

PART 4
STANDING ORDERS, PROCEDURES AND REGULATIONS

A STANDING ORDERS

1. Annual Meeting of the Council

1.1 Timing and Business

In a year when there is an ordinary election of Councillors the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May. The annual meeting will:

- a) elect a person to preside if the Chairman of the Council is not present;
- b) elect the Chairman of the Council;
- c) appoint the Vice-Chairman of the Council;
- d) approve the Minutes of the last meeting;
- e) receive any announcements from the Chairman and/or the Head of Paid Service;
- f) elect the Leader;
- g) appoint the Deputy Leader;
- h) agree the number of Members to be appointed to the Cabinet and appoint those members of the Cabinet;
- i) appoint the Overview and Scrutiny Committee, Area Committees and Standards Committee and an Appointments Board and Licensing and Appeals Committee and such other Committees as the Council considers appropriate to deal with matters that are not reserved to the Council;
- j) appoint the Chairman and Vice-Chairman of Committees with the exception of the Area Committees and the Standards Committee, subject to any requirements of this Constitution concerning who may be appointed to such positions;
- k) agree the Scheme of Delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- l) approve a programme of ordinary meetings of the Council for the year;
- m) consider any business set out in the notice convening the meeting.

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1.2 Appointment of Councillors to Committees and outside bodies.

At the annual meeting, the Council will:

- a) decide which Committees to establish for the civic year;
- b) decide the size and Terms of Reference for those Committees;
- c) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- d) receive nominations of Councillors to serve on each Committee and outside body;
- e) appoint those Committees and outside bodies except where appointment has been delegated by the Council or is exercisable only by the Cabinet.

2. Ordinary Meetings

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

- a) elect a person to preside if the Chairman and Vice-Chairman are not present;
- b) approve the Minutes of the last meeting;
- c) receive any declarations of interest from Members;
- d) receive any announcements from the Chairman, Leader, members of the Cabinet or the Head of Paid Service;
- e) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- f) deal with any business of the last Council meeting;
- g) receive and debate reports from the Cabinet and the Council's Committees and Chairmen of the Area Committees and receive questions and answers on any of those reports. For this purpose the agenda for each meeting of the Council will include a standing item under which such reports can be presented, subject to compliance with the provisions of the Access to Information Rules regarding notice;
- h) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- i) consider motions;

- j) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework and reports of the Overview and Scrutiny Committee for debate.

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3. Extra Ordinary Meetings

3.1 Calling Extra Ordinary Meetings.

Those listed may request the Proper Officer to call Council meetings in addition to ordinary meetings:

- a) the Council by resolution;
- b) the Chairman of the Council;
- c) the Monitoring Officer;
- d) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

- 3.2 At an extra ordinary meeting of the Council the only business to be transacted will be that included within the summons to attend the meeting.

4. Appointment of Substitute Members of Committees and Sub-Committees

- 4.1 As well as allocating seats on Committees and sub-Committees the Council will allocate seats in the same manner for substitute Members.

- 4.2 For each Committee or sub-Committee, but not the Cabinet, the Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that Committee or sub-Committee up to a maximum number of three.

- 4.3 Substitute members will have all the powers and duties of any ordinary member of the Committee but will not be able to exercise any special powers or duties exercised by the person they are substituting.

- 4.4 Substitute members may attend meetings in that capacity only:

- a) to take the place of the ordinary member for whom they are designated substitute;
- b) when the ordinary member will be absent for the whole of the meeting;
- c) after notifying the Proper Officer by 12 noon on the day of the meeting of the intended substitution.

5. Time and place of Meetings

The time and place of meetings will be determined by the Proper Officer and notified in the summons.

6. Notice and Summons to Meetings

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least 5 clear days before a meeting the Proper Officer will send a summons signed by him or her by post to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

7. Chair of Meeting

The person presiding at the meeting may exercise any power or duty of the Chairman but must request the permission of the Council before speaking on matters other than procedural. The person presiding will ensure that formality is maintained throughout the procedures. Where these rules apply to Committee and sub-Committee meetings, references to the Chairman also include the Chairman of Committees and sub-Committees.

8. Quorum

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

9. Questions by the Public

- 9.1 **General**
Members of the public may ask questions of the Leader of the Council and members of the Cabinet at ordinary meetings of the Council.
- 9.2 **Order of Questions**
Questions will be asked in the order in which notice of them was received, except that the Chairman may group together similar questions.
- 9.3 **Notice of Questions**
Questions may only be asked if notice has been given by delivering it in writing or by electronic mail to the Proper Officer by not later than 12 noon, five working days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.
- 9.4 **Number of Questions**
At any one meeting no person may submit more than 2 questions and no more than 2 such questions may be asked on behalf of one organisation.
- 9.5 **Scope of Questions**
The Proper Officer may reject a question if it::
- is not about a matter for which the local authority has responsibility or which affects the District;
 - is defamatory, frivolous or offensive;
 - is substantially the same as a question which has been put to a meeting of the Council in the past six months; or
 - requires the disclosure of confidential or exempt information.
- 9.6 **Record of Questions**
The Proper Officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.
- 9.7 **Asking the Question at the Meeting**
The Chairman will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.
- 9.8 **Supplemental Question**
A questioner who has put a question in person may also put 1 supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds in rule 9.5 above.
- 9.9 **Written Answers**
Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by a written answer.
- 9.10 **Reference of Question to the Cabinet or a Committee**
Unless the Chairman decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee or sub-Committee. Once seconded, such a motion will be voted on without discussion.

10. Questions by Members

- 10.1 **On Reports of the Cabinet or Committees**
A Member of the Council may ask the Leader, the Chairman of a Committee or a Cabinet member any question without notice upon an item of report of the Cabinet, a Cabinet member or a Committee when that item is being received or under consideration by the Council.

- 10.2 Questions on Notice at Council
Subject to rule 10.4, a Member of the Council may ask:
- a) the Chairman;
 - b) a member of the Cabinet;
 - c) the Chairman of any Committee or sub-Committee a question on any matter in relation to which the Council has powers or duties or which affects the District.
- 10.3 Questions on Notice at Committees and sub-Committees
Subject to rule 10.4, a Member of the Council may ask the Chairman of any Committee or sub-Committee a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the Terms of Reference of that Committee or sub-Committee.
- 10.4 Notice of Questions
A Member may only ask a question under rule 10.2 or 10.3 if either:
- a) they have given at least three working days notice in writing of the question to the Proper Officer; or
 - b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Proper Officer by 10.00 a.m. on the day of the meeting.
- 10.5 Response
An answer may take the form of:
- a) a direct oral answer;
 - b) where the desired information is in a publication of the Council or other published work, a reference to that publication;
 - c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- 10.6 Supplementary Question
A Member asking a question under rule 10.2 or 10.3 may ask one supplementary question without notice of the Member to whom the first question was put. The supplementary question must arise directly out of the original question or the reply.

11. Motions on Notice

- 11.1 Notice
Except for motions which can be moved without notice under rule 12, written notice of every motion, signed by at least five Members where the motion calls for the removal from office of the Leader or by at least two Members in any other case, must be delivered to the Proper Officer not later than 12 noon six clear working days (excluding the day of the meeting and the day of delivery) before the date of the meeting. These will be entered in a book open to public inspection.
- 11.2 Motion Set Out in agenda
Motions for which notice has been given will be listed on the agenda in the order in which the notice was received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.
- 11.3 Scope
Motions must be about matters for which the Council has responsibility or which affect the District
- 11.4 Debate at Council
Motions that have been proposed and seconded shall then be the subject of immediate debate unless the Chairman of the Council considers it to be appropriate for the motion to be referred to the Cabinet or a Committee for consideration. In such cases the Chairman shall provide reasons for such a decision.

12. Motions without Notice

- The following motions may be moved without notice:
- a) to appoint a Chairman of the meeting at which the motion is moved;
 - b) in relation to the accuracy of the Minutes;
 - c) to change the order of business in the agenda;
 - d) to refer something to an appropriate body or individual;
 - e) to appoint a Committee or Member arising from an item on the summons from the meeting;

- f) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) to adjourn a meeting;
- m) to suspend a particular Standing Order;
- n) to exclude the public and press in accordance with the Access to Information Rules;
- o) to not hear further a Member named under rule 20.3 or to exclude them from the meeting under rule 20.4;
- p) to give the consent of the Council where its consent is required by the Constitution.

13. Rules of Debate

13.1 No Speeches Until Motion Seconded

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

13.2 Right to Require Motion in Writing

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

13.3 Secunder's Speech

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

13.4 Content and Length of Speeches

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

13.5 When a Member May Speak Again

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

- a) to speak once on an amendment moved by another Member;
- b) to move a further amendment if the motion has been amended since he/she last spoke;
- c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- d) in exercise of a right of reply;
- e) on a point of order;
- f) by way of personal explanation.

13.6 Amendments to Motions

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

13.7 Alterations of Motion

- a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- c) Only alterations which could be made as an amendment may be made.

13.8 Withdrawal of Motion

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

13.9 Right of Reply

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

13.10 Motions Which May Be Moved During Debate

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

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

13.11 Closure Motions

- a) A Member may move without comment, the following motions at the end of a speech of another Member: i) to proceed to the next business; ii) that the question be now put; iii) to adjourn a debate; iv) to adjourn a meeting.
- b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote;
- c) If a motion that the question will be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote;
- d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.12 Point of Order

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

13.13 Personal Explanation

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate.

The ruling of the Chairman on the admissibility of a personal explanation will be final.

14. Debates at Council

Debates at Council will be facilitated by the provisions of Standing Orders 2.1f) and 11.4 and such debates shall be conducted in accordance with the rules contained within Standing Order 13.

15. Previous Decisions and Motions

15.1 Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 12 Members.

15.2 Motion Similar to One Previously Rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 12 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16. Voting

16.1 Majority

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

16.2 Chairman's Casting Vote

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

16.3 Show of Hands

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

16.4 Ballots

The vote will take place by ballot if six Members present at the meeting demand it. The Chairman will announce the numerical result of the ballot immediately the result is known.

16.5 Recorded Vote

If one Member present at the meeting so demands the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the Minutes. A demand for a recorded vote will override a demand for a ballot.

16.6 Right to Require Individual Vote to be Recorded

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

16.7 Voting on Appointments

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

17. Minutes

17.1 Signing the Minutes

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

17.2 No Requirement to Sign Minutes of Previous Meeting at Extra Ordinary Meeting

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

17.3 Form of Minutes

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

18. Record of Attendance

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

19. Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or rule 21 (disturbance by public).

20. Members Conduct

20.1 Standing to Speak

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

20.2 Chairman Standing

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

20.3 Member Not to be Heard Further

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

20.4 Member to Leave the Meeting

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

20.5 General Disturbance

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

21. Disturbance by Public

21.1 Removal of Member of the Public

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

21.2 Clearance of Part of Meeting Room

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

22. Suspension and Amendment of Standing Orders

22.1 Suspension

All of these Council rules of procedure except 16.6 and 17.2 may be suspended by motion on notice or without notice if at least 1 half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

22.2 Amendment

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

23. Application to Committees and Sub-Committees

All of these Standing Orders apply to meetings of full Council. With the exception of Standing Orders 6 and 9 none apply to meetings of the Cabinet. Only Standing Orders 5-12, 14-16 and 18-22 (but not rule 20.1) apply to meetings of Committees and sub-Committees.

B PROCEDURES

ACCESS TO INFORMATION PROCEDURE RULES

1. Scope

These rules apply to all meetings of the Council, Overview and Scrutiny Committee, Area Committees, the Planning Control Committee, the Standards Committee, the Licensing and Appeals Committee, all Sub Committees with the exception of the Standards Referrals and the Standards Review Sub-Committees of the Standards Committee when exercising functions under Sections 57A and 57B of the Local Government Act 2000, Joint Staff Consultative Committee and public meetings of the Cabinet all referred to as meetings in these rules. They also apply to meetings called for the purposes of individual decision making. No decision shall be taken unless it is included on the agenda for that meeting and is accompanied by a report from the appropriate officer or Cabinet Member. Where the report is from a Cabinet member, it must state any advice received from officers.

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2. Additional Rights to Information

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

3. Rights to Attend Meetings

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

4. Notices of Meeting

The Council will give at least five clear working days notice of any meeting by posting details of the meeting at the Council Offices and on the Council's website.

5. Access to Agenda and Reports Before the Meeting

The Council will make copies of the agenda and reports open to the public, available for inspection at the Council Offices and on the Council website at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Proper Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors. In the case of items or reports which fail to meet the deadlines of five clear working days, the Proper Officer will need to be satisfied that;

- a) the item/report is genuinely urgent;
- b) it cannot wait until a later meeting;

and the report author is responsible for furnishing these reasons to the Proper Officer.

6. Supply of Copies

The Council will supply copies of:

- a) any agenda and reports which are open to public inspection;
- b) any further statements or particulars necessary to indicate the nature of the items in the agenda;
- c) if the Proper Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other costs.

7. Access to Minutes and Documents after the Meeting

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

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

8. Background Papers

8.1 List of Background Papers

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

- a) disclose any facts or matters on which the report or an important part of the report is based; and
- b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of Cabinet reports, the advice of a political advisor if any.

8.2 Public Inspection of Background Papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers

9. Summary of Public's Rights

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

10. Exclusion of Access by the Public to Meetings

10.1 Confidential Information - Requirement to Exclude the Public

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

10.2 Exempt Information - Discretion to Exclude the Public

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

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

10.3 Meaning of Confidential Information

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

10.4 Meaning of Exempt Information

Exempt information means information falling within the categories described below:

Description	Qualification
Information relating to any individual	Public interest
Information which is likely to reveal the identity of an individual.	Public interest
Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information is not exempt if it is required to be registered under- (a) the Companies Act 1985(a); (b) the Friendly Societies Act 1974(b); (c) the Friendly Societies Act 1992(c); (d) the Industrial and Provident Societies Acts 1965 to 1978(d); (e) the Building Societies Act 1986(e); or (f) the Charities Act 1993(f).

Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or the Minister of the Crown and employees of, or office holders under, the authority.	Public interest
Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Public interest
Information which reveals that the authority proposes- (a) to give under any enactment a notice or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	Public interest
Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Public interest
Exempt information relating to Standards Committee only (in addition to Paragraphs 1-7 above)	
Information which is subject to any obligation of confidentiality.	Public interest
Information which relates in any way to matters concerning national security.	Public interest
The deliberations of a Standards Committee or a sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.	Public interest

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

10.6 Qualification

The exemption applies 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.

10.7 Interpretation

(1) "employee" means a person employed under a contract of service;

"financial or business affairs" includes contemplated, as well as past or current, activities;

"labour relations matter" means –

(a) any of the matters specified in paragraphs (a) to (g) of Section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or

(b) Any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

“office-holder”, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds such office or is an employee of the authority;

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

(2) Any reference to “the authority” is a reference to the principal Council or, as the case may be, the Committee or Sub-Committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined

(i) any other Committee or Sub-Committee of a principal Council falling within sub-paragraph (i) or (ii) above; and

(a) in the case of a Sub-Committee, to –

(i) the Committee, or any of the Committees, of which it is a Sub-Committee; and

(ii) any principal Council which falls within paragraph (b) above in relation to that Committee.

11. Exclusion of Access by the Public to Reports

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

12. Application of Rules to the Cabinet

12.1 Rules 13 - 24 apply to the Cabinet and its Committees. If the Cabinet or its Committees meet to take a key decision then it must also comply with rules 1-11 unless rule 15 (general exception) or rule 16 (special urgency) apply. A key decision is as defined in Article 13.03 of this Constitution.

12.2 If the Cabinet or its Committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 20 working days of the date according to the Forward Plan by which it is to be decided, then it must also comply with rules 1 - 11 unless rule 15 (general exception) or rule 16 (special urgency) apply. This requirement does not include meetings whose sole purpose is for officers to brief Members.

13. Procedure before Taking Key Decisions

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

a) a notice (called here a Forward Plan) has been published in connection with the matter in question;

- b) at least five clear working days have elapsed since the publication of the Forward Plan;
- c) where the decision is to be taken at a meeting of the Cabinet or its Committees, notice of the meeting has been given in accordance with rule 4 (notice of meetings).

14. The Forward Plan

14.1 Period of Forward Plan

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

14.2 Contents of Forward Plan

The Forward Plan will contain matters which the Leader has reason to believe will be the subject of a key decision to be taken by the Cabinet, a Committee of the Cabinet, individual members of the Cabinet, officers, Area Committees or under joint arrangements in the course of the discharge of an executive function during the period covered by the Plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- a) the matter in respect of which a decision is to be made;
- b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- 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 (both formal and informal) is proposed to be undertaken;
- f) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

14.3 Publication of the Forward Plan

The Forward Plan must be published at least 10 working days before the start of the period covered and will be published on the Council's website. The Proper Officer will publish once a year a notice in at least one newspaper circulating in the area, stating:

- a) that key decisions are to be taken on behalf of the Council;
- b) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- c) that the Plan will contain details of the key decisions to be made for the four month period following its publication;
- d) that each Plan will be available for inspection at reasonable hours free of charge at the Council's offices and will be published on the Council's website;
- e) that each Plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the Plan;
- f) 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;
- g) that other documents may be submitted to decision takers;
- h) the procedure for requesting details of documents (if any) as they become available;
- i) the dates on each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.

Exempt information need not be included in a Forward Plan and confidential information cannot be included.

15. General Exception

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

- a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;

- b) the Proper Officer has informed the Chairman of the relevant Overview and Scrutiny Committee(s), or if there is no such person, each Member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- c) the Proper Officer has made copies of that notice available to the public at the offices of the Council; and
- d) at least three clear working days have elapsed since the Proper Officer complied with (a) and (b). Where such a decision is taken collectively, it must be taken in public.

16. Special Urgency

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

17. Report to Council

17.1 When the Overview and Scrutiny Committee can Require a Report

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

- a) included in the Forward Plan;
- b) the subject of the general exception procedure;
- c) the subject of an agreement with the relevant Overview and Scrutiny Committee(s) Chairman, or the Chairman/Vice-Chairman of the Council or Chief Executive under rule 16;

the Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Proper Officer, who shall require such a report on behalf of the Committee when so requested by the Chairman or any five Members. Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

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17.2 Cabinet's Report to Council

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

17.3 Quarterly Reports on Special Urgency Decisions

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

18. Record of Decisions

After any meeting of the Cabinet or any of its Committees, whether held in public or not, the Proper Officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting. The record will also include any relevant interests which any of the Members involved have, together with any dispensations they have been granted.

19. Cabinet Meetings Relating to Matters Which are not Key Decisions

The Cabinet will meet in public.

20. Decisions by Individual Members of the Cabinet

20.1 Decisions to be Taken in Public

Where an individual Member is taking a decision (which is not included in the list of exemptions listed above) the decisions will be taken in public (subject to rule 22.2) and will be subject to the same rules as for Cabinet.

20.2 Decisions to be Taken in Private

Where an individual Member is taking a decision as a member of an external body to which they have been appointed, such as a Partnership Board or other body, where meetings are not open to the public, such decision is necessarily taken in private. This is the only circumstance where Members take decisions in private and a list of the bodies to which this applies will be published at the start of each municipal year and updated throughout the year as appropriate.

Where an individual member of the Cabinet receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least three clear working days after receipt of that report.

20.3 Provision of Copies of Reports to the [Overview and Scrutiny Committee](#).

On giving such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chairman of the [Overview and Scrutiny Committee](#) as soon as reasonably practicable, and make it publicly available at the same time.

20.4 Record of Individual Decision

As soon as reasonably practicable after a Cabinet decision has been taken by an individual Member of the Cabinet or a key decision has been taken by an officer, he/she will prepare, or instruct the Proper Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. Members taking individual decisions will do so in the presence of the Proper Officer at the appointed date and time. The provisions of rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information or advice from a political assistant, if any.

Officers taking key decisions shall record them on the appropriate pro-forma and send them to the Proper Officer within two working days. The Proper Officer shall then publish a record of all decisions taken by officers on both the Council's website and in the Members Information Service.

21. [Overview and Scrutiny Committee\(s\)](#) Access to Documents

21.1 Rights to Copies

Subject to rule 22, the [Overview and Scrutiny Committee](#) will be entitled to copies of any document which is in the possession or control of the Cabinet or other Committees which contain material relating to:

- a) any business transacted at a public or private meeting of the Cabinet;
- b) any decision taken by an individual Member of the Cabinet.

21.2 Limit on Rights

The [Overview and Scrutiny Committee](#) will not be entitled to:

- a) any document that is in draft form;
- b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise;
- c) the advice of a political adviser if any.

With regard to b) above the scrutiny body will need to demonstrate to the Proper Officer that the information requested is relevant to them and the Proper Officer shall take a decision as to whether the information should be made available, supplying reasons as appropriate.

22. Additional Rights of Access for Members

22.1 Material Relating to Previous Business

All Members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its Committees and contains material relating to any business previously transacted at a private meeting unless either a) or b) below applies.

a) it contains exempt information falling within paragraphs 1 to 7 of the categories of exempt information;

b) it contains the advice of a political adviser, if any.

22.2 Material Relating to Key Decisions

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet (or its Committees) which relates to any key decision unless paragraph a) or b) above applies.

22.3 Nature of Rights

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

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. Framework for Executive Decisions

- 1.1 The Council will be responsible for the adoption of the Budget and Policy Framework as set out in Article 4. Once a Budget or Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for developing the Policy Framework and the Budget

- 2.1 The Cabinet will publicise by including in the Forward Plan a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the Budget and Policy Framework.

- 2.2 The Cabinet may undertake consultation with Area Committees, ~~Overview~~ and Scrutiny Committee and local stakeholders as appropriate. Any representations made to the Cabinet shall be taken into account in formulating the initial proposals and shall be reflected in any report dealing with them. If the matter is one where the ~~Overview and Scrutiny~~ Committee has carried out a review of policy, then the outcome of that review will be reported to the Cabinet and considered in the preparation of initial proposals.

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- 2.3 The Cabinet develops its proposals for the plan, strategy or budget and seeks the views of the Area Committees, the ~~Overview~~ and Scrutiny Committee on them. The proposals will be referred by sending a copy to the Proper Officer who will forward them to the Chairman of the relevant Committee. The Committee may canvass the views of local stakeholders if it considers it appropriate, having particular regard not to duplicate any consultation carried out by the Cabinet. The Area Committees and ~~the Overview and Scrutiny Committee~~ shall report to Cabinet on the outcome of their deliberations. Committees shall have 4 to 6 weeks to respond to the initial proposals of the Cabinet unless the Cabinet considers that there are special factors that make the timescale inappropriate. If it does, it will inform the Committee of the time for response when the proposals are referred to it.

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- 2.4 The Cabinet will consider the views of those consulted and may amend its proposals before making recommendations to the full Council for consideration. It will report to the Council how it has taken into account any recommendations from the ~~Overview~~ and Scrutiny Committee or Area Committee.

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- 2.5 The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Cabinet's proposals and any report from any ~~Overview~~ and Scrutiny Committee.

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- 2.6 In respect of the preparation of the Budget or a plan, policy or strategy forming part of the Strategic Framework, the Cabinet has a right to ask the Council to reconsider any proposed decision which runs counter to the Cabinet's proposals for either Budget or plans.

- 2.7 Where the Cabinet has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council must take the action set out in paragraph 2.8.

- 2.8 Before the Council:

- a) amends the draft plan or strategy;
 - b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted;
 - c) adopts (with or without modification) the plan or strategy;
- it must inform the Cabinet Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

- 2.9 Where the Council gives instructions in accordance with paragraph 2.8, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:

- a) submit a revision of the draft plan or strategy as amended by the Cabinet (the "revised draft plan or strategy"), with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration;
- b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

- 2.10 When the period specified by the Council, referred to in paragraph 2.9, has expired, the Council must, when:
- a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
 - b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
 - c) adopting (with or without modification) the plan or strategy,
- take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement, which the Cabinet Leader submitted to the Council, or informed the Council of, within the period specified. The Council will then meet again to consider any objections from Cabinet and will make its final decision on the matter on the basis of a simple majority.
- 2.11 Subject to paragraph 2.15, where, before 8th February in any financial year, the Council's Cabinet submits to the Council for its consideration in relation to the following financial year,
- a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
 - b) estimates of other amounts to be used for the purposes of such a calculation;
 - c) estimates of such a calculation; or
 - d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,
- and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in paragraph 2.12.
- 2.12 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 2.11 a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Cabinet Leader of any objections which it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- 2.13 Where the Council gives instructions in accordance with paragraph 2.12, it must specify a period of at least five working days beginning on the day after the date on which the Cabinet Leader receives the instructions on behalf of the Cabinet within which the Cabinet Leader may -
- a) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or
 - b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- 2.14 When the period specified by the Council, referred to in paragraph 2.13, has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 2.11a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account,
- a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - b) the Cabinet's reasons for those amendments;
 - c) any disagreement that the Cabinet has with any of the Council's objections; and
 - d) the Cabinet's reasons for that disagreement, which the Cabinet Leader submitted to the Council, or informed the Council of, within the period specified.
- 2.15 Paragraphs 2.11 to 2.14 shall not apply in relation to:
- a) calculations or substitute calculations which a Council is required to make in accordance with sections 52(I), 52(J), 52(T) or 52(U) of the Local Government Finance Act 1992; and
 - b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52(J) or 52(U) of that Act.

3. Decisions Outside the Budget or Policy Framework

- 3.1 Subject to paragraph 4 (Urgent Decisions Outside the Budget or Policy Framework) the Cabinet, individual members of the Cabinet, Area Committees, Overview and Scrutiny Committee and officers may only take decisions which are in line with the Budget and Policy Framework. A decision which is not in line may only be taken by the full Council.
- 3.2 It is the responsibility of the decision-taker to seek advice from the Monitoring Officer and/or Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework or contrary to or not wholly in accordance with the Budget. If the advice of either of these officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred to the Council for a decision unless the decision is a matter of urgency in which case the provisions in paragraph 4 will apply.

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4. Urgent Decisions Outside the Budget or Policy Framework

- 4.1 The Cabinet, an individual member of the Cabinet (but not an officer) may take a decision which is not in line with the Budget and Policy Framework if:

- a) It is not practical to convene a quorate meeting of the full Council; and
- b) The Chairman of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the Overview and Scrutiny Committee's agreement to the urgency of the decision must be noted on the record of the decision. In the absence of the Chairman or Vice-Chairman of the Overview and Scrutiny Committee, the consent of the Chief Executive will be sufficient.

- 4.2 The decision taker must report to the next available Council explaining the decision, the reasons for it and the grounds of urgency.

5. Virement

The Council's Financial Regulations (as set out in Part 4 of this Constitution) define the virement limits which the Council has fixed.

6. Call-in of decisions outside the Budget or Policy Framework

The call-in of decisions will be in accordance with the Overview and Scrutiny Committee Procedure Rules as set out in Part 4, Section B of this Constitution.

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CABINET PROCEDURE RULES

1. How Does the Cabinet Operate?

1.1 Who May Make Executive Decisions?

The arrangements for the discharge of executive functions may be set out in the executive arrangements adopted by the Council. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for executive functions to be exercised by:

- a) the Cabinet as a whole;
- b) a Committee of the Cabinet;
- c) an individual member of the Cabinet;
- d) an officer;
- e) an Area Committee;
- f) joint arrangements;
- g) another local authority.

1.2 Delegation by the Leader

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

- a) the names, addresses and Wards of the people appointed to the Cabinet by the Leader;
- b) the extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority;
- c) the Terms of Reference and constitution of such Cabinet Committees as the Leader appoints and the names of Cabinet members appointed to them;
- d) the nature and extent of any delegation of executive functions to Area Committees, any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint Committee for the coming year;
- e) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom delegation is made.

1.3 Sub-Delegation of Executive Functions

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

1.4 The Council's Scheme of Delegation and Executive Functions

- a) Subject to (b) below the Council's Scheme of Delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain details required in Part 2, Article 7 and also as set out in Part 3 of this Constitution.
- b) If the Leader is able to decide whether to delegate executive functions, he/she may amend the Scheme of Delegation relating to executive functions at any time during the year. To do so the Leader must give written notice to the Proper Officer and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the Scheme of Delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or the Cabinet as a whole. The Proper Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- c) Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its Chairman.

- 1.5 Conflicts of Interest
- Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
 - If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
 - If the exercise of an executive function has been delegated to a Committee of the Cabinet, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by who the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- 1.6 Cabinet Meetings
The Cabinet will have 6 regular meetings each year to be agreed by the Leader. The Cabinet shall meet at the Council Offices, Gernon Road, Letchworth Garden City or some other location agreed by the Leader.
- 1.7 Public or Private Meetings of the Cabinet
Meetings of the Cabinet and other bodies exercising executive functions will be held in public except when consideration is being given to exempt information as described within the Access to Information Rules as contained within Part 4, Section B of this Constitution.
- 1.8 Quorum
The quorum for a meeting of the Cabinet or a Committee of it shall be three and shall include the Leader or the Deputy Leader.
- 1.9 How are Decisions to be Taken by the Cabinet?
- Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4, Section B of this Constitution.
 - Where executive decisions are delegated to a Committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. How are Cabinet Meetings Conducted?

- 2.1 Who Presides?
If the Leader is present he/she will preside. In his/her absence, the Deputy Leader shall preside.
- 2.2 Who May Attend?
Meetings of the Cabinet will be open to the public unless exempt or confidential information is to be considered. The person presiding may call to the Cabinet, the Chairman or an individual member of a Committee making a referral to Cabinet to advise and take part in the debate on the referral but may not vote. The Access to Information Rules in Part 4, Section B of this Constitution provide details about exempt and confidential information.
- 2.3 What Business?
- At each meeting of the Cabinet the following business will be conducted:
- consideration of the Minutes of the last meeting;
 - declarations of interest, if any;
 - matters referred to the Cabinet by the Overview and Scrutiny Committee or by the Council, for reconsideration by the Cabinet in accordance with the provisions contained within the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4, Section B of this Constitution;
 - consideration of reports from the Overview and Scrutiny Committee; and
 - matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4, Section B of this Constitution.
- 2.4 Consultation
All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and, where relevant the Overview and Scrutiny Committee and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.
- 2.5 Who Can Put Items on the Cabinet Agenda?

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

Items for consideration by the Cabinet may also be included by the Proper Officer in the following circumstances:

- a) Any member of Cabinet requiring the Proper Officer to include an item on the agenda;
- b) At the request of the Council, Overview and Scrutiny or Area Committees;
- c) By a Member requesting the Leader to have a matter considered, subject to the Leader's agreement;
- d) The Monitoring or Chief Finance Officer may include an item for consideration and ask the Proper Officer to call a special meeting if the next regular meeting is too far distant.

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OVERVIEW AND SCRUTINY PROCEDURE RULES

1. Arrangements for the Overview and Scrutiny Committee

- a) The Council will appoint such Overview and Scrutiny Committees as it determines, and each Overview and Scrutiny Committee may appoint such Overview and Scrutiny Sub-Committees as it thinks appropriate. No more than 16 Members shall be appointed to the Overview and Scrutiny Committee.
- b) The Terms of Reference of the Overview and Scrutiny Committee shall be as set out in Part 3 of this Constitution.
- c) Where the Overview and Scrutiny Committee seek to appoint a sub-Committee or discontinue an existing one, it may do so provided that it has consulted with interested parties, if appropriate. The extent and nature of consultation will depend upon the nature of the proposals. Changes must be reported to the Proper Officer and to the next meeting of the Council by the Chairman of the appropriate Committee, so that the Constitution may be amended accordingly.

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2. Who May Sit on the Overview and Scrutiny Committee?

All Councillors except for those who are Cabinet members may be Members of the Overview and Scrutiny Committee. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

3. Co-optees

The Overview and Scrutiny Committee shall be entitled to recommend to the Council the appointment of non-voting co-optees.

4. Meetings of the Overview and Scrutiny Committee

There shall be 8 regular meetings of the Overview and Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An extraordinary meeting may be called by the Chairman of the Committee or by the Proper Officer if he/she considers it is necessary or appropriate.

5. Quorum

The quorum for the Overview and Scrutiny Committee shall be as set out for Committees in the Council Procedure Rules in Part 4, Section B of this Constitution.

6. Who Chairs the Overview and Scrutiny Committees?

Chairmen for the Overview and Scrutiny Committee will be appointed at the annual meeting of the Council. The Chairman of the Overview and Scrutiny Committee will not be a Member of the administration.

7. Work Programme

The Overview and Scrutiny Committee will be responsible for setting their own work programmes.

8. Agenda Items

Any member of the Overview and Scrutiny Committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.

Any five Members of the Council who are not members of the Overview and Scrutiny Committee may give written notice to the Proper Officer that they wish an item to be included on the agenda of that Committee. If the Proper Officer receives such a notification, then he/she will include the item on the first available agenda of the Overview and Scrutiny Committee, for consideration.

The Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate, the Cabinet to review particular areas of Council activity. Where they do so, they shall report their findings and any recommendations back to the Cabinet and or Council. The Council and or the Cabinet shall consider the report of the Overview and Scrutiny Committee at their next meeting.

9. Policy Review and Development

- a) The role of the Overview and Scrutiny Committee in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- b) In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Overview and Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within their Terms of Reference.
- c) The Overview and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

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10. Reports from Overview and Scrutiny Committee

- a) Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Proper Officer for consideration by the Cabinet, if the proposals are consistent with the existing Budgetary and Policy Framework, or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- b) If the Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- c) The Council or Cabinet shall consider a report of the Overview and Scrutiny Committee at their next ordinary meeting.

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11. Making Sure that Overview and Scrutiny Committee Reports are Considered by the Cabinet

- a) The agenda for Cabinet meetings will include an item entitled "Issues arising from Overview and Scrutiny Committee". The reports of the Overview and Scrutiny Committee referred to the Cabinet shall be included at this point in the agenda. The following will apply where there has been delegation by the Leader to an individual Member.
- b) Where the Overview and Scrutiny Committee prepares a report containing recommendations about a matter delegated to an individual Member and that Member is unable to accept those recommendations, the Member must refer the matter to the Cabinet for debate. After consideration by the Cabinet the Member may exercise their decision-making powers and must report back to the Overview and Scrutiny Committee.

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12. Rights of Overview and Scrutiny Committee Members to Documents

- a) In addition to their rights as Councillors, members of the Overview and Scrutiny Committee have an additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4, Section B of this Constitution.
- b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committee as appropriate depending on the matter under consideration.

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13. Members and Officers Giving Account

- a) The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Head of Paid Service and/or appropriate officer to attend before

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it to explain in relation to matters within their remit:

- d) any particular decision or series of decisions;
- ii) the extent to which the actions taken implement Council policy;
- iii) their performance.

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

- b) Where any Member or officer is required to attend the Overview and Scrutiny Committee under this provision, the Chairman of the Committee will inform the Proper Officer. The Proper Officer shall inform the Member or officer in writing giving at least five working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- c) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the Member or officer arrange an alternative date for attendance, within a maximum of 10 days from the original date.

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14. Attendance by Others

The Overview and Scrutiny Committee may invite other people to address them or discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and may invite such people to attend.

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15. Call-in

- a) When a decision is made by the Cabinet, an individual member of the Cabinet or a key decision is made by an officer with delegated authority from the Cabinet, or an Area Committee, the decision shall be published, including on the Council's website and shall be available at the main offices of the Council normally within two days of being made. Notice of all decisions that are required to be published shall be sent to all Members of the Council on the Friday of the week in which the decision was taken.
- b) The notice of decisions taken will bear the date of the Friday on which the notice was issued by the Proper Officer. The notice will specify that the decision(s) will come into force, and may then be implemented, on the expiry of six working days, unless within that time the Proper Officer is given written notice signed by five Members of the Council requesting that the decision be referred to the Scrutiny Committee.
- c) The Chairman or any five Members of the Overview and Scrutiny Committee may, during the six working day period, submit in writing a request to the Proper Officer to call-in a decision for scrutiny.
- d) The Proper Officer shall advise the decision-taker whenever a decision is called-in and he/she shall call a meeting of the Overview and Scrutiny Committee on such date as he/she may determine, where possible after consultation with the Chairman of the Committee, and in any case within five days of the decision to call-in.
- e) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further twenty working days, amending the decision or not, before adopting a final decision.
- f) If, following an objection to the decision, the Overview and Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or the expiry of that further ten working day period, whichever is the earlier.
- g) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However if the Council does object, it has no power to make decisions in respect of an executive decision unless it is contrary to the Policy Framework, or contrary to or nor wholly consistent with the Budget. If that should be the case the Council will refer any decision to which it objects back to the

decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet, a meeting will be convened to reconsider within five working days of the Council request. Where the decision was taken by an individual, the individual will reconsider within three working days of the Council request.

- h) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- i) Where an executive decision has been taken by an Area Committee, then the right of call-in shall extend to any five Members of another Area Committee if they are of the opinion that the decision made but not implemented will have an adverse effect on the area to which their Committee relates. In such cases, those five Members must make a written request to the Proper Officer to call-in the decision. He/she shall call a meeting of the Overview and Scrutiny Committee on such date as he/she may determine, where possible after consultation with the Chairman of the Committee, and in any case within five days of the decision to call-in. All other provisions relating to call-in shall apply as if the call-in had been exercised by the Chairman of the Overview and Scrutiny Committee or any five Members of the Council.

16. Call-In and Urgency

- a) The call-in procedure set out above shall not apply where the decision is urgent irrespective of whether the decision was taken by the Cabinet, an individual member of the Cabinet, an Area Committee, or a key decision made by an officer with delegated authority. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- b) The Monitoring Officer shall review on a yearly basis the provisions relating to call-in and urgency and report to Council with proposals for change if necessary.

17. The Party Whip

When considering any matter in respect of which a member of the Overview and Scrutiny Committee is subject to a party whip the Member must declare the existence of the whip, and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the Minutes of the meeting.

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18. Procedure at Overview and Scrutiny Committee

- a) The Overview and Scrutiny Committee shall consider the following business:
 - (i) Minutes of the last meeting;
 - (ii) declarations of interest (including whipping declarations);
 - (iii) consideration of any matter referred to the Committee for a decision in relation to a call-in of a decision;
 - (iv) responses of the Cabinet to their reports;
 - (v) any other business set out on the agenda for the meeting.
- b) Where the Overview and Scrutiny Committee conduct investigations, they may ask people to attend to give evidence at their meeting which will be conducted in accordance with the following principles:
 - (i) that the investigation be conducted fairly and all members of the Committee be given the opportunity to contribute, speak and ask questions of people attending;

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- (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy;
- (iii) that the investigation be conducted so as to maximise the efficiency of the investigation and analysis.
- c) Following any investigation or review, the Committee shall prepare a report for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.
- d) the Overview and Scrutiny Procedure Rules shall apply to any Sub-Committees of the Overview and Scrutiny Committee as they apply to the Overview and Scrutiny Committee save that the functions of call-in of executive decisions under Paragraph 15 shall be reserved to the Overview and Scrutiny Committee.

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19. PROCEDURE AT AUDIT AND RISK COMMITTEE

1. Arrangements for the Audit and Risk Committee

- (i) The Council will appoint the Audit and Risk Committee. No more than 5 Members shall be appointed to the Audit and Risk Committee.
- (ii) The Terms of Reference of the Audit and Risk Committee shall be as set out in Part 3 of this Constitution.

2. Meetings of the Audit and Risk Committee

There shall be X regular meetings of the Audit and Risk Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An extraordinary meeting may be called by the Chairman of the Committee or by the Proper Officer if he/she considers it is necessary or appropriate.

3. Quorum

The quorum for the Audit and Risk Committee shall be as set out for Committees in the Council Procedure Rules in Part 4, Section B of this Constitution.

4. Who Chairs the Audit and Risk Committee?

Chairmen for the Audit and Risk Committee will be appointed at the annual meeting of the Council.

5. The Audit and Risk Committee shall consider the following business:

- (i) Minutes of the last meeting;
- (ii) declarations of interest (including whipping declarations);
- (iii) responses of the Council to their reports;
- (iv) any other business set out on the agenda for the meeting.

20. PROCEDURE AT COUNCIL TAX SETTING COMMITTEE

1. Arrangements for the Council Tax Setting Committee

- (i) The Council will appoint the Council Tax Setting Committee. No more than 5 Members shall be appointed to the Council Tax Setting Committee.
- (ii) The Terms of Reference of the Council Tax Setting Committee shall be as set out in Part 3 of this Constitution.

2. Meetings of the Council Tax Setting Committee

There shall be X regular meetings of the Council Tax setting Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An extraordinary meeting may be called by the Chairman of the Committee or by the Proper Officer if he/she considers it is necessary or appropriate.

3. Quorum

The quorum for the Council Tax Setting Committee shall be as set out for Committees in the Council Procedure Rules in Part 4, Section B of this Constitution.

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19. Matters Within the Remit of Both the Performance, Audit and Review Committee and the Scrutiny Committee¶
 Where one of the above Committees conducts a review or scrutinises a matter which also falls, whether in whole or in part, within the remit of the other Committee, before submitting its findings to the Cabinet and/or Council for consideration, the report of the reviewing Committee shall be referred to the other Committee for comment. Those comments shall be incorporated into the report which is then sent to the Cabinet and/or the Council for consideration.¶
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4. Who Chairs the Council Tax Setting Committee?

Chairmen for the Council Tax Setting Committee will be appointed at the annual meeting of the Council.

5. The Council Tax Setting Committee shall consider the following business:

- (i) Minutes of the last meeting;
- (ii) declarations of interest (including whipping declarations);
- (iii) responses of the Council to their reports;
- (iv) any other business set out on the agenda for the meeting.