

Bournemouth, Christchurch and Poole Council

CONSTITUTION

PART 1 SUMMARY AND EXPLANATION

Part 1 - Constitution - summary and explanation

1. General

- 1.1. The Council's Constitution sets out rules and procedures which explain how Council business is done and how decisions are made. This introduction should help you find what you are looking for in the Constitution.
- 1.2. Some of the processes in the Constitution are required by law while others are considered by the Council to be necessary to ensure that it operates effectively and efficiently; and in the interests of the people it serves.

2. The Constitution and its Content

- 2.1. The Constitution is divided into six parts.

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

Part 2 sets out the formal articles of the Constitution:

Article 1	The Constitution;
Article 2	Councillors;
Article 3	Rights and Responsibilities of Members of the public;
Article 4	The Full Council;
Article 5	The Role of the Chairman of the Council;
Article 6	Overview and Scrutiny;
Article 7	The Leader of the Council and the Cabinet;
Article 8	Other Committees;
Article 9	Joint Arrangements;
Article 10	Arrangements for promoting good standards of behaviour by Councillors;
Article 11	Officers;
Article 12	Decision Making;
Article 13	Legal Matters;
Article 14	Review, Revision, Suspension, Interpretation and Publication of the Constitution; and
Article 15	Interim Arrangements.

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

Part 4 contains the Rules of Procedure (including the Financial Regulations) which are designed to regulate the conduct of the Council's business to ensure decisions are made in accordance with the law and the wishes of the Council.

Part 5 includes the Code of Conduct for 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 Councillors' Allowances.

3. The Council and how it operates in making decisions

- 3.1. The Council is composed of 76 Councillors elected every 4 years. Councillors are democratically accountable to the residents of their Ward. Councillors have a responsibility to the whole community, but in particular, to their ward residents, including those who did not vote for them.
- 3.2. The Council employs staff (Officers) whose job is to assist and advise Councillors and provide the services of the Council.
- 3.3. All Councillors meet together as a Full Council, approximately six times per year. Meetings of the Council are normally open to the public. Full Council is responsible for approving certain specific key policies for the Council and setting the budget and Council Tax each year.

The Cabinet

- 3.4. Every 4 years the Council appoints a Leader of the Council. The Leader appoints an additional number of Councillors to act as members of the Cabinet (not more than 10 in total including the Leader and a Deputy Leader). The Leader of the Council may appoint a Deputy Leader and may ask members of the Cabinet to take lead responsibility for specific services (usually referred to as Portfolio Holders). These are usually themed around the Council's main priorities.
- 3.5. The Cabinet is the part of the Council which is responsible for most day to day decisions. The Cabinet can make decisions that are in line with the Council's key policy framework and budget.

Other Committees

- 3.6. Important decisions relating to planning and licensing matters are dealt with by separate Committees known collectively as Regulatory Committees. These are the Planning Committee and the Licensing Committee.
- 3.7. The Standards Committee deals with the conduct of Councillors and is responsible for ensuring the arrangements the Council has to deal with complaints against Councillors are effective and that the Council operates to high ethical standards. The Audit and Governance Committee has responsibility for oversight of the Council's corporate governance arrangements and financial affairs. There are a number of other Committees which perform specific functions including some which operate jointly with other councils. The details are set out in the Articles in Part 2 of this Constitution.

Overview and Scrutiny

- 3.8. Councils operating a Leader and Cabinet model must make provision for at least one Overview and Scrutiny Committee. There is no single definition of Overview and Scrutiny. It is generally viewed as an umbrella term covering a wide range of possible roles. The Bournemouth, Christchurch and Poole Overview and Scrutiny function is based upon six principles:

1. Contributes to sound decision making in a timely way by holding decision makers to account as a 'critical friend'
 2. A member led and owned function – seeks to continuously improve through self-reflection and development
 3. Enables the voice and concerns of the public to be heard and reflected in the Council's decision-making process
 4. Engages in decision making and policy development at an appropriate time to be able to have influence
 5. Contributes to and reflects the vision and priorities of the new council
 6. Agile – able to respond to changing and emerging priorities at the right time with flexible working methods
- 3.9. The Overview and Scrutiny Committees are appointed by full Council.

4. How can I participate?

- 4.1. The Council encourages every resident to register on the Council's Register of Electors and to vote in every local, national, or European election that is organised. Further information can be obtained from the Council's website.
- 4.2. Residents have the right to contact their local Ward Councillors for assistance or about matters of concern. Contact details can be found on the website.
- 4.3. Most Council, Cabinet and Committee meetings will be open to the public and members of the public are welcome to attend. Agendas and reports are available on the Council's website in advance, as is the Calendar of Meetings for each Municipal Year (May to May). If the public require these documents in another format, we will do our best to assist.
- 4.4. The Constitution gives residents and others certain rights and opportunities to participate in decision making and contribute to certain meetings. These will depend upon the nature of the meeting and the procedures for asking questions, submitting petitions and taking part in certain meetings are contained within this Constitution and set out on the Council's website.
- 4.5. Public engagement is a guiding principle of Overview and Scrutiny. The public can get involved in Overview and Scrutiny in a number of ways, for example by:
 - attending meetings of the Committees;
 - contributing evidence to an Overview and Scrutiny review;
 - suggesting topics to be considered for Overview and Scrutiny;

5. What if I am not happy?

- 5.1. The Council operates a corporate complaints system, details of which can be obtained from the website or by contacting the Council by telephone.

- 5.2. If you think that a Councillor has breached the Code of Conduct, then you may lodge a complaint and details of the procedure are set out on the website or can be obtained by contacting the Council by telephone.
- 5.3. The Local Government Ombudsman will investigate cases where the Council's own complaints mechanism has not provided an adequate resolution of issues.

6. More information

- 6.1. For more information regarding any of the matters in this introduction, please refer either to the relevant section of the Constitution, or to the Council's Monitoring Officer or Democratic Services team. Contact details are published on the Council's website, and can also be obtained by contacting the Council's Customer Services.

PART 2

ARTICLES OF THE CONSTITUTION

- Article 1 - The Constitution
- Article 2 - Councillors
- Article 3 - Rights and Responsibilities of Members of the public
- Article 4 - The Full Council
- Article 5 - The Role of the Chairman of the Council
- Article 6 - Overview and Scrutiny
- Article 7 - The Leader of the Council and the Cabinet
- Article 8 - Other Committees
- Article 9 - Joint Arrangements
- Article 10 - Arrangements for Promoting Good Standards of Behaviour by Councillors
- Article 11 - Officers
- Article 12 - Decision Making
- Article 13 - Legal Matters
- Article 14 - Review, Revision, Suspension, Interpretation and Publication of the Constitution
- Article 15 - Interim Arrangements

Article 1 - The Constitution

1. Powers and Duties of the Council

- 1.1. The powers and duties of the Council are established by legislation and clarified through statutory guidance and case law. The Council will exercise those powers and duties in accordance with the law and its Constitution.

2. The Constitution

- 2.1. The Council'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 provide a framework within which the Council can establish and achieve its priorities and provide effective and accountable local leadership
 - (b) To enable decisions to be taken transparently, efficiency and effectively
 - (c) To provide a robust and effective overview and scrutiny function
 - (d) To ensure that a decision will not be reviewed or scrutinised by anyone who was directly involved in making the decision
 - (e) To ensure that those responsible for decision making can be clearly identified and that they can explain the reasons for their decisions
- 3.2. The Council will ensure that the Articles, Procedural Rules and Protocols in this Constitution reflect and deliver the objectives set out above.

Article 2 – Councillors

1. Composition

- 1.1. Until the 4th day after elections in May 2019 the Council consists of 120 Councillors who were formerly Councillors of Bournemouth, Christchurch, Dorset and Poole Councils. After that date, the Council shall comprise 76 Councillors who are the Councillors elected to Bournemouth, Christchurch and Poole Council. Further information on the Councillors can be found on the Council's website.

2. Term of Office

- 2.1. The term of office for Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

3. Role of Councillors

- 3.1. Councillors will:

- (a) As a body approve the Council's key plans, policies and strategies as required by law and take decisions on such matters as must be reserved to the full Council by law or as provided for in this Constitution
- (b) Oversee the Council'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 Council and represent them in seeking to resolve particular concerns or grievances
- (e) Balance the different interests of people within their ward with a view to representing their ward as a whole
- (f) Participate, as appropriate, in the decision-making, and overview and scrutiny processes
- (g) Maintain the highest standards of conduct and ethics and observe the Council's Code of Conduct for Elected Councillors

4. Councillors' Representational Roles

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

5. Councillors' Rights

- 5.1. Councillors will have rights of access to any document, information, land or buildings of the Council where this is necessary for the proper discharge of their functions as a Councillor and in accordance with the law and this Constitution.
- 5.2. A Councillor is not permitted to make available to the press or to a member of the public any information which they have 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 Councillor shall not divulge information given in confidence to anyone not legally entitled to know it.

6. Conduct of Councillors

- 6.1. All Councillors are required to observe the 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 Council's formal processes.

7. Councillors' Scheme of Allowances

- 7.1. All Councillors shall be entitled to receive such allowances as are contained within the Scheme of Allowances set out in Part 6 of this Constitution.

8. Councillor Support

- 8.1. The Council will provide support to Councillors as appropriate to enable them to fulfil their roles and responsibilities. This support will include provision of appropriate IT equipment, information, induction and ongoing training relevant to the role.

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 Council:
- (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 Council and its Committees and Sub-Committees except where exempt or confidential information is likely to be disclosed
 - (c) To attend public meetings of the Cabinet except where exempt or confidential information is likely to be disclosed
 - (d) To film, audio record or report on meetings of the Council and its Committees and Sub-Committees and the Cabinet subject to guidelines published on the Council's website and available at meetings
 - (e) To have access to the Council's Forward Plan of Key Decisions to be taken by the Cabinet
 - (f) In accordance with the statutory framework, to inspect reports, background papers and any records of decisions made by: the Council; the Cabinet; a Committee; Sub-Committee; the Leader or a Portfolio Holder subject to the provisions on exempt or confidential information
 - (g) In accordance with the statutory framework, to inspect the Council's Accounts and to make their views known to the external auditors where appropriate
 - (h) To ask questions, make statements or present petitions at designated meetings in accordance with such procedures as the Council may determine from time to time
 - (i) To contribute to work undertaken by the Overview and Scrutiny Committees where invited to do so
 - (j) To complain to the Council where there is an alleged breach of the Councillors' Code of Conduct

2. Responsibilities of Members of the Public

- 2.1. The Council in turn expects Members of the Public who engage with it not to use violent, abusive or threatening behaviour in any form against any Councillor, Officer or persons acting for or on behalf of the Council.
- 2.2. The Council also expects that the property, assets and other resources of the authority, Councillors, Officers or persons acting for or on behalf of the Council are not willfully harmed or damaged.

Article 4 - The Full Council

1. Functions

- 1.1. The Council will be responsible for the adoption of the Council's budget and key policy framework.

Key Policy Framework

- 1.2. The Key Policy Framework shall mean the Corporate Plan and any policy or strategy required by law to be approved by Full Council including the following:
- (a) Annual Library Plan
 - (b) Children and Young People's Plan
 - (c) Crime and Disorder Reduction Strategy
 - (d) Development Plan Documents
 - (e) Licensing Authority Policy Statements
 - (f) Local Transport Plan
 - (g) Youth Justice Plan
 - (h) Housing Strategy

Budgetary Framework

- 1.3. For the purposes of this Constitution, "Budgetary Framework" shall, unless the context otherwise expressly requires, mean:
- (a) The Revenue Budget
 - (b) The Capital Programme
 - (c) Capital Strategy
 - (d) Medium Term Financial Plan
 - (e) To the extent it is not covered by (a) to (d) above:
 - (i) any plan or strategy for the control of the Council's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision; and
 - (ii) any other financial requirements that legislation expressly requires to be determined by Full Council.

- 1.4. The Council's functions are set out fully in Part 3 of this Constitution.

2. Council Meetings

- 2.1. There are three types of Council meeting:
- (i) The Annual Meeting
 - (ii) Ordinary Meetings

(iii) Extraordinary Meetings

They will be conducted in accordance with the Council and Committee Procedural Rules - Part 4 of this Constitution.

- 2.2. Full Council will normally have six Ordinary Meetings a year plus the Annual Meeting unless it determines otherwise.

3. Conduct of Council Meetings

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

Article 5 - The Role of the Chairman of the Council

1. Civic Role

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

2. Council Role

- 2.1. The Chairman will be elected by the Council at its annual meeting. The Vice-Chairman will be elected at the same meeting. The Chairman and Vice-Chairman shall not be members of the Cabinet.
- 2.2. The Chairman is responsible for the following:
 - (a) Upholding and promoting the purposes of this Constitution and interpreting it, taking into account appropriate advice when necessary
 - (b) Presiding over meetings of the Full Council to ensure that business is carried out transparently, efficiently and effectively whilst preserving the rights of Councillors and the interests of members of the public
 - (c) Ensuring that at Council meetings matters of concern to local communities can be debated through the appropriate mechanisms
 - (d) Ensuring that Councillors who are not on the Cabinet 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 Council's affairs and acting as a contact between members of the public and organisations and the Council
 - (f) Undertaking such other roles as may be placed upon the the Chairman from time to time by the Council

3. Vice-Chairman of the Council

- 3.1. The Vice-Chairman will support the Chairman in their civic role and will carry out civic duties as appropriate on behalf of the Chairman.
- 3.2. The Vice-Chairman will deputise in the absence of the Chairman in carrying out the responsibilities of the Chairman.

Article 6 – Overview and Scrutiny

1. Overview and Scrutiny

1.1. As outlined in Part 1 of this Constitution, the Council has established arrangements for the Overview and Scrutiny function in line with the following six principles:-

1. Contributes to sound decision making in a timely way by holding decision makers to account as a 'critical friend'
2. A Councillor led and owned function – seeks to continuously improve through self-reflection and development
3. Enables the voice and concerns of the public to be heard and reflected in the Council's decision making process
4. Engages in decision making and policy development at an appropriate time to be able to have influence
5. Contributes to and reflects the vision and priorities of the new council
6. Agile – able to respond to changing and emerging priorities at the right time with flexible working methods

2. Responsibilities of the Overview and Scrutiny Committees

2.1. The Overview and Scrutiny Committees have the functions set out in Part 3 of this Constitution.

3. Membership of the Overview and Scrutiny Committees

3.1. The Overview and Scrutiny Committee arrangements shall consist of:-

Overview and Scrutiny Board which shall comprise of 15 Councillors meeting approximately 10 times each year. Meetings shall take account of the calendar of meetings for the Cabinet, to enable the Board to make recommendations to the Cabinet.

Health and Adult Social Care Overview and Scrutiny Committee which shall comprise of 11 Councillors meeting approximately six times each year.

Children's Services Overview and Scrutiny Committee which shall comprise of 11 Councillors meeting approximately six times each year.

3.2. No member of the Cabinet may be a member of the Overview and Scrutiny Committees or any group established by the Committees as referenced in paragraph 5 below.

3.3. The Board and Committees are to be politically balanced in accordance with the requirements of the Local Government and Housing Act 1989.

- 3.4. If a member is unable to attend a meeting their Group may arrange for a substitute to attend in their place in accordance with Appendix 4 of Part 4 of this Constitution.
- 3.5. Where the Chairs of the other Overview and Scrutiny Committees are not members of the Overview and Scrutiny Board they will be invited to attend meetings of the Board in order to report on activity within their Committees.
- 3.6. In addition to the Councillors elected to the Committee, members of the public can be invited to attend and contribute to meetings as required to provide insight to a matter under discussion. This may include but is not limited to subject experts with relevant specialist knowledge or expertise, representatives of stakeholder groups or service users. These attendees will not have voting rights.
- 3.7. As the functions and duties of the Children's Services Overview and Scrutiny Committee include making decisions in relation to the Council's education responsibilities, then the Committee must include two church and two parent governor representatives as voting members in addition to the Councillors. Parent governor membership shall extend to a maximum period of four years and no less than two years. These co-opted education representatives are entitled to vote on any item relating to education.
- 3.8. The Children's Services Overview and Scrutiny Committee may also co-opt one representative from the Academy Trusts within the local authority area, to attend meetings and vote on matters relating to education.

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 Procedure Rules as set out in Part 4.

5. Commissioned Work

- 5.1. The Overview and Scrutiny Committees may commission work to be undertaken in the follow ways as it considers necessary after taking into account the availability of resources, the work programme and the matter under review:-

Working Groups – a small group of Councillors and Officers gathered to consider a specific issue and report back to a full committee, or make recommendations to Cabinet or Council within a limited timescale. Usually meets once or twice, and is often non-public.

Sub-Committees – a group of Councillors delegated a specific aspect of the main committee's work for ongoing, in-depth monitoring. May be time limited or be required as a long- standing committee. Sub-Committees are often well suited to considering performance based matters that require scrutiny oversight. Usually meets in public.

Task and finish groups – a small group of Councillors tasked with investigating a particular issue and making recommendations on this issue, with

the aim of influencing wider council policy. The area of investigation will be carefully scoped and will culminate in a final report, usually with recommendations to Cabinet or Council. Task and finish groups may work over the course of a number of months and take account of a wide variety of evidence, which can be resource intensive. For this reason the number of these groups must be carefully prioritised by scrutiny members to ensure the work can progress at an appropriate pace for the final outcome to have influence.

Inquiry Days – with a similar purpose to task and finish groups, inquiry days seek to understand and make recommendations on an issue by talking to a wide range of stakeholders and considering evidence relating to that issue, within one or two days. Inquiry days have similarities to the work of Government Select Committees. Inquiry days are highly resource intensive but can lead to swift, meaningful outcomes and recommendations that can make a difference to council policy.

Rapporteurs or scrutiny member champions - individual Councillors or pairs of Councillors tasked with investigating or maintaining oversight of a particular issue and reporting back to the main committee on its findings. A main committee can use these reports to facilitate its work prioritisation. Rapporteurs will undertake informal work to understand an issue – such as discussions with Officers and Portfolio Holders, research and data analysis. Rapporteur work enables scrutiny members to collectively stay informed of a wide range of council activity. In this way the workload is spread between Councillors. This approach to the provision of information to scrutiny members also avoids valuable committee time being taken up with briefings in favour of more outcome based scrutiny taking place at committee.

Article 7 - The Leader of the Council and the Cabinet

This Article explains the role and appointment of the Leader of the Council and the role and appointment of the Cabinet. The Leader of the Council and the Cabinet members are often together referred to as 'Executive Members'.

1. The Leader

Appointment of Leader

- 1.1. The Council will elect a Councillor to be the Leader of the Council at the annual meeting following a full election of Councillors, unless for any reason the Leader's time in office comes to an end within four years from the date he or she was appointed, in which case a replacement will be elected at an Extraordinary Council Meeting.

Roles and Functions

- 1.2. The Leader of the Council will:
- (a) Be a member of the Cabinet
 - (b) Appoint up to 9 other Councillors to form the Cabinet. The Leader has the right to remove any member from this position
 - (c) Appoint a Deputy Leader from among the Cabinet members and make any other executive appointments required by law
 - (d) Allocate Portfolio responsibilities and functions to each of the Councillors appointed to the Cabinet, defining the scope, deputising arrangements and scheme of delegation in respect of each Portfolio. One of the Portfolio Holders must be designated with responsibility for Children's Services
 - (e) Notify the Chief Executive and Monitoring Officer of the allocation of Cabinet Members' responsibilities for functions such information to be defined as The Cabinet Portfolio Scheme Chair meetings of the Cabinet.
 - (f) Lead in the preparation, co-ordination and presentation of the Cabinet's policies and activities and liaise with the Chief Executive on the carrying out of the Council's policies
 - (g) Retain the power to make all executive decisions on behalf of the Council pursuant to the relevant legislation

Ending the Leader's term in Office

- 1.3. The Leader of the Council will hold office as the Leader of the Council from the day of his or her appointment until one of the following:
- (a) The date of the Council's Annual Meeting following a full election of Councillors
 - (b) They resign from office
 - (c) They are suspended or disqualified from being a Councillor

- (d) They are removed from office by resolution of the Full Council
- (e) For any other reason they cease to be a Councillor

Ending the Deputy Leader's and Cabinet Members' term in Office

- 1.4. The Deputy Leader and each Cabinet Member will remain as Members of the Cabinet until one of the following:
- (a) The date of the Council's Annual Meeting following a full election of Councillors
 - (b) They are removed from office by the Leader
 - (c) They resign from office
 - (d) They are suspended from being a Councillor
 - (e) For any other reason they cease to be a Councillor

Votes of No Confidence

- 1.5. The Leader shall cease to be the Leader if a vote of no confidence is carried at a meeting of the Full Council in accordance with the Procedural Rules contained within Part 4 of this Constitution. Should a Leader not be able to act or the office is vacant, the Deputy Leader is to act in the Leader's role. If the Deputy Leader is unable to act or the office is vacant then the Cabinet must act in the Leader's place or must arrange for a member of the Cabinet to take the Leader's role, until a decision is made by the Council to appoint a new Leader. In the event of there being no Leader, Deputy or Cabinet members, executive functions shall in the interim be carried out by the Chief Executive.

2. The Cabinet

- 2.1. The Cabinet is a group of Councillors who work with Council Officers to run the Council and take most decisions except decisions about major policy issues or setting the annual budget, - which only the Full Council can do - or decisions on whether to give planning permissions or licences or any other matters which are reserved to Full Council or other Committees.

Membership

- 2.2. The Cabinet consists of the Leader of the Council and up to 9 other Councillors appointed by the Leader, not being the Chairman or Vice-Chairman.

Roles of Cabinet

- 2.3. The Cabinet will carry out all functions of the Council which are not by law or under the Functions Scheme, the responsibility of another part of the Council.

Functions of individual Members of the Cabinet

- 2.4. The functions of the individual Members of the Cabinet are set out in the Cabinet Portfolio Scheme which is contained within Part 3 of this Constitution.

Meetings of the Cabinet

- 2.5. Meetings of the Cabinet must follow the Cabinet Procedure Rules contained in Part 4 of this Constitution.

Article 8 - Other Committees

1. Other Committees

- 1.1. The Council will appoint the following other Committees to take such decisions which are not reserved to Full Council; the responsibility of the Leader / Cabinet or within the remit of Overview and Scrutiny:

Committee

Planning Committee – consisting of 15 Councillors

Licensing Committee – consisting of 15 Councillors

Standards Committee – consisting of 7 Councillors

Appeals Committee – consisting of 7 Councillors

Audit and Governance Committee – consisting of 9 Councillors

- 1.2. The Council 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.
- 1.3. The Council will establish a Health and Wellbeing Board in accordance with the legislative requirements and statutory guidance, and the terms of reference for this Board are published on the website.

2. Powers of Committees

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

3. Conduct of Committee Meetings

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

Article 9 – Joint Arrangements

1. Joint Arrangements

- 1.1. The Council may enter into joint arrangements with one or more other councils to exercise functions which are not executive functions. The arrangements may involve the appointment of a joint committee with these other councils and appointments to it should reflect the political composition of the Council as a whole.
- 1.2. The Leader may enter into joint arrangements with one or more other councils to exercise functions which are Executive Functions or to advise the Leader. Such arrangements may involve the appointment of a joint committee with these other councils. Such a joint committee will be a Committee exercising Executive Functions and appointments to it will be made by the Leader and will be Members of the Cabinet. Those members need not reflect the political composition of the Council.
- 1.3. Details of any joint arrangements including any delegations to joint committees is set out in the Council's Scheme of Delegations in Part 3 of this Constitution.

2. Access to Information

- 2.1. The Access to Information Rules in Part 4 of this Constitution apply to joint arrangements.

3. Joint Arrangements

- 3.1. The Council currently has a number of joint arrangements in place, including the following : Stour Valley and Poole Partnership; Dorset Public Health Board; Aspire Adoption Joint Board.

Article 10 - Arrangements for Promoting Good Standards of Behaviour by Councillors

1. Adoption of a Code of Conduct for Councillors

- 1.1. The Council has adopted the Code of Conduct for Councillors set out in Part 5 of this Constitution.

2. Application of the Code of Conduct

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

3. Standards Committee

- 3.1. The Standards Committee is responsible for monitoring and overseeing the effectiveness of the arrangements for dealing with complaints and the Code of Conduct. It is also in general terms responsible for oversight of the ethical conduct of Councillors and for working with other Committees such as Audit and Governance Committee to ensure the ethical governance framework of the Council is effective and fit for purpose.

4. Arrangements for dealing with complaints against Councillors

- 4.1. The Council's adopted arrangements for dealing with complaints against Councillors are set out in Part 5 of this Constitution.

Article 11 - Officers

1. Management Structure

- 1.1. **General** - The Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.
- 1.2. **Chief Officers** - The Council will engage persons for the following posts, who will be designated Chief Officers:
 - (a) Chief Executive and Head of Paid Service
 - (b) Directors who report directly to the Chief Executive within the line management structure
- 1.3. The process of selection and recruitment of the above Chief Officers shall be undertaken in accordance with provisions set out in the Employment and Procedure Rules - Part 4 of the Constitution.
- 1.4. The Council is required by law to designate an Officer to each of the following statutory roles:
 - (a) Head of Paid Service
 - (b) Section 151 Officer
 - (c) Monitoring Officer
- 1.5. Further details of these statutory roles are set out below and can also be found in the Financial Regulations – Part 4 of the Constitution.
- 1.6. In addition to these statutory roles, the Council is required by legislation to designate other roles to Officers.
- 1.7. **Structure** - The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of Officers. That document shall form part of the Constitution.

2. Roles and Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will where they consider it appropriate report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions, the organisation of Officers and to such extent as relevant, the appointment and proper management of Officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

3. Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is made available to Councillors, Officers and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the Full Council, or Cabinet in relation to an executive function, if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration.
- (c) **Standards.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct.
- (d) **Proper Officer for access to information.** The Monitoring Officer will ensure that Councillor decisions (including decisions by Committee and individual Cabinet Member decisions), together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as required by legislation.
- (e) **Contributing to corporate management.** The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional legal advice.
- (f) **Providing advice.** The Monitoring Officer will provide advice to the Council on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues and will support and advise Councillors and Officers in their respective roles.
- (g) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

4. Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Monitoring Officer, the Section 151 Officer will report to the Full Council, to Cabinet in relation to executive functions and to the Council'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 Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity (and budget and policy framework issues) to

all Councillors and will support and advise Councillors and Officers in their respective roles.

- (e) **Give financial information.** The Section 151 Officer will provide financial information to the media, Councillors of the public and the community.

5. Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer

- 5.1. The Council will provide the Monitoring Officer and Section 151 Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

6. Conduct

- 6.1. Officers will comply with the Protocol on Officer and Councillor Relations and the relevant Employee Code of Conduct.

7. Employment

- 7.1. The recruitment, selection and dismissal of posts below Chief Officer level will be made in accordance with arrangements prescribed by the Head of Paid Service to the extent not covered by the Employment Procedure Rules – Part 4 of the Constitution.

Article 12 - Decision Making

1. Principles of Decision Making

- 1.1. When the Council takes a decision it will do so in accordance with the following principles:
- (a) Be clear about what the Council wants to happen and how it will be achieved
 - (b) Ensure that the decision and the decision-making process are lawful
 - (c) Consider the Public Sector Equality Duty and its obligations under the Human Right Act
 - (d) Consult properly and take professional advice from Officers
 - (e) Have due regard to appropriate national, strategic, local policy and guidance
 - (f) Ensure the action is proportionate to what the Council wants to happen
 - (g) Ensure the decisions are not unreasonably delayed
 - (h) Explain what options were considered and give the reasons for the decision
 - (i) Make the decision public unless there are good reasons for it not to be

2. Responsibility for Decision Making

- 2.1. The Council will prepare and keep up to date a Functions Scheme. The Functions Scheme will show what types of decisions can be made and who or which part of the Council can make them.

3. Types of Decision

Decisions Reserved to the Full Council

- 3.1. Decisions reserved to Full Council in the Functions Scheme will be made by Full Council only. Other non-executive decisions are delegated to Council Committees, Sub-Committees and to Officers as set out in the Functions Scheme.

Key Decisions

- 3.2. A Key Decision, which must be included in the Cabinet Forward Plan, is a Leader or Cabinet decision which is likely to meet one or more of the following criteria:
- (a) It will result in the Council on its own or in partnership with other organisations spending or saving £500,000 or more, with the exception of operational expenditure or savings identified within the agreed Service Plan and Budget

- (b) It is likely to have a significant impact or effect on two or more electoral wards

3.3. A Key Decision must be made in accordance with the Cabinet Procedure Rules.

Individual Cabinet Member Decisions

3.4. Individual Cabinet Member Decisions will be made in accordance with the Procedures set out in this Constitution and the Functions Scheme – Delegation to Cabinet Members, the Leader’s Scheme of Delegation and the Financial Regulations..

Major Operational Decisions taken by Officers

3.5. A Major Operational Decision is an Officer decision which is not a Key Decision and which is likely to meet one of the following criteria:

- (a) It will result in the Council incurring expenditure - including the loss of income – in excess of £100,000, with the exception of operational expenditure identified within the agreed Service Plan and Service Budget
- (b) It is a decision which has been specifically delegated to Officers – for example to conclude an agreement or contract within the outline terms agreed by the Cabinet
- (c) It is a decision which is controversial and/or politically sensitive in nature or is, in the opinion of the Director, of such significance that a published record of the decision would ensure transparency and accountability in relation to decision making within the Council

Day to day Operational Decisions taken by Officers

3.6. A day to day operational decision is an Officer decision which is not a Key or Major Operational Decision and meets all of the following criteria:

- (a) It is within an agreed Service Plan and Service Budget
- (b) It is not in conflict with the Budget and Policy Framework or other approved policies of the Council
- (c) Does not raise new issues of policy

Article 13 - Legal Matters

1. Financial Management

- 1.1. The management of the Council's financial affairs will comply with the Financial Regulations contained in Part 4 of this Constitution.

2. Contracts

- 2.1. Every contract made by the Council will comply with the Financial Regulations.

3. Legal Proceedings

- 3.1. The Monitoring Officer can start, defend, settle or take part in any legal proceedings where such action is necessary to act on decisions of the Council and where they consider that such action is necessary to protect the Council's interests and comply with its statutory duties.
- 3.2. The Monitoring Officer can designate nominated Officers to carry out this function on their behalf. Details of the powers that the Monitoring Officer has delegated are contained in the Scheme of Delegation to Officers.

4. Authentication of Documents

- 4.1. Any document necessary for any legal procedure or proceedings will be signed by the Monitoring Officer or by some other person authorised by them, unless any law otherwise authorises or requires another person's signature or the Council has given authority to some other person to sign on its behalf.
- 4.2. Any contract with a value over £30,000 entered into on behalf of the Council shall be made in writing.
- 4.3. Such contracts must either be signed by the Monitoring Officer or by some other person authorised by them, or one of the persons referred to in Article 14.5 below or made under the Common Seal of the Council certified by at least one of the persons referred to in Article 14.5 below.

5. Common Seal of the Council

- 5.1. The Common Seal of the Council will be kept in a secure place in the custody of the Monitoring Officer.
- 5.2. A decision of the Council, or of any part of it to which authority has been delegated, will be authority for sealing any document necessary to give effect to the decision.
- 5.3. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed or otherwise completed as required by the Contract Procedure Rules. The affixing of the Common Seal may be certified by either the Chief Executive, the Monitoring Officer, the Deputy Monitoring Officer, a Director, the Chairman, or the Vice-Chairman.

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

1. Duty to monitor and review the Constitution

- 1.1. The Monitoring Officer will monitor and review the operation of the Constitution.
- 1.2. To the extent that it is not covered by a delegation to an Officer or as otherwise provided for in this Article (or unless Full Council otherwise expressly resolves), any proposed change to the Constitution before it is considered by Full Council shall have had an opportunity to be considered by the Audit and Governance Committee and/or a Sub-Committee appointed by it provided that nothing in this provision shall prevent the Monitoring Officer taking a proposed change of the Constitution to Full Council even if they have delegated power to determine such a matter.
- 1.3. Save to the extent as provided for in this Article changes to the Constitution shall be determined by Full Council to the extent as provided for in Article 4 – Full Council – Part A of the Constitution.

2. Changes to the Constitution by the Monitoring Officer without referral

- 2.1. The Monitoring Officer shall have power without referral elsewhere to make amendments to the Constitution where they consider this is necessary and/or expedient to reflect legislative change, secure consistency, address any legal ambiguity, and/or address any uncertainty in interpretation. The Monitoring Officer shall notify all Councillors of any such changes.

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 Council, Cabinet or relevant Committee 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 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 Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution and shall be made taking the advice of the Monitoring Officer or such other Officer as designated.

5. Publication

5.1. The Monitoring Officer will:

- (a) Give each Councillor access to an electronic copy of this Constitution
- (b) Ensure that a copy of this Constitution is made available on the Council's website
- (c) Ensure that copies are available for inspection at the Council's 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
- (d) Provide to any Councillor, upon request, a copy of the Constitution

Article 15 – Interim Arrangements

1. Introduction

- 1.1. This Article shall only apply during the Interim Period. For the purposes of this Article “the Interim Period” is the period 1 April 2019 to 6 May 2019 inclusive.

2. Interim Period definitions

- 2.1. In this Article:

- (a) “Predecessor Council” means a Council dissolved on 1st April 2019 by Article 9 of the Order
- (b) “the Order” means The Bournemouth, Dorset and Poole (Structural Changes) Order 2018
- (c) “the Shadow Bournemouth, Christchurch and Poole Authority” (“the Shadow Authority”) means the Shadow Authority for the purposes of Part 6 of the Order

3. Interim Arrangements

- 3.1. During the Interim Period the other provisions of this Constitution will be modified by the arrangements in this Article.
- 3.2. If there is any uncertainty about the interpretation or application of this Article, the decision of the Monitoring Officer shall be determinative.

4. Executive

- 4.1. Unless replaced in accordance with the Order:
- (a) The Leader of the Council shall be the leader of the Shadow Authority as at 31st March 2019
 - (b) The Cabinet shall consist of 16 Councillors made up of the Leader and 15 Executive Members being those Councillors who as at 31st March 2019 made up the Shadow Executive Committee as defined in the Order
 - (c) The quorum of a meeting of the Cabinet shall be the same as for the Shadow Executive Committee of the Shadow Authority

5. Overview and Scrutiny Committee

- 5.1. During the Interim Period, the Council will have one Overview and Scrutiny Committee consisting of those Councillors who have been appointed to the Shadow Overview and Scrutiny Committee as at 31st March 2019.
- 5.2. The Overview and Scrutiny Committee shall have the powers of all three Overview and Scrutiny Committees identified in this Constitution.

- 5.3. The quorum of a meeting of the Overview and Scrutiny Committee shall be the same as the quorum of the Shadow Overview and Scrutiny Committee of the Shadow Authority.

6. Standards Committee

- 6.1. During the Interim Period, the Standards Committee will consist of those Councillors who have been appointed to the Shadow Standards Committee as at 31st March 2019.

7. Other Committees

- 7.1. During the Interim Period, the Council shall have the following other Committees which will operate in accordance with this Constitution:-
- (a) Three Planning Committees which will cover the areas of the predecessor councils consisting of those Councillors appointed by the predecessor councils as at 31 March 2019
 - (b) A Licensing Committee consisting of 15 Councillors all of whom must have been members of a Licensing Committee in their predecessor Council and who have been appropriately trained to undertake the role. Membership of Licensing Sub-Committees will be selected by the Monitoring Officer or their nominated representative in Democratic Services on a rota basis, taking account of experience, political balance and interests, and to reflect training on the relevant policies being applied to applications in respect of the preceding Council areas of Bournemouth, Christchurch and Poole.
 - (c) An Audit and Governance Committee consisting of Councillors of the preceding councils' audit and/or audit and governance committees at at 31 March 2019
 - (d) An Appeal Committee consisting of Councillors of the preceding councils' appeals committees or boards as at 31st March 2019.

PART 3

RESPONSIBILITY FOR FUNCTIONS

Introduction

This Part explains the types of Council functions and which part of the Council can make decisions relating to those functions. Some functions can be delegated and this Part includes details of the functions which have been delegated and the Councillors or Officers they have been delegated to.

1. Responsibility of Full Council

The functions listed below are reserved to Full Council and can only be discharged by Full Council:

- 1.1. Approving the Key Policy Framework which shall mean the Corporate Plan and any policy or strategy required by law to be approved by Full Council including the following:
 - Annual Library Plan
 - Children and Young People's Plan
 - Crime and Disorder Reduction Strategy
 - Development Plan Documents
 - Licensing Authority Policy Statements
 - Local Transport Plan
 - Youth Justice Plan
 - Housing Strategy
- 1.2. The approval or adoption of the Budget. For the purposes of this Constitution, "Budgetary Framework" shall, unless the context expressly requires otherwise, means:
 - (a) The Revenue Budget;
 - (b) The Capital Programme
 - (c) Capital Strategy
 - (d) Medium Term Financial Plan
 - (e) To the extent that it is not covered by (a) – (d) above:
 - (i) any plan or strategy for the control of the Council's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision; and
 - (ii) any other financial requirements that legislation expressly requires to be determined by Full Council.

- 1.3. The approval of any of the above documents in the event they, or part of them, need to be submitted to the Secretary of State or any Government Minister for final approval, including where they are to be submitted in draft form.
- 1.4. The approval of changes to any plan or strategy referred to above, unless one of the following applies:
 - (a) That change is required by the Secretary of State or any Government Minister where the plan or strategy has been submitted to them for approval
 - (b) Full Council specifically delegated authority in relation to these functions when it approved or adopted the plan or strategy
- 1.5. Adopting and changing the Constitution save to the extent provided for in Article 14
- 1.6. Appointing to such Committees of the Council as it is required to appoint by or under any statute or by virtue of the Constitution, and to:
 - (a) Determine the size and allocation of seats to political groups in accordance with the political balance rules
 - (b) Receive nominations of Councillors to serve on each Committee and appoint to those Committees
 - (c) Approve any changes to the terms of reference and scheme of delegation for those Committees (as set out in Part 3 of this Constitution)
- 1.7. Appointing the following:
 - (a) Chairman of the Council
 - (b) Vice-Chairman of the Council
 - (c) Leader of the Council in accordance with the relevant legislation
- 1.8. Authorising appointments to any joint committees which are not solely Executive bodies.
- 1.9. Authorising appointments to the Dorset and Wiltshire Fire Authority and Dorset Police and Crime Panel.
- 1.10. Approving a Members' Allowances Scheme.
- 1.11. Approving the Annual Senior Officer Pay Policy Statement.
- 1.12. Confirming the appointment of, the Head of Paid Service, the Monitoring Officer, the Section 151 Officer and other Chief Officers and the dismissal of the Head of Paid Service, Monitoring Officer and Section 151 Officer in accordance with the Employment Procedure Rules and the law.

- 1.13. Making an Order to give effect to recommendations made in a Community Governance Review.
- 1.14. Changing the name of the Council.
- 1.15. Conferring honorary titles.
- 1.16. Making, amending, revoking, re-enacting and adopting bye-laws and promoting and opposing the making of local legislation and personal bills in Parliament.
- 1.17. Any other function which, by law, must be reserved to the Full Council.

Full Council has delegated specific non-executive functions to the following bodies listed below.

2. Planning Committee

- 2.1. All matters relating to Town & Country Planning functions as set out in the planning and related Acts, are delegated to the relevant Senior Planning Officer as set out in the Chief Executive's Scheme of Delegation to determine, other than those matters as set out below which shall be the responsibility of the Planning Committee.
- 2.2. The Planning Committee has responsibility to determine the following:
- (a) Applications submitted by or on behalf of a Councillor or direct family (spouse or civil partner) of a Councillor for any property or land in which they have a financial interest
 - (b) Applications submitted by or on behalf of a current Officer
 - (i) working within the planning section; or
 - (ii) at Tier 3 level and above; or
 - (iii) direct family (spouse or civil partner) of Officers identified under (i) and (ii)for any property or land in which they have a financial interest
 - (c) Applications referred to the Committee by the relevant Senior Planning Officer for one or more of the following reasons:
 - (i) Applications where there are material planning issues that have not previously been considered within the Council's area
 - (ii) Applications where a national or local planning policy is being tested for the first time within the Council's area
 - (iii) Applications which have a significant impact on a wide number of businesses and / or people
 - (iv) Applications which have a finely balanced Officer recommendation
 - (v) Applications by or on behalf of a planning Officer who has recently left the organisation or one of the preceding councils
 - (d) Applications where the Council is the applicant or land owner for major development proposals as defined in the Development Management Procedures Order
 - (e) Significant departure from Development Plan Policy which would be required to be the subject of consultation with the Secretary of State
 - (f) Applications which require an Environmental Impact Assessment except where the relevant Senior Planning Officer considers that approval of the application would not lead to significant environmental impacts.
 - (g) An Application which a Ward Councillor requests should be referred to the Planning Committee provided that all of the following criteria are met:
 - (i) The application is potentially contentious and raises material planning issues which would affect the wider public interest

- (ii) The site to which the application relates is wholly or partly within the Councillor's Ward
- (iii) The Ward Councillor has discussed the proposed referral with a Planning Officer and submits the referral in writing setting out the material planning issues which affect the wider public interest and the referral is made before the expiration of the relevant neighbour consultation period
- (iv) The Application is not one of the following:
 - Permission in Principle (PIPs)
 - Lawful Development Certificates (LDC') (existing or proposed)
 - Prior Approvals and Prior Notifications
 - Non- material amendments
 - Applications other than "major" and "minor"

3. Licensing Committee

- 3.1. All matters relating to Licensing functions as set out in the relevant legislation are delegated to Officers pursuant to the Chief Executive's Scheme of Delegation to determine other than those matters set out below which shall be the responsibility of the Licensing Committee.
- 3.2. The Licensing Committee has responsibility for the following:
 - (a) Making recommendations to Full Council in relation to the Council's policies under the Licensing Act 2003, the Gambling Act 2005, the Police Reform and Social Responsibility Act 2011, and the Council's Regulations on the Control of Sex Establishments made under the Local Government (Miscellaneous Provisions) Act 1982 and any other relevant legislation
 - (b) Making decisions in connection with statutory commercial public safety licensing of a type that may require quasi-judicial process or intervention – e.g. alcohol, entertainment, gambling, sexual entertainment venues, street trading, charitable collections and public carriages
 - (c) Establishing Licensing Sub-Committees, subject to statutory provisions, and to determine the number of such Committees, after first consulting with the Monitoring Officer or the Monitoring Officer's nominated representative to ensure Councillors have suitable expertise and to avoid political imbalance
 - (d) Delegating appropriate matters to Licensing Sub-Committees for a decision. Any such delegation is without prejudice to the Licensing Committee's ability to consider and determine those matters notwithstanding the delegation, these matters may include the following-
 - (i) Decisions on applications made under the Licensing Act 2003 for new Premises Licences and/ or Club Premises Certificates where representations have been made and not withdrawn
 - (ii) Decisions on applications made under the Licensing Act 2003 to vary Premises Licences and/ or Club Premises Certificates where representations have been made and not withdrawn
 - (iii) Decisions on applications made by the Police under the Licensing Act 2003 for expedited reviews of Premises Licences and/or Club Premises Certificates
 - (iv) Decisions on applications to review Premises Licences and/or Club Premises Certificates made under the Licensing Act 2003, including those licences which have been the subject of an earlier expedited review
 - (v) Decisions on applications made under the Licensing Act 2003 for Personal Licences where representations have been made and not withdrawn, or where the applicant has unspent convictions
 - (vi) Decisions on applications made under the Licensing Act 2003 for a Provisional Statement where representations have been made and not withdrawn

- (vii) Decisions on applications for a Temporary Event Notice made under the Licensing Act 2003 where Police or Environmental Health representations have been made
 - (viii) Decisions on Public Carriage licensing matters which fall outside of existing policies
 - (ix) Decisions on Public Carriage disciplinary matters
 - (x) Decisions on applications made under the Gambling Act 2005 where representations have been received and not withdrawn for the following:
 - Applications for new Premises Licences
 - Applications for Variation of a Premises Licence
 - Applications for a Provisional Statement
 - Applications for other permits
 - (xi) Decisions on applications for transfer of a Premises Licence made under the Gambling Act 2005 where representations have been received from the Gambling Commission
 - (xii) Decisions on applications made under the Gambling Act 2005 for:
 - Cancellation of Club Gaming/Club Machine Permits
 - Cancellation of Licensed Premises Gaming Machine Permits
 - A decision to give a Counter Notice to a Temporary Use Notice
- (e) Making decisions in matters under the Licensing Act 2003 where there are unresolved Police representations relating to applications:
- (i) To vary the Designated Personal Licence Holder
 - (ii) For the transfer of a Premises Licence
 - (iii) For Interim Authorities
- (f) Making decisions on all applications relating to premises or land operated by the Council where relevant representations are received
- (g) Making decisions on applications to review Premises Licences made under the Gambling Act 2005
- (h) Making decisions on applications relating to Street Trading which fall outside of existing policies
- (i) Approving the level of fees charged by the Council
- (j) Making decisions on the tariffs charged by the Public Carriage Trade
- (k) Making decisions on Public Carriage disciplinary matters that may result in the revocation or suspension of a Taxi Operators Licence
- (l) Making decisions on applications for new Sex Establishment and Sexual Entertainment Licences
- (m) Making decisions on applications for renewals of Sex Establishment and Sexual Entertainment Licences where representations have been received and not withdrawn

- (n) Making any decisions required to be made within the following legislative frameworks which have not been delegated by the Committee to Officers:
- Caravan Site Act 1968 and Mobile Home Act 2013 and related legislation
 - Charities Act 1992 and related legislation
 - Street Trading Permits and Table and Chair permissions and related permissions
 - Animal Welfare Licensing – where there are objections to licences

4. Overview and Scrutiny Function

Overview and Scrutiny Board

- 4.1. For the avoidance of doubt, any responsibility relating to an Overview and Scrutiny Committee in 4.2 below may also relate to the Overview and Scrutiny Board.
- 4.2. The Overview and Scrutiny Board has responsibility for:
- (a) Discharging the statutory duties for which the Overview and Scrutiny function is responsible, other than those that relate to Health, Adult Social Care and Children's Services
 - (b) Overseeing the Council's overall Overview and Scrutiny function including the preparation, implementation, monitoring and review of a work programme for Overview and Scrutiny
 - (c) Keeping the Overview and Scrutiny function under review, suggesting changes as appropriate to ensure that it remains fit for purpose
 - (d) Considering decisions of the Cabinet that have been Called – In pursuant to the Procedures set out in this Constitution for further scrutiny
 - (e) Reporting annually to Full Council on the output of the Overview and Scrutiny function providing an assessment of the value added by the work undertaken, taking into account the agreed principles on which the function is based
 - (f) Maintaining oversight and establishing priorities for the training needs of the whole Overview and Scrutiny function
 - (g) Establishing such commissioned work as appropriate after taking into account the availability of resources, the work programme and the matter under review
 - (h) Scrutinising decisions of the Cabinet, offering advice or making recommendations on the matter
 - (i) Referring to Full Council, the Cabinet or appropriate Committee/Sub-Committee any matter which, following scrutiny, the Overview and Scrutiny Board/Committee determines should be brought to the attention of the Council, Cabinet or the Committee or Sub-Committee
 - (j) Offering any views or advice to the Cabinet in relation to any matter referred to the Overview and Scrutiny Committee for consideration by the Cabinet
 - (k) Assisting the Council in the development of the Budget and Policy Framework by in-depth analysis of policy issues

- (l) Undertaking general policy reviews with a cross-service and multi-organisational approach wherever possible, and making recommendations to the Council or the Cabinet to assist in the development of future policies and strategies
- (m) Monitoring the implementation of decisions to examine their effect and outcomes

Health and Adult Social Care Overview and Scrutiny Committee

- 4.3. The Health and Adult Social Care Overview and Scrutiny Committee will carry out those duties as outlined in 4.1 g-m above, in relation to matters regarding health, adult social care, public health, community care and any other issues relating to the delivery of health services by health service providers and NHS bodies affecting the residents of Bournemouth, Christchurch and Poole.
- 4.4. This Committee carries out all the Council's overview and scrutiny functions relating to health as required by legislation.

Children's Services Overview and Scrutiny Committee

- 4.5. The Children's Services Overview and Scrutiny Committee will be responsible for carrying out those duties as outlined in 4.1 g-m above, in relation to matters which relate to the delivery of services for children in Bournemouth, Christchurch and Poole.
- 4.6. Education co-optees will be appointed to this Committee in line with legislation, as set out in this Constitution.

5. Audit and Governance Committee

5.1. The Audit and Governance Committee has responsibility for the following:

- (a) Considering the arrangements for Corporate Governance including reviews of the Local Code of Corporate Governance and reviewing and approving the Annual Governance Statement (AGS)
- (b) Maintaining an overview of the Council's Constitution and governance arrangements in all respects, including the Financial Regulations, Protocols and Codes of Conduct and Behaviour not otherwise reserved to the Standards Committee
- (c) Approving the Annual Statement of Accounts
- (d) Considering the Annual Audit Findings Report and Financial Resilience Report of the External Auditor and their associated action plans
- (e) Considering the Annual Report and Opinion of the Chief Internal Auditor, including a summary of internal audit activity (actual and proposed in the relevant accounting period) and the level of assurance that can be given over the risk and control environment and corporate governance arrangements
- (f) Considering summaries of specific internal audit reports as scheduled in the forward plan for the Committee or otherwise requested by Councillors
- (g) Considering reports dealing with the management and performance of the Internal and External Audit functions
- (h) Considering reports from Internal Audit on agreed recommendations not implemented within agreed timescales
- (i) Considering all other relevant reports from the External Auditor as scheduled in the forward plan for the Committee as agreed with the External Auditor or otherwise requested by Councillors
- (j) Liaising with the national body -currently Public Sector Audit Appointments (Ltd) (PSAA)- in regard to the appointment of the Council's External Auditors
- (k) Considering and approving the Annual Plans of the Internal Audit Service and the External Auditor
- (l) Commissioning work from the Internal Audit Service and External Audit having regard to the resources available and the existing scope and breadth of their respective work programmes and the forward plan for the Committee
- (m) Considering any relevant issue referred to it by the Chief Executive, Section 151 Officer, Chief Internal Auditor, Monitoring Officer or any other Council body or Cabinet Member

- (n) Considering any reports of the Chief Internal Auditor referred to the Committee for consideration
- (o) Considering arrangements for risk management including approving the Risk Management Strategy and reviewing the Council's Corporate Risk Register
- (p) Considering arrangements for Information Governance, Health and Safety, Fire Safety, Emergency Planning (including Business Continuity)
- (q) Considering arrangements for counter-fraud and corruption, including 'whistle-blowing', including approving of the Counter Theft, Fraud & Corruption Policy and the outcomes of any investigations in relation to this Policy
- (r) Considering any issue of Council non-compliance with its own and other relevant published regulations, controls, operational standards and codes of practice
- (s) Considering breaches, waivers and exemptions of the Financial Regulations
- (t) Considering the Gifts and Hospitality Registers relating to Officers
- (u) Considering arrangements for treasury management including approving the Treasury Management Strategy and monitoring the performance of this function

6. Standards Committee

6.1. The Standards Committee will have responsibility for:

- (a) Monitoring the Code of Conduct and arrangements for dealing with complaints against Councillors and making recommendations to Full Council on any changes to the Code
- (b) Promoting and maintaining the Council's responsibilities for ethical governance and high standards of conduct
- (c) Ensuring that appropriate advice and training is provided to Councillors in respect of ethical governance and the Code of Conduct
- (d) Supporting the Monitoring Officer in discharging their duties in regard to the conduct and behaviour of Councillors
- (e) Promoting the observance of the ethical governance agenda within Parish and Town Councils in its area
- (f) Considering the outcome of investigations undertaken pursuant to the arrangements for dealing with allegations of a breach of the Code of Conduct
- (g) Making arrangements for suitable liaison as appropriate with the statutory Independent Persons in the course of dealing with an allegation of breach of the Code of Conduct
- (h) Considering an Annual Report on Gifts and Hospitality Registers relating to Councillors

7. Appeals Committee

7.1. The Appeals Committee will have responsibility for:

- (a) Determining personnel-related appeals in respect of decisions made which result in a dismissal
- (b) Determining appeals by parents and students against the Council's decision in relation to student awards
- (c) Determining appeals by parents against the Council's decision on boarding education matters and other pupil benefits
- (d) Determining appeals by parents against the Council's decision in relation to the provision of transport in cases of need, special circumstance or safety
- (e) Determining appeals against the Council's decision on the provision of transport to denominational schools and colleges

Leader and Cabinet – Executive Functions

8. Discharge of Executive Functions

- 8.1. All executive authority flows through the Leader who retains the authority to make any executive decisions and subject to this may delegate decision-making to:-
- (a) The Cabinet
 - (b) A member of the Cabinet
 - (c) A Committee of the Cabinet
 - (d) An Officer
 - (e) Another Council
 - (f) Another organisation under joint arrangements

9. Functions of the Cabinet

- 9.1. The Leader will prepare a Scheme of Delegation in which the Leader will confirm which of the following functions will be delegated to the Cabinet:
- (a) Responsibility for strategic and policy co-ordination
 - (b) Making recommendations to Full Council for approval as part of the Budget and Key Policy Framework, major new policies, changes to or revisions of existing policies or any other plan or strategy which Full Council decides it shall adopt or approve
 - (c) Carrying out the Council's responsibilities for improving the economic social and environmental well-being of the area
 - (d) Ensuring that the Annual Budget is set and the underlying principles set out in the Financial Regulations adhered to in any changes required from time to time including recommending to Full Council any changes to policy that will materially reduce or increase the services of the Council or create significant financial commitments in future years in accordance with the requirements of the Financial Regulations
 - (e) Recommending to Full Council the overall financial strategy, including the Capital and Revenue Budgets and the level of Council Tax and the Council Tax Base
 - (f) Monitoring spending on the Capital Programme
 - (g) Taking in year decisions on resources and priorities, together with other stakeholders and partners in the local community, to deliver the Key Policy Framework, Corporate Plan and Budget

- (h) Considering and responding to recommendations and reports from Overview and Scrutiny Board and Committees
- (i) Considering the reports of external review bodies on key aspects of overall service delivery
- (j) Deciding all Local Choice Functions which Full Council has decided should be undertaken by the Cabinet
- (k) Carrying out those Executive Functions of the Council not delegated to other bodies, individual Cabinet Members or Officers pursuant to one of the schemes of delegation
- (l) Resolving disputes between Cabinet Members including those where there is no agreement between Portfolio Holders relating to cross-portfolio issues
- (m) Being involved in the process for appointment of the Council's Chief Executive/Head of Paid Service and other Officers as set out in the Employment Procedure Rules in Part 4
- (n) Making the final decision on joint arrangements and delegations to other councils which relate to Executive Functions
- (o) Conferring with other councils, government departments, statutory bodies, voluntary bodies, and other external agencies

10. Functions of Individual Members of the Cabinet

The Leader

10.1. The Leader will perform the following functions:

- (a) Lead on implementing the Council's policy and budget decisions
- (b) Provide leadership of the Council by setting the strategic direction and key priorities, overseeing the development of the financial strategies
- (c) Represent the Council in the community and in negotiations with regional and national organisations
- (d) In the absence of a Portfolio holder take responsibility for all relevant matters within the remit of the Cabinet
- (e) Appoint a Deputy Leader
- (f) Appoint up to 9 Councillors to be Members of the Cabinet
- (g) Allocate to each Member of the Cabinet areas of responsibility to be known as Portfolios

- (h) Notify the Monitoring Officer of the allocation of responsibility so that the information can be compiled in the Cabinet Members' Portfolio Scheme
- (i) Provide leadership to the Cabinet and chair Cabinet meetings
- (j) Where the Leader judges it to be the most suitable course of action, the Leader may require any decision proposed by one or more Portfolio holders to be taken by the full Cabinet
- (k) Exercise discretion to personally discharge any Executive Functions or make arrangements for their discharge by the Cabinet, another Member of the Cabinet, a Committee of the Cabinet or an Officer (without prejudice to their continued power to discharge that function)
- (l) All Executive Functions not expressed to be within the remit of the Leader or otherwise delegated by the Leader to the Cabinet, a Cabinet Member, Committee of the Cabinet or to Officers

The Deputy Leader

10.2. The Deputy Leader will perform the following function in addition to Portfolio responsibilities:

- (a) Deputise in the Leader's absence or inability to act due to a conflict of interest.

Delegation to Cabinet Members

10.3. All Cabinet Members will be publicly accountable for the Executive Functions of the Council. This will include specific responsibility for matters within the scope of their Portfolio as follows:

- (a) To make decisions consistent with the Council's Key Policy Framework
- (b) To make decisions within approved budgets or within virement discretion in accordance with the Financial Regulations
- (c) To make decisions which do not compromise any existing or proposed policy
- (d) To refer to the Leader any matter considered by the Portfolio Holder or the Leader to be too sensitive or controversial to be decided 'within Portfolio'
- (e) To agree decisions with other Portfolio Holders where the matter is a cross-portfolio matter. To refer to the Leader any such matter which cannot be agreed
- (f) To give public account of the functions and decisions made within the Portfolio areas of responsibility
- (g) To maintain clear communication with the Chairmen of the relevant Overview and Scrutiny Board and Committees

- (h) To represent the Council with external bodies and agencies in order to promote the work of the Council and the Council's interests and improve Council influence with external bodies
 - (i) To develop clear, affordable policies and strategies for services which are consistent with the Council's wider objectives and consistent with the Council's cross cutting objectives
 - (j) To set clear priorities which are consistent with the Council's policies and strategic objectives
 - (k) To ensure that resources are efficiently managed within allocations set by Council and that risk is well managed
 - (l) Specific projects as agreed with the Leader of the Council
 - (m) Where matters are to be discharged by the Cabinet then (unless the Leader directs otherwise) the Cabinet may exercise its discretion to delegate those matters to a Committee of the Cabinet or to an Officer
 - (n) Where matters are to be discharged by a single Cabinet Member then unless the Leader directs otherwise that Cabinet Member may exercise their discretion to delegate those matters to an Officer.
- 10.4. Where Executive Functions have been delegated that does not prevent the discharge of the delegated functions by the person or body who delegated them or by the Leader who retains the authority to make any executive decision.

11. CABINET MEMBERS' PORTFOLIO SCHEME

- 11.1. The Portfolios must be contained within a Schedule which will be published on the website, part of this Constitution and subject to review and updating by the Leader of the Council at their discretion.

12. LEADER DELEGATION TO CHIEF EXECUTIVE

- 12.1. The Leader will set out specific additional delegations within a Schedule to the Chief Executive over and above those set out below in the Scheme of Delegation to Officers which will be published, part of the Constitution and subject to review and updating by the Leader of the Council at their discretion.

Scheme of Delegation to Officers

This sets out the Council's Scheme of Delegations to Officers.

13. Introduction

- 13.1. References in this Scheme to "the Chief Executive and Directors" are references to the Chief Executive, the Directors, Monitoring Officer and Section 151 Officer unless specifically stated otherwise.
- 13.2. Except in cases of urgency this Scheme does not authorise delegation of any power to make decisions or responsibility which may not in law be delegated to an Officer or which has been specifically reserved for decision to:
- (a) Full Council
 - (b) The Leader
 - (c) Cabinet
 - (d) A Cabinet Member
 - (e) A Council Board or Committee
 - (f) A specific Statutory Officer
- 13.3. The Chief Executive, Directors, Monitoring Officer and Section 151 Officer will remain responsible for the decisions made by them under this Scheme or the Chief Executive's Scheme of Delegation and decisions made by anyone to whom they delegate their power.

14. Urgency

- 14.1. Where urgent action is necessary to protect the Council's interests or enable it to undertake its statutory duties, then, after consultation with the Leader of the Council, or in their absence the Deputy Leader of the Council and the Monitoring Officer and Section 151 Officer, the Chief Executive may authorise action and incur expenditure.
- 14.2. Any action taken in this way shall be reported to the next meeting of Cabinet and Full Council.

15. Recording Decisions

- 15.1. All Officer decisions taken under this Scheme must be taken in accordance with the decision-making principles and procedures contained within this Constitution.

16. The Decision-making Process

- 16.1. Before taking any decision under delegated powers an Officer will notify the relevant Cabinet Member of any action which is likely to be contentious or politically sensitive.
- 16.2. When exercising delegated powers an Officer will consult with Officers in other service areas where the decision is likely to have an impact on that service area.
- 16.3. Officers making decisions must be satisfied that as early as possible in the decision-making process the following issues are considered:
 - (a) The principles of decision-making contained in Article 12
 - (b) The Council Procedure Rules and Financial Regulations
 - (c) The views of the relevant Cabinet Members, Chairs of relevant Committees, relate to a specific area, Ward Councillors
 - (d) The involvement of relevant Statutory Officers and/or other Directors
 - (e) Any risks in accordance with the Council's Risk Management Strategy
 - (f) The staffing, legal and financial implications including the need to secure value for money

17. General Delegations to the Chief Executive, Directors and Officers

- 17.1. The Chief Executive has authority to exercise all powers delegated to that post by the Leader as contained in the Leader's Scheme of Delegation and may make all operational decisions in accordance with the Council's Budget and Key Policy Framework.
- 17.2. In the event of any doubt as to the delegated powers of any Director the Chief Executive shall have the authority to determine which Director is to exercise that power.
- 17.3. The Chief Executive and Directors have the power to take all operational decisions within agreed service plans, budgets and policies in relation to the services for which they are responsible. They will keep the Leader and Cabinet informed of the work of their service area.
- 17.4. The Directors will in the absence of the Chief Executive and in accordance with an agreed rota, undertake on the Chief Executive's behalf such actions as are required to enable the Council to fulfil its functions.
- 17.5. In relation to the specific service areas for which he or she is responsible the Chief Executive and Directors will perform the following functions:

- (a) Manage, direct and control all resources allocated to the relevant service area in accordance with the Council's policies and procedures
 - (b) Co-ordinate and monitor work through approved plans and policies, reporting compliance with targets and performance to the relevant Portfolio Holder and any relevant Committee;;
 - (c) Ensure compliance with and discharge all requirements of relevant legislation, orders, directives and the Council's policies and procedures
 - (d) Take decisions on all operational management and staff management and, where appropriate, property matters
 - (e) Carry out decisions properly authorised by the Leader, Cabinet, Cabinet Member, Full Council, one of the Council's Committees or an Officer acting under delegated powers
 - (f) Take any action for which they are specifically responsible under any policy, procedure or other document approved or adopted by the Leader, Cabinet, Cabinet Member, Full Council, one of the Council's Board, Committees or Panels or an Officer acting under delegated powers;
 - (g) Support the Cabinet in the development of the Council's Key Policy Framework
 - (h) Support Councillors in their Ward Councillor role
 - (i) Recommend to the Monitoring Officer the prosecution or instigation of any legal proceedings on behalf of the Council
 - (j) To provide and submit a bid for resources in accordance with the approved Budget process
 - (k) To determine the level of charges for Council services in order to maximise income and in accordance with legislative requirements and any agreed charging policies
 - (l) To issue licences and registrations relating to any of the approved functions
 - (m) To serve a requisition for information about an interest in land using powers relevant to the operation of the service area
- 17.6. Every Officer making decisions under delegated powers is required to do so within the internal scheme of management for their own department. This will include appropriate monitoring arrangements.
- 17.7. An Officer may refer a delegated matter to the Leader, Cabinet or Full Council meeting or to one of the Council's Committees for decision rather than take the decisions themselves.

- 17.8. Delegations made under this Scheme may be exercised by the nominated Officer and includes anything which facilitates or is conducive or incidental to the discharge of those delegated functions, tasks or responsibilities.
- 17.9. Where authority has been delegated to an Officer under this Scheme that Officer may authorise any other Officer under their managerial control to act on their behalf, either indefinitely or for a specific period of time subject to the following:
- (a) Such powers being exercised in the name or on behalf of the relevant Chief Officer or Director to whom the delegations were made
 - (b) Responsibility in law for any actions taken by a substitute Officer shall remain with the Officer to whom authority was originally delegated

Specific Functions

18. Functions of the Monitoring Officer

18.1. The Monitoring Officer shall:

- (a) Maintain an up-to-date version of the Constitution and ensure that it is available to Councillors, Officers and the public
- (b) Ensure lawfulness and fairness of decision-making. After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to Full Council, or to the Cabinet in relation to an Executive Function, if they consider that any proposal, decision or omission would give rise to unlawfulness, or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being carried out until the report has been considered
- (c) Contribute to the promotion and maintenance of high ethical standards and standards of conduct by supporting the Standards Committee
- (d) Ensure that decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible
- (e) Give advice on whether decisions of the Cabinet are in accordance with the Budget and Key Policy Framework
- (f) Provide advice on the scope of powers and authority to take decisions, maladministration, financial misconduct, probity and Budget and Key Policy Framework issues to all Councillors
- (g) Contribute to the Corporate Management of the Council, in particular through the provision of professional advice

18.2. In relation to the Code of Conduct for Councillors the Monitoring Officer shall:

- (a) Provide advice to the Standards Committee

- (b) Advise Councillors and co-opted members about conduct issues and advise on the interpretation of the Code of Conduct and related legislation
- (c) Grant dispensations to Councillors in accordance with the provisions of the Localism Act 2011
- (d) Deal with cases of alleged breaches of the Code of Conduct in accordance with the Council's arrangements
- (e) Receive copies of whistle-blowing allegations of misconduct under the Council's Whistle-Blowing Policy

18.3. In relation to Executive decision-making the Monitoring Officer will provide a report to Full Council when requested by the Chairman of an Overview and Scrutiny Board or Committee where the Board or Committee is of the opinion that an Executive decision has been made which is a Key Decision but has not been treated as a Key Decision.

19. Functions of the Section 151 Officer

19.1. The Section 151 Officer shall:

- (a) Report to Full Council and the Council's External Auditor if they 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 Council is about to enter an item of account unlawfully. The report is to be made after consulting with the Head of Paid Service and the Monitoring Officer
- (b) Be responsible for the administration of the financial affairs of the Council
- (c) Contribute to the Corporate Management of the Council, in particular through the provision of professional financial advice
- (d) Provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget issues to all Councillors
- (e) Support and give advice to Councillors and Officers in their respective roles
- (f) Provide financial information to the media, members of the public and the community
- (g) Maintain the Council's Financial Framework and the Financial Regulations
- (h) Carry out all those other functions and responsibilities as set out in the Council's Financial Framework and required by law

20. Functions of the Scrutiny Officer

- 20.1. The Council must appoint a person as Scrutiny Officer whose functions shall be as follows:
- (a) To promote the role of the Council's Overview and Scrutiny function
 - (b) To provide support to the Council's Overview and Scrutiny function and the members of the Boards and Committees
 - (c) To provide support and guidance in respect of the Overview and Scrutiny function to:
 - (i) Councillors
 - (ii) Members of Cabinet
 - (iii) Officers
- 20.2. To preserve the independence of the role the Statutory Scrutiny Officer shall have the right to raise issues and concerns directly with the Monitoring Officer should they consider they are being placed in a position of conflict.

PART 4
PROCEDURE RULES

A. Access to Information Procedure Rules

1. General

- 1.1. These Rules apply to all meetings of the Council, its Committees and Sub-Committees and to public meetings of the Cabinet.
- 1.2. In these Rules the word “meeting” means a meeting or meetings of any of those bodies unless specified 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 Council, Committees and Cabinet, 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 Council on its website or made available at the meeting.

2. Notice of Meetings

- 2.1. The Council 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 posted at the Council’s main office and published on the Council’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 Council’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 Council will supply on request copies of any agenda and reports which are open to public inspection, and if the Monitoring Officer thinks fit, copies of any further documents supplied to Councillors relating to that item.
- 3.3. The Council 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 Council 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 Cabinet, 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 report will set out a list of the background documents which in the opinion of the report author:
- (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 Council 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. The public may be excluded from a meeting where it is likely that Exempt Information will be disclosed, as set out in Appendix 1.

8. No public right of access to agenda papers

- 8.1. The Monitoring Officer, where they consider it necessary, may refuse access by the public to any agenda or supporting papers which in their 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 Council, including the Cabinet.

9. The Cabinet: Application of these Rules

- 9.1. Rules 10 to 20 will apply to the Cabinet and any Committees or Sub-Committees which it may establish from time to time.

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 Council
 - (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 Cabinet, including a Committee or Sub-Committee of the Cabinet, 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 12 month period beginning with the first day of any month. The Forward Plan will be rolled forward and published each month to cover the 12 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 Cabinet, a Portfolio Holder, a Committee or Sub-Committee of the Cabinet, an Officer in the course of the discharge of a Cabinet 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 Cabinet 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
 - (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 or Exempt Information.

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 the following apply:
- (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 Monitoring Officer has informed by way of Notice in writing the Chairman of the Overview and Scrutiny Board, or if there is no such person, each member of that Board of the matter to which the decision is to be made
 - (c) The Monitoring Officer has made copies of that Notice available to the public at the Main Office of the Council
 - (d) At least five clear working days have elapsed since the Monitoring Officer complied with their obligations under this paragraph
- 12.2. Where such a decision is taken by the Cabinet, 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 Board that the taking of the decision cannot be reasonably deferred. If there is no Chairman of the Overview and Scrutiny Board or if they are unable to act, then the agreement of the Chairman of the Council, or in their absence the Vice-Chairman of the Council will suffice.
- 13.2. In addition to the requirement to agree to the matter being dealt with as urgent business, the Chairman of the Overview and Scrutiny Board, or the Chairman or Vice-Chairman of the Council if applicable, will be consulted on the subject matter of the decision itself and may comment on the proposed decision to be taken.

14. Report to Council

- 14.1. If the Overview and Scrutiny Board is of the opinion that a Key Decision has been taken which was not:
- (a) Included in the Forward Plan
 - (b) The subject of the General Exception procedure under Rule 12 above or

- (c) The subject of an agreement with the Overview and Scrutiny Board Chairman, or the Chairman/Vice-Chairman of the Council under Rule 13 above

the Board may require the Cabinet to submit a report to Full Council within such reasonable time as the Board specifies.

- 14.2. In response to any requirement under Rule 14.1 above, the Cabinet must prepare a report for submission to the next available meeting of Full Council. However, if the next meeting of the Council is within 7 days of the resolution of the Board, then the report may be submitted to the subsequent meeting. The report to the Council must set out particulars of the decision, the individual or body taking the decision, and if the Cabinet is of the opinion that it was not a Key Decision, the reasons for that opinion.

15. Record of Decisions of the Cabinet

- 15.1. After any meeting of the Cabinet or any of its Committees or Sub-Committees, whether held in public or private, the Monitoring Officer or their nominee, or, where no officer was present, the person presiding at the meeting, will produce as soon as practicable an electronic record of every decision taken at that meeting. The record will 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 decision taker
 - (d) A record of any conflict of interest relating to the matter decided which is declared by any member of the body making the decision
 - (e) In respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer

16. Cabinet Meetings relating to matters which are not Key Decisions

- 16.1. The Cabinet will decide whether meetings relating to matters which are not Key Decisions will be held in public or private.

17. Meeting of the Cabinet in Private

- 17.1. Where a meeting of the Cabinet, including a Committee or Sub-Committee of the Cabinet, is to be held in private under these Rules, at least 28 clear days before the meeting, the Cabinet shall make available at the Main Office of the Council 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 Cabinet must make available at the Main Office of the Council 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 Cabinet about why the meeting should be open to the public; and a statement of the Cabinet's response to any such representations.
- 17.3. All Members of the Cabinet 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 17.2 shall be sent to the Chairman of the Overview and Scrutiny Board.
- 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 Cabinet has obtained agreement from:
- (a) The Chairman of the Overview and Scrutiny Board
 - (b) If there is no such person, or if the Chairman of the Overview and Scrutiny Board is unable to act, the Chairman of the Council
 - (c) Where there is no Chairman of either the Overview and Scrutiny Board or of the Council able to act, the Vice-Chairman of the Council

that the meeting is urgent and cannot reasonably be deferred.

18. Attendance at private meetings of the Cabinet

- 18.1. Any Member of the Cabinet may attend a private meeting of a Committee or Sub-Committee of the Cabinet whether or not they are members of that body unless the body determines otherwise.
- 18.2. Any Cabinet 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 Cabinet Meetings

- 19.1. The Head of the Paid Service, the Section 151 Officer and the Monitoring Officer, or their nominees, are entitled to attend any meeting of the Cabinet. The Cabinet cannot meet unless the 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 Cabinet.
- 19.2. A private meeting of the Cabinet, including a Committee or Sub-Committee of the Cabinet, may only take place in the presence of the Monitoring Officer or their nominee, who shall have responsibility for recording and publicising any decisions.

20. Decisions by Portfolio Holders

- 20.1. Decisions made by individual Portfolio Holders must be taken in accordance with the procedure established by the Monitoring Officer which will provide for a written report template to be prepared by the relevant officer, and formal sign off by the Monitoring Officer and Section 151 Officer before the decision is made.
- 20.2. As soon as reasonably practicable after an executive decision has been taken by a Portfolio Holder, the written record of the decision must be published which should include the following:
- (a) The decision made including the date it was made
 - (b) The reasons for the decision
 - (c) Details of any alternative options considered and rejected by the Portfolio Holder making the decision
 - (d) A record of any conflict of interest relating to the matter decided which is declared by any Member of the Cabinet who is consulted by the Portfolio Holder which relates to the decision
 - (e) In respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer
 - (f) The financial and legal implications of the decision and confirmation that the decision has been considered by the Section 151 Officer and Monitoring Officer
 - (g) The consultation undertaken prior to the decision being made, including any consideration by the relevant Overview & Scrutiny Committee and Ward Councillors
- 20.3. 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 a written record of the decision will be published which will include the following
- (a) The decision made and 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 Cabinet Member who is consulted by the Officer which relates to the decision
 - (e) In respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer
 - (f) The financial and legal implications of the decision and confirmation that the decision has been considered by the Section 151 Officer and Monitoring Officer
 - (g) The consultation undertaken prior to the decision being made, including any consideration by the relevant Overview & Scrutiny Committee and Ward Councillors
- 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 Council and on the Council's website.
- 21.3. Rules 21.1 to 21.2 apply to Major Operational Decisions made by Officers as defined by Article 12 of the Constitution. These rules do not apply to day to day administrative or operational decisions taken by Officers in connection with the discharge of functions.
- 21.4. When an Officer makes a Major Operational Decision the Monitoring Officer must be provided with a completed Delegated Record of Decision within two working days of the date of taking the decision together with a copy of any report upon which the decision was made.
- 21.5. The Monitoring Officer will keep a record of all such decisions made by Officers including any report upon which each decision was made and will ensure that the decision is recorded and published by the Council on its website.
- 21.6. As soon as reasonably practicable after an Officer has made a decision under an express delegation from Full Council, its Committees, Sub Committees or any Joint Committee in which the Council 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 Council'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 Councillor or local government body who has declared an interest (for decisions taken under an express delegation)
- 21.7. Any record prepared in accordance with rule 21.6 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 Council and on the Council's website.

21.8. Rules 21.6 to 21.7 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
- (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 Board and Committees

22.1. This section outlines the rights of Overview and Scrutiny Board and Committee members to access documents in addition to their rights as a Councillor as set out in this Constitution - 'Access to Information Procedure Rules'.

22.2. Subject to Rule 22.4 below, any member of the Overview and Scrutiny Board or Committees is entitled to copies of any document which is in the possession or control of the Leader, the Cabinet including its Committees and Sub-Committees, and which contains material relating to:

- (a) Any business transacted at a public or private meeting of the Cabinet including any of its Committees and Sub-Committees
- (b) Any decision taken by an individual member of the Cabinet
- (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 Board or Committee (including its Sub-Committees) requests a document which falls within Rule 22.2 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 22.5 the Chairman, or in the absence of the Chairman, the Vice-Chairman of the Overview and Scrutiny Board is entitled to see papers in relation to private decisions of the Cabinet before the decision is made.

22.5. Overview and Scrutiny Committee members will be entitled to any such document or part of a document that contains Exempt or Confidential Information – as detailed in 'Appendix 1' unless the Monitoring Officer determines that the information is not relevant to an action or decision they are reviewing or scrutinising or any review contained in any programme of work of the Overview and Scrutiny Board or Committees.

- 22.6. Where the Leader so determines, a member of the Overview and Scrutiny Board or Committees will not be entitled to:
- (a) any document that is in draft form;
 - (b) the advice of a political advisor.
- 22.7. Where the Leader or Monitoring Officer determines that a member of the Overview and Scrutiny Board or Committees is not entitled to a copy of a document or part of any such document, under rules 22.5 and 22.6 above, the Leader or Monitoring Officer as applicable must provide the Overview and Scrutiny Board or relevant Committee with a written statement setting out their reasons for that decision.

23. Additional rights of access for Councillors

- 23.1. All Councillors will be entitled to inspect any document which is in the possession or under the control of the Leader and/or the Cabinet, 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 a Portfolio Holder; or an Executive decision by an Officer unless in the opinion of the Monitoring Officer it contains Confidential or Exempt Information as set out in Appendix 1 or it contains the advice of a political advisor.
- 23.2. All 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 Cabinet including its Committees and Sub-Committees which relates to any Key Decision unless Rule 22.5 above applies.
- 23.3. In relation to public meetings, where a document is required to be available for inspection by all 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 a Portfolio Holder or Executive decisions made by an Officer, where a document is required to be available for inspection by all Councillors under Rule 23.1 it must be available within 24 hours of the meeting concluding or where an Executive decision is made by a Portfolio Holder or Officer within 24 hours of the decision being made.
- 23.5. These rights are in addition to any other rights to access information provided by law they may have.

Appendix 1 - Descriptions of Exempt Information

Exempt Information means information falling within the following categories as set out within the relevant legislation (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.
- (g) 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 Acts (as defined in Section 2 of the Companies Act 2006);
- (b) the Friendly Societies Act 1974;
- (c) the Friendly Societies Act 1992;
- (d) the Co-operative and Community Benefit Societies Act 2014;
- (e) the Building Societies Act 1986; or
- (f) the Charities Act 2011.

Information is not exempt information if it relates to proposed development for which the Local Planning Authority may grant itself planning permission or permission in principle 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. Cabinet Procedure Rules

1. Meetings of the Cabinet

- 1.1. The Cabinet will meet as indicated in the Council's Programme of Meetings. The Cabinet or the Leader may agree to change the date of any programmed meeting, to cancel a meeting or to arrange additional meetings as it/they see fit. Locations of meetings will be published in the Calendar of Meetings.
- 1.2. The Cabinet 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 Cabinet or in their absence, the Deputy Leader will preside. Where both the Leader and Deputy Leader are absent, the Members present, may appoint one Member of the Cabinet to preside.
- 1.4. Attendance by other Councillors and the public shall be in accordance with the Access to Information Procedure Rules, by invitation under Rule 1.5 below, or as set out Rules 4.1 to 4.2 below.
- 1.5. The Cabinet may invite any person considered 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 Monitoring Officer so as to ensure that the Access to Information Procedure Rules are observed.

2. Quorum at meetings of the Cabinet

- 2.1. The quorum for meetings of the Cabinet is as set out in the Council Meeting Procedure Rules.

3. Taking of decisions by the Cabinet

- 3.1. Cabinet 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 Cabinet decisions must be confirmed at the next meeting.

4. Councillors attending and speaking at Cabinet Meetings

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

5. Business at Cabinet Meetings

- 5.1. The business to be transacted at meetings of the Cabinet 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 Cabinet is obliged to consider matters referred to it by the Overview and Scrutiny Board or Committees, or by the Full Council for consideration under the Overview and Scrutiny Procedure 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 Cabinet will, at each formal meeting, confirm the record of decisions taken at its previous meeting as a correct record.
- 5.6. The Monitoring Officer or their nominated representatives shall be responsible for preparing and distributing the Agenda for Cabinet meetings, attending meetings for the purpose of advising the Cabinet on matters within their area of responsibility and recording decisions as required under this Constitution.
- 5.7. In taking decisions, the Cabinet 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 advice is taken into consideration in determining the matter. Where there is any doubt about whether the Cabinet has the legal power to make the decision or an issue of probity arises then advice must be obtained from the Monitoring Officer and the Section 151 Officer.
- 5.8. Any member of the Cabinet may require the Monitoring Officer to place an item on the Agenda for a stipulated meeting of the Cabinet.
- 5.9. The Monitoring Officer will ensure that any matters referred to the Cabinet by Full Council or the Council's Overview and Scrutiny Board or Committees are placed on the Agenda for the next appropriate meeting of the Cabinet.
- 5.10. The Chief Executive, the Monitoring Officer and/or the Section 151 Officer can include an item for consideration on the Agenda of a Cabinet Meeting. In pursuance of their statutory duties they can require that a Special Meeting of the Cabinet be convened.
- 5.11. Business cannot be conducted at formal meetings of the Cabinet 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 Cabinet will report to the Council 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, statements and petitions can be submitted by members of the public at meetings of the Cabinet in accordance with Council Procedure Rule 28 and Appendix 6 of the Council Procedure Rules.

6. Voting at Cabinet Meetings

- 6.1. Voting at Cabinet meetings will be by a show of hands and any Member may require, immediately after the vote is taken, that the record of decision of the meeting record how they voted or abstained. Where there are equal votes cast, the Leader, or in their 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 Council Procedure Rule 17.

7. Cabinet Committees/Sub-Committees

- 7.1. The Cabinet 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 Cabinet 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 13

- 8.1. A mover of a motion under Meeting Procedure Rule 13 which has been referred to the Cabinet for consideration must attend the meeting of the Cabinet when their 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 they 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 Cabinet 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 their ruling will be final.

10. Reserves/substitute members

- 10.1. There shall be no reserve or substitute members of the Cabinet.

11. Conflicts of Interest

- 11.1. Where the Leader or any Cabinet Member has a conflict of interest, they will follow the requirements of the Council's Code of Conduct for Councillors.

- 11.2. If all (or a majority) of the Members of the Cabinet present have a conflict of interest then consideration will be given to applying to the Monitoring Officer for a dispensation from the provisions of the Code.
- 11.3. If the discharge of a Cabinet 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 11.2 shall be considered.

C. Overview and Scrutiny Procedure Rules

1. How Overview and Scrutiny operates

- 1.1. For the avoidance of doubt, any Procedure Rule applying to a Committee shall also apply to the Overview and Scrutiny Board.
- 1.2. The Board and Committees will perform the functions as set out in Article 6 at Part 2 of this Constitution.
- 1.3. No Councillor may be involved in scrutinising a decision in which they have been directly involved. Where the relevant Overview and Scrutiny Committee has been engaged as part of the decision-making process of a decision subject to Call-In the Monitoring Officer shall have discretion to refer the consideration of the Call-In to another Overview and Scrutiny Committee.

2. Forward Plan

- 2.1. The proposed work of the Overview and Scrutiny Committees will be set out in a forward plan.
- 2.2. The forward plan of the Overview and Scrutiny Committees shall consist of work aligned to the principles for the function, as set out in this Constitution.
- 2.3. The Overview and Scrutiny Committees will consult with other parts of the Council as appropriate, including the Cabinet, on the preparation of any forward plan. They should also take into account the resources, including Councillor availability, Officer and financial resources, available to support their proposals.
- 2.4. The Overview and Scrutiny Committees may take suggestions from a variety of sources to form their forward plans. This may include suggestions from members of the public, Officers of the Council, Portfolio Holders, the Cabinet and Council, members of the Committee, and other Councillors who are not on the Committee.
- 2.5. All suggestions for Overview and Scrutiny work will be accompanied by detail outlining the background to the issue suggested, the proposed method of undertaking the work and likely timescale associated, and the anticipated outcome and value to be added by the work proposed. No item of work shall join the forward plan of any Overview and Scrutiny Committee without an assessment of this information.
- 2.6. Members of the public may make suggestions for Overview and Scrutiny work. Suggestions will be made in writing and accompanied by the detail outlined at 2.5 above. A facility will be made for members of the public to make suggestions for overview and scrutiny work on the Council's website. Suggestions will be considered by the relevant Overview and Scrutiny Committee. The Overview and Scrutiny Committees will maintain oversight of suggestions made by the public and will assess the value to be added by the work suggested when determining whether to exercise their powers in this respect. Any member of the public raising an item under this Rule shall be precluded from raising the

matter again for a period of 12 months from the date it is considered by the Committee.

- 2.7. Where Portfolio Holders, the Cabinet or Council request/s that Overview and Scrutiny undertake a specified piece of work, the relevant Overview and Scrutiny Committee shall respond as soon as it may consider it possible to do so, to the request. The Committee will assess the value to be added by the work suggested when determining whether to exercise its powers in this respect. Where it chooses to exercise its powers in relation to the request, it will report back its findings and any recommendations to Cabinet and/or full Council in accordance with Rules 7.1-7.4 below. Where it chooses not to exercise its powers in relation the request, it will provide reasons for this to the body that made the original request.
- 2.8. All Councillors have the right to suggest that an item be considered for Overview and Scrutiny. The item must be relevant to the functions of the Overview and Scrutiny Committee to which the request is made. Councillors must make this suggestion in writing to the Scrutiny Officer who will arrange for the publication of the request on the next available agenda of the relevant Overview and Scrutiny Committee agenda. The request will be accompanied by the information as set out at 2.5 above. The Overview and Scrutiny Committee shall consider the request, assess the value to be added by the work proposed and determine whether the matter shall join the forward plan. 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 Councillor making the request, giving reasons for this.
- 2.9. Any Councillor raising an item under Rule 2.8 above shall be precluded from raising the matter again for a period of 12 months from the date it is considered by the Committee.
- 2.10. The Overview and Scrutiny Board shall undertake Overview and Scrutiny of Crime and Disorder issues, as required by legislation, at least once a year.
- 2.11. Consideration will be given at the scoping stage as to how others, in addition to Councillors and Officers of the Council, may be engaged in the work of Overview and Scrutiny and the benefit that this engagement will bring to the work. This may include, but is not limited to, contribution from subject experts with relevant specialist knowledge and/or expertise; representatives of stakeholder groups and service users.
- 2.12. Overview and Scrutiny has a key role in the development of the Budget and Policies of the Council. The Overview and Scrutiny Committees may make proposals to the Cabinet or Full Council for development or review of key strategies, plans and policies to the extent that they relate to matters within the respective terms of reference for each Committee.
- 2.13. Once any forward plan has been approved, a copy will be published with the agenda for each meeting of the Overview and Scrutiny Committees and available to any Councillor on request.

- 2.14. The Overview and Scrutiny Board will maintain oversight of all forward plans relating to the Overview and Scrutiny function. The purpose of this oversight is to ensure a balance of resource is available across the function and all overview and scrutiny work is adding value to the Council as a whole. The Overview and Scrutiny Board may comment on or make recommendations in relation to the forward plans of other Overview and Scrutiny Committees as it sees appropriate.

3. Commissioned Work

- 3.1. When considering additions to its forward plan, the Overview and Scrutiny Committees may commission work to be undertaken outside of Committee meetings in accordance with Article 6 at Part 2 of this Constitution. When commissioning work, the Committees will take into account the availability of resources as highlighted at 2.3 above. Bodies commissioned by the Overview and Scrutiny Committees may have conferred upon them the power to act on behalf of the parent Committee in considering issues within the remit of the parent Committee and making recommendations directly to Portfolio Holders, Cabinet, Council or other bodies or people within the Council or externally as appropriate.

4. Rights of Overview and Scrutiny Committee members to information

- 4.1. The Overview and Scrutiny Committee will have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation.
- 4.2. In addition to their rights as 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.
- 4.3. Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committees as appropriate. Regular, informal dialogue between the two is considered good practice to ensure that the Overview and Scrutiny function can understand developing Cabinet priorities, discuss and assess the value that Overview and Scrutiny can provide and contribute in a timely way to policy development.

5. Councillors and Officers giving account

- 5.1. The Overview and Scrutiny Committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function or matters which affect the Council's area or the inhabitants of that area. As well as reviewing 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.
- 5.2. Where any Councillor or Officer is required to attend the Overview and Scrutiny Committee under this provision, the Chairman of that Committee will inform the

Scrutiny Officer, who will inform the 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 they are 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 Councillor or Officer concerned will be given reasonable and sufficient notice to allow for its preparation.

- 5.3. Where, in exceptional circumstances, the Councillor or Officer is unable to attend on the required date, then the Committee shall consider, in consultation with the Councillor or Officer, an alternative date for attendance.
- 5.4. Officers should not be expected to enter, and should avoid being drawn, into discussions of politically contentious matters and any Officer input should be consistent with the requirements for political impartiality.
- 5.5. The requirements of any protocols on Councillor/Officer relationships and the Code of Conduct must be adhered to where an Officer is attending an Overview and Scrutiny Committee.

6. Attendance by others

- 6.1. With reasonable notice, the Overview and Scrutiny Committees may invite individuals other than those referred to in Rules 5.1 -5.5 to address it, to discuss issues of local concern and/or answer questions.
- 6.2. Where the Overview and Scrutiny Committees conduct investigations (for example with a view to policy development), the Committee may ask individuals to attend to give evidence at its meetings, which are to be conducted in accordance with the following principles:
 - (a) The investigation is to be conducted fairly and all members of the Committee will be given the opportunity to ask questions of attendees, and to contribute and speak
 - (b) Those assisting the Committee by giving evidence will be treated with respect and courtesy
 - (c) The investigation will be conducted so as to maximise the efficiency of the investigation or analysis

7. Reports from the Overview and Scrutiny Committee

- 7.1. The Overview and Scrutiny Committees will report on findings of their work to Cabinet and Full Council, as appropriate according to the matter under review and recommendations being made.
- 7.2. Once recommendations have been formed, the Overview and Scrutiny Committee will submit a formal report for consideration by the Cabinet, 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 Key Policy Framework); or to Full Council as appropriate (if the recommendation would require a departure from or a change to the agreed Budget and Key Policy Framework).

- 7.3. Where recommendations have been submitted, Full Council or the Cabinet shall consider the report of the Overview and Scrutiny Committee within two months (or the next available meeting in the case of the Council). A response will be provided to the Overview and Scrutiny Committee indicating what action, if any, the Cabinet or Full Council proposes to take.
- 7.4. Where the Overview and Scrutiny Committee submits recommendations 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 indicating what action, if any, the Portfolio Holder proposes to take. The Portfolio Holder must also attend a future meeting of the Overview and Scrutiny Committee to present their response.

8. Where the Decision Maker is an External, non-Council Organisation

- 8.1. Where that organisation has a statutory duty to respond to the Committee, a written response shall be requested within the timescale required or, if mutually agreed, by another set deadline so the response can be placed on the agenda of the next scheduled meeting of the Committee, if appropriate.
- 8.2. Where that organisation does not have a statutory duty to respond to the Committee, a written response shall be invited within 2 months.
- 8.3. Where scrutiny is being undertaken in relation to the Council's statutory Health or Crime and Disorder Scrutiny functions this will be done in accordance with the relevant legislation and statutory guidance.

9. Joint Committees

- 9.1. Joint Overview and Scrutiny Committees may be established with other councils to provide for effective Overview and Scrutiny of a particular matter. This includes making provision for joint Overview and Scrutiny Committees relating to Health, and to Crime and Disorder, as permitted under legislation.

10. Call-in

- 10.1. All requests for Call-In shall be considered by the Overview and Scrutiny Board.
- 10.2. 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 Cabinet, the Leader, Portfolio Holder or an Officer that is a Key Decision and there are reasonable grounds that one of the following is applicable:
 - (a) The decision was not made in accordance with the principles of decision-making set out in Article 12 of this Constitution

- (b) The decision was neither published in accordance with the requirements for the Cabinet Forward Plan and not subject to the 'general exception' or 'special urgency procedures' set out in this Constitution
 - (c) The decision is not in accordance with the Key Policy Framework or Budget
- 10.3. When a decision is made by the Cabinet, a member of the Cabinet, or a Committee or Sub-Committee of the Cabinet, or a Key Decision is made by an Officer with delegated authority from the Cabinet, the decision shall be published, by electronic means, and shall be available at the Main Office of the Council normally within 2 clear working days of being made. All Councillors will be sent an electronic record of all such decisions within the same timescale.
- 10.4. Subject to any urgency provisions a decision taken and to which Rule 10.3 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, recorded and published in accordance with Rule 10.3.
- 10.5. Where a decision referred to in Rule 10.3 has been made, any three or more members of the Overview and Scrutiny Board, or alternatively 10 Councillors who are not members of the Cabinet, may submit a Call-In notice, in writing, within the period specified in Rule 10.4 above, to the Monitoring Officer or their nominated representative. Voting education members of an Overview and Scrutiny Committee may only sign a Call-In request when the matter relates to an education function. Where the notice is valid, the decision cannot be implemented until the procedures in this section have been followed. The Monitoring Officer will consider the Call-In request and confirm its validity or otherwise. A valid Call-In request must comply with the following:
- (a) Have the correct number of signatures
 - (b) Give reasons for the Call-In. The reasons must set out the grounds upon which the Call-In is based with reference to Rule 10.2 above and the evidence to support the grounds. Reasons must be legitimate and not designed to create an obstacle to or delay the proper transaction of business nor should they be vexatious, repetitive or improper in any other way.
- 10.6. Where, as a result of a corporate electronic system failure or planned shutdown, the issuing of or access to decisions is prevented; or the submission of a Call-In notice by electronic means in accordance with the Council's Call-In provisions is prevented, 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 Monitoring Officer, the period of delay is likely to extend beyond two clear working days, they shall agree with the Chairman of the Overview and Scrutiny Board, alternative arrangements to avoid any delay in implementing Cabinet decisions not subject to Call-In.
- 10.7. The decision subject to Call-In will be referred to the first available meeting of the relevant Overview and Scrutiny Board, or to a specially convened meeting

of the Board should the Chairman of the Board consider this to be appropriate in the circumstances.

- 10.8. The Board, 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 Cabinet will reconsider the decision in light of the advice of the Board.
- 10.9. Where a matter is considered and advice is offered by the Overview and Scrutiny Board, its advice will be submitted to the Cabinet for a decision to be made on the matter. The Cabinet 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, the original decision or deferment pending further consideration, or making a different decision. There are no further rights to enable a Councillor to submit a Call-In notice. The decision may then be implemented.
- 10.10. Once the Overview and Scrutiny Board 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 an Overview and Scrutiny Committee after the decision has been implemented in accordance with these Rules.
- 10.11. 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 10.5 above.
- 10.12. The Call-In facility does not apply to the determination of a Motion under Meeting Procedure Rule 12 (Notices of Motion) – Appendix 2.

Call-in and Urgency

- 10.13. The Call-In procedure set out above shall not apply where the decision being taken by the Cabinet, 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 Council's or the public's interests. The Chairman of the Overview and Scrutiny Board or, in their absence, the Vice-Chairman or in their absence the Chairman of the Council 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 of the Council, the Vice-Chairman's consent shall be required. In the absence of all of the above Councillors, the Chief Executive's, or their nominee's, consent shall be required.

11. Councillor Call for Action

- 11.1. Any Councillor may submit a Councillor Call for Action. The Councillor Call for Action is intended to be a process of last resort and therefore a Councillor must demonstrate that reasonable steps have been taken to resolve the matter including a response from the relevant Portfolio Holder and the Chief Executive. The Councillor Call for Action will be placed on the next available agenda of the

Overview and Scrutiny Board. It is for the Overview and Scrutiny Board 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

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

13. Procedure at Overview and Scrutiny Committee Meetings

- 13.1. Matters to be considered will be set out in an Agenda, together with appropriate and relevant supporting papers.

- 13.2. The Overview and Scrutiny Committee shall consider the following business:

- (a) Record of the last meeting
- (b) Declarations of interest
- (c) Public items
- (d) Consideration of any matter referred to the Committee by Full Council or by the Cabinet
- (e) Consideration of any matter referred to the Committee for advice in relation to Call-In or a decision
- (f) Responses of the Cabinet on reports of the Overview and Scrutiny Committee
- (g) The business otherwise set out on the agenda for the meeting
- (h) The Overview and Scrutiny Committee's forward plan, including requests for items of scrutiny from Councillors in accordance with the procedure set out in this Constitution.

D. Meeting Procedure Rules

Sub Part A – Council meetings

1. Council meetings

- 1.1. Full Council will decide when its meetings will take place. Details will be contained in a Calendar of Meetings which will be approved by the Council. References to “The Council” in this Sub Part of the Constitution mean “Full Council” unless otherwise stated.
- 1.2. Meetings will be held at a time and a place (or places) to be agreed by the Council. The Chairman, or the Council, can agree to hold a meeting at a different place or time.
- 1.3. An Extraordinary Meeting can be called by the Chairman, or at least 25% of Councillors can ask the Chairman, in writing, to call an Extraordinary Meeting. If the Chairman does not agree, then those Councillors can call the meeting by giving written notice to the Monitoring Officer. The Monitoring Officer, in consultation with the Chairman, may also call an Extraordinary Meeting.

2. Chairman and Vice-Chairman of the Council

- 2.1. At the Annual Meeting, the Council will elect its Chairman and Vice-Chairman.
- 2.2. The Chairman of the Council, or in their absence the Vice-Chairman (who will have the same powers and duties as the Chairman), will preside at meetings of the Council. Where both the Chairman and Vice-Chairman are absent, the Council will appoint another Councillor, other than a member of the Cabinet, 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 Council meeting if there are fewer than one quarter of Councillors who are members of that body present at the meeting. Where the meeting has started, and the number of Councillors present is fewer than one quarter of the number of Councillors, the Chairman will adjourn the meeting. Where the Chairman does not give a date and/or time for the consideration of the remaining business, all business not completed will be considered at the next meeting.

4. What the Council can decide

- 4.1. The Council 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 Council decides otherwise.

6. Urgent Business

- 6.1. Business cannot be dealt with at a Council meeting unless it is included in the Agenda 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 Council meeting must be confirmed at the next ordinary meeting of the Council.
- 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 Cabinet Decisions and Minutes of Committees and Sub-Committees

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

9. Matters for decision by the Council

- 9.1. All matters for decision by the Council (except 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 Cabinet or Committee, or endorsement of a Cabinet or a Committee decision. Another Councillor may second the motion and may reserve the right to speak until later in the debate.
- 9.3. The Chairman cannot ask the Council to agree to withdraw a recommendation of the Cabinet 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 Council.

10. Motions moved without notice

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

11. General Questions by Councillors at Council meetings

- 11.1. A Councillor may ask the Chairman, the Leader, a Portfolio Holder or the Chairman of a Committee any question about a matter which the Council, the Cabinet or the Committee has powers, duties or responsibilities.
- 11.2. Questions must be sent in writing to the Monitoring Officer or their nominated representative at least five clear working days before the meeting. In calculating the period the date of the meeting and the date of submission of the question are not included in the calculation.
- 11.3. The Chairman may agree to take urgent questions where they consider that it has not been possible for a Councillor to give the required notice, provided that a copy of the question is given to the Monitoring Officer before the meeting starts.
- 11.4. A question will be rejected by the Chairman in consultation with the Monitoring Officer where it falls within one of the following:
 - (a) It does not relate to a matter for which the Council/Committee has a responsibility, or which affects the Council's administrative area
 - (b) It is defamatory, frivolous, offensive, vexatious, unlawful, solely or mainly rhetorical or otherwise improper
 - (c) It requires the disclosure of Confidential or Exempt Information as defined by the Access to Information Procedure Rules Appendix 1
 - (d) It names or identifies individual service users, Officers or members of staff of partner agencies
 - (e) It is considered to be inappropriate for the particular meeting
 - (f) It duplicates a question that has been asked within the preceding six months
- 11.5. A Councillor may ask no more than two questions at any meeting, but the Councillor may not ask their second question until other 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 Councillor answering the question will use their reasonable endeavours to address the matters raised in the question. The Councillor to whom the question is addressed may decline to answer any question or may: reply direct, refer the question to another appropriate Councillor to respond, reply by reference to a publication, reply by written answer with a copy to such other Councillors as the Council agrees, or refer the question to an appropriate Committee or to the Cabinet.
- 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 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, and the time taken to deal with such questions will not form part of the 30 minutes set aside for General Questions.

11.9. The time allowed for Councillors to ask questions under this Rule will be a maximum of 30 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.

12. Public participation at Council meetings

12.1. A public speaking time and public question facility will apply to Council meetings, as detailed in Appendix 6.

13. Notices of Motion

13.1. A notice of motion must relate to matters for which the Council has responsibility or which affect its area.

13.2. The arrangements for submitting and dealing with notices of motion are set out in Appendix 2.

14. Rules of Debate

14.1. The rules of debate to be followed at Council meetings are set out in Appendix 3.

15. Rescission of earlier resolution

15.1. Subject to Rule 15.2, at a meeting of the Council, no motion or amendment shall be moved to rescind any resolution of the Council which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period.

15.2. Such a motion may be moved if:

(a) It is recommended by the Cabinet or a Committee

(b) Notice of such motion has been given under Rule 13 and signed by at least one quarter of Councillors.

16. Voting

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

- 16.2. When a Councillor asks for a recorded vote to be taken, and one quarter of Councillors present stand in their places to support the request, the vote will be recorded to show whether each Councillor voted for or against the motion or abstained.
- 16.3. A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.
- 16.4. A Councillor may require, after a vote is completed, that the minutes of the meeting record how they voted or abstained.
- 16.5. Where there are equal votes cast for a motion or amendment the Chairman or the person presiding will have a second or casting vote.

17. Offices and Appointments

- 17.1. A secret ballot will be held to elect the Chairman and Vice- Chairman of the Council, or Councillors to any office or position where more than one person is nominated.
- 17.2. 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.
- 17.3. The Chairman, or person presiding, will have a second or casting vote where the votes are equal.

18. Election of Chairman of Committees and Sub-Committees

- 18.1. It will be for the members of the relevant Committee to elect the Chairmen and Vice-Chairmen annually.
- 18.2. The Councillor elected to each office must be a member of the relevant Committee or Sub-Committee.
- 18.3. Where a vacancy occurs in any office, an election will be held at the next ordinary meeting of the Council or Committee unless the Council or Committee decides otherwise.
- 18.4. The election will be conducted in accordance with Rule 17above.
- 18.5. 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 Cabinet members for appointment.

Sub 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 Council annually. 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 Monitoring Officer will consult the Chairman 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 The quorum of a meeting of the Council's Boards, Committees and Sub-Committees will be one third of the number of voting Members or three voting Members, whichever is the greater, except for the Cabinet which will be three to include the Leader or in his or her absence, the Deputy Leader. The quorum for the Childrens Services Overview and Scrutiny Committee shall be one third of members of the Committee excluding the voting co-optees.

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. Councillors 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 Councillor has a question or comment on an Exempt or Confidential minute, the question or comment must be given in writing to the Monitoring Officer or their nominee 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 Councillor may require, after a vote is completed, that the Minutes of the meeting record how they voted or abstained.
- 24.3. 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 secret ballot will be held to elect or appoint 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 17.3 will apply in cases where the votes are equal.

26. Mover of a Motion at Council under Rule 13: Attendance at Committee and Sub-Committee

- 26.1. Where a motion has been referred under Rule 13 from the Council to a Committee or Sub-Committee for consideration and report, the mover of the motion must attend the meeting and 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 they will be sent a copy of the relevant papers.

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

- 27.1. Appendix 5 to these Procedure Rules sets out details of the process by which a Councillor can ask for an item of business to be included on the agenda of Committee or Sub-Committee meeting.

28. Questions, Statements and Petitions Submitted by Members of the Public

- 28.1. The Council has a procedure to enable members of the public to submit questions, make statements and present petitions at ordinary meetings of its Committees and Sub-Committees. This is set out in Appendix 6.

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 their 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. Substitute Members

- 30.1. A Political Group may, by notice to the Monitoring Officer, vary its representation on a Committee or Sub-Committee in accordance with the procedure set out in Appendix 4 of these Procedure Rules.

31. Attendance of Councillors at Committees and Sub-Committees of which they are not members

- 31.1. Notwithstanding their rights as a member of the public, a Councillor may attend any meeting of a Committee or Sub-Committee to which they have not been appointed, for the purposes of performing their duties as a Councillor, including when Exempt or Confidential business is transacted subject to the provisions of the Access to Information Rules.
- 31.2. A Councillor will be provided with access to a copy of the agenda and relevant papers when they arrive at the meeting, subject to the Access to Information Rules set out above.
- 31.3. The Councillor has no right to vote but may speak with the consent of the Chairman of the meeting.

32. Overview and Scrutiny Board/Committees/Sub-Committees

- 32.1. In applying these Rules to the Overview and Scrutiny Board, 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.

Sub Part C – General Provisions

33. Records of Attendance

- 33.1. The Monitoring Officer will keep a record of Councillors attending any meeting of the Council, the Cabinet, any Committee, or Sub-Committee.

34. Disclosure of Confidential/Exempt Matters

- 34.1. No 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 Council, the Cabinet, a Committee or Sub-Committee.
- 34.2. No Councillor shall disclose to any person other than a Councillor any matter arising during the proceedings of the Council, the Cabinet, any Committee, or Sub-Committee and which comes to their knowledge by virtue of their office as a Councillor where such disclosure would prejudice the interest of the Council or would be contrary to law.
- 34.3. No Councillor shall disclose to any person any decision or proceedings of that body except when one of the following applies (provided that nothing in this paragraph shall authorise disclosure which would contravene Rule 35.1 or Rule 35.2):
- (a) When a report on the matter has been circulated to the Council by that body
 - (b) When the decision has become public knowledge
 - (c) When the matter comes within the powers of that body and a final decision has been made upon it

35. Disorderly conduct by Councillors

- 35.1. If at a meeting any Councillor, in the opinion of the person presiding, misconducts themselves in any way, the person presiding or any other Councillor may move “That the Councillor be not further heard”. The motion, if seconded, shall be put and determined without discussion.
- 35.2. If the Councillor continues the misconduct after a motion under the Rule 35.1 has been carried, the person presiding may: either move “That the 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 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.

36. Disturbance by members of the Public

- 36.1. If a member of the public interrupts the proceedings at any meeting the person presiding shall warn them. If they continue, the person presiding shall order their 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.

37. Variation and revocation of Procedure Rules

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

38. Suspension of Procedure Rules

- 38.1. Any of the Procedure Rules may be suspended to the extent permitted within the Rules and the law in respect of any business at a meeting of the Council, Cabinet, 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-half of the Members of the Council or that Committee or Sub-Committee respectively. The extent and duration of the suspension will be proportionate to the result to be achieved taking into account the purposes of the Constitution set out in Article 1.

39. 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 Council, shall not be challenged at any meeting.

40. Submission of Notices by Councillors – Electronic Means

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

Appendix 1 - Procedure Rules 10 - 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 Council, a Committee or Sub-Committee.
3. That an item of business specified in the summons should have precedence.
4. Reference to the Council, a Committee, Sub-Committee, or the Cabinet.
5. Appointment of or appointment to Committees, Sub-Committees, or the Cabinet 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 Cabinet, 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 Council proceed to the next business.
13. That the question be now put.
14. That the debate be now adjourned.
15. That the Council do now adjourn.
16. Suspending Procedure Rules, in accordance with Procedure Rule 38.
17. Motion under Section 100A(4) of the Local Government Act 1972 to exclude the press and public.
18. That a Councillor named under Procedure Rule 35 should not be heard further or should leave the meeting.
19. Giving consent of the Council where consent of the Council is required by these Procedure Rules.

Appendix 2 - 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 Councillors giving the notice, and delivered, at least seven clear working days before the next meeting of the Council, to the office of the Monitoring Officer by whom it shall be dated, in the order in which it is received. In accordance with Procedure Rule 40.1 such Notice can be provided electronically.

2. Motions to be set out in Agenda

The agenda for every ordinary meeting of the Council will set out all motions of which notice has been duly given, unless the Councillor giving the notice has intimated in writing, when giving it, that they 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 Cabinet or non-Cabinet functions but otherwise in the order in which they have been received.

3. Withdrawal of Motion which is before the Council

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

4. Motions not moved

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

5. Dealing with the Motion

Subject to 6 below there is a presumption that the motion will be debated and dealt with at the Council meeting to which it is submitted and there shall be no automatic referral to another body of the Council.

6. Automatic reference to the Cabinet – Cabinet Function

If the subject of any motion of which notice has been duly given comes solely within the powers, duties and responsibilities of the Cabinet, it shall, when it has been moved and seconded, stand referred to the Cabinet to determine. 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 Cabinet 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 Cabinet.

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

Appendix 3 - 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 Council, the Chairman of that meeting may, at their 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 13.

2. Secunder's Speech

When seconding a motion or amendment a Councillor may advise the Chairman that they will reserve their right to speak until a later period in the debate.

3. Only One Councillor to Stand at a Time

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

4. Content and Length of Speeches

A Councillor will confine their 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 Councillors when the Council is agreeing a budget, or where the Council, Committee or Sub-Committee otherwise agrees, no speech will exceed three minutes.

In advance of the meeting at which the Council is due to agree a budget, the Council'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 Councillor may speak again

At a Council meeting a 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 Councillor
- (b) If the motion has been amended since they last spoke, to move a further amendment
- (c) If their first speech was on an amendment moved by another Councillor, to speak on the main issue, whether or not the amendment on which they 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 Cabinet, Committees or Sub-Committees 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 propose to do one of the following:

- (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 Council.

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.

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 Councillor may alter a motion or amendment of which they have given notice and may also, with the consent of the seconder, alter a motion or amendment which they have moved. In both cases, the consent of the Council (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 the right of reply to the debate on their amendment immediately before the mover of the original motion.

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 Full Council, Cabinet, a Committee or Sub-Committee for consideration or reconsideration
- (g) That the question be now put
- (h) That a Councillor be not further heard
- (i) By the Chairman under Procedure Rule 35, that a 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 Councillor may move, without comment, at the conclusion of a speech of another Councillor, "That the Council proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Council 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 their opinion the matter before the meeting has been insufficiently discussed, they 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 their opinion the matter before the meeting has been insufficiently discussed, they shall put to the vote the closure 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 their opinion the matter before the meeting has been insufficiently discussed on that occasion they 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 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 Councillor shall specify the Procedure Rule or statutory provision and the way in which they consider it has been breached. A Personal Explanation shall be confined to some material part of a former speech by them 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 Council meeting whenever the Chairman rises during a debate a Councillor then standing shall sit down and the Council shall be silent. In Committee or Sub-Committee meetings, whenever the Chairman rises from their seat, the Councillors should remain in their seats and the Committee or Sub-Committee shall be silent.

Appendix 4 – Substitute Members - Meeting Procedure

Rule 31

1. A Political Group may, by notice to the Monitoring Officer or their nominated representative, appoint a substitute member from within its Group for a meeting of a Committee or Sub-Committee.
2. Members of the Cabinet shall not be nominated as substitutes for any Overview and Scrutiny Committee or Regulatory Committee.
3. Where a Political Group intends to vary its representation on a Committee or Sub-Committee, the Group Leader (or their nominated representative) shall inform the Monitoring Officer or their nominee prior to the meeting, and the Substitute 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 substitute 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 their representation on the Committee or Sub-Committee in question.
4. On receipt of a Notice under this Procedure Rule the Monitoring Officer shall, at the meeting (prior to the commencement of the main business) inform the Committee or Sub-Committee.
5. For the avoidance of doubt, there are no substitute arrangements in respect of the Cabinet.

Appendix 5 - Meeting Procedure Rule 27 - Agenda items submitted by Councillors

1. This Rule does not apply to special meetings of Committees and Sub-Committees or to the Cabinet.
2. A Councillor may, by notice given to the Monitoring Officer or their nominated representative 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 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 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 Council 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 Councillors exercising their rights under The Local Government Act 2000 as amended by Section 9FC of the Localism Act 2011, to request that an item be included on the Agenda of the Overview and Scrutiny Board or an Overview and Scrutiny Committee where the items is within the remit of that particular body. It should be read in conjunction with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution. The restrictions in paragraph 3 above on the number of items shall not apply.

Appendix 6 – Public Questions, Statements and Petitions - Meeting Procedure Rules 12 and 28

1. Members of the public may ask questions at meetings of the Full Council, Cabinet, and Committees of the Council. 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 Council may submit a written question to the Leader of the Council, a Portfolio Holder or the Chairman of the Council or of a Committee of the Council.
 - (b) A person wishing to ask a question shall submit the question in writing which must be received by the Monitoring Officer or their nominate d representativefour clear working days before the meeting of the Council at which it is to be asked. The person's name and address must be included. In calculating this period the date of the meeting and date of submission are to be excluded.
 - (c) A question shall relate to Council 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 provided to Councillors prior to the commencement of the Council meeting and copies made available for others attending the 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 Council would be likely to consider in the absence of the press and public, the Chairman of the Council shall have the right to rule the question out of order.
 - (g) In exceptional cases members of the public who do not live or work in the administrative area of the Council but who are directly affected by a decision or potential decision of the Council can submit a question in accordance with the above procedure and the Monitoring Officer will consider the relevance and in consultation with the Chairman confirm the validity or otherwise of the question.
2. Members of the public may make statements at meetings of the full Council, Cabinet, and Committees of the Council. 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 area of the Council may submit a written statement to the Council, Cabinet or a Committee of the Council.
 - (b) A person wishing to make a statement under this protocol shall submit the statement in writing which must be received by the Monitoring Officer or their nominated representative by midday the day before the meeting of the Council 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 business on the agenda, and shall not normally exceed 100 words in length.
 - (d) Statements shall be printed in order of receipt and circulated to Councillors prior to the commencement of the Council meeting. No discussion shall be allowed upon statements.
 - (e) The person making the statement shall normally attend the meeting to read out their statement. However, persons may, if they prefer, ask for an officer of the Council to read out their statement.
 - (f) If statements are unsuitable in form, frivolous, defamatory, derogatory or relate to a matter which the Council 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.
 - (g) In exceptional cases members of the public who do not live or work in the administrative area of the Council but who are directly affected by a decision or potential decision of the Council can submit a statement in accordance with the above procedure and the Monitoring Officer will consider the relevance and in consultation with the Chairman confirm the validity or otherwise of the statement.
3. Members of the public may present petitions at meetings of the Council, Cabinet and Committees of the Council. The protocol for petitions is as follows:
- (h) Subject to the requirements of this protocol, a member of the public who lives or works in the area of the Council may submit a petition to the Council, Cabinet or a Committee of the Council.
 - (i) A person wishing to submit a petition under this protocol shall submit the petition to the Monitoring Officer at the main office of the Council by midday the day before the meeting of the Council at which it is to be raised.
 - (j) Petitions shall be printed in order of receipt and circulated to Councillors prior to the commencement of the Council meeting. No discussion shall be allowed upon petitions.

- (k) The person submitting the petition shall normally attend the meeting and shall have three minutes to present the petition. However, persons may, if they prefer, ask for an officer of the Council to read out the petition and numbers of signatures to it.
 - (l) If statements are unsuitable in form, frivolous, defamatory, derogatory or relate to a matter which the Council 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.
 - (m) In exceptional cases members of the public who do not live or work in the administrative area of the Council but who are directly affected by a decision or potential decision of the Council can submit a petition in accordance with the above procedure and the Monitoring Officer will consider the relevance and in consultation with the Chairman confirm the validity or otherwise of the petition.
4. The time for questions, statements and petitions from members of the public shall normally commence immediately after the item 'Code of Conduct' on the Council agenda and shall be restricted to a total of 15 minutes, or at the discretion of the Chairman of the Council 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 Councillors.
1. This procedure does not apply to Planning Committee, Licensing Committee or Appeals Committee. A separate protocol will be established for public representations relating to matters considered at these Committees, such protocol to be published on the website.

E. Financial Regulations

- 1. The Financial Regulations are contained within a separate document marked “Financial Regulations” and published as an Appendix to this Constitution. For the avoidance of doubt the Financial Regulations form part of this Constitution.**

F. Officer Employment Procedure Rules

1. General

- 1.1. Officers within the Council are employed, appointed, designated or engaged on behalf of the whole Council and not by parts of the Council or individuals.
- 1.2. The employment, appointment, designation or engagement of all Officers will be in compliance with the law and any policies and procedures of the Council.
- 1.3. Generally (except for certain Senior Officer appointments) the function of appointment and dismissal of, and taking disciplinary action against, an Officer of the Council must be discharged on behalf of the Council by the Head of the Paid Service or by an Officer nominated by them.

2. Recruitment and Appointment of Officers

- 2.1. Subject to the provisions of these Procedures, the recruitment, designation and appointment of Officers will be conducted in accordance with the law and the Council's policies and procedures.
- 2.2. Any candidate for any designation or appointment with the Council who knows that they are related to a Councillor or Officer of the Council shall, when making application, disclose, in writing, that relationship to the Director of Human Resources and Organisational Design ("Director of HR & OD"). 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 Councillor and Officer of the Council shall disclose to the Director of HR & OD any relationship known to them to exist between them and any person they know is a candidate for a designation or appointment by the Council.
- 2.4. Any candidate for designation or appointment who directly or indirectly seeks the support of a Councillor or Officer of the Council in any designation or appointment shall be disqualified and, if designated or appointed, shall be liable to dismissal. A Councillor shall not solicit for any person in respect of any designation or appointment with the Council 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 Director of HR & OD will rule and such ruling will be applied.

- 2.7. The Director of HR & OD 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 Council, the Cabinet is responsible for the development of Corporate Human Resources policies; determining and monitoring such policies; and the operational implementation of those policies, including the development of practices and procedures to support them.

4. Appointment of Head of the Paid Service, Chief Officers (Tier 2 Appointments), Monitoring Officer and Section 151 Officer

- 4.1. The appointment to the above posts will be made by Full Council following a process arranged by the Director of HR & OD as set out below.
- 4.2. Where the Council proposes to appoint to one of the posts above, the Director of HR & OD will oversee the arrangements for filling the vacancy in consultation with the Leader of the Council. The Director of HR & OD will make arrangements which will include convening a member panel which will not be a formal Committee of the Council, but will contain relevant members and include at least one opposition member and at least one member of the Cabinet.
- 4.3. The Director of HR & OD shall, in consultation with the member panel they have convened:
- (a) Draw up a statement specifying the duties of the Officer post 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 member panel, Director of HR & OD and any other person the Director of HR & OD considers appropriate to support the process will select from the applications a short list of qualified candidates and will then interview those included in the short list
- 4.4. Following the interview of candidates, the panel will come to a view as to the most suitable person for the position.
- 4.5. 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.
- 4.6. Within two clear working days of interview the Director of HR & OD will notify each member of the Cabinet of:
 - (a) The name of the person and any other information they consider relevant to the appointment
 - (b) The period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Director of HR & OD; such period shall not exceed five clear working days.
- 4.7. A recommendation to Full Council must wait until:
 - (a) The Leader has, within the period of the notice under paragraph 4.5 above, notified the Director of HR & OD that neither they nor any member of the Cabinet has any objection to the making of the offer; or
 - (b) The period of the notice under paragraph 5.6 above has expired without objection; or
 - (c) The Director of HR & OD 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 Monitoring Officer should be sought.
- 4.8. Where following the above procedure there are no objections to the proposed appointment or any objections are not upheld, the Director of HR & OD will recommend that person for appointment at the next meeting of the Full Council or at a specially convened meeting of the Council. If the Council approve the recommendation, then a formal offer of appointment can be made.
- 4.9. Where following the interviews the Director of HR & OD in consultation with the panel are of the view that there is no suitable candidate, they will re-advertise the post.
- 4.10. Where Full Council does not approve the recommendation, it shall indicate how it wishes to proceed.

5. Dismissal of Head of Paid Service, Statutory Chief Officers, Non-Statutory Chief Officers and Deputy Chief Officers

- 5.1. 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 Head of Paid Service, Statutory Chief Officer, Non-Statutory Chief Officer and Deputy Chief Officer.
- 5.2. In regard in particular to the dismissal of the Head of Paid Service, Monitoring Officer or Section 151 Officer the Council by way of this paragraph formally

adopts the statutory procedure as set out in Regulation 6 and Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2001.

6. Appointments/dismissal of other Officers

- 6.1. Where any appointments are made to positions other than those referred to in paragraph 5 above, or where such persons are dismissed, these shall be the responsibility of the Head of Paid Service, or another Officer to whom they have delegated that responsibility.

PART 5
CODE OF CONDUCT AND
COUNCILLOR/OFFICER
PROTOCOL

Code of Conduct for Councillors

1. Introduction

- 1.1. The Council has a statutory duty to promote and maintain high standards of conduct by its councillors and co-opted members. Section 27(2) of the Localism Act 2011 (“The Act”) requires the Council to adopt a Code of Conduct. This Code of Conduct sets out the conduct that is expected of councillors and co-opted members when acting in that capacity.
- 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 and Integrity	Councillors should act with honesty and integrity and should not place themselves in situations where their honesty and integrity may be questioned.
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 Councillor must -

- (a) comply with this Code of Conduct and any other of the Council's policies, protocols and other procedures relating to the conduct of Councillors including the Protocol for Councillor/Officer Relations at Appendix B;
- (b) treat others with respect;
- (c) when using or authorising the use by others of the Council's resources act in accordance with the Council's reasonable requirements;
- (d) take into account any relevant advice provided by the Section 151 Officer; or Monitoring Officer, when reaching decisions on any matter;
- (e) inform the Monitoring Officer of the offer of any gifts and hospitality that they estimate has a value of more than £50 and the name of person offering the gift or hospitality and, if accepted, the reason for acceptance.

2.2. A Councillor must not –

- (a) do anything which may cause the Council to breach any of its duties under the equalities legislation;
- (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;
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council;
- (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 Council's reasonable requirements;

- (f) prevent another person from gaining access to information to which that person is entitled by law;
- (g) behave in a way which could reasonably be regarded as bringing their role or the Council 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;
- (i) use the Council's resources improperly for political purposes (including party political purposes).

3. Interests

- 3.1. A 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.
- 3.2. A Councillor must register any local interest. A local interest exists where a Councillor is a member of an external body or organisation where that membership involves a position of control or significant influence on the outside body or organisation concerned. This includes those external bodies and organisations to which the Council appoints representatives.
- 3.3. A 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 Council; and
 - (d) becoming aware of any new interests or changes in those interests.
- 3.4. A 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 Council who attends a meeting of the Council 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 Councillor need only declare the existence of the interest.
- 3.5. A Councillor who has a disclosable pecuniary interest in any business of the Council 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 Monitoring Officer.

4. Monitoring and review

- 4.1. This Code will be kept under review by the Standards Committee which will consider any changes required and make recommendations as appropriate to Full Council.

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;

“councillor” 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 FOR COUNCILLOR/OFFICER RELATIONS

1. INTRODUCTION

- 1.1. This Protocol governs relations between Councillors and Officers.
- 1.2. Its purpose is to assist the smooth running of the work of the Council by:
 - promoting trust, openness, fairness and honesty by setting out some ground rules;
 - defining roles so as to:
 - be clear about responsibilities – who does what
 - avoid conflict, and
 - prevent duplication or omission
- 1.3. This Protocol applies to Councillors, Co-opted Members, and Officers. Unless the context indicates otherwise, Officer means a person employed by the Council, a person engaged directly by the Council to provide services or employed by an organisation that has contracted with the Council.
- 1.4. The Standards Committee will review the content and operation of this Protocol from time to time. Any Councillors or Officer suggestions for changes to it should be passed to the Monitoring Officer or Chief Executive who will bring them forward to the Standards Committee.
- 1.5. Councillors and Officers must follow this Protocol at all times.
- 1.6. Breaches of this Protocol by a Councillor may result in a complaint to the Council's Standards Committee.
- 1.7. Breaches by an Officer may lead to disciplinary action.

2. THE RELATIONSHIP BETWEEN COUNCILLORS AND OFFICERS

- 2.1. A recognition of, and respect for, the respective roles and responsibilities of Officers and Councillors is vital and mutual trust, respect and courtesy is key.

Councillors should:

1. respect Officers' professional integrity;
2. not involve Officers in any criticism of the position or conduct of other Councillors or Officers which is, or could be construed as being, of a personal or party political nature;
3. not apply pressure on Officers to:
 - (a) change their professional opinion or advice

- (b) do anything which they are not empowered to do or which is against an Officer's professional judgment
 - (c) take any action which the officer considers to be unlawful or illegal or which could amount to maladministration or breach any relevant Codes of Conduct, including professional codes of conduct
4. not do anything that compromises, or which is likely to compromise, the impartiality of Officers or those who work for or on behalf of the Council;
 5. in seeking advice and support, have due regard to the seniority of the Officer with whom they are dealing;
 6. not purport to exercise line management control over an Officer or issue any formal instruction to an Officer;
 7. not disclose at a meeting open to the press and public, by comment to the media or by any other means to any person outside the Council, personal or confidential information which relates to a Council employee, past or present, except with that employee's consent;
 8. not comment publicly on individual staff issues or perceived capability of individual staff. This does not prevent Councillors from exercising their legitimate right to hold Officers to account at relevant Council meetings;
 9. ensure that all communication between them and Officers, including written communication, does not bring the Council into disrepute, or lead to the breakdown of mutual trust, respect and courtesy in Officer/Councillor relations;
 10. endeavour to give timely responses to enquiries from Officers;
 11. avoid personal close familiarity with Officers.

Officers should:

1. respect the political perspective of Councillors;
2. co-operate with all reasonable requests from Councillors and endeavour to give timely responses to enquiries from Councillors;
3. not seek to take advantage of Councillors or to cause them embarrassment or difficulties in the performance of their roles;
4. not act to frustrate the proper political objectives of Councillors;
5. not seek to influence a Councillor to make a decision in their favour;
6. not discuss with a Councillor personal matters concerning themselves or another individual Officer. This does not prevent Officers raising on a personal basis and in their own time a matter with their Ward Councillor;
7. not make claims or allegations to Councillors about other Officers;
8. maintain confidentiality;
9. perform their duties effectively, efficiently and with political neutrality;
10. behave in a professional and courteous manner;

11. be helpful to Councillors and understand and respect their roles, workload and pressures;
 12. avoid personal close familiarity with Councillors;
 13. report to their manager, the Monitoring Officer or the Chief Executive should a Councillor put pressure on them to deal with a matter outside Council procedure or policy;
 14. comply with the current Codes and Protocols applicable to Officers;
- 2.2. All Councillors have the same rights and obligations in relationships with Officers and should be treated equally. Where a political group forms the majority Administration it is recognised that the relationship between Officers, particularly Senior Officers, and the Administration will differ from that with opposition groups. Officers must ensure that, even when they are predominantly supporting the Leader and Cabinet Portfolio Holders, that their political neutrality is not comprised.
- 2.3. Councillors and Officers must be particularly aware of the image of the Council at meetings open to the public and should treat each other with respect and courtesy regardless of an individual's personal, political or professional views. Meetings require a degree of formality to be adopted, both in the conduct of business and in the manner in which participants are addressed in order to maintain public confidence.
- 2.4. Councillors may make written/oral representations to the relevant Senior Officer about issues raised by Officers with them as their ward Councillor, but the Councillor must:
- avoid getting inappropriately involved in, for example, the internal office management, discipline and/or other employment related issues, because of actions of the Councillor(s) may be held to be the actions of the Council, as an "employer";
 - avoid taking a proactive part to represent or in any other way advocate on behalf of any such Officer in any staffing issues or disciplinary procedures brought by the Council against any such Officer.

3. OFFICER ADVICE TO POLITICAL GROUPS AND OTHER MEETINGS

Officer Advice to Political Groups

- 3.1. Officers serve the Council as a whole and not exclusively any Political Group, combination of Groups or individual Councillor. Officers must treat Political Groups and individual Councillors in a fair and even handed manner.
- 3.2. There is statutory recognition of Political Groups. It is common practice for such Groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant formal Council body. Officers may on occasions be called upon to support and contribute to such deliberations by Political Groups but must at all times maintain a stance which

is politically impartial. The support provided by Officers may range from a briefing meeting with a Chairman or Cabinet Portfolio Holder before a meeting, to a presentation to a Political Group meeting.

- 3.3. Any advice given to a Political Group or Councillor will be treated with the strictest of confidence by the Officers concerned and not be accessible to any other Political Group(s). Factual information upon which any advice is based will be available to all Political Groups.
- 3.4. When Officer attendance is requested for Political Group meetings:
 1. the request to attend a Political Group meeting must be made through the Chief Executive or appropriate Senior Officer (Director or above);
 2. such a request can only be made in relation to Council business not Party policies or business;
 3. at the meeting Officers will:-
 - (a) provide relevant information and advice on Council business only and not on matters which are purely of a party political nature and must at all times do so in a way which is politically impartial;
 - (b) normally leave during the deliberations of the Political Group on the issue – to avoid any appearance of impropriety or misunderstanding;
 - (c) respect the confidentiality of any Political Group discussion at which they are present; Councillors must not do anything which compromises or is likely to compromise Officers' impartiality. This must not prevent an Officer providing feedback to other Senior Officers as appropriate.
- 3.5. The duration of an Officer's attendance at a Political Group meeting will be at the discretion of the Group, but an Officer may leave at any time if they feel it is no longer appropriate to be there.
- 3.6. An Officer accepting an invitation to the meeting of one Political Group must not decline an invitation to advise another Group about the same matter. They must give substantially the same advice to each.
- 3.7. An Officer must be given the opportunity of verifying comments and advice attributed to them in any written record of a Political Group meeting.
- 3.8. No Councillor will refer in public or at meetings of the Council to advice or information given by Officers to a Political Group meeting.
- 3.9. Political Group meetings perform an important part in the preliminaries to Council decision-making. However, they are not formal decision-making bodies of the Council and are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not rank as Council decisions.

- 3.10. The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.
- 3.11. The principles of this section apply to informal meetings of Cabinet.

Officer Advice to Other Meetings

- 3.12. Officers are available to attend meetings called under the arrangements set out in the Constitution and as specified in this Protocol. Other meetings such as area/community forums, public meetings, local meetings, consultations arranged by Councillors are not official business meetings of the Council. Officers will not attend such other meetings unless authorised/agreed by the relevant Senior Officer.

4. LOCAL WARD ISSUES

- 4.1. To enable them to carry out their Ward role effectively, Councillors need to be fully informed about matters affecting their Ward. Senior Officers must ensure that all relevant staff are aware of the requirement to keep Ward Councillors informed, thus allowing Councillors to contribute to the decision-making process and develop their representative role.
- 4.2. This requirement is particularly important:
 - during the early stages of policy development, where practicable;
 - in relation to major or sensitive operational matters;
 - whenever any form of public consultation exercise is undertaken;
 - during an Overview and Scrutiny process.
- 4.3. When a public meeting is organised by Officers to consider a local issue, all the Councillors representing the Wards affected must be invited to attend the meeting. Similarly, when Officers undertake any form of consultation on a local issue, the Ward Councillors should be notified at the start of the exercise.
- 4.4. If Ward Councillors intend to arrange a public meeting on a matter concerning some aspect of the Council's work, they can invite a relevant Officer to attend if they so wish. Provided that the meeting has not been arranged on a party political basis an Officer may attend but is not obliged to do so and the meeting may be held in Council-owned premises.
- 4.5. Officers will not be able to attend such meetings in the immediate run-up to Council elections.
- 4.6. Officers must never be asked to attend Ward or Constituency Political Party meetings.
- 4.7. In seeking to deal with residents' queries or concerns, Councillors must not seek to place Officers under undue pressure to deal with their query in a way which circumvents the usual Council procedures. Officers may not be able to carry out the work required by Councillors in the requested timescale and may

need to seek instructions from their managers. Corporate Customer response times apply.

- 4.8. If any of the Members of Parliament (MPs) are involved in a local issue, Officers may invite the MP, in addition to the Ward Councillors. If Officers consider this is not appropriate for any reason they may meet the MP separately.

5. CORRESPONDENCE INCLUDING EMAILS

- 5.1. Official correspondence written on behalf of the Council must normally be in the name of the relevant Officer rather than in the name of a Councillor. It may be appropriate in some circumstances, for example representations to a Government Minister for letters to appear in the name of the appropriate Councillor, for example, the Leader – but this should be only in exceptional circumstances. Letters that, for example, set up meetings, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Councillor.
- 5.2. The Chairman may correspond in their own name.
- 5.3. Correspondence which creates legally enforceable obligations or gives instructions on behalf of the Council must never be sent in the name of a Councillor.

6. IF THINGS SHOULD GO WRONG

- 6.1. Councillors or Officers with questions about the implementation or interpretation of this Protocol should seek guidance from the Monitoring Officer.
- 6.2. If Councillors believe that an Officer has breached this Protocol or have concerns about the conduct, behaviour, or performance/capability of an Officer they should raise the matter direct with that Officer's manager or Director; where the Officer concerned is a Director the matter should be raised with the Chief Executive; and when the Officer is the Chief Executive, with the Monitoring Officer.
- 6.3. In all cases, the Officers with whom the concerns have been raised will report back to the Councillor concerned, giving as much information as they can as to the conclusions they have reached.
- 6.4. This procedure is only appropriate where their issues arise in the Councillor's capacity as a Member of the Council, rather than as a service user or individual affected by the Council's decision. In such cases their concerns should be dealt with in accordance with the Council's complaints procedure.
- 6.5. If Officers are concerned about the conduct of a Councillor they should raise the matter with their Manager or Director as appropriate. The Manager will discuss the matter with their Director, who will seek to resolve it to the Officer's satisfaction, in consultation with the Monitoring Officer, where appropriate. The aim of these discussions is to resolve the matter by conciliation, rather than by more formal means. Nevertheless, it must be recognised that Officers, like any

members of the public, may make an allegation of a breach of the Code of Conduct for Councillors and can also use the procedures set out in the Council's Bullying and Harassment policy.

- 6.6. Where the concerns are about potential unlawful conduct of an Officer or Councillor, the Whistleblowing Policy or other Council policies may be relevant.

For further advice, please contact:

Monitoring Officer

[contact details to be inserted]

ARRANGEMENTS FOR DEALING WITH ALLEGATIONS OF BREACH OF THE CODE OF CONDUCT FOR COUNCILLORS

1. INTRODUCTION

- 1.1. The Council is required to adopt arrangements to deal with complaints that councillors have breached the Code of Conduct.
- 1.2. The following process will apply from the 1 April 2019. This process will be actively reviewed by the Standards Committee during the first 12 months of the new Council and the Committee will make recommendations as to any changes to the process it considers appropriate.

2. PROCESS

- Complaint received by Monitoring Officer (MO).
- MO provides details of the complaint to the Councillor within three working days of receipt and seeks an initial response and advises of the right to speak to the Independent Person (IP).
- The Councillor, within five working days or longer at discretion of the MO, provides an initial response to the complaint.
- The Chair of Standards Committee in consultation with councillors of the Standards Committee and MO decides whether:
 - There is no breach of the Code and no further action should be taken; or
 - There is a potential breach of the Code and informal resolution is appropriate, to include for example mediation, training, apology, advice; or
 - There is a potential breach of the Code and the MO should undertake or commission and investigation into the complaint with a view to a report then being considered by the Standards Committee.
- The Councillor and Complainant will be kept informed and will be notified of the outcome of the initial consideration by the Chair and members of the Committee.
- Where there is no further action to be taken, or the matter is dealt with by information resolution, the MO shall report on such outcomes by way of an updating report to the Standards Committee which will retain oversight of the arrangements.
- Where the matter is considered at a meeting of the Standards Committee further to an investigation, this will be at a formal meeting of the Committee

subject to the relevant Procedure Rules contained in Part 4 of this Constitution.