointed Monitoring Officer so as to ensure that the Access to Information Procedure Rules are observed

2 Quorum at meetings of the Shadow Executive Committee

- 2.1 No business shall be transacted where at any time during the meeting of the Shadow Executive Committee, or a committee or sub-committee established by the Shadow Executive Committee, there are fewer than 50% of members of the Shadow Executive Committee, a committee or sub-committee of the Shadow Executive Committee present.

3 Taking of decisions by the Shadow Executive Committee

- 3.1 Shadow Executive Committee decisions, including those taken under delegated powers, shall not take effect until they have been recorded in writing, as required under the Access to Information Procedure Rules, and shall not be implemented where the right of call-in has been exercised until the call-in process has been concluded. Records of Shadow Executive

Committee decisions must be confirmed at the next meeting.

4 Members attending and speaking at Shadow Executive Committee Meetings

- 4.1 The Chairman of the Overview and Scrutiny Committee shall be entitled to attend any formal public meeting of the Shadow Executive Committee and to speak to any matter on the agenda for that meeting.
- 4.2 Other Members not previously described above may also speak at such meetings with the permission of the Leader or person presiding in his/her absence.

5 Business at Shadow Executive Committee Meetings

- 5.1 The business to be transacted at meetings of the Shadow Executive Committee will be set out in an Agenda for the meeting in question, subject to any requirements or exemptions under the Access to Information Procedure Rules.
- 5.2 The Agenda may be supported by additional papers prepared by the Officers or by or on behalf of other bodies, subject to requirements about disclosure of confidential or exempt information.
- 5.3 The Shadow Executive Committee is obliged to consider matters referred to it by the Overview and Scrutiny Committee, or by the Full Shadow Authority for consideration under the Scrutiny Rules.
- 5.4 The Access to Information Procedure Rules will apply to notice of meetings, agendas, and access to reports and background papers. Where matters are for decision, the Agenda must stipulate those which are Key Decisions and those which are not, in accordance with the Access to Information Procedure Rules.
- 5.5 The Shadow Executive Committee will, at each formal meeting, confirm the record of decisions taken at its previous meeting as a correct record.
- 5.6 The Interim/Appointed Monitoring Officer or his/her nominated Officer shall be responsible for preparing and distributing the Agenda for Shadow Executive Committee meetings, attending meetings for the purpose of advising the Shadow Executive Committee on matters within his/her area of responsibility and recording decisions as required under this Constitution.
- 5.7 In taking decisions, the Shadow Executive Committee must satisfy itself that it has before it adequate and appropriate advice from its service, legal and financial advisers who shall be present at any meeting where a decision is being taken and that that advice is taken into consideration in determining the matter. Where there is any doubt about vires or probity then advice must be obtained from the Interim/Appointed Monitoring Officer and the Interim/Appointed Chief Finance Officer.

- 5.8 Any member of the Shadow Executive Committee may require the Interim/Appointed Monitoring Officer to place an item on the Agenda for a stipulated meeting of the Shadow Executive Committee.
- 5.9 The Interim/Appointed Monitoring Officer will ensure that any matters referred to the Shadow Executive Committee by the Shadow Authority or the Shadow Authority's Overview and Scrutiny Committee are placed on the Agenda for the next appropriate meeting of the Shadow Executive Committee.
- 5.10 The Interim/Appointed Head of the Paid Service, the Interim/Appointed Monitoring Officer and/or the Interim/Appointed Chief Finance Officer can include an item for consideration on the agenda of a Shadow Executive Committee Meeting. In pursuance of their statutory duties they can require that a special meeting of the Shadow Executive Committee be convened.
- 5.11 Business cannot be conducted at formal meetings of the Shadow Executive Committee unless it is included in the agenda for the meeting. Where it is urgent, the requirements of the Access to Information Procedure Rules must be complied with.
- 5.12 The Shadow Executive Committee will report to the Shadow Authority as required under the Access to Information Procedure Rules on any matter which is classified as a Key Decision and is dealt with under special urgency procedures.
- 5.13 Questions can be submitted by members of the public at meetings of the Shadow Executive Committee in accordance with Shadow Authority Procedure Rule 35 and Appendix 7 of the Shadow Authority Procedure Rules.

6 Voting at Shadow Executive Committee Meetings

- 6.1 Voting at Shadow Executive Committee meetings will be by a show of hands and any Member may require, immediately after the vote is taken, that the Minutes of the meeting record how he/she voted or abstained. Where there are equal votes cast, the Leader or in his/her absence, the person presiding will have a second and casting vote. Voting for any office or appointment, including any paid appointment, where more than one person is nominated shall be by secret ballot conducted in accordance with Shadow Authority Procedure Rule 16.

7 Shadow Executive Committee Committees/Sub-Committees

- 7.1 The Shadow Executive Committee may appoint such Committees or Sub-Committees as it considers necessary and appropriate to assist in the discharge of its functions. In making such appointments, the Shadow Executive Committee must specify the name of the Committee/Sub-Committee, its membership (including its Chairman and, if appropriate, Vice-Chairman) and the terms of reference of the body.

8 Motion under Meeting Procedure Rule 12

- 8.1 A mover of a motion under Meeting Procedure Rule 12 which has been referred to the Shadow Executive Committee for consideration must attend the meeting of the Shadow Executive Committee when his/her motion is under consideration and explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and he/she will be sent a copy of the relevant papers.

9 Resolving disputes

- 9.1 In the case of any dispute during the proceedings of the Shadow Executive Committee the relevant parts of this Constitution will apply and after considering the application of the relevant provisions, the person presiding at the meeting will rule on the issue in question and his/her ruling will be final.

10 Reserves/substitute members

- 10.1 There shall be no reserve or substitute members of the Shadow Executive Committee.

11 Approval of urgent business

- 11.1 Where any matter is urgent and cannot await the next meeting, the lead officer of the Central Implementation Team may take the necessary action, provided that he/she has first consulted the Leader (or Deputy Leader if he/she is not available).

12 Conflicts of Interest

- 12.1 Where the Leader or any Shadow Executive Committee Member has a conflict of interest, he will follow the requirements of the Shadow Authority's Code of Conduct for Members.
- 12.2 If all (or a majority) of the Members of the Shadow Executive Committee present have a conflict of interest then consideration will be given to applying to the Interim/Appointed Monitoring Officer for a dispensation from the provisions of the Code.
- 12.3 If the discharge of a Shadow Executive Committee function has been delegated to another body or individual and a conflict of interest arises, then it will fall to the body or individual who delegated the matter to take the decision. Where that body or individual also has a conflict of interest then action set out in Rule [3.2] shall be considered.

C. Overview and Scrutiny Procedure Rules

1 Work Programme

- 1.1 The Overview and Scrutiny Committee will consult with other parts of the Shadow Authority as appropriate, including the Shadow Executive Committee, on the preparation of any work programme. It should also take into account the resources, both officer and financial, available to support its proposals.
- 1.2 Once any programme has been approved, a copy will be published with the agenda for each meeting of the Overview and Scrutiny Committee and available to any member on request.
- 1.3 The Overview and Scrutiny Committee shall respond, as soon as it may consider it is possible to do so, to requests from the Shadow Authority and the Shadow Executive Committee, to review particular areas of Shadow Authority activities. Where it does so, it will report its findings and any recommendations back to the Shadow Executive Committee and/or Shadow Authority in accordance with Rule 4 below.

2 Agenda for meetings of the Overview and Scrutiny Committee

- 2.1 Matters to be considered will be set out in an Agenda, together with appropriate and relevant supporting papers.
- 2.2 Any member of the Overview and Scrutiny Committee shall be entitled to request, in writing to the Monitoring Officer, that an item be included on the agenda. The item must be relevant to the functions of the Committee. The Monitoring Officer shall arrange for the item to appear on the next available agenda of the Committee.
- 2.3 Subject to Shadow Authority Procedure Rule 34 and Appendix 6 of the Shadow Authority Procedure Rules, any other Shadow Councillor shall be entitled to request, in writing to the Monitoring Officer, that an item be included on the agenda of the Overview and Scrutiny Committee. The item must be relevant to the functions of the Committee. The Monitoring Officer shall arrange for the item to appear on the next available agenda of the Committee.
- 2.4 The Overview and Scrutiny Committee shall respond to requests from the Shadow Authority, the Executive and Portfolio Holders to review particular areas of Shadow Authority activity as soon as the work programme allows. Where it does so, the Committee shall report its findings and any recommendations back to the Executive and / or the full Shadow Authority.
- 2.5 Subsections 2.2-2.4 do not require the Overview and Scrutiny Committee to include the requested matter on the work programme. A request made in accordance with subsections 2.2-2.4 will result in the appearance of the matter on an agenda for the purposes of a discussion to be had by the Committee regarding whether the Committee will exercise its powers in relation to the matter. Where a decision is made by the Committee not to

exercise its powers in relation to the matter the Committee must provide its decision to the member making the request, giving reasons for this.

- 2.6 Any Shadow Councillor raising an item under Rules 2.2, 2.3 or 2.4 above shall be precluded from raising the matter again for a period of 12 months from the date it is considered by the Committee.

3 Policy Review and Development

- 3.1 The Overview and Scrutiny Committee has a key role in policy and budget development in the approach to the creation of the Bournemouth, Christchurch and Poole Council.

4 Reports from the Overview and Scrutiny Committee

- 4.1 Once recommendations have been formed, the overview and scrutiny committee will submit a formal report for consideration by the Shadow Executive Committee or where the Leader has delegated decision-making to a Portfolio Holder, the Portfolio Holder (if the proposals relate to an executive function and are consistent with the existing budgetary and policy framework), or to the Shadow Authority as appropriate (if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- 4.2 The Shadow Authority or the Shadow Executive Committee shall consider the report of the Overview and Scrutiny Committee within two months (or next available meeting in the case of the Shadow Authority) of it being submitted.
- 4.3 Where the Overview and Scrutiny Committee submit a report for consideration by a Portfolio Holder, the Portfolio Holder must consider the report and respond in writing to the Overview and Scrutiny Committee within two months of receiving it. The Portfolio Holder will also attend a future meeting of the Overview and Scrutiny Committee to present their response.

5 Access to the Forward Plan

- 5.1 The Overview and Scrutiny Committee will have access to the Shadow Executive Committee's Forward Plan and timetable for decisions and intentions for consultation.

6 Rights of Overview and Scrutiny Committee members to documents

- 6.1 In addition to their rights as Shadow Councillors, members of the Overview and Scrutiny Committee have the additional right of access to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

7 Shadow Councillors and Officers giving account

- 7.1 The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Shadow Authority function. As well as reviewing the documentation, in fulfilling its scrutiny role, it may require the Leader, any Portfolio Holder or officer to attend before it to provide information in relation to matters within their remit. It is the duty of those persons to attend if so required.
- 7.2 Where any Shadow Councillor or Officer is required to attend the Overview and Scrutiny Committee under this provision, the Chairman of that Committee will inform the Interim/Appointed Monitoring Officer, who will inform the Shadow Councillor or Officer in writing giving at least seven clear working days' notice of the meeting. 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 Overview and Scrutiny Committee will require the production of a report, then the Shadow Councillor or Officer concerned will be given reasonable and sufficient notice to allow for its preparation.
- 7.3 Where, in exceptional circumstances, the Shadow Councillor or Officer is unable to attend on the required date, then the Committee shall consider, in consultation with the Shadow Councillor or Officer, an alternative date for attendance.
- 7.4 Officers should not be expected and should avoid being drawn into discussions of politically contentious matters and any officer input should be consistent with the requirements for political impartiality.
- 7.5 The requirements of any protocols on Member/Officer relationships and the Code of Conduct must be adhered to where an officer is attending the Overview and Scrutiny Committee.

8 Attendance by others

- 8.1 The Overview and Scrutiny Committee may invite individuals other than those referred to in Rules 7.1 -7.5 to address it, discuss issues of local concern and/or answer questions. This is set out in more detail in Rule 3.5 at Article 6 of this Constitution.
- 8.2 Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at its meetings, which are to be conducted in accordance with the following principles:
- (a) 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;
 - (b) those assisting the Committee by giving evidence be treated with respect and courtesy; and

- (c) the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

9 Call-in

- 9.1 Call-in is the exercise of Overview and Scrutiny's statutory power to review an executive decision which has been made but not carried out. Call in should only be used in exceptional circumstances. This Rule shall apply to a decision of the Shadow Executive Committee, the Leader, Portfolio Holder or an officer that is a Key Decision and there are reasonable grounds to suggest that the decision:
- (a) was not made in accordance with the principles of Article 12 of this Constitution.
 - (b) was neither published in accordance with the requirements for the Shadow Executive Committee Forward Plan and not subject to the 'general exception' or 'special urgency procedures' set out in this Constitution;
 - (c) is outside the Key Policy or Budget Framework.
- 9.2 When a decision is made by the Shadow Executive Committee, a member of the Shadow Executive Committee, or a Committee or Sub- Committee of the Shadow Executive Committee, or a Key Decision is made by an officer with delegated authority from the Shadow Executive Committee, the decision shall be published, by electronic means, and shall be available at the main offices of the Shadow Authority normally within 2 clear working days of being made. All members of the Shadow Authority will be sent an electronic record of all such decisions within the same timescale.
- 9.3 Subject to Rules 9.3, 9.4 and any urgency provisions a decision taken and to which Rule 9.1 above refers will not come into force, and may not be implemented, until the expiry of 5 clear working days after the decision was made and recorded.
- 9.4 Where a decision referred to in Rule 9.1 has been made, any three or more members of the Overview and Scrutiny Committee; or alternatively 12 members of the Shadow Authority who are not members of the Shadow Executive Committee provided those members do not consist entirely of members of one political group may submit a call-in notice, in writing, within the period specified in Rule 9.2 above, to the Interim/Appointed Monitoring Officer. Where the notice is valid, the decision cannot be implemented until the procedures in this section have been followed. A valid call-in request must:
- (a) have the correct amount of signatures;
 - (b) give reasons for the call-in. Reasons must be legitimate and not designed to create an obstacle to or delay the proper transaction of business nor should it be vexatious, repetitive or improper in any other way;

- (c) state whether the members believe the decision is outside the Key Policy or Budget Framework and if so in what ways.
- 9.5 Where as a result of a corporate electronic system failure or planned shutdown, which prevents the issuing of or access to Shadow Executive Committee decisions or the submission of a call-in notice by electronic means in accordance with the Shadow Authority’s call-in provisions, the periods for notification or submission shall be extended by the period of delay, provided that period is in excess of four hours. When, in the opinion of the Interim/Appointed Monitoring Officer, the period of delay is likely to extend beyond two clear working days, he/she shall agree with the Chairman of the Overview and Scrutiny Committee, alternative arrangements to avoid any delay in implementing Shadow Executive Committee decisions not subject to “call-in”.
- 9.6 The decision will be referred to the first available meeting of the Overview and Scrutiny Committee, subject to the Access to Information Procedure Rules.
- 9.7 The Committee, having considered the matter, may decide to offer no advice and in which case the decision may be implemented immediately. Where advice is offered, the Shadow Executive Committee will reconsider the decision as set out in Rule 9.8.
- 9.8 Once the Overview and Scrutiny Committee has decided to offer advice or not to offer advice, no further call-in notices may be served in respect of that matter subject to the decision in question. This does not prevent the matter being scrutinised further by the Committee after the decision has been implemented in accordance with these rules.
- 9.9 Where a matter is considered and advice is offered by the Overview and Scrutiny Committee, its advice will be submitted to the Shadow Executive Committee for a decision to be made on the matter. The Shadow Executive Committee shall consider the advice, but shall not be bound to accept it in whole or in part. It shall have sole discretion to decide on any further action to be taken in relation to the decisions in question, including confirming with or without amendment, of the original decision or deferment pending further consideration, or making a different decision. There are no further rights to enable a Shadow Councillor to submit a call-in notice. The decision may then be implemented.
- 9.10 A submitted call-in notice can only be withdrawn with the written consent of sufficient of the signatories such as to reduce the number of signatories to below the relevant threshold set out in 9.3 above.
- 9.11 The “call-in” facility does not apply to the determination of a Motion under Meeting Procedure Rule 12 (Notices of Motion) – Appendix 2

10. Call-in and Urgency

- 10.1. The call-in procedure set out above shall not apply where the decision being

taken by the Shadow Executive Committee the Leader, Portfolio Holder or an officer is urgent. A decision will be urgent if any delay, caused by the call-in process, would be likely to seriously prejudice the Shadow Authority's or the public's interests. The Chairman of the Overview and Scrutiny Committee or, in his/her absence, the Chairman of the Shadow Authority must agree that the decision should be treated as urgent, and that the call-in procedure should not apply. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Interim/Appointed Head of Paid Service or his/her nominee's consent shall be required.

11. Councillor Call for Action

- 11.1 Any member of the Shadow Authority may submit a Councillor Call for Action using the appropriate form. The Councillor Call for Action is intended to be a process of last resort and therefore a member must demonstrate that reasonable steps have been taken to resolve the matter including a response from the relevant Portfolio Holder and the Interim/Appointed Head of Paid Service or his nominee. The Councillor Call for Action will be placed on the agenda of the Overview and Scrutiny Committee. It is for the Overview and Scrutiny Committee to determine how it wishes to respond to the Councillor Call for Action and in the case of refusal to undertake a review then reasons must be provided.

12. The Party Whip

The use of the Party Whip is incompatible with the role of the Overview and Scrutiny Committee and shall not be used

13. Working Groups and Rapporteurs

- 13.1 As a tool to ensure effective scrutiny at the appropriate pace, the Committee may establish working groups in accordance with Rules 5.1-5.4 at Article 6 of this Constitution. Working groups may be delegated the same powers as the Committee.
- 13.2 In addition to working groups, the Committee may establish rapporteurs in order to investigate or maintain an overview of an individual topic. This may include research of documents and informal discussion with other councillors, officers or subject experts. A rapporteur may be any member of the Shadow Authority who is not a member of the Shadow Executive Committee. Rapporteurs and the topic of investigation will be agreed by the Overview and Scrutiny Committee. Findings will be reported to the Committee which will consider whether any action is required on the topic investigated.

14. Procedure at Overview and Scrutiny Committee Meetings

- 14.1. The Overview and Scrutiny Committee shall consider the following business:
- (a) record of the last meeting;

- (b) declarations of interest;
- (c) consideration of any matter referred to the Committee by the Shadow Authority or by the Shadow Executive Committee;
- (d) consideration of any matter referred to the Committee for advice in relation to call-in or a decision;
- (e) responses of the Shadow Executive Committee on reports of the Overview and Scrutiny Committee; and
- (f) the business otherwise set out on the agenda for the meeting.
- (g) the Overview and Scrutiny Committee's work programme.

14.2 Following any investigation or review, the Committee shall prepare a report for submission to the Shadow Executive Committee and/or Shadow Authority as appropriate and shall, unless there are exceptional reasons, make its report and findings public.

D. Meeting Procedure Rules

Part A – Shadow Authority meetings

1 Shadow Authority meetings

- 1.1 The Shadow Authority will decide when its meetings will take place. Details will be contained in a calendar of meetings which will be approved by the Shadow Authority.
- 1.2 Meetings will be held at a time and a place (or places) to be agreed by the Shadow Authority. The Chairman, or the Shadow Authority, can agree to hold a meeting at a different place or time.
- 1.3 A special meeting can be called by the Chairman, or at least 25% of Shadow Councillors comprising more than one political group can ask the Chairman, in writing, to call a special meeting. If the Chairman does not agree, then those Shadow Councillors can call the meeting by giving written notice to the Interim/Appointed Monitoring Officer. The Interim/Appointed Monitoring Officer, in consultation with the Chairman, may also call a special meeting.

2 Chairman and Vice Chairman of the Shadow Authority

- 2.1 At its first meeting, the Shadow Authority will elect its Chairman and appoint its Vice-Chairman for the Shadow Period.
- 2.2 The Chairman of the Shadow Authority, or in his/her absence the Vice-Chairman (who will have the same powers and duties as the Chairman), will preside at meetings of the Shadow Authority. Where both the Chairman and Vice-Chairman are absent, the Shadow Authority will appoint another Shadow Councillor, other than a member of the Shadow Executive Committee, to chair the meeting, who will have the same powers and duties as the Chairman.

3 Quorum

- 3.1 No business shall be dealt with at a Shadow Authority meeting if there are fewer than one quarter of the number of Shadow Councillors present. Where the meeting has started, and the number of Shadow Councillors present is fewer than one quarter of the number of Shadow Councillors, the Chairman will adjourn the meeting. Where the Chairman does not give a date and/or time, all business not completed will be considered at the next meeting.

4 What the Shadow Authority can decide

- 4.1 The Shadow Authority will decide such matters as required by the law, and those matters set out in Part 3 of this Constitution.

5 Order of business

- 5.1 Business shall be dealt with in the order in which it is set out in the agenda unless the Shadow Authority decides otherwise.

6 Urgent Business

- 6.1 Business cannot be dealt with at a Shadow Authority meeting unless it is included in the Summons or unless the Chairman has agreed that it is urgent and cannot wait until the next meeting. The Chairman must give the reasons for urgency, which must be recorded in the Minutes of the meeting.

7 Confirmation of Minutes

- 7.1 Minutes of the last Shadow Authority meeting must be confirmed at the next ordinary meeting of the Shadow Authority.
- 7.2 Only matters relating to the accuracy of the Minutes can be raised, which must be done by way of a motion which is proposed, seconded and voted upon. Where no issues are raised, or after the motion has been dealt with, the Chairman shall sign the Minutes.

8 Record of Shadow Executive Committee Decisions and Minutes of Committees and Sub-Committees

- 8.1 The Record of Decisions of the Shadow Executive Committee and the Minutes of any other Committees will be submitted to the next ordinary meeting of the Shadow Authority.
- 8.2 The Record of Decisions will be noted and the Minutes will be received by a decision of the Shadow Authority.
- 8.6 Any question about the accuracy of any matter before the Shadow Authority from the Shadow Executive Committee or a Committee must be considered and determined by the Shadow Executive Committee or that Committee at its next meeting. It is not a matter for the Shadow Authority.

9 Matters for decision by the Shadow Authority

- 9.1 All matters for decision by the Shadow Authority (except any Notices of Motion under Meeting Procedure Rule 12 and any urgent items) shall be included with the agenda.
- 9.2 When the item is reached on the agenda, the Leader, the relevant Portfolio Holder or the Chairman of the relevant Committee will, where appropriate, move the recommendation or advice of the Shadow Executive Committee or Committee, or endorsement of a Shadow Executive Committee or a Committee decision. Another Shadow Councillor may second the motion and may reserve the right to speak until later in the debate.
- 9.3 The Chairman cannot ask the Shadow Authority to agree to withdraw a

recommendation of the Shadow Executive Committee or a Committee under, Appendix 3, paragraph 10, unless new and relevant information has become available after the decision of the body concerned. The information must be disclosed to the Shadow Authority.

10 Motions moved without notice

- 10.1 Appendix 1 lists those motions and amendments which can be moved at a Shadow Authority meeting without notice.

11 Questions by Members at Shadow Authority meetings

- 11.1 A Shadow Councillor may ask the Chairman, the Portfolio Holder or the Chairman of a Committee any question about a matter which the Shadow Authority, the Shadow Executive Committee or the Committee has powers, duties or responsibilities.
- 11.2 Questions must be sent in writing to the Interim/Appointed Monitoring Officer at least three clear working days before the meeting.
- 11.3 The Chairman may agree to take urgent questions where he considers that it has not been possible for a Shadow Councillor to give the required notice, provided that a copy of the question is given to the Interim/Appointed Monitoring Officer before the meeting starts.
- 11.4 A question will be rejected by the Chairman in consultation with the Interim/Appointed Monitoring Officer where it:
- (a) does not relate to a matter for which the Shadow Authority /committee has a responsibility or which affects the Shadow Authority's administrative area;
 - (b) is defamatory, frivolous, offensive, vexatious, unlawful, solely or mainly rhetorical or otherwise improper;
 - (c) requires the disclosure of confidential or exempt information;
 - (d) names or identifies individual service users, members of staff or members of staff of partner agencies;
 - (e) is considered to be inappropriate for the particular meeting; or
 - (f) duplicates a question that has been asked within the preceeding six months.
- 11.5 A Shadow Councillor may ask no more than two questions at any meeting, but the Shadow Councillor may not ask their second question until other Shadow Councillors, if any, have asked their first questions, subject to the Chairman's discretion.

- 11.6 Subject to Rule 11.5 questions will be asked in the order of receipt and answered without discussion. In replying, the Shadow Councillor answering the question will use their reasonable endeavours to address the matters raised in the question. The Shadow Councillor to whom the question is addressed may decline to answer any question or may: reply direct, reply by reference to a publication, or reply by written answer with a copy to such other Shadow Councillors as the Shadow Authority agrees, or refer the question to an appropriate committee or to the Shadow Executive Committee.
- 11.7 Following the answer to each question, the questioner may ask a supplementary question which relates to the initial answer. A reply may not be given if the question is: not related to the initial answer; is unduly lengthy; or is inappropriate. The Shadow Councillor answering the supplementary question will decide whether or not to reply
- 11.8 Where a question submitted under this Rule relates to a matter that appears on the agenda for that meeting, the question shall be put and answered in accordance with this Procedure Rule, at the start of the consideration of that matter.
- 11.9 The time allowed for Members to ask questions under this Rule will be a maximum of 45 minutes, but is otherwise a matter for the discretion of the Chairman who, in exercising his discretion, will have regard to the business to be transacted at the meeting and the objective of ensuring that the meeting is managed efficiently.

11A Public participation at Shadow Authority meetings

- 11A.1 A public speaking time and public question facility will apply to Shadow Authority meetings, as detailed in Appendix 7.

12 Notices of Motion

- 12.1 A notice of motion must relate to matters for which the Shadow Authority has responsibility or which affect its area.
- 12.2 The arrangements for submitting and dealing with notices of motion are set out in Appendix 2.

13 Rules of Debate

- 13.1 The rules of debate to be followed at Shadow Authority meetings are set out in Appendix 3.

14 Rescission of earlier resolution

- 14.1 Subject to Rule 14.2, at a meeting of the Shadow Authority, no motion or amendment shall be moved to rescind any resolution of the Shadow Authority which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period.

14.2 Such a motion may be moved if:

- (a) it is recommended by the Shadow Executive Committee or a Committee;
or
- (b) notice of such motion has been given under Rule 12 and signed by at least one quarter of Shadow Councillors.

15 Voting

15.1 Each Shadow Councillor has one vote except as provided for in Article 11(7) of the 2018 Order when the Shadow Councillors described in the Article shall have two votes on all questions coming or arising before the Shadow Authority.

15.2 Voting will be by a show of hands or where practical and the means are available to those present, by electronic means.

15.3 When a Shadow Councillor asks for a recorded vote to be taken, and one quarter of members present stand in their places to support the request, the vote will be recorded to show whether each Shadow Councillor voted for or against the motion or abstained.

15.4 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.

15.5 Shadow Councillors must be in their designated seats for their vote to be counted. The Chairman may agree to waive this requirement before the vote is taken.

15.6 A Shadow Councillor may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or abstained.

15.7 A Shadow Councillor may, immediately after the item of business is voted upon, request that a lost motion or amendment be recorded in the minutes.

15.8 Where there are equal votes cast for a motion or amendment the Chairman or the person presiding will have a second or casting vote

16 Offices and Appointments

16.1 A secret ballot will be held to elect or appoint the Chairman and Vice-Chairman of the Shadow Authority, or Shadow Councillors to any office or position where more than one person is nominated.

16.2 If a secret ballot is held and no person receives more than half of the votes cast, the name of the person with the least number of votes will be withdrawn. Further ballots will be held until one person receives a clear majority.

16.3 The Chairman, or person presiding, will have a second or casting vote where

the votes are equal.

17 Election of Chairman of Committees and Sub-Committees

- 17.1 The Chairman and Vice-Chairman of every Committee and Sub-Committee excluding the Shadow Executive Committee will be elected at the first meeting of the Shadow Authority where possible. It will for the members of the relevant Committee to elect the Chairmen and Vice-Chairmen.
- 17.2 The Shadow Councillor elected to each office must be a member of the relevant Committee or Sub-Committee.
- 17.3 Where a vacancy occurs in any office, an election will be held at the next ordinary meeting of the Shadow Authority unless the Shadow Authority decides otherwise.
- 17.4 Unless the Shadow Authority decides otherwise, the election will be conducted by a show of hands and may relate to a number of offices. Rule 16 will apply.
- 17.5 Where a Chairman and Vice-Chairman are absent from a meeting of the relevant body, a Chairman will be appointed from those members of the body present, provided the meeting is quorate and subject to any restrictions on the eligibility of Shadow Executive Committee members for appointment.

18 Urgent Business – Non-Shadow Executive Committee matters

- 18.1 An item of urgent business which has to be decided before the next meeting of the Shadow Authority and which does not fall within the Shadow Executive Committee's functions and responsibility can be determined by the lead officer of the Central Implementation Team, subject to the procedure in Appendix 4.

Part B – Committee and Sub-Committee Meetings

19 Programme of Meetings

- 19.1 Meetings of Committees and Sub-Committees will be set out in the calendar of meetings approved by the Shadow Authority under Rule 1.1. There will be a presumption against alterations to the date, time and venue for meetings.
- 19.2 When it is necessary to alter the date, time and/or venue of a meeting, or to arrange a special meeting, the Interim/Appointed Monitoring Officer will consult the Chairman and Spokesmen of the relevant Committee or Sub-Committee before any action is taken.
- 19.3 The Chairman of the Committee or Sub-Committee will then determine the matter.

20 Quorum at Committees and Sub-Committees

- 20.1 Other than the Shadow Executive Committee, no item of business will be transacted at a meeting of a committee or sub-committee unless there are at least one quarter of the members of the body present. .

21 Minutes of Committees and Sub-Committees

- 21.1 The Minutes of a Committee or Sub-Committee must be confirmed at its next meeting.
- 21.2 Only matters relating to the accuracy of the Minutes can be raised. Where accuracy is questioned, this must be by a motion which is proposed, seconded and voted upon.
- 21.3 Where no issues of accuracy are raised, or after any motion has been dealt with, the Chairman shall sign the Minutes.
- 21.4 The Minutes of any Sub-Committee must be submitted to the next meeting of the parent Committee by the Sub-Committee Chairman.
- 21.5 Members may ask a question or comment on any Minute. The Chairman of the Sub-Committee will then reply. There will be no debate on any question or comment raised under this procedure and no further motions can be moved.
- 21.6 Where a Member has a question or comment on an exempt, private or confidential Minute, the question or comment must be given in writing to the Interim/Appointed Monitoring Officer at least one hour before the start of the meeting.
- 21.7 Any question about the accuracy of any Minute of a body must be considered and determined by that body at its next meeting.

22 Motions moved without Notice at Committees and Sub-Committees

- 22.1 Appendix 1 lists those motions and amendments which can be moved without notice.

23 Rules of Debate at Committees and Sub-Committees

- 23.1 Appendix 3 sets out the rules of debate.

24 Voting

- 24.1 Voting at Committee and Sub-Committee meetings will be by a show of hands.
- 24.2 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.

- 24.3 A Shadow Councillor may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or abstained.
- 24.4 A Shadow Councillor may request that a lost motion or amendment be recorded in the minutes by requesting this immediately after the vote is taken.
- 24.5 Where there are equal votes cast for a motion or amendment, the person presiding at the meeting will have, and must exercise, a second or casting vote.

25 Offices and Appointments

- 25.1 A ballot will be held to elect or appoint Shadow Councillors to any office or position where more than one person is nominated.
- 25.2 If a ballot is held where more than two nominations are made and no person receives more than half the votes cast, the name of the person with the least number of votes will be withdrawn. Further ballots will be held until one person receives a clear majority.
- 25.3 Rule 31.6 will apply in cases where the votes are equal.

26 Mover of a Motion at Shadow Authority under Rule 12: Attendance at Committee and Sub-Committee

- 26.1 Where a motion has been referred under Rule 12 from the Shadow Authority to a Committee or Sub-Committee for consideration and report, the mover of the motion has the right to attend the meeting and to explain the motion.
- 26.2 The mover of the motion will be advised of the date and time of the meeting at which the matter is to be considered and he/she will be sent a copy of the relevant papers.

27 Requests by Members for items of business to be included on agendas of a Committee or Sub-Committee

- 27.1 Appendix 6 to these Procedure Rules sets out details of the process by which a Shadow Councillor can ask for an item of business to be included on the agenda of Committee or Sub-Committee meeting.

28 Questions Submitted by Members of the Public

- 28.1 The Shadow Authority has a procedure to enable members of the public to submit questions at ordinary meetings of its Committees and Sub-Committees. This is set out in Appendix 7.

29 Committee and Sub-Committee Agenda - Urgent items of business

- 29.1 Generally, business will only be transacted at meetings of Committees and Sub-Committees which appears in the agenda and which has been available

for public inspection at least five clear working days before the meeting or, where the meeting is convened at short notice, from the time the meeting is convened.

- 29.2 The Chairman of the Committee or Sub-Committee may agree to deal with an item of business at the meeting if, in his/her opinion, the matter is urgent given the circumstances requiring a decision. The Chairman's ruling and the reasons for urgency will be recorded in the Minutes of the meeting.

30 Attendance of Shadow Councillors at Committees and Sub-Committees of which they are not members

- 30.1 Notwithstanding their rights as a member of the public, a Shadow Councillor may attend any meeting of a Committee or Sub-Committee to which he/she has not been appointed, for the purposes of performing his/her duties as a Shadow Councillor, including when exempt or private and confidential business is transacted.
- 30.2 A Shadow Councillor will be given, when he/she arrives at the meeting a copy of the agenda and relevant papers, subject to any restrictions imposed under Rule 49.
- 30.3 The Shadow Councillor has no right to vote, but may speak with the consent of the Chairman of the meeting.

31 Overview and Scrutiny Committees/Sub-Committees

- 31.1 In applying these Rules to Overview and Scrutiny Committees and Sub-Committees, regard shall be had to the Overview and Scrutiny Procedure Rules which are contained in Part 4 of this Constitution.

Part C – General Provisions

32 Records of Attendance

- 32.1 The Interim/Appointed Monitoring Officer will keep a record of Members attending any meeting of the Shadow Authority, the Shadow Executive Committee, any Committee, or Sub-Committee.

33 Disclosure of Confidential/Exempt Matters

- 3.1 No Shadow Councillor shall disclose to any person the whole or any part of the contents of any agenda, report or other document which is marked "confidential" or "not for publication" unless and until the document has been made available to the public or the press by or on behalf of the Shadow Authority, the Shadow Executive Committee, a Committee or Sub-Committee.
- 34.2 No Shadow Councillor shall disclose to any person other than a Shadow

Councillor any matter arising during the proceedings of the Shadow Authority, the Shadow Executive Committee, any Committee, or Sub-Committee and which comes to his/her knowledge by virtue of his/her office as a Member where such disclosure would prejudice the interest of the Shadow Authority or would be contrary to law.

- 34.3 No Shadow Councillor shall, without the consent of the Chairman of the appropriate body, disclose to any person any decision or proceedings of that body except:
- (a) when a report on the matter has been circulated to the Shadow Authority by that body; or
 - (b) when the decision has become public knowledge; or
 - (c) when the matter comes within the powers of that body and a final decision has been made upon it;

provided that this paragraph shall not authorise any disclosure which would contravene Rules 34.1 or 34.2.

34 Disorderly conduct by Members

- 35.1 If at a meeting any Shadow Councillor, in the opinion of the person presiding, misconducts themselves in any way, the person presiding or any other Shadow Councillor may move “That the Shadow Councillor be not further heard”. The motion, if seconded, shall be put and determined without discussion.
- 35.2 If the Shadow Councillor continues the misconduct after a motion under the Rule 35.1 has been carried, the person presiding may: either move “That the Shadow Councillor do leave the meeting” (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting.
- 35.3 In the event of general disturbance by Shadow Councillors at any meeting which, in the opinion of the person presiding, renders the due and orderly dispatch of business impossible, the person presiding, will have the power to adjourn the meeting.

35 Disturbance by members of the Public

- 35.1 If a member of the public interrupts the proceedings at any meeting the person presiding shall warn him/her. If he/she continues, the person presiding shall order his/her removal from the meeting. In cases of general disturbance in any part of the meeting room open to the public, the person presiding shall order that part to be cleared.

36 Variation and revocation of Procedure Rules

- 36.1 Any motion to vary or revoke these Rules shall, when proposed and

seconded, stand adjourned without discussion to the next ordinary meeting of the Shadow Authority.

37 Suspension of Procedure Rules

- 38.1 Subject to Rule 38.2, any of the preceding Procedure Rules may be suspended in respect of any business at a meeting of the Shadow Authority, a Committee or Sub-Committee where its suspension is moved.
- 38.2 A motion to suspend Procedure Rules shall not be moved without notice (that is under Procedure Rule 10) unless there shall be present at least one-third of the Members of the Shadow Authority or that Committee or Sub-Committee respectively.

38 Interpretation of Procedure Rules

- 39.1 The ruling of the person presiding as to the construction or application of any of these Procedure Rules, or as to any proceedings of the Shadow Authority, shall not be challenged at any meeting.

39 Submission of Notices by Members – Electronic Means

- 39.1 A Shadow Councillor may communicate, by electronic means, any notice under any of the Shadow Authority's Procedural Rules to initiate any process or procedure provided it is clear that the notice has been originated by that Member.

Appendix 1 - Procedure Rules relating to the Shadow Authority: Procedure Rules 10 and 29 - Motions which may be moved without Notice

1. Appointment of a Chairman of the meeting at which the motion is made.
2. Motions relating to the accuracy of the minutes of the Shadow Authority, a Committee or Sub-Committee.
3. That an item of business specified in the summons should have precedence.
4. Reference to the Shadow Authority, a Committee, Sub-Committee, or the Shadow Executive Committee.
5. Appointment of or appointment to Committees, Sub-Committees, or the Shadow Executive Committee occasioned by an item mentioned in the summons to the meeting.
6. Receipt of Records of Decisions and Minutes of Committees and Sub-Committees
7. Adoption of recommendations of the Shadow Executive Committee, Committees and Sub- Committees and any consequent resolutions.
8. That leave is given to withdraw a motion.
9. Receipt of reports of officers and any consequent resolutions.
10. Extending the time limit for speeches.
11. Amendment to motions.
12. That the Shadow Authority proceed to the next business.
13. That the question be now put.
14. That the debate be now adjourned.
15. That the Shadow Authority do now adjourn.
16. Authorising the sealing of documents.
17. Suspending Procedure Rules, in accordance with Procedure Rule 38.
18. Motion under Section 100A(4) of the Local Government Act 1972 to exclude the press and public.

19. That a Shadow Councillor named under Procedure Rule 35 should not be heard further or should leave the meeting.
20. Giving consent of the Shadow Authority where consent of the Shadow Authority is required by these Procedure Rules.

Appendix 2 - Procedure Rules relating to the Shadow Authority: Procedure Rule 12 - Notices of Motion

1 Procedure

Notice of every motion (other than a motion which under Procedure Rule 10 may be moved without notice) shall be given in writing, signed by the Member(s) of the Shadow Authority giving the notice, and delivered, at least seven clear working days before the next meeting of the Shadow Authority, to the office of the Interim/Appointed Monitoring Officer by whom it shall be dated, in the order in which it is received.

2 Motions to be set out in Summons

The summons for every ordinary meeting of the Shadow Authority will set out all motions of which notice has been duly given, unless the Member giving the notice has intimated in writing, when giving it, that he/she proposed to move it at some later meeting, or has since withdrawn it. The motions will be listed in the summons according to whether they relate to Shadow Executive Committee or non-Shadow Executive Committee functions but otherwise in the order in which they have been received.

3 Withdrawal of Motion which is before the Shadow Authority

Where a notice of motion is before the Shadow Authority having been formally moved and seconded and the mover wishes subsequently to withdraw it, he/she with the consent of the seconder may do so in writing and with the consent of the Chairman of the Shadow Authority again in writing.

4 Motions not moved

If a motion set out in the summons is not moved either by a Shadow Councillor who gave notice of it or by some other Shadow Councillor on his/her behalf it shall, unless postponed by consent of the Shadow Authority, be treated as withdrawn and shall not be moved without fresh notice.

5 Automatic reference to Shadow Executive Committee, Committee/Sub-Committee – Non Shadow Executive Committee Function

If the subject of any motion (which does not relate solely to any Shadow Executive Committee function or part of a function) comes within the powers, duties and responsibilities of any Committee or Sub-Committee or the Shadow Executive Committee, it shall, when it has been moved and seconded, stand referred without discussion to such of those bodies as the Chairman may determine, for consideration and report. However, if the Chairman considers it conducive to the despatch of business, the motion may be dealt with at the meeting at which it is brought forward. Unless the Chairman has indicated that he/she proposes to deal with the motion at the

meeting, the mover may formally move the motion and reserve the right to speak until the report on the motion comes before the Shadow Authority.

Advice to the Shadow Authority on any referred Notice of Motion under this section will be formulated by the Shadow Executive Committee and by such other bodies (Committees, Sub-Committees) as are deemed appropriate. The report to Shadow Authority will set out the views of all bodies consulted on the Notice of Motion. The Minutes of a Committee or Sub-Committee containing advice to the Shadow Authority on any referred Notice of Motion shall be dealt with separately from the other Minutes of those bodies.

6 Automatic reference to the Shadow Executive Committee – Shadow Executive Committee Function

If the subject of any motion of which notice has been duly given comes solely within the powers, duties and responsibilities of the Shadow Executive Committee, it shall, when it has been moved and seconded, stand referred to the Shadow Executive Committee to determine subject to the advice from any other body whose views are sought as determined by Shadow Authority. The mover on formally moving the motion has the right to speak to the Motion. The seconder may also speak to the Motion. The Chairman will allow a period of fifteen minutes for a debate on any such notices of motion. This period shall include any speeches made by the mover and seconder of the motion in question. At the end of the debate if sooner or upon the expiration of the fifteen minutes, the appropriate Shadow Executive Committee Member shall have an opportunity to respond. No speeches including the response shall exceed five minutes. No amendments to the motion may be moved. The motion will then stand referred to the Shadow Executive Committee.

There are no rights of “call in” or “reference to the Shadow Authority” where the Shadow Executive Committee has discharged a motion submitted under this Procedure Rule.

7 Deferral of a Notice of Motion

Where a notice of motion has been moved and seconded, and referred for advice, the consideration of the motion may be deferred where the mover and seconder signify in writing his/her agreement to the deferral and the Chairman of the Shadow Authority indicates, in writing, his/her agreement on behalf of the Shadow Authority. The matter would then come to a subsequent meeting of the Shadow Authority for report and decision.

Appendix 3 - Procedure Rules relating to the Shadow Authority; Committees and Sub-Committees - Meeting Procedure Rules 13 and 23 - Rules of Debate

1 Motions and Amendments

No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Chairman, motions or amendments shall be put in writing and handed to the Chairman before they are further discussed or put to the meeting. At meetings other than those of the full Shadow Authority, the Chairman of that meeting may, at his/her discretion, allow a motion or amendment to be put which is not in writing, provided that the Chairman has concluded that the wording of the motion or amendment is understood by all members of the body concerned. This requirement does not apply to motions submitted under Procedure Rule 12.

2 Secunder's Speech

When seconding a motion or amendment a Shadow Councillor may advise the Chairman that he/she will reserve his/her right to speak until a later period in the debate.

3 Only One Shadow Councillor to Stand at a Time

When speaking at a Shadow Authority meeting a Shadow Councillor shall stand and address the Chairman. While a Shadow Councillor is speaking the other Shadow Councillors will remain seated, unless rising on a point of order or in personal explanation.

4 Content and Length of Speeches

A Shadow Councillor will confine his/her speech to the question under discussion, a personal explanation or a point of order. Except as indicated below, in the case of speeches made by Shadow Councillors when the Shadow Authority is agreeing a budget, or where the Shadow Authority, Committee or Sub-Committee otherwise agrees, no speech will exceed three minutes.

In advance of the meeting at which the Shadow Authority is due to agree a budget, the Shadow Authority's Political Groups may agree a protocol which makes provision for a limited number of speeches to be made on behalf of each Political Group, and which exceed the three minute limitation contained in these Rules. The Chairman will have discretion as to how such a protocol will be implemented at the meeting and, where no agreement can be reached between the Political Groups, whether and (if so) how any extension of the three minute limitation might be permitted to operate.

5 When a Shadow Councillor may speak again

At a Shadow Authority meeting a Shadow Councillor who has spoken on any

motion shall not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Shadow Councillor;
- (b) if the motion has been amended since he/she last spoke, to move a further amendment;
- (c) if his/her first speech was on an amendment moved by another Shadow Councillor, 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 given by paragraph 11 or 13 of this Appendix;
- (e) on a point of order referring to the specific Procedure Rule;
- (f) by way of personal explanation;
- (g) to move one of the motions specified in 12(b) to (j), below when the procedure in those paragraphs shall be followed.

At Committees or Sub-Committees Shadow Councillors may, at the discretion of the Chairman, speak more than once.

6 Amendments to Motions

An amendment must be relevant to the motion and shall be either:

- (a) to leave out words;
- (b) to leave out words and add others;
- (c) to insert or add words;

but such amendment shall not have the effect of negating the motion before the Shadow Authority.

7 Number of Amendments

Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of, although the Chairman may allow two or more amendments to be discussed (but not voted on) together if this would facilitate the proper conduct of the business before the meeting.

8 Status of Amendments

If an amendment is lost, another amendment may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

9 **Alterations to Motions or Amendments**

A Shadow Councillor may alter a motion or amendment of which he/she has given notice and may also, with the consent of the seconder, alter a motion or amendment which he/she has moved. In both cases, the consent of the Shadow Authority (the Committee or Sub-Committee) is required. There should be no discussion on whether consent should or should not be given.

10 **Withdrawal of Motion**

A motion or amendment may be withdrawn by the mover provided the seconder and the meeting, without discussion, agree. Once the mover has asked for permission to withdraw, there should be no further discussion, unless the meeting refuses to agree to the request.

11 **Right of Reply**

The mover of the motion shall have a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on it. The mover of the amendment shall have no right of reply to the debate on his/her amendment.

12 **Motions which may be moved during debate**

When a motion is under debate no other motion shall be moved except the following:

- (a) to amend the motion;
- (b) to adjourn the meeting;
- (c) to adjourn the debate;
- (d) to proceed to the next business;
- (e) to suspend Procedure Rules;
- (f) to refer a matter to the Shadow Authority, Shadow Executive Committee, a Committee or Sub-Committee for consideration or reconsideration;
- (g) that the question be now put;
- (h) that a Shadow Councillor be not further heard;
- (i) by the Chairman under Procedure Rule 35, that a Shadow Councillor do leave the meeting;

- (j) a motion under Section 100A(4) of the Local Government Act 1972 to exclude the public.

13 **Closure Motions**

A Shadow Councillor may move, without comment, at the conclusion of a speech of another Shadow Councillor, "That the Shadow Authority proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Shadow Authority do now adjourn". When one of these Motions has been seconded the Chairman shall proceed as follows:

- (a) on a motion to proceed to next business - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion the right of reply, and then put to the vote the motion to proceed to next business;
- (b) on a motion that the question be now put - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion that the question be now put and, if it is passed, give the mover of the original motion the right of reply before putting the motion to the vote;
- (c) on a motion to adjourn the debate or the meeting - if in his/her opinion the matter before the meeting has been insufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.

14 **Points of Order**

A Shadow Councillor may rise on a point of order or in personal explanation and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Procedure Rule or statutory provision and the Shadow Councillor shall specify the Procedure Rule or statutory provision and the way in which he/she considers it has been breached. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the current debate.

15 **Ruling of Chairman on a Point of Order/Personal Explanation**

The ruling of the Chairman of the meeting on a point of order or on the admissibility of a personal explanation shall not be open to discussion and shall be final.

16 **Respect for the Chair**

At the Shadow Authority meeting whenever the Chairman rises during a debate a Shadow Councillor then standing shall sit down and the Shadow Authority shall be silent. In Committee or Sub-Committee meetings,

whenever the Chairman rises from his/her seat, the Shadow Councillors should remain in their seats and the Committee or Sub-Committee shall be silent.

Appendix 4 - Procedure Rules Relating to the Shadow Authority, Committees and Sub-Committees: Meeting Procedure Rules 18 and 30 - Urgent Business

Non-Shadow Executive Committee Functions

1 Approval of Urgent Business

Where any matter is urgent and cannot await the next meeting, the lead officer of the Central Implementation Team may take the necessary action, provided that he/she has first consulted the relevant Chairman (or Vice-Chairman if he/she is not available).

2 Consultation

A copy of the consultation document shall be sent to the appropriate Shadow Executive Committee Member, the Chairman of the appropriate Overview and Scrutiny Committee, the party group leaders and the local Shadow Councillors.

3 Written approval

Any such approval shall be in writing, consideration being given after consultation with the Interim/Appointed Chief Finance Officer and the Interim/Appointed Monitoring Officer.

4 Obligations of the Interim/Appointed/ Monitoring Officer

The Interim/Appointed Monitoring Officer shall forthwith supply a copy of any approval requiring a report to a Committee or Sub-Committee which has been given by him/her to the lead officer of the Central Implementation Team and the Interim/Appointed Chief Finance Officer.

5 Report to Committee

A report of any action under paragraphs 1 to 4 above of this Procedure Rule shall be made available by electronic means to all Shadow Councillors of the Shadow Authority.

Shadow Executive Committee functions

6 Consultation

The lead officer of the Central Implementation Team shall have sole discretion to decide the matter, having first taken into account any views of Shadow Councillors consulted under this procedure. A copy of the consultation document under this procedure shall also be sent to the Chairman and Spokespersons of the appropriate Overview and Scrutiny Committee, the appropriate Shadow Executive Committee Member and the local Shadow Councillor.

7 Written Approval

Any such approval shall be in writing, and shall only be given after consultation with the Interim/Appointed Chief Finance Officer and the Interim/Appointed Monitoring Officer.

8 Obligations of the Interim/Appointed Monitoring Officer

A copy of any approval which has been obtained under paragraphs 6 to 8 above shall be supplied forthwith to the Interim/Appointed Monitoring Officer and Interim/Appointed Chief Finance Officer.

9 Report to Shadow Executive Committee

A report of any decision under paragraphs 6 to 8 above shall be made available by electronic means to all.

10 Access to Information

In processing and deciding any matter under paragraphs 6 to 10 above, the relevant requirements of the Access to Information Procedure Rules will apply, as set out in this Constitution.

Appendix 5 - Procedure Rules relating to Committees and Sub-Committees: Meeting Procedure Rule [23]

Procedure Rule 23 -Change of Committee/Sub-Committee Places

- 1 A Political Group may, by notice to the Interim/Appointed Monitoring Officer, vary its representation on a Committee or Sub-Committee.
- 2 The Shadow Authority may, from time to time, approve lists of reserve Shadow Councillors for each political group who may act as reserve members for each Committee and Sub-Committee. The following arrangements shall apply.
- 3 Members of the Shadow Executive Committee shall not be nominated substitutes/reserve members for any Scrutiny bodies.
- 4 Where a political group intends to vary its representation on a committee or sub- committee, the reserve member shall inform the chairman at the beginning of the meeting. The outgoing member shall cease to be the Political Group's representative on that Committee or Sub-Committee for the duration of that meeting or any adjournment of it, and that reserve Shadow Councillor shall become the representative on the Committee or Sub-Committee for the same period. At the end of the meeting, the outgoing Member shall resume his/her representation on the Committee or Sub-Committee in question and the reserve Member who had been appointed in his/her place shall revert to being a reserve Member.
- 5 The Interim/Appointed Monitoring Officer shall give notice and distribute agendas to all members of the Committee or Sub-Committee. Agendas will be made available to all other members by electronic means. Agendas will also be made available at the meetings in question.
- 6 On receipt of a Notice under this Procedure Rule the Interim/Appointed Monitoring Officer shall, at the meeting (prior to the commencement of the main business) inform the Committee or Sub-Committee.
- 7 Members of the Shadow Executive Committee are not permitted to sit on any Overview and Scrutiny Committee or to be appointed as reserve Members.
- 8 For the avoidance of doubt, there are no change of places arrangements in respect of the Shadow Executive Committee.

Appendix 6 - Procedure Rules relating to Committees and Sub Committees: Meeting Procedure Rule 27 - Agenda items submitted by Shadow Councillors

- 1 This Rule does not apply to special meetings of Committees and Sub-Committees or to the Shadow Executive Committee.
- 2 A Shadow Councillor may, by notice given to the Interim/Appointed Monitoring Officer no later than ten clear working days before the appropriate meeting, request that an item of business be included on the agenda of a Committee or Sub-Committee.
- 3 A Shadow Councillor may not give notice of more than one item of business for any one meeting. The notice shall state the nature of the business and shall include the signature of that Shadow Councillor.
- 4 This procedure shall not apply where the item of business, if agreed, would have the effect of rescinding or amending any resolution passed by a Committee or Sub-Committee of the Shadow Authority within the preceding 12 months.
- 5 Items arising from such notices shall appear on the agenda at the end of the Part 1 or 2 business (public and non-public business).
- 6 This procedure will apply to Shadow Councillors of the Overview and Scrutiny Committee exercising their rights under The Local Government Act 2000 as amended by Section 9FC of the Localism Act 2011 and Scrutiny Procedure Rule 2 to have an item, within the remit of that particular body, included on the Agenda and discussed at the next meeting of that body. The restrictions in paragraph 3 on the number of items shall not apply.

Appendix 7 - Procedure Rules relating to Shadow Authority Meetings, Committees and Sub-Committees: Meeting Procedure Rules 11A and 28

1. Members of the public may ask questions at meetings of the full Shadow Authority, Shadow Executive Committee, and Committees of the Shadow Authority. The protocol for questions is as follows:
 - (a) Subject to the requirements of this protocol, a member of the public who lives or works in the area of the Shadow Authority may submit a written question to the Leader of the Shadow Authority, a portfolio holder or the Chairman of the Shadow Authority or of a Committee of the Shadow Authority.
 - (b) A person wishing to ask a question shall submit the question in writing which must be received by the Interim/Appointed Monitoring Officer at the main office of the Shadow Authority by 10.00 am three clear working days before the meeting of the Shadow Authority at which it is to be asked. The person's name and address must be included.
 - (c) A question shall relate to Shadow Authority business, shall not normally exceed 100 words in length and shall be so framed as to elicit information rather than make a statement. No member of the public may ask more than four questions in any one financial year.
 - (d) Questions shall be printed in order of receipt and circulated to Shadow Councillors prior to the commencement of the Shadow Authority meeting. No discussion shall be allowed upon questions or answers.
 - (e) The person asking the question shall attend the meeting to read out their question, or nominate another person to read out the question on their behalf, and to hear the answer. If someone is unable to attend and fails to nominate someone to attend on their behalf, the question will not be read out, but will be responded to by way of written answer.
 - (f) If questions are unsuitable in form, frivolous, defamatory, derogatory or relate to a matter which the Shadow Authority would be likely to consider in the absence of the press and public, the Chairman of the Shadow Authority shall have the right to rule the question out of order.
2. Members of the public may make statements at meetings of the full Shadow Authority, Shadow Executive Committee, and Committees of the Shadow Authority. The protocol for statements is as follows:
 - (a) Subject to the requirements of this protocol, a member of the public who lives or works in the the area of the Shadow Authority may submit a written statement to the Leader of the Shadow Authority, a portfolio holder or the Chairman of the Shadow Authority or of a Committee of the Shadow Authority.

- (b) A person wishing to make a statement under this protocol shall submit the statement in writing which must be received by the Interim/Appointed Monitoring Officer at the main office of the Shadow Authority by midday the day before the meeting of the Shadow Authority at which it is to be raised. The person's name and address must be included.
 - (c) A statement put under this protocol shall relate to Shadow Authority business, shall not normally exceed 100 words in length.
 - (d) Statements shall be printed in order of receipt and circulated to Shadow Councillors prior to the commencement of the Shadow Authority meeting. No discussion shall be allowed upon statements.
 - (e) The person making the statement shall normally attend the meeting to read out their statement and to hear the answer. However, persons may, if they prefer, ask for an officer of the Shadow Authority to read out their statement.
 - (f) If statements are unsuitable in form, frivolous, defamatory, derogatory or relate to a matter which the Shadow Authority would be likely to consider in the absence of the press and public, the Chairman shall have the right to rule the statement out of order.
3. The time for questions and statements from members of the public shall normally commence immediately after the item 'Code of Conduct' on the Shadow Authority agenda and shall be restricted to a total of 15 minutes, or at the discretion of the Chairman of the Shadow Authority or the chairman of the meeting, provided that where a question to which an answer is to be given is not reached within the time limit, a written answer shall be provided to the questioner within two working days of the meeting and a copy e-mailed to all Shadow Councillors.

E. Financial Procedure Rules

1 General

- 1.1 The Financial Procedure Rules of the Shadow Authority shall be those determined by the Interim/Appointed Chief Finance Officer exercising his functions under section 151 of the Local Government Act 1972

F. Staff Employment Procedure Rules

1 General

- 1.1 The Shadow Authority has limited powers in connection with the employment and designation of staff. It relies upon staff resources provided by all of the Dorset local authorities to carry out its work. These Rules must therefore be read in that context.
- 1.2 Staff within the organisation are employed, appointed, designated or engaged on behalf of the whole Shadow Authority and not by parts of the organisation or individuals.
- 1.3 The employment, appointment, designation or engagement of all staff will be in compliance with the law and any policies and practices of the Shadow Authority.
- 1.4 Generally (except for certain senior staff appointments) the function of appointment and dismissal of, and taking disciplinary action against a member of staff of the Shadow Authority must be discharged on behalf of the authority by the Head of the Paid Service or by an officer nominated by him.

2 Recruitment and Appointment of Staff

- 2.1 Subject to the provisions of these Procedures, the recruitment, designation and appointment of staff will be conducted in accordance with the law and the Shadow Authority's policies and procedures.
- 2.2 Any candidate for any designation or appointment with the Shadow Authority who knows that he/she is related to a Shadow Councillor or employee of the Shadow Authority shall, when making application, disclose, in writing, that relationship to the Central Implementation Team Lead Officer for Human Resources. A person who deliberately fails to disclose such a relationship shall be disqualified from designation or appointment and, if designated or appointed, shall be liable to dismissal.
- 2.3 Every Shadow Councillor and employee of the Shadow Authority shall disclose to the Central Implementation Team Lead Officer for Human Resources any relationship known to him/her to exist between him/herself and any person he/she knows is a candidate for a designation or appointment by the Shadow Authority.
- 2.4 Any candidate for designation or appointment who directly or indirectly seeks the support of a Shadow Councillor or officer of the Shadow Authority in any designation or appointment shall be disqualified and, if designated or appointed, shall be liable to dismissal. A Shadow Councillor shall not solicit for any person in respect of any designation or appointment with the Shadow Authority, but may give a written testimonial of a candidate's ability,

experience or character.

- 2.5 Persons shall be deemed to be related to a candidate or officer if they are a spouse, partner (i.e. member of a couple living together) parent, parent-in-law, grandparent, child, stepchild, adopted child, grandchild, child of partner, brother, sister, uncle, aunt, nephew or niece or the spouse or partner of any of the preceding persons.
- 2.6 In the case of a dispute under paragraph 2.5 above about the status of a relationship in relation to an appointment, the Central Implementation Team Lead Officer for Human Resources will rule and such ruling will be applied.
- 2.7 The Central Implementation Team Lead Officer for Human Resources will ensure that the provisions of these Rules are reflected, as appropriate, in application forms or in any accompanying detailed procedures for each post, following advertisement.

3 Responsibility for Human Resources Matters

- 3.1 Subject to any matters reserved to the Shadow Authority, the Shadow Executive Committee is responsible for the development of corporate personnel policies and for determining and monitoring such policies and for the operational implementation of those policies, including the development of practices and procedures to support those policies.

4 Responsibility of the Senior Appointments Committee

- 4.1 The responsibilities of the Senior Appointments Committee are set out in Part 3.
- 4.2 Subject to the provisions of these Rules, the Committee is also responsible for hearing and determining appeals under the Shadow Authority's employment-related policies, the suspension of sick pay and the review and determination of matters relating to any fixed term contracts. In determining these matters the Committee will have regard to the appropriate provisions of this procedure. The Committee may agree to discharge some of these functions through a Sub-Committee.
- 4.3 The Shadow Executive Committee Member with responsibilities for individual Departments or Services and the associated resources is required to ensure that corporate personnel policies and procedures are applied by the Shadow Authority, including training, matters relating to discipline, workforce performance management, and grievance (other than determining appeals).

5 Appointment of Head of the Paid Service

- 5.1 The appointment of head of the paid service is subject to specific requirements as set out below.
- 5.2 Where the Shadow Authority proposes to appoint to the Head of the Paid

Service, the Senior Appointments Committee will oversee the arrangements for filling the vacancy. For this purpose the Committee shall include at least one member of the Shadow Executive Committee in its membership.

- 5.3 The Senior Appointments Committee shall:
- (a) draw up a statement specifying the duties of the officer concerned and any qualifications or guidelines 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;
 - (c) make arrangements for a copy of the statement mentioned above to be sent to any person on request;
 - (d) where a post has been advertised as required above, the Committee will select from the applications a short list of qualified candidates and will then interview those included in the short list.
- 5.4 Following the interview of candidates, the Committee will come to a view as to the most suitable person for the position.
- 5.5 The Committee must advise the Central Implementation Team Lead Officer for Human Resources of:
- (a) the name of the person in question; and
 - (b) any other particulars which the Committee consider are relevant to the appointment.
- 5.6 Within two clear working days of receiving the notification in paragraph 5.5 above, the Central Implementation Team Lead Officer for Human Resources will notify each member of the Shadow Executive Committee of:
- (a) the information notified under paragraph 5.5 above; and
 - (b) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Shadow Executive Committee to the Central Implementation Team Lead Officer for Human Resources; such period shall not exceed five clear working days.
- 5.7 An offer of appointment must wait until:
- (a) the Leader has, within the period of the notice under paragraph 5.6 above, notified the Committee through the Central Implementation Team Lead Officer for Human Resources that neither he/she nor any member of the Shadow Executive Committee has any objection to the making of the offer; or

- (b) the Central Implementation Team Lead Officer for Human Resources has notified the Committee that no objections have been received by her within the period of the notice under paragraph 5.6 above; or
- (c) the Committee is satisfied that any objection received from the Leader within the notice period is not material or is not well founded. In this regard, where necessary, the advice of the Interim/Appointed Monitoring Officer should be sought.

- 5.8 Where following the above procedure there are no objections to the proposed appointment or any objections are not up-held, the Committee will recommend that person for appointment at the next meeting of the full Shadow Authority or at a specially convened meeting of the Shadow Authority. If the Shadow Authority approve the recommendation, then a formal offer of appointment can be made.
- 5.9 Where following the interviews the Committee are of the view that there is no suitable candidate, it will re-advertise the post.
- 5.10 Where the Shadow Authority do not approve the recommendation of the Committee, it shall indicate how it wishes to proceed.

6 Appointment/dismissal of Interim/Appointed Head of Paid Service, Statutory Chief Officers, Non-Statutory Chief Officers and Deputy Chief Officers

The requirements of the Local Authorities (Standing Orders)(England) Regulations 2001 (“the Regulations”) will be followed in respect of those posts which fall within the definitions of Interim/Appointed Head of Paid Service, Statutory Chief Officer, Non-Statutory Chief Officer and Deputy Chief Officer.

7 Appointments/dismissal of other officers

Where any appointments are made to positions other than those referred to in paragraph 6 above, or where such persons are dismissed, these shall be the responsibility of the head of the paid service, or another officer to whom he/she has delegated that responsibility.

**PART 5 -
CODE OF CONDUCT AND
MEMBER/OFFICER PROTOCOL**

Code of Conduct for Shadow Councillors

The Code of Conduct, as set out below, was adopted by the Shadow Authority with effect from * June 2018.

1 Introduction

1.1 The Shadow Authority has a duty to promote and maintain high standards of conduct by its councillors. This Code of Conduct sets out the conduct that is expected of councillors when carrying out Shadow Authority business or representing the Shadow Authority.

1.2 The Code of Conduct is to be interpreted in a way that is consistent with the following principles:

Selflessness	Councillors should act solely in terms of the public interest.
Integrity	Councillors must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
Objectivity	Councillors must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
Accountability	Councillors are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
Openness	Councillors should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
Honesty	Councillors should be truthful.
Leadership	Councillors should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2 General obligations

2.1. A Shadow Councillor must

- (a) comply with this Code of Conduct and any other of the Shadow Authority's policies, protocols and other procedures relating to the conduct of councillors
- (b) treat others with respect

- (c) when using or authorising the use by others of the Shadow Authority resources act in accordance with the Shadow Authority's reasonable requirements.
- (d) take into account any relevant advice provided by the Interim/Appointed Chief Finance Officer; or Interim/Appointed Monitoring Officer, when reaching decisions on any matter
- (e) inform the Interim/Appointed Monitoring Officer of the receipt of any gifts and hospitality that they estimate has a value of more than £50 and the name of person providing the gift or hospitality

2.2 A Shadow Councillor must not –

- (a) do anything which may cause the Shadow Authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
- (b) bully any person;
- (c) intimidate or attempt to intimidate any person who is or is likely to be –
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a councillor (including them) has failed to comply with this Code of Conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Shadow Authority.
- (e) disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - (i) they have the consent of a person authorised to give it;
 - (ii) they are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is reasonable and in the public interest; and is made in good faith and in compliance with the Shadow Authority's reasonable requirements;
- (f) prevent another person from gaining access to information to which that person is entitled by law; or

- (g) behave in a way which could reasonably be regarded as bringing their office or the Shadow Authority into disrepute;
- (h) use or attempt to use their position improperly to confer on or secure for them or any other person, an advantage or disadvantage; or
- (i) use the Shadow Authority's resources improperly for political purposes (including party political purposes).

3. **Interests**

- 3.1 A Shadow Councillor must register any disclosable pecuniary interest (see Appendix A) that they or their husband or wife, civil partner or any person that they are living with as husband or wife or civil partner, as if they are their own interests.
- 3.3 A Shadow Councillor must register any disclosable pecuniary interests and local interests with the Monitoring Officer within 28 days of:
 - (a) being elected or appointed to office;
 - (b) this Code of Conduct being adopted;
 - (c) declaring an unregistered interest at a meeting of the Shadow Authority; and
 - (d) becoming aware of any new interests or changes in those interests
- 3.4 A Shadow Councillor who is aware or ought reasonably to be aware that they have a disclosable pecuniary interest or a local interest in any business of the Shadow Authority who attends a meeting of the Shadow Authority at which that business is discussed, must disclose to the meeting the existence and nature of the interest at the beginning of the meeting or when it becomes apparent that they have such an interest. Where information about an interest has been agreed with the Monitoring Officer to be sensitive, the Shadow Councillor need only declare the existence of the interest.
- 3.5 A Shadow Councillor who has a disclosable pecuniary interest in any business of the Shadow Authority must not take part in the consideration of that business and must withdraw from the room where the meeting is being held unless they have been granted a dispensation by the Interim/Appointed Monitoring Officer

4. **Monitoring and review**

- 4.1. This Code will be kept under review by the Shadow Authority.

APPENDIX A

Disclosable Pecuniary Interests

1. For the purposes of this Appendix

“the Act” means the Localism Act 2011;

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

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

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

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act; and

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

2. The following are disclosable pecuniary interests.

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment of financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992

Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority– (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the area of the relevant authority
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer
Corporate tenancies	Any tenancy where (to M's knowledge)– (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest
Securities	Any beneficial interest in securities of a body where- (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class

Protocol on the relationship between Councillors and Officers

1. Introduction

- 1.1 The purpose of this Protocol is to guide Shadow Councillors and Officers of the Shadow Authority in their relations with one another in such a way that ensures that the Shadow Authority runs smoothly.
- 1.2 The relationship between Shadow Councillors and Officers is based on the following principles:
- (a) the purpose of the Shadow Authority is to prepare for the transition to the new Bournemouth, Christchurch and Poole Council and it is in the interests of all of the inhabitants of the Shadow Authority's area that this is achieved seamlessly and without favouring one part over another;
 - (b) the Shadow Authority is a single entity;
 - (c) the separate functions of the Shadow Authority are part of the Shadow Authority as a corporate body;
 - (d) in everything they do, Shadow Councillors and Officers must act within the law and comply with relevant codes of conduct;
 - (e) dealings between Shadow Councillors and Officers are based on mutual trust and respect;
 - (f) the relationship must exist on a professional basis only so that the ability of an officer to deal impartially with Shadow Councillors or political groups cannot be questioned; and
 - (g) Officers should not approach Shadow Councillors on matters to do with employment matters except as agreed by the Interim/Appointed Head of Paid Service.
- 1.3 Shadow Councillors and Officers each have their own roles to play in the work of the Shadow Authority and care should be taken to avoid one encroaching upon the other.

The role of Councillors

- (a) To provide the political direction and leadership of the Shadow Authority.
- (b) As part of the controlling group to see that the transformation is achieved in accordance with the policies and plans approved by the Shadow Authority.
- (c) To receive appropriate professional advice from officers and to have that advice recorded, so that all Shadow Councillors are fully aware of the implications of their decisions and have the assurance that their decisions comply with the law.
- (d) To make reasonable comment and ask questions about the Shadow Authority's decisions and performance both at formal meetings and informally. An officer's seniority and area of responsibility will determine what are reasonable comments and questions.

The role of Officers

- (a) To serve the whole Shadow Authority as a single corporate body.
- (b) To provide wherever practicable, support to all Shadow Councillors in their representational role and act to uphold the rights of councillors in law and under this Constitution.
- (c) To take decisions within their area of responsibility which have been delegated to them but recognising that, where functions have not been delegated to officers, it is the right of Shadow Councillors to take the final decisions in the light of officers' advice.
- (d) To provide factual, honest and objective advice. The advice and the actions officers take should be politically neutral and should serve the interests of the Shadow Authority as a whole. Officers do not give advice on party political matters.

2. Officer advice to Shadow Councillors and Party Groups

- 2.1 For the proper functioning of the Shadow Authority as a whole, officers will normally be permitted to share information freely between them.
- 2.2 Where the information has been given on the basis of party political confidentiality:
 - (a) officers will respect that confidentiality unless they believe that any action appears to be in conflict with the law, or would amount to an abuse of the processes of the Shadow Authority and in those circumstances may share that information with other officers where they believe it to be necessary to check the legality, financial probity or procedural regularity of any action disclosed by that information.
 - (b) The request for party political confidentiality will be honoured by any officers with whom the information is shared.
- 2.3 Where party political confidentiality has been requested, officers may invite those councillors requesting confidentiality to agree to the information being shared with the other political groups on the grounds that it would assist the more effective functioning of the Shadow Authority; however, in the absence of any such agreement to waive confidentially, officers will continue to respect it.

3. Support services to Councillors and Party Groups

- 3.1 Support services and resources must only be used on Shadow Authority business and should never be used in connection with any political or campaigning activity or for private purposes.

4. Councillors' access to information and to Shadow Authority documents

- 4.1 Councillors may ask the Officers for such information, explanation and advice as they may reasonably need in order to assist them in discharging their role

as a Shadow Councillor. This can range from a request for general information about some aspect of the Shadow Authority's activities to a request for specific information on behalf of a constituent.

- 4.2 A Shadow Councillor does not have a right to "a roving commission" to examine documents of the Shadow Authority. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must initially be determined by the Officer holding the document in question. In the event of dispute, the question falls to be determined by the Interim/Appointed Monitoring Officer.
- 4.3 In addition to the above a Shadow Councillor may request information under the Freedom of Information Act 2000, and the Local Government Act 1972 provides a statutory right of access to documents. Any document which is in the Shadow Authority's possession and contains material relating to any business to be transacted at a meeting of the Shadow Authority, a Committee or Sub Committee or the Shadow Executive Committee is to be open to inspection by any Shadow Councillor. However, there is no right of inspection where it appears to the Interim/Appointed Monitoring Officer that a document discloses certain classes of exempt information as set out in Access to Information Procedure Rules.
- 4.4 The Code of Conduct limits the ability of a Shadow Councillor to disclose confidential information.

5. **Correspondence**

- 5.1 Correspondence between an individual Shadow Councillor and an Officer should not normally be copied by the Officer to any other Councillor. Where exceptionally it is necessary to copy the correspondence to another Shadow Councillor, this should be made clear to the original Councillor. In other words, a system of "silent copies" should not be employed.

PART 6 - MEMBERS ALLOWANCES SCHEME

The amount of allowances payable for members by the Shadow Authority will be set at nil.

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