

PART 9

Procedure Rules (Standing Orders)

This Part sets out the rules that the Council will follow when making decisions

PART 9 – PROCEDURE RULES (STANDING ORDERS)

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Section 1

1 COUNCIL PROCEDURE RULES

1.1 Annual Meeting of the Council

1.1.1 Timing and business

In a year when there is an ordinary election of Members, the annual meeting will take place within 21 days of the retirement of the outgoing Members. 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 Chair of Council is not present;
- (b) elect the Chair of the Council;
- (c) appoint the Deputy-Chair of the Council;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Chair and/or head of the paid service;
- (f) elect the Leader (in the event of there being a vacancy or when the meeting is taking place in the year of whole Council elections);
- (g) be notified by the Leader of the number of Members to be appointed to the Cabinet, those Members names and their intended portfolio of responsibilities;
- (h) appoint a licensing committee (to be established under the Licensing Act 2003), a Health and Wellbeing Board (to be established under the Health and Social Care Act 2012), at least one overview and scrutiny committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in [Part 5](#) of this Constitution);
- (i) receive amendments to the Leader's scheme of delegation of executive functions (to be set out at [Part 5](#) of this Constitution);
- (j) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (to be set out in [Part 5](#) of this Constitution);

- (k) approve a programme of ordinary meetings of the Council for the year; and
- (l) consider any business set out in the summons and notice convening the meeting.

1.1.2 **Selection of Members on Committees and Outside Bodies**

At the annual meeting, the council meeting will:

- (a) decide which committees to establish for the municipal year;
- (b) decide the size and terms of reference for those committees;
- (c) decide the allocation of seats (and substitutes) to political groups for appointment in accordance with the political balance rules;
- (d) receive nominations of Members to serve on each other committee and outside body; and
- (e) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive;
- (f) appoint the chair and vice-chair of each committee, other than those which are to be appointed by another body or which the Council has determined should be appointed by the committee itself.

1.2 **Ordinary Meetings**

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

- 1.2.1 elect a person to preside if the Chair and vice Chair are not present;
- 1.2.2 approve the minutes of the last meeting;
- 1.2.3 receive any declarations of interest from Members;
- 1.2.4 receive any announcements from the Chair, Leader, Members of the Cabinet, a chair of an overview and scrutiny committee or the Head of Paid Service (normally these should be limited to no more than three minutes);
- 1.2.5 receive questions provided on notice from, and provide answers to, the public in accordance with Standing Order 10;
- 1.2.6 consider petitions in accordance with the Council's petition scheme in accordance with Standing Order 11;

- 1.2.7 receive questions from, and provide answers to, Members of the Council in accordance with Standing Order 12;
- 1.2.8 deal with any business from the last Council meeting;
- 1.2.9 receive reports from the Cabinet, Cabinet Members (portfolio holders) and the Council's committees and receive questions and answers on any of those reports;
- 1.2.10 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- 1.2.11 consider motions received from Members in accordance with Standing Order 13; and
- 1.2.12 consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the overview and scrutiny committees for debate.

1.3 Extraordinary Meetings

1.3.1 Calling extraordinary meetings

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

- (a) the Council by resolution;
- (b) the Chair of the Council;
- (c) the Monitoring Officer or the Head of Paid Service or chief finance (s.151) officer in exercise of their statutory powers; and
- (d) any five Members of the Council if they have signed a requisition presented to the Chair of the Council and they have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

1.3.2 Business

The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from committees etc. except that the Chair may at their absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

1.4 Appointment of Substitute Members of Committees and Sub-committees

1.4.1 Allocation

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

1.4.2 **Number**

For each committee or sub-committee, 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 of 50% (as may be rounded up to the nearest whole person).

1.4.3 **Powers and duties**

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 exercisable by the Member for whom they are substituting.

1.4.4 **Substitution**

Substitute Members may attend meetings in that capacity only:

- (a) to take the place of the ordinary Member for whom they are the designated substitute;
- (b) where the ordinary Member will be absent for the whole of the meeting; and
- (c) after notifying the Monitoring Officer by **4 p.m. on the day before** the meeting of the intended substitution.

1.4.5 **Time and Place of Meetings**

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

(a) Notice of and Summons to Meetings

- (i) The Monitoring 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 five clear days before a meeting, the Monitoring Officer will send a summons signed by them by electronic means, where the Member has so consented, or by leaving it at or sending it by post to the Members usual place of residence or to a different address where the Member has specified that different address.
- (ii) The summons will give the date, time and place of each meeting and specify the business to be transacted (the agenda), and will be accompanied by such reports as are available.

- (iii) The order of business to be taken at the meeting as set out in the agenda may be changed by the meeting or at the discretion of the Chair.

(b) Chair of Meeting

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

(c) Quorum

The quorum of a meeting will be one quarter of the whole number of Members. During any meeting if the Chair 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 Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

(d) Duration of Meeting

Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for three hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

(e) Questions by the Public

(i) General

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

The total time allocated for Questions by the Public shall be limited to **ten** minutes

(ii) Order of questions

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

(iii) Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday **five** working days before the day of the meeting. Each question must give the name and

address of the questioner and must name the Members of the Council to whom it is to be put. A question may be edited by the Monitoring Officer as they consider necessary, in consultation with the Chair, to bring the question into proper form and to ensure brevity.

(iv) **Number of questions**

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

(v) **Scope of questions**

The Monitoring Officer may reject a question if it:

(A) is not about a matter for which the local authority has a responsibility or which affects the Council's area;

(B) is illegal, improper, defamatory, frivolous or offensive;

(C) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
or

(D) requires the disclosure of confidential or exempt information.

(vi) **Record of questions**

The Monitoring 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.

(vii) **Asking the question at the meeting**

The Chair will invite the questioner to put the question to the Member named in the notice. **Two** minutes are allowed for putting the question. If a questioner who has submitted a written question is unable to be present, they may ask the Chair to put the question on their behalf. The Chair 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.

(viii) **Supplemental question**

A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds in Rule 10.5 above. **One** minute is allowed for putting the supplementary question.

(ix) **Answers**

Every question shall be put and answered without discussion, but the person to whom the question has been put may decline to answer. An answer may take the form of:

(A) a direct oral answer, for which **five** minutes are allowed for answering a question and **two** minutes are allowed for answering a supplementary question;

(B) where the information requested is contained in a publication of the Council, a reference to that publication; or

(C) a written answer to be provided later to the questioner, where the reply cannot conveniently be given orally or that there has been insufficient time available to receive the question, in which circumstance the Member questioned will arrange for the written response to be provided to the questioner and circulated to all Members.

(D) 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.

(x) **Reference of question to Cabinet or a committee**

Unless the Chair 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.

(f) **Petitions**

Petitions may be presented to the Council if provided to the Monitoring Officer no later than ten working days before the meeting, at the discretion of the Chair. The person presenting

the petition will be allowed to address the meeting briefly (not exceeding one minute) to outline the aims of the petition. The Chair will refer the matter to another appropriate body of the Council within whose terms of reference it falls without discussion and in accordance with the Council's petition scheme, detailed, unless a relevant item appears elsewhere on the Agenda.

(g) Questions by MEMBERS

(i) On reports of the Cabinet or committees

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

(ii) Questions on notice at full Council

Subject to Rule 12.4, a Member of the Council may ask:

(A) The Chair;

(B) A Member of the Cabinet; or

(C) the chair 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 area.

The total time allocated for questions on notice by Members shall be limited to twenty minutes.

(iii) Questions on notice at committees and sub-committees

Subject to Rule 12.4, a Member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affect the area and which falls within the terms of reference of that committee or sub-committee.

(iv) Notice of questions

A Member may only ask a question under Rule 12.2 or 12.3 if:

(A) they have given notice in writing of the question to the Monitoring Officer by midday **five** working days before the day of the meeting; or

(B) the question relates to urgent matters, they have the consent of the Chair to whom the question is to be put and the content of the question is given to the Monitoring Officer by a minimum of **one hour** before the meeting; and

(C) the Monitoring Officer has not rejected the question for reason that it:

(1) is not about a matter for which the local authority has a responsibility or which affects the Council's area;

(2) is illegal, improper, defamatory, frivolous or offensive;

(3) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or

(4) requires the disclosure of confidential or exempt information.

(v) **Response**

An answer may take the form of:

(A) oral answer of up to **five** minutes and which response should be brief, succinct and to the point;

(B) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(C) a written answer to be provided later to the questioner, where the reply cannot conveniently be given orally or that there has been insufficient time available to receive the question, in which circumstance the Member questioned will arrange for the written response to be provided to the questioner. A copy of any written reply will be attached to the minutes of the meeting and a copy published on the internet.

(vi) **Supplementary question**

A Member asking a question under Rule 12.2 or 12.3 may ask one supplementary question, of up to **one** minute, without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply, and does not introduce any new subject matter.

The supplementary question will be asked and answered orally, but the person to whom the supplementary question has been asked will have up to **two** minutes to answer or may decline to answer.

(h) Motions on Notice

(i) Notice

Except for motions which can be moved without notice under Rule 14, written notice of every motion, signed by a Member or Members, must be delivered to the Monitoring Officer not later than **noon on the fourteenth day** before the date of the meeting. These will be entered in a book open to public inspection.

(ii) Motion set out in agenda

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

(iii) Amendments to Motions on Notice

All amendments to motions on notice must be delivered to the Monitoring Officer in their initial form by **10.00am three working days** before the date of the meeting and must comply with the requirements of Procedure Rule 15.6.

The Member submitting the amendment must then confirm in writing to the Monitoring Officer by **noon on one** working day before the meeting whether the amendment is to go forward, or notify the Monitoring Officer of any changes to the amendment. If no withdrawal, confirmation or change is received by the Monitoring Officer, it will be assumed that the amendment is to be considered in its initial form.

The Chair may allow amendments, or alterations to amendments, without notice where, in their absolute discretion, they consider it to be conducive or otherwise necessary to the good administration of the business of the Council to do so.

(iv) Scope

Motions must be about matters for which the Council has a responsibility or which affect the area. Motions should identify how the Council might be able to deliver a particular outcome or use its influence to achieve the same.

If the Monitoring Officer considers a motion or an amendment to a motion:

(A) is not about a matter for which the local authority has a responsibility, or which affects the Council's area;

(B) is illegal, improper, defamatory, frivolous or offensive;

(C) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
or

(D) requires the disclosure of confidential or exempt information

they will inform the Chair who will then decide whether or not to reject the motion.

(i) Number of Motions on Agenda

There shall be a maximum of three motions on notice at each meeting, those to be taken, where the number received exceeds the maximum number permitted, to be determined by the order in which they were received unless a Member giving notice of a motion which is to be otherwise taken states, in writing not later than noon on the ninth day before the date of the meeting, that they propose to move it to a later meeting or withdraw it.

(j) Motions Without Notice

The following motions may be moved without notice:

(i) to appoint a chair of the meeting at which the motion is moved;

(ii) in relation to the accuracy of the minutes;

(iii) to change the order of business in the agenda;

(iv) to refer something to an appropriate body or individual;

(v) to appoint a committee or Member arising from an item on the summons for the meeting;

(vi) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;

(vii) to withdraw a motion;

(viii) to amend a motion;

- (ix) to proceed to the next business;
- (x) that the question be now put;
- (xi) to adjourn a debate;
- (xii) to adjourn a meeting;
- (xiii) that the meeting continue beyond three hours in duration
- (xiv) to suspend a particular council procedure rule;
- (xv) to exclude the public and press in accordance with the Access to Information Rules;
- (xvi) to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 22.4; and
- (xvii) to give the consent of the Council where its consent is required by this Constitution.

(k) Rules of Debate

(i) 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.

(ii) Right to require motion in writing

Unless notice of the motion has already been given, the Chair may require it to be written down and handed to them before it is discussed.

(iii) Secunder's speech

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

(iv) Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. The proposer of a motion may speak for up to **five** minutes. No other speech may exceed **three** minutes without the consent of the Chair. Different speech lengths may be set in respect of a budget decision meeting in which circumstance a speech shall not exceed six minutes.

(v) 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 they last spoke;
- (C) if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (D) in exercise of a right of reply;
- (E) on a point of order; and
- (F) by way of personal explanation.

(vi) **Amendments to motions**

(A) An amendment to a motion must be relevant to the motion and will either be:

- (1) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (2) to leave out words;
- (3) to leave out words and insert or add others; or
- (4) to insert or add words.

as long as the effect of (1) to (4) 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. The Chair may, however, permit two or more amendments to be discussed (but not voted upon) together if they consider this would facilitate the good administration of the Council's business.

(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 Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

(vii) **Alternation of motion**

(A) A Member may alter a motion of which they have 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.

(viii) **Withdrawal of motion**

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

(ix) **Right of reply**

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.

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.

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

(x) **Motions which may be moved during debate**

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

(A) to withdraw a motion;

(B) to amend a motion;

(C) to proceed to the next business;

- (D) that the question be now put;
- (E) to adjourn a debate;
- (F) to adjourn a meeting;
- (G) that the meeting continue beyond the duration and closure procedure set out at Rule 9 above;
- (H) to exclude the public and press in accordance with the Access to Information Rules; and
- (I) to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

(xi) **Closure motions**

(A) A Member may move, without comment, the following motions at the end of a speech of another Member:

- (1) to proceed to the next business;
- (2) that the question be now put;
- (3) to adjourn a debate; or
- (4) to adjourn a meeting.

(B) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(C) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they 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 Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

(xii) **Point of order**

A Member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate

to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final.

(xiii) 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 Chair on the admissibility of a personal explanation will be final.

(xiv) Matters affecting persons employed by the Council

If any question arises at a meeting of the Council as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct, of any person employed by the Council, that question shall not be discussed until the Council, committee or sub-committee has decided whether or not the power of exclusion of the public under the Access to Information Rules should be exercised.

(l) Previous Decisions and Motions

(i) 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 nine Members.

(ii) 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 nine Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

(m) Voting

(i) 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.

(ii) Chair's casting vote

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

(iii) **Show of hands**

Unless a ballot or recorded vote is demanded the Chair will take the vote by use of the electronic voting system or, if there is no dissent, by the affirmation of the meeting.

The Chair may decide at any time to discontinue use of the electronic voting system if satisfied that it is not working correctly. If the Chair considers that there has been any malfunction of the equipment or any incorrect use of it, the Chair may require or allow the vote to be retaken, either electronically or by show of hands.

Where the electronic voting system is not working correctly or is otherwise unavailable, the Chair will take the vote by show of hands.

(iv) **Recorded vote**

If one **fifth** of Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

(This standing order will apply automatically in respect of a vote taken at a Budget Decision Meeting of the Council in accordance with the Budget and Procedure Rules of this Constitution.)

(v) **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.

(vi) **Voting on appointments**

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

This process includes the election to office of the Leader and of the Chair which is by election by Council.

(n) Minutes

(i) Signing the minutes

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair 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.

(ii) No requirement to sign minutes of previous meeting at extraordinary meeting

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

(iii) Form of minutes

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

(o) Form of minutes

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.

Wherever practicable to do so, the minutes shall also record the names of all those officers in attendance during the whole or part of the meeting.

(p) 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 22 (Disturbance by Public).

(q) MEMBERS Conduct

(i) Standing to speak

When a Member speaks at full Council they must stand (where reasonably able to do so) and address the meeting through the Chair. If more than one Member stands, the Chair will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking

unless they wish to make a point of order or a point of personal explanation.

(ii) Chair standing

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

(iii) Member not to be heard further

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

(iv) Member to leave the meeting

If the Member continues to behave improperly after such a motion is carried, the Chair 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.

(v) General disturbance

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

(r) Disturbance by Public

(i) Removal of member of the public

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

(ii) Clearance of part of meeting room

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

(s) Recording of Meetings

While a meeting of the Council is open to the public, any person present is permitted to report the proceedings, in respect of which:

- (i) a 'reporting' means:
 - (A) filming, photographing or making an audio recording of the proceedings at the meeting;
 - (B) using any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later; or
 - (C) reporting or providing commentary on proceedings at the meeting orally (but not whilst present in the meeting) or in writing, so that the report or commentary is available to other persons as the meeting takes place or later and any communication method, including the internet, may be used to publish, post or otherwise share the report;
- (ii) a person who attends a meeting for the purpose of reporting on the meeting will, so far as practicable, be afforded reasonable facilities for doing so;
- (iii) where the person reporting or providing the commentary is present at the meeting, oral reporting or oral commentary on the meeting as it takes place is not permitted;
- (iv) any such reporting so undertaken is without prejudice to the Chair's power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting, including that the meeting should not be disrupted by, for example, the use of flash photography or intrusive equipment; and
- (v) any person recording a meeting will be requested to focus on recording Members, officers and the public who are directly involved in the conduct of the meeting, such that no recording should take place of children, vulnerable persons or other members of the public who actively object to being filmed.

(t) Suspension and Amendment of Council Procedure Rules

(i) Suspension

All of these Council Rules of Procedure, except Rule 17.5 (Right to require individual vote to be recorded), 18.2 (Minutes at an extraordinary meeting) and 23 (Recording of meetings), may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

(ii) Amendment

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

(u) Application to Committees and Sub-committees

All the Council Rules of Procedure apply to meetings of full Council

All the Council Rules of Procedure apply to meetings of committees and sub-committees **except** rules 1-4 (meetings and business of full Council), 10 (questions by the public) and 21 (standing to speak).

A Panel or Sub-Committee may regulate, where necessary, its own procedures to deal with any matter arising in connection with its duties when acting as a tribunal, provided that the procedures remain in accordance with the principles set out at [Article 13](#) of this Constitution. This includes that, subject to any statutory rules or procedures detailed elsewhere in the Constitution, a Panel that is acting as a tribunal is permitted, when all evidence has been submitted and speakers (if any) have finished, to hold discussion in the presence of the speakers and, as appropriate and in compliance with the Access to information Procedure Rules, the public and press, but that the decision making may thereafter be taken in private adjournment. It is expected that decisions will then normally be announced to those present and remaining post-adjournment, at least in summary form, before a decision is issued in writing

Meetings of the Cabinet are subject to separate Executive Procedure Rules as set out in [Part 9](#) of this Constitution.

Section 2

2 ACCESS TO INFORMATION PROCEDURE RULES

2.1 Scope

2.1.1 These rules cover all meetings of the Council and its committees, sub-committees, advisory panels, the Cabinet (together called meetings) and (where specified) executive decisions made by Cabinet Members and Key Decisions made by officers.

2.1.2 These rules also cover Members' rights of access to information.

2.2 Additional Rights to Information

2.2.1 The public's rights to access information include:

- (a) The right for a member of the public to access personal information that the Council holds about them, by making a "subject access request";
- (b) The right to make a request to the Council to provide information under the Freedom of Information Act;
- (c) The right to access certain papers relating to the Council's formal business, which the Council is obliged to produce and publish.

2.2.2 The difference between "documents" and "information" is that information is contained in documents. In respect of certain matters the Council is obliged to produce information (for example, in response to valid requests under the Freedom of Information Act); in other circumstances the law requires that the Council follow rules around the publication of documents.

Subject access requests

2.2.3 Legislation provides the right of access, commonly referred to as subject access, gives individuals the right to obtain a copy of their personal data, as well as other supplementary information. It helps individuals to understand how and why the Council is using their data, and check it is being done lawfully.

2.2.4 Further information about data protection and subject access requests can be found on the Council's internet pages on [Data protection](#)

Freedom of Information requests

2.2.5 Legislation provides public access to information held by public authorities, including the Council. It does this in two ways:

- (a) public authorities are obliged to publish certain information about their activities; and
 - (b) members of the public are entitled to request information from public authorities.
- 2.2.6 Information about the Council's policies covering data protection, freedom of information, environmental information regulations and records managements can be found on the Council's internet pages and in particular, there are sections on:
 - (a) How to make a [Freedom of information](#) request; and
 - (b) How to make an [Environmental Information Act request](#)
- 2.2.7 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

2.3 Rights to attend Meetings

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

2.4 Notices of Meetings

- 2.4.1 The Council will give at least five clear days' notice of any meeting by posting details of the meeting on its website and at the County Hall, Morpeth.
- 2.4.2 Members entitled to attend a meeting, will receive a summons giving five clear working days' notice to attend and specifying the business proposed to be transacted at the meeting. Except in the case of business required by law to be transacted at the Annual Meeting of the Council, or other business brought before the meeting as a matter of urgency in accordance with the Constitution, no business shall be transacted at a meeting other than that specified in the summons.

2.5 Public Access to Agenda and Reports before a Meeting

- 2.5.1 The Council will make copies of the agenda and reports open to the public available for inspection at the County Hall, Morpeth and on its website at least five clear days before the meeting.
- 2.5.2 An item may be added to an agenda after it has been published provided that the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency (as an urgent item), and the urgency reasons shall be recorded in the minutes.
- 2.5.3 Where an urgent item is added to an agenda, copies of the item (or of the revised agenda), and the copies of any report for the meeting relating to the urgent item, shall be sent to Members and made open

to inspection and published on the Council's web site from the time the item is added to the agenda

2.5.4 This rule does not require the publication of exempt or confidential information (as defined in rule 10).

2.6 Supply of Copies of Documents for Meetings

2.6.1 The Council will supply copies to any person of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars, if any, as are necessary to indicate the nature of the items in the agenda; and
- (c) if the Monitoring Officer thinks fit, copies of any other documents supplied to Members in connection with an item.

2.6.2 Copies of the digital agendas of Cabinet meetings will be circulated to all Members.

2.6.3 The Council will make available for the use of members of the public present at meetings, a reasonable number of copies of the agenda and of those reports which are open to the public.

2.7 Reporting of Meetings by the Press and Public

2.7.1 Any member of the press or public attending a public meeting of the Council may record the proceedings and report them to others. 'Reporting' means filming, photographing, making an audio recording or some other such method of recording proceedings and then reporting or providing a commentary on those proceedings, orally or in writing. A person attending the meeting may use any appropriate communication method, including the Internet, to publish or share the recorded material. This would include the use of social media.

2.7.2 Any person wishing to record a public meeting is not required to give the Council prior notice although they are encouraged to do so in order that reasonable facilities can be provided.

2.7.3 No one is entitled to record or report the proceedings of a meeting if the meeting has moved into private session to consider confidential or exempt business. In such circumstances, the public and press would, as now, be required to leave the meeting and to deactivate and/or remove any recording or communications equipment.

2.7.4 Any person recording or reporting a meeting may not use flash photography or intrusive lighting, or move around the room, or ask any of the participants at the meeting to repeat something they have said. They may not cause excessive noise when installing or moving equipment. They may not give an oral commentary during the meeting. All of these activities would serve to disrupt proceedings and

anyone acting in a disruptive manner may be excluded from the meeting.

2.7.5 Any person recording or reporting a meeting may not film any member of the public who remains in the public gallery.

2.7.6 Anyone wishing to record or report on meetings should be warned at the outset that the law of defamation will apply, as well as the law relating to public order offences. They should also be reminded that freedom of speech should be exercised with personal and social responsibility, showing respect and tolerance towards the views of others. The Chair or person presiding at the meeting would be expected to give this advice with the support of officers.

2.8 Public access to Minutes etc. after the Meeting

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

- (a) the minutes of the meeting excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information (as defined in rule 10);
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

2.9 Public access to Background Papers

2.9.1 List of background papers

- (a) The report author will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:
 - (i) disclose any facts or matters on which the report or an important part of the report is based; and
 - (ii) 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.

2.9.2 Public inspection of background papers

- (a) The Council will make available for public inspection for six years after the date of the meeting one copy of each of the documents on the list of background papers.

2.10 Exclusion of access by the Press and Public to Meetings

2.10.1 Confidential information - requirement to exclude the press and public

The press and 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.

2.10.2 Exempt information - discretion to exclude press and public

- (a) The press and 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 exempt information would be disclosed, provided:
 - (i) the meeting resolves so to exclude the press and public, and that resolution identifies the proceedings or part of the proceedings to which it applies;
 - (ii) that resolution states, by reference to the descriptions in [Schedule 12A](#) to the Local Government Act 1972, the description of the exempt information giving rise to the exclusion of the public; and
 - (iii) that resolution states, by reference to reasons given in a relevant report or otherwise, in all the circumstances of the case, that the public interest in maintaining the exemption outweighs the public interest in disclosing the information,
- (b) 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.

2.10.3 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 reason of a Court Standing Order or any enactment.

2.10.4 Meaning of Exempt Information

(a) Exempt information means information falling within the following descriptions (subject to any qualifications):

No.	Description	Qualification
1	Information relating to any individual	Information within paragraph 1 is exempt information if 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.
2.	Information which is likely to reveal the identity of an individual.	Information within paragraph 2 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.
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information within paragraph 3 is not exempt information if it is required to be registered under-</p> <ul style="list-style-type: none"> (a) 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. <p>Subject to the above, information within paragraph 3 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.</p>

No.	Description	Qualification
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Information within paragraph 4 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.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Information within paragraph 5 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.
6.	Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	Information within paragraph 6 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.

No.	Description	Qualification
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Information within paragraph 7 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) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

2.10.5 **Exclusion of access by the Public to Reports**

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with this 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.

2.11 **Key Decisions**

- 2.11.1 Certain executive decisions will be [Key Decisions](#). Key Decisions are defined in the Glossary.

2.12 **Application of Standing Orders to the Cabinet**

- 2.12.1 Rules 12 – 24 of these Procedure Rules apply to the Cabinet and its committees. If the Cabinet or a committee of the Cabinet meet to take a Key Decision, then it must also comply with Rules 1 – 11 unless Rule 16 (general exception) or Rule 17 (special urgency) apply.

2.13 **Procedure before taking Key Decisions**

- 2.13.1 Subject to Rule 15 (general exception) and Rule 16 (special urgency) of these Procedure Rules, a [Key Decisions](#) may not be taken unless:
- (a) with the matter in question;
 - (b) at least 28 days have elapsed since the publication of the Forward Plan; and
 - (c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings) of these Procedure Rules.

2.14 **The Forward Plan of Key Decisions**

2.14.1 Period of Forward Plan

- (a) Forward plans will be prepared by the Leader to cover a minimum period of one calendar month (longer where this is possible) beginning with the first day of any month. They will contain outstanding matters from the previous forward plan.

2.14.2 Content of Forward Plan

- (a) The Forward Plan will contain matters which the Leader has reason to believe will be subject of a Key Decision to be taken by the Cabinet , a Cabinet Member, a committee of the Cabinet, officers or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. The Forward Plan must be published at least 28 clear days before the start of the period covered and made available to the relevant Overview and Scrutiny Committee. It will describe the following particulars in so far as the information is available or might reasonably be obtained:
 - (i) the matter in respect of which a decision is to be made;
 - (ii) where the decision taker is an individual, their name and title, if any and where the decision taker is a body, its name and details of membership;
 - (iii) the date on which, or the period within which, the decision will be taken;
 - (iv) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
 - (v) the means by which any such consultation is proposed to be undertaken;
 - (vi) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken;
 - (vii) a list of the documents submitted to the decision taker for consideration in relation to the matter; and
 - (viii) where the decision is to be taken in private the reasons for this.

2.14.3 Publication and availability of Forward Plan

- (a) The Forward Plan will be published on the Council's website and will be made available for inspection at the Council's registered office.

- (b) In respect of meetings to be held in private, the additional requirements of Cabinet Procedure Rules (Notice of Private Meetings of the Cabinet) of this [Part 3, Section 2](#) will apply.

2.15 General Exception

- (a) 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:
 - (i) the decision must be taken by such a date that it is impracticable to defer the decision;
 - (ii) the [Proper Officer](#) has informed the Chair of a relevant [Overview and Scrutiny Committee](#), or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
 - (iii) The [Proper Officer](#) has made copies of that notice available to the public at the registered office of the Council; and
 - (iv) at least 5 clear days have elapsed since the Proper Officer complied their obligations under this paragraph.
 - (v) The Council shall publish details of the reasons why it was impracticable to publish a notice of a decision in a Forward Plan in advance of the decision.

2.16 Special Urgency

- 2.16.1 If, by virtue of the date by which a decision must be taken, Rule 16 (General Exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of the relevant Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred and the decision is urgent.
- 2.16.2 If there is no Chair of a relevant Overview and Scrutiny Committee, or if the Chair of the relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Chair of the Council, or in their absence the Vice Chair will suffice.
- 2.16.3 As soon as reasonably practicable after agreement has been given the decision maker must make available a notice setting out the reasons for urgency and why the decision cannot be reasonably deferred and publish that notice on the Council's website.

2.17 Procedure prior to Private Meetings

- 2.17.1 A private meeting may not take place unless:

- (a) At least 28 clear days before the scheduled meeting a notice (the Forward Plan) has been made available for inspection by the public at the designated office and on the website;
- (b) At least 5 clear days before the scheduled meeting a further notice has been made available for inspection by the public at the designated office and on the website which shall include:
 - (i) a statement of the reasons for the meeting to be held in private;
 - (ii) details of any representations received about why the meeting should be open to the public; and
 - (iii) a statement of the decision-making body's response to any representations received.

2.17.2 If a private meeting must take place with such urgency that neither the 28 day notice nor the five day further notice requirements can be met, the private meeting may take place if the decision-making body obtains agreement from the chair of the relevant Overview and Scrutiny Committee or, if the chair of that Overview and Scrutiny committee is unable to act, then the agreement of the Chair of the Council will suffice.

2.18 Reports to Council

2.18.1 When the Overview and Scrutiny Committee can require a report

- (a) Where an executive decision has been made and was not treated as a Key Decision and the relevant Overview and Scrutiny Committee thinks that it should have been treated as a Key Decision the relevant Overview and Scrutiny Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Overview and Scrutiny Committee specifies. The power to require a report rests with the Overview and Scrutiny Committee but is also delegated to the Monitoring Officer who shall require such a report on behalf of the Overview and Scrutiny Committee when so requested by the Chair of the Overview and Scrutiny Committee or any 5 Members. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

2.18.2 The Cabinet's report to Council

- (a) The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the resolution of the Overview and Scrutiny 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.

2.18.3 **Quarterly reports on special urgency decisions**

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

2.19 **Decisions made by an individual Cabinet Members or an Officer**

2.19.1 Where an individual [Cabinet Member](#) intends to make an executive decision or an officer intends to make an executive decision that is a [Key Decision](#), the requirements of rules 12–24 shall apply.

2.19.2 An executive decision to be made by an individual Cabinet Member, or a Key Decision by an officer, may then only be taken:

- (a) at a time and place that will be agreed with the relevant Director (or nominee) and the relevant report author (or nominee) is in attendance when the decision is taken; and
- (b) on consideration of a report by the relevant officer(s), which shall contain as a minimum:
 - (i) a recommended decision;
 - (ii) a presentation of reasons for the recommendation being put forward
 - (iii) details of any other options considered for recommendation and why those options were rejected;
 - (iv) details of any consultation undertaken or proposed including, in respect of consultation undertaken, the nature and extent of the consultation undertaken with stakeholders and the overview and scrutiny committees and the outcome of that consultation;
 - (v) a consideration of the financial and legal issues pertaining to the matter, and such other matters as governance chief officers (the Head of Paid Service, s.151 officer or Monitoring Officer) may require, including risk, staffing or equalities implications; plus
 - (vi) a list compiled of any Background Papers to the report in accordance with Rule 9 above.

2.19.3 As soon as reasonably practicable after either an executive decision has been made by an individual Cabinet Member or a Key Decision has been taken by an officer, that Cabinet Member or decision-making officer will prepare, or instruct the Proper Officer to prepare, a written statement to form a Decision Notice to contain:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the member when making the decision;
- (d) a record of any conflict of interest declared by any Member who is consulted by the Cabinet Member which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted
- (f) This does not require the disclosure of exempt or confidential information, or advice from a political adviser or assistant.

2.20 Non-key Decisions made by an Officer

2.20.1 Where an officer is to make any decision other than a non-Key Decision, the decision-making officer shall produce a written statement to form a Decision Notice where that decision would otherwise be taken by the Executive, a Committee of the Cabinet or an individual Cabinet Member, if an executive decision, or would otherwise have been taken by the Council, or a committee, sub-committee of the Council or a joint committee in which the Council participates, but it has been delegated to an officer under delegated powers from one of those decision-making bodies either:

- (a) under a specific express authorisation; or
- (b) under a general authorisation to officers (a Scheme of Delegation) to take such decisions and the effect of the decision is to—
 - (i) grant a permission or licence;
 - (ii) affect the rights of an individual; or
 - (iii) award a contract or incur expenditure which, in either case, materially affects the Council's financial position, for which purposes is taken to be a financial saving or expenditure of more than £100,000 (and less than £500,000) other than expenditure on individual children's or adult social care packages.

2.20.2 A Decision Notice, or other appropriate form of record where relevant to the form of that decision, to be made by a decision-making officer shall contain a minimum of the following information:

- (a) the date the decision was taken;
- (b) a record of the decision taken along with reasons for the decision;
- (c) details of alternative options, if any, considered and rejected; and
- (d) where made under an express delegation, the names of any Member of the relevant delegating body who has declared a conflict of interest in relation to the decision.

2.21 Record of Decisions

2.21.1 As soon as reasonably practicable after any meeting of the Cabinet or committee of the Cabinet at which an executive decision was made, the Proper Officer will produce a written statement of every decision taken and make it available for inspection by the public at the Council's offices and on the Council's website. The minutes of the meeting will be regarded as the written statement of these decisions.

2.21.2 The statement must include:

- (a) a record of the decision including the date it was made
- (b) a record of the reasons for the decision
- (c) details of any alternative options considered and rejected at the meeting; and
- (d) a record of any conflict of interest relating to the matter decided which is declared by an Cabinet Member present at the meeting and, in respect of any declared conflict of interest, a note of any dispensation granted.

2.21.3 A Decision Notice in respect of:

- (a) an executive decision (under Rule 19)
 - (i) made by a Cabinet Member;
 - (ii) that is a Key Decision made by an officer; or
- (b) a non-key executive decision or other decisions made by an officer (under Rule 20)

will be made available by the Proper Officer for inspection by members of the public, as soon as is reasonably practicable, at the offices of the Council and on the Council's website.

2.22 Overview and Scrutiny Committee access to Documents

2.22.1 Members of the Overview and Scrutiny Committee are entitled to receive documents or any part of a document that contains exempt or confidential information where that information is relevant to an action or decision the Overview and Scrutiny Committee are scrutinising or intend to scrutinise.

2.23 Additional Rights of access for Members

2.23.1 Members of a committee or decision-making body of the Council or of the Cabinet are automatically provided with, and entitled to receive, copies of confidential or exempt reports of that body.

2.24 Rights of Members – “Need to Know”

2.24.1 In addition, Members will be entitled to access to documents and to attend the confidential part of meetings of Committees and sub-committees and public meetings of the Cabinet (even though they are not a member of those bodies) where they can demonstrate a “need to know” in order to perform their duties as Members.

2.24.2 Subject to Rule 2.24.3 below, the circumstances where a “need to know” may be treated as arising will include:

- (a) Where the matter relates to a sub-committee of a committee of which the Member is a member;
- (b) Where the matter relates to a committee of the Cabinet where the Member is a Cabinet Member;
- (c) Where the matter is within the remit of the Audit or Overview and Scrutiny Committee of which the Member is a member;
- (d) Where the Council is required to approve the decisions or recommendations of committees, sub-committees or the Cabinet;
- (e) Where the matter has been delegated to a committee or sub-committee, but significantly affects the reputation of the whole Council;
- (f) Where the matter relates specifically to a Member's own ward; and
- (g) In relation to exempt material within a report on a decision that has been called in for consideration by Overview and Scrutiny Committee and a Member has signed a call-in notice and that

Member has indicated that they wish to address the Overview and Scrutiny Committee as part of the call-in process.

- 2.24.3 There will not be a “need to know” if a Member is acting in bad faith or in pursuance of a personal pecuniary or non-pecuniary interest or merely out of curiosity.
- 2.24.4 A Member wishing to see confidential or exempt Council, committee, sub-committee or Cabinet documents or to attend the confidential part of a meeting should make a written application to the Monitoring Officer giving five clear days’ notice, setting out the reasons and information in support of their claim to have a “need to know”, and why the document and/or attendance at the meeting is necessary in order to enable the Member properly to perform their duties.
- 2.24.5 The determination as to whether or not a “need to know” has been demonstrated will be made by the Monitoring Officer based upon officer advice which may include legal advice.
- 2.24.6 Once a determination has been made, this will be communicated to the Member who has made the claim.

2.25 Appended Protocol on Member and Officer Relations on the Provision of Information

Members should be provided with adequate information about services or functions upon which they may be called upon to make or scrutinise decisions, or which affect their constituents. In the normal course of events, this information will be made routinely available by officers in the form of reports, departmental plans, updates etc. Members are encouraged to make use of existing sources of information wherever possible.

2.25.1 Members of the Cabinet, Chair and Vice Chair

- (a) Members of the Cabinet, Chair and Vice Chair have additional responsibilities, entailing different relationships and more regular contact with officers
- (b) In order for them to discharge their responsibilities as Cabinet members, portfolio holders will be briefed by Directors on service issues, proposals and policy development. Directors may from time to time nominate other officers to attend these meetings. Directors may also brief committee chairmen on matters relevant to the terms of reference of the committee. These informal meetings may be on a one off or regular basis, in accordance with the requirements of the Member concerned.

2.25.2 Local Division Members

- (a) Officers should keep Members apprised of developments that are relevant to their role as a local Division Member.

- (b) Division Members should be kept up to date with all major policy developments, public consultations and proposed changes to service delivery affecting their Division.
- (c) Any Member may ask the relevant Director to provide him or her with such factual information, explanation and advice about the Department's functions as he or she may reasonably need in order to assist him/her in discharging his or her role as a member of the Council or acting for and on behalf of the Council as an appointed representative to another body. These requests will be met where the Member has a legal right to the information. If that right arises under the Freedom of Information Act, the Member shall not be required to make a formal FOI request.
- (d) All such information should be provided in accordance with the Member Enquiry Process. Where there are established alternative procedures, the enquiry will be put through those procedures and not dealt with as a Member Enquiry.
- (e) Where a Member requests a service on behalf of a constituent that will be dealt with as a 'service request' by the appropriate service team.
- (f) Any requests for information made by political group assistants on behalf of members of their group should be treated in exactly the same way as if those Members had made the request themselves. The political group assistants, when making such requests should clearly indicate on which Member's behalf they are acting.

2.25.3 Briefings to political groups

- (a) The Leader of the Council or any group Leader of other political group may request the Chief Executive or relevant Director to prepare a briefing or written report on any matter relating to the authority for consideration by the group. Such requests must be reasonable and should not seek confidential or personal information. In considering such a request, officers should be mindful of the need to support members by providing factual information. However if an officer deems the nature of the request to be unreasonable the request will be referred to the Chief Executive for determination, were necessary in consultation with the Leader(s) of the political group(s).
- (b) Officer reports to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Reports will not deal with any political implications of the matter or any option

and officers will not make any recommendation to a political group.

- (c) Any briefing offered to or requested by a party group will be offered to any other party groups. Where possible such briefings should be to all or a combination of party groups.

2.25.4 Officer attendance at political group meetings

- (a) The Leader of the Council or any group Leader of other political group may request the Chief Executive or relevant Director to attend a meeting of the group to advise on any matter relating to the authority.
- (b) Attendance at a meeting of a political group should be on the basis of equality of access, and members and officers should avoid officers being exposed to political discussions when delivering a briefing. Officers may decline to attend or provide a representative where they are of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.
- (c) Any briefing offered to or requested by a party group will be offered to any other party groups. Where possible such briefings should be to all or a combination of party groups. No officer of the Council shall attend any political group meeting which includes non- Members.
- (d) Officers' advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Advice will not deal with any political implications of the matter or any option and officers will not make any recommendation to a political group.
- (e) Officers will request the confidentiality of any matter which they are privy to in the course of attending a political group meeting.

2.25.5 Members' Access to Reports and background papers

- (a) Access to Cabinet, Committee or Sub-Committee papers and other documents or information is governed by:
 - (i) Local Government Acts 1972-2000 (particularly [Schedule 12A](#));
 - (ii) Relevant case law;
 - (iii) Access to Information Standing Orders;
 - (iv) Freedom of Information legislation; or

- (v) Data Protection legislation.
- (b) The rights of Members can be summarised as follows:
 - (i) Members generally enjoy the same access rights as members of the public in respect of public papers;
 - (ii) Members of the appropriate Cabinet, Committee or Sub-Committees will have a good reason for access to all exempt information on the Cabinet, Committee, Sub-Committee agenda under the common law “Need to Know” principles;
 - (iii) Members of the Overview and Scrutiny Committee will have a prima facie “Need to Know” where they require access to exempt Cabinet agenda items as part of their scrutiny function provided the subject matter relates to an action or decision that the member is reviewing or scrutinising as part of the agreed scrutiny work programme;
 - (iv) All other Members who require access to confidential/exempt Cabinet, Committee or Sub-Committee documentation will need to request disclosure under the Freedom of Information Act 2000 or demonstrate a “Need to Know”.
- (c) It is important to note that these rights only apply where Members are clearly carrying out their role as elected representatives. Where any Member has a disclosable pecuniary interest or a personal and prejudicial interest in a matter the Member will only be entitled to the same access as would be the case for a private individual, i.e. to inspect the reports, minutes and background papers relating to the public part of the Cabinet, Committee or Sub-Committee Agenda. In these circumstances, the Member must make it clear that s/he is acting in his/her private capacity and not as a member of the Council.
- (d) More information can be found in the Access to Information Standing Orders at [Part 3](#) of this Constitution.

2.25.6 Confidential/Exempt Information

- (a) Whilst members of the Council have the same rights as the public in seeking and obtaining public documents or information under Freedom of Information legislation, this is not the case in relation to exempt and confidential information.
- (b) Confidential information is information:

- (i) furnished to the Council by a Government Department on terms which forbid the disclosure of the information to the public, or
 - (ii) which may not be disclosed by or under any enactment or by a Court Order.
- (c) Exempt information is information to which the public may be excluded subject to certain qualifications. The categories of exempt information are set out in [Schedule 12A](#) to the Local Government Act 1972 and are reproduced in the Access to Information Standing Orders at of this Constitution. There may be some occasions when information may fall within one or more of the categories, but it is nevertheless in the public interest to disclose it under Freedom of Information legislation, without infringing personal rights or damaging the Council's position. If there is doubt in relation to individual items then they should be kept confidential until the Cabinet, Committee or Sub-Committee has taken a view as to whether they should be treated as exempt or not. More information can be found in the [Access to Information Procedure Rules](#) at [Part 9](#) of this Constitution.

2.25.7 Use of Council Information – Confidentiality

- (a) Standing Orders and specific local procedures (e.g. on contracts) require Members and officers to maintain confidentiality in certain circumstances. Officers are bound by their contracts of employment and any breach of confidentiality will almost certainly lead to disciplinary action. Officers must distinguish between assisting an elected representative in the course of the Member's Council business and dealing with the same person as a client or customer, e.g. a Housing Benefit claimant. In the latter case, officers will treat the member with the same degree of helpfulness, courtesy and confidentiality as would be afforded to any other member of the public in the same situation, and interpret the relevant rules and procedures as they would for any other client or customer.
- (b) Equally, any Council information provided to a Member on the basis of a 'Need to Know' must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as an elected representative of the Council. Confidential or exempt information provided to Members may be discussed in the private session of Committee meetings or in private meetings of appropriate members and officers. However, it should not be discussed with, or released to, any other persons. Any information that is provided should be clearly marked as confidential before it is released to Members.

- (c) Members abusing this trust may find themselves the subject of a complaint that they have contravened the Code of Conduct for Members.
- (d) Information disclosed privately or private discussions held during exempt Committee sessions, informal briefings or group meetings should not be disclosed by Members or officers to any person not already privy to that information.

Section 3

3 BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

3.1 The framework for Cabinet decisions

- 3.1.1 The Council will be responsible for the adoption of a Plan or Strategy that forms part of its Policy Framework and for the adoption of its Budget.
- 3.1.2 In broad terms, it is the responsibility of the Cabinet of first formulating or preparing any Plan or Strategy whose adoption or approval is a matter for determination by a meeting of the full Council and for the preparation of the Budget estimates, for submission to full Council for their consideration. It is then the responsibility of a meeting of full Council to either give of instructions requiring the Cabinet to reconsider any draft Plan or Strategy submitted, to make any amendments to the
- 3.1.3 Once a Plan or Strategy forming part of the Policy Framework or the Budget is in place, it will be the responsibility of the Cabinet to implement it.

3.2 Process for developing the Policy Framework

- 3.2.1 The process by which the Budget and Policy Framework shall be developed and revised is:
- (a) The Cabinet will publicise through the Forward Plan and other methods a timetable for making proposals to the Council for the adoption of the Budget or any Plan or Strategy that forms part of the Policy Framework, and its arrangements for consultation after publication of those initial proposals. The chairs of Overview and Scrutiny Committees will also be notified.
 - (b) At the end of the consultation period, the Cabinet will draw up firm proposals having regard to the responses to that consultation. If a relevant Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. As the Overview and Scrutiny Committees have responsibility for fixing their own work programme, it is open to the Overview and Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period.
 - (c) The Cabinet will take any response from an Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council. The Cabinet's report to Council

will reflect the comments made by consultees and the Cabinet's response.

- (d) Once the Cabinet has approved the firm proposals, they shall be referred at the earliest opportunity to the Council for decision.

3.3 Adoption of a Plan or Strategy

3.3.1 Where, following consideration of a draft Plan or Strategy forming a part of the Policy Framework submitted by the Cabinet, the Council has no objections to it, the Council may make a decision to adopt or approve the Plan or Strategy and which may be of immediate effect.

3.3.2 Where, following consideration of that draft Plan or Strategy, the Council has any objections to it, the Council must take the action set out in Rule 3.3.3 below.

3.3.3 Subject to Rule 3.3.6 below, 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 their approval, any Plan or Strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- (c) adopts (with or without modification) the Plan or Strategy,

it must inform the Leader of the Council of any objections which it has to the draft Plan or Strategy and must give to them instructions requiring the Cabinet to reconsider, in the light of those objections, the draft Plan or Strategy submitted to it.

3.3.4 Where the Council gives instructions in accordance with Rule 3.3, it must specify a period of at least five working days beginning on the day after the date on which the Leader of the Council receives the instructions on behalf of the Cabinet within which the Leader of the Council may:

- (a) submit a revision of the draft Plan or Strategy as amended by the Cabinet (the "revised draft Plan or Strategy") with the Executive's reasons for any amendments made to the draft Plan or Strategy, 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.

3.3.5 When the period specified by the Council, referred to in Rule 3.4 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 their 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 Leader of the Council submitted to the Council, or informed the Council of, within the period specified.

3.3.6 Where an amendment to a draft Plan or Strategy has been submitted, the Leader may indicate on behalf of the Cabinet that they accept the amendment. In these circumstances, the amendment will be regarded as incorporated in the draft strategy before Council and not (for the purposes of rule 3.2 to 3.5 above) as an objection to it.

3.4 Adoption of the Budget

- 3.4.1 These Rules 3.4.2 to 3.4.5 do not apply to estimates and calculations submitted by the Cabinet to the Council where the estimates and calculations were drawn up by the Cabinet on or after 8th February in any financial year. In such circumstances Rule 8.6 shall apply.
- 3.4.2 Where, in any financial year, the 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 30, 31, 31A, 31B, 34 to 36A, 45 to 49, 52ZB (1), 52ZB (2), 52ZB (7), 52ZF to 52ZI 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 s40 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 Rule 3.4.3.

- 3.4.3 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in Rule 4.2.1), or issues a precept under s40 of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet 's estimates or amounts and must give to them instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- 3.4.4 Where the Council gives instructions in accordance with Rule 3.4.3, 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 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.
- 3.4.5 When the period specified by the Council, referred to in paragraph 4.4 has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in Rule 4.2.1) 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 disagreements that the Cabinet has with any of the Council's objections, and
 - (d) the Cabinet's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.
- 3.4.6 Where estimates and calculations are drawn up by the Cabinet on or after 8th February in any financial year and are submitted to the Council for their consideration, the procedure in Rules 4.2 to 4.5 will not apply. In these circumstances the estimates and calculations will be submitted to the Overview and Scrutiny Committee, together with amendments submitted. Where the Overview and Scrutiny Committee has any objection to the estimates and calculations, it will report such objections to the Council, the Leader and the appropriate Cabinet Member. The Leader and/or the appropriate Cabinet Member will

report to the Council whether they agree or disagree with any objection of the Overview and Scrutiny Committee.

3.5 Decisions outside of the Budget or Policy Framework

- 3.5.1 Subject to the provisions of Rules 6 to 8, the Cabinet, committees of the Cabinet, individual Cabinet Members and any officers, Local Area Committee's or joint arrangements discharging executive functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to a Policy or Strategy forming part of the policy framework, or contrary to or not wholly in accordance with the Budget as adopted or approved by Council, then that decision may only be taken by the Council.
- 3.5.2 If the Cabinet, committees of the Cabinet, individual Cabinet Members and officers want to make such a decision, they shall take advice from the Monitoring Officer and/or the Section 151 Officer as to whether the decision they want to make would be contrary to the Policy or Strategy, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing Budget or Policy or Strategy forming part of the policy framework, then the decision must be referred by that body or person to the Council for decision.

3.6 Urgent Decisions Outside of the Budget or Policy Framework

- 3.6.1 The Cabinet, a committee of the Cabinet, an individual Cabinet Member or an officer may take a decision which is contrary to a Policy or Strategy forming part of the Policy Framework or contrary to or not wholly in accordance with the Budget if the decision is a matter of urgency. However, the decision may only be taken if:
- (a) it is not practical to convene a quorate meeting of the full Council; and;
 - (b) the Chair of the relevant Overview and Scrutiny Committee (or in their absence the Chair of the Council or, in the absence of both, the Vice Chair of the Council) agrees that the decision is a matter of urgency.
- 3.6.2 The reasons why it is not practical to convene a quorate meeting of full Council and the chair of the relevant Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of a relevant Overview and Scrutiny Committee the consent of the chair of the Council, and in the absence of both, the vice-chair will be sufficient.
- 3.6.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the

reasons for it, why it was not practical to convene a quorate meeting of Council and why the decision was treated as a matter of urgency.

3.7 **Virement and In-Year Changes to the Budget**

- 3.7.1 The Cabinet may not determine a matter that is contrary to, or not wholly in accordance with, the authority's budget or the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure if not authorised by these Rules or by a meeting of the Council.
- 3.7.2 Steps taken by the Cabinet, a committee of the Cabinet an individual Cabinet Member or an officer to implement Council policy shall not exceed those budgets allocated to each budget heading, subject to Rules 7.3, 7.4, 7.5, 7.6 and 7.7 below.
- 3.7.3 Such bodies or individuals shall be entitled to vire between budget headings subject to the following annual and cumulative limits in any financial year (1 April - 31 March):

Virement limits	Executive Director in consultation with S151 Officer	Section 151 Officer	Cabinet or Cabinet Committee	Council
Revenue				
Within directorate	£250,000	£250,001 - £500,000	£500,001 - £2,000,000	Over £2,000,000
Between directorates	N/A	£500,000	£500,001 - £2,000,000	Over £2,000,000
From earmarked reserves and contingencies	N/A	£500,000	£500,001 - £2,000,000	Over £2,000,000
Capital				
Between projects	N/A	£500,000	£500,001 to £2,000,000	Over £2,000,000
From capital reserves and contingencies	N/A	£2,000,000	£2,000,001 - £5,000,000	Over £5,000,000

3.7.4 **Supplementary Estimates**

Where services wish to undertake an activity not originally identified in the budget or incur additional revenue expenditure on an existing activity, approval must be sought for a supplementary estimate in accordance with the following annual and cumulative limits:

Supplementary estimates	Section 151 Officer	Cabinet	Council
Revenue			
Fully funded from external sources	Unlimited	N/A	N/A
Additional Council funding required	£250,000	£250,001 - £500,000	Over £500,000
Capital			
Fully funded from external sources	Unlimited	N/A	N/A
Additional Council funding required	£500,000	£500,001 to £2,000,000	Over £2,000,000

3.7.5 Grant Applications

Directors may make applications for grants, where the application does not create a commitment, financial or otherwise, in consultation with the S151 Officer. However, if the application is for a grant in excess of £1 million, or if any match funding will be required, then Cabinet approval is required in advance of the application being submitted.

3.7.6 The Chief Executive may exercise any of the powers of the Executive under rules 3.7.3, 3.7.4 and 3.7.5 in consultation with the Leader and the Section 151 Officer and/or the Monitoring Officer where the Chief Executive considers that the legal or financial position of the Council or the interests of the members of the public of the Council's area would be prejudiced if the matter were not determined before the next scheduled Cabinet meeting.

3.7.7 The Chief Executive will report any such decision made within 7.6 to the Chair of Corporate Services and Economic Growth Overview and Scrutiny Committee and the next meeting of the Cabinet.

3.7.8 Further detail may be set out in the Finance Procedure Rules. Should any limits or provisions recorded above conflict or differ in any way with those set out in the Finance Procedure Rules, these rules as set out in the Budget and Policy Framework Procedure Rules shall prevail.

3.8 In-Year Changes to a Policy or Strategy Forming a part of the Policy Framework

- 3.8.1 The responsibility for agreeing the policy framework lies with the Council, and decisions by the Cabinet, a committee of the Cabinet an individual Cabinet Member or an officer, Local Area Committee's or joint arrangements discharging executive functions must be in line with it.
- 3.8.2 No changes to any Policy or Strategy which make up the policy framework may be made by those bodies or individuals except those changes:
- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
 - (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
 - (c) where the existing policy document is silent on the matter under consideration; or
 - (d) which relate to policy in relation to schools, where the proposed change is agreed by the Schools Forum.

3.9 Call-In of Decisions Outside The Budget or Policy Framework

- 3.9.1 Where an Overview and Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or S.151 Officer.
- 3.9.2 In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or S.151 Officer's report shall be to the Cabinet with a copy to every Member. Regardless of whether the decision is delegated or not, the Cabinet must consider the report of the relevant officer and decide what action to take in respect of the report. Where the advice concluded that there was a departure from the Budget or Policy Framework, the Cabinet must report to Council on the action it intends taking. Where there was no such departure, the Cabinet must report to the Overview and Scrutiny Committee on any action to be taken.
- 3.9.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the S.151 Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until Council has met and considered the matter. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the S.151 Officer. The Council may either:

- (a) endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Members in the normal way;
- (b) amend the Council's Finance Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Members in the normal way; or
- (c) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer and/or S.151 Officer.

Section 4

4 EXECUTIVE PROCEDURE RULES

4.1 How does the Cabinet operate?

4.1.1 Who may make executive decisions?

The arrangements for the discharge of executive functions may be set out in the Cabinet 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 Cabinet functions to be discharged by:

- (a) the Cabinet as a whole;
- (b) a committee of the Cabinet;
- (c) individual Member of the Cabinet;
- (d) an officer;
- (e) a Local Area Committee;
- (f) joint arrangements; or
- (g) another local council.

4.1.2 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations they have made for inclusion in the Council's scheme of delegation at [Part 3](#) this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- (a) the extent of any council delegated to Cabinet Members individually, including details of the limitation on their Council;
- (b) the terms of reference and constitution of such Cabinet committees as the Leader appoints and the names of Cabinet Members appointed to them;
- (c) the nature and extent of any delegation of executive functions to Local Area Committee's, any other council or any joint arrangements and the names of those Cabinet Members appointed to any joint committee for the coming year, and

4.1.3 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 a Local Area Committee, joint arrangements or an officer.

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

4.1.4 The Council's scheme of delegation and executive functions

- (a) Subject to (2) below, the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. Council cannot amend the Cabinet's scheme of delegation.
- (b) If the Leader is able to decide whether to delegate executive functions, they 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 Head of Paid Service 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 Head of Paid Service 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 the Leader has served it on its chair.

4.1.5 Conflicts of Interest

- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in [Part 6](#) of this Constitution.
- (b) 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 6](#) of this Constitution.
- (c) If the exercise of an executive function has been delegated to a committee of the Cabinet, an individual Member or an officer, and a conflict of interest arises, then the function will be exercised in the first instance by the person or body by

whom the delegation was made, and otherwise as set out in the Council's Code of Conduct for Members in [Part 6](#) of this Constitution.

4.1.6 Cabinet meetings – when and where

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

4.1.7 Meetings of the Cabinet

The Access to Information Rules of Procedure of this Constitution set out the requirements covering public and private meetings. Other than the legal requirements, consideration should also be given to any principles of decision-making set out in [Article 13](#) of this Constitution.

4.1.8 Quorum

The quorum for a meeting of the Cabinet, or a committee of it, shall be three, being any two Members of the Cabinet, together with the Leader or the Deputy Leader.

4.1.9 How are decisions to be taken by the Cabinet?

- (a) Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules of Procedure Appendix 3 of the Constitution.
- (b) Where Cabinet decisions are delegated to a committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

4.2 How are Cabinet meetings conducted?

4.2.1 Who presides?

If the Leader is present, they will preside. In their absence the Deputy Leader will preside, and in their absence then a person appointed to do so by those present shall preside.

4.2.2 Who may attend?

- (a) all Members of the Cabinet and the Chair;
- (b) such officers as are specified in Rule 21 of the Access to Information Rules of Procedure, and
- (c) Members of the press and public provided unless an agenda item is confidential

- (d) such other persons as the Leader or the Cabinet may invite to attend

4.2.3 What business?

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

- (a) consideration of the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) matters referred to the Cabinet (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Rules of Procedure or the Budget and Policy Framework Rules of Procedure set out in [Part 5](#) of this Constitution;
- (d) consideration of reports and recommendations from Overview and Scrutiny Committees; and
- (e) 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 Rules of Procedure set out in Appendix 3 of this Constitution.

4.2.4 Consultation

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

4.2.5 Who can put items on the Cabinet agenda?

- (a) The Leader will decide upon the schedule for the meetings of the Cabinet. They may put on the agenda of any Cabinet meeting any matter which they wish, 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 Head of Paid Service will comply with the Leader's requests in this respect.
- (b) Any Member of the Cabinet may require the Head of Paid Service to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If they receive such a request the Head of Paid Service will comply.

- (c) The Head of Paid Service will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant Overview and Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet. However, there may only be up to two such items on any one agenda.
- (d) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Overview and Scrutiny Committees. However there may only be up to three such items per Cabinet meeting.
- (e) Any Member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Member who asked for the item to be considered. This individual will be invited to attend the meeting, whether or not it is a public meeting. However, there may only be up to two such items per Cabinet meeting.
- (f) The Head of Paid Service, the Monitoring Officer and/or the Chief Financial Officer (or their deputy) may include an item for consideration on the agenda of a Cabinet meeting and may require the Head of Paid Service to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer (or their/her deputy) and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

Section 5

5 OVERVIEW AND SCRUTINY PROCEDURE RULES

5.1 Introduction

- 5.1.1 This Part sets out the role and functions of the Council's overview and scrutiny committees. These committees have a responsibility for holding the Cabinet to account for its decisions. They also have a responsibility to look at matters of importance to the area and the area's inhabitants.
- 5.1.2 The Council's scrutiny committees can require the attendance of Cabinet members and certain senior Council officers – they can also require the attendance of certain NHS staff. They can also require that certain information held by the Council is provided to them. Finally, scrutiny committees can require a response from the Cabinet and certain NHS bodies to the recommendations that it makes.
- 5.1.3 The agendas of scrutiny committees are developed entirely independently of the Council's Cabinet, and are based on a transparent process of prioritisation which is set out in this Part in more detail, and separately in the Executive-Scrutiny Protocol.
- 5.1.4 At Northumberland, scrutiny committees have a range of core tasks. These include:
- (a) To contribute to policy development on critical matters;
 - (b) To investigate matters of interest and concern to the wider community – particularly if they relate to complex, cross-cutting and high profile challenges;
 - (c) To keep under review the performance and financial position of the authority, and the authority's performance in engaging with partners, especially with regard to its commercial activity.
- 5.1.5 These arrangements are set out in more detail in [Part 6](#) on the role of overview and scrutiny.
- 5.1.6 In carrying out these tasks, scrutiny also looks at how the Council works with its external partners.
- 5.1.7 Some scrutiny business is carried out in formal committees, but committees can also set up informal "task and finish" groups to investigate certain issues in more detail.
- 5.1.8 The meetings of scrutiny committees are held in public – the detailed rules for how these meetings are run are set out in [Part 6](#).

5.1.9 There are **in development** two Protocols which set out more detail on scrutiny's roles:

- (a) The Executive-Scrutiny Protocol, which provides more detail around how the scrutiny function will work with Cabinet in such a way that its independence is maintained;
- (b) A Protocol on Financial Oversight, Financial Management and Scrutiny. There are duties for scrutiny committees, the Audit Committee, and other parts of the Council in ensuring that financial matters are subject to rigorous and consistent oversight. This Protocol provides detail on how that works in practice – in particular, ensuring that the duties of various councillor bodies with regard to this issue do not overlap. There are also a set of Financial Procedure Rules relevant to this issue.

5.2 The role of overview and scrutiny at Northumberland

5.2.1 Northumberland has adopted a set of core tasks for its scrutiny function which reflect both the statutory powers set out above and the specific needs of the Council's governance framework. These core tasks are:

- (a) To contribute to policy development on critical matters;
- (b) To investigate matters of interest and concern to the wider community – particularly if they relate to complex, cross-cutting and high profile challenges;
- (c) To keep under review the performance and financial position of the authority, and the authority's performance in engaging with partners, especially with regard to its commercial activity.

To contribute to policy development on critical matters

This means that scrutiny committees will identify, through the work programming process described below, critical priorities for the Council and the area that it serves, and seek to undertake work to inform future decision-making on that topic.

To investigate matters of interest and concern to the wider community

Councillors will use their unique insight as elected representatives, supported by officer advice and information, as well (where necessary) as direct input from the public, to identify those issues which may be of significant interest and concern to a large number of people across the area, or a small proportion of people who have particular vulnerabilities and/or possess protected characteristics under the Equality Act.

Matters of interest and concern to those living within a small geographical area will usually be considered by Local Area Councils, unless the relevant scrutiny and the relevant LAC agree that those matters highlight a wider systemic issue that requires a corporate response.

To keep under review the performance and financial position of the authority

Scrutiny committees will have a shared responsibility with Cabinet, Council and the Audit and Accounts Committee for review and monitoring of the Council's financial position, particular with regard to how financial performance has an impact on service performance. Scrutiny committees will, in selecting items for consideration on agendas, have regard to financial and performance information in line with [Part 10](#) below.

More information can be found in the Protocol on Financial Oversight, Financial Management and Scrutiny.

5.3 The powers held by overview and scrutiny committees

In order to carry out its role and “core tasks”, scrutiny has various powers, provided by legislation.

Sections 9F (and the following sections) of the Local Government Act 2000 require that councils operating “executive arrangements” have at least one overview and scrutiny committee. Northumberland has chosen to appoint 4 overview and scrutiny committees, whose structure is set out below.

Scrutiny has the power to make reports or recommendations on matters which affect the area or the inhabitants of the area. In fulfilling this broad function – which is clarified in the section below on scrutiny's role – scrutiny has various powers in relation to the Council and Cabinet, and in relation to other partner organisations.

5.3.1 Powers in respect of the Council

Overview and scrutiny committees have the power to scrutinise decisions made by the Council or Cabinet. In Northumberland, they will carry out this function in accordance with the role set out in the next section.

In carrying out its role and functions, scrutiny committees may:

- (a) Require the attendance of members and officers to attend. In Northumberland, this means that, where notice is given, the Leader, members of Cabinet, and members of the Council's Senior Leadership Team will attend meetings of overview and scrutiny committees where this is required.

- (b) Require the provision of information held by the authority. In Northumberland, this means that:
 - (i) officers will draft reports for submission to scrutiny committee meetings which meet requirements set out by the Chair of the relevant committee;
 - (ii) officers will provide information to individual members of scrutiny committees which reflects the rights laid out in the Member Access to Information Protocol.
- (c) Require a response from Cabinet to recommendations. Where a committee makes recommendations the Cabinet is under an obligation to respond within eight weeks. The response will be made at a meeting of Cabinet and will take the form specified by the scrutiny committee itself.

An overview and scrutiny committee has the right to scrutinise decisions which have been made, but not implemented. This power is called “call-in”. It is described in more detail below.

5.3.2 Powers in respect of other partners

The Council works with a range of other local and national organisations. More information on these partners can be found in [Part 8](#) of the constitution. Scrutiny has powers and obligations in relation to some of these partners. They include:

- (a) The power to carry out review and scrutiny of the health service in the local area, as set out in Chapter 3 of the National Health Service Act 2006 and relevant Regulations and guidance. The officers of certain health and care bodies are obliged to attend before an overview and scrutiny committee to answer questions;
- (b) The obligation to carry out scrutiny of the county’s Community Safety Partnership, which is carried out by the Communities and Place Overview and Scrutiny Committee, as set out in sections 19 and 20 of the Police and Justice Act 2006, and statutory guidance;
- (c) The power to undertake review of flood risk management, which includes the power to make requests for information from risk management authorities. These powers are set out in s9FH of the Local Government Act 2000.

Scrutiny may invite any person to give evidence but other than those specified above, invitees are not obliged to attend.

5.4 Values and behaviours

5.4.1 Scrutiny's role at Northumberland is also informed by the Council's values and behaviours. This means that scrutiny committees, in carrying out their work, will pay a keen regard to the way in which people in positions of authority carry out their work, and will exhibit these behaviours in how scrutiny operates as well. In practice this means that scrutiny committees, and in particular their chairs, will:

- (a) Have a focus on customers / residents, by seeking to listen to and understand their needs and ensuring that the scrutiny function is responsive to those needs by centring them in recommendations that scrutiny makes;
- (b) Frame their work around ensuring that they contribute to the Council's success – recognising that strong and robust scrutiny is a way of strengthening the quality of decision-making;
- (c) Contribute – through policy development in particular – to a clear and compelling vision and ambition for the council which is focused on long term, strategic thinking;
- (d) Problem solve, providing independently-led insight for the benefit of the authority on complex matters, using scrutiny's innate ability to cut through complexity and find the decisions right for the Council and area even if they are politically challenging;
- (e) Support the council to be open and honest about the Council's challenges and decisions, in a no-blame atmosphere – and following through by supporting officers and members to tackle difficult business issues and to develop and maintain self-awareness, and to reflect upon shortcomings where necessary;
- (f) Focus on the importance of culture, relationships and collaboration – within, and outside, the council – in investigating topics and delivering recommendations.

These values are variously built into the ways of working for scrutiny committees laid out below.

5.4.2 The Party Whip

Scrutiny is a political space, where matters of political contention are discussed. It is appropriate and expected that councillors will express opinions and views that reflect their political standpoint and therefore the agreed standpoint of the political party of which they may be a member.

The express use of the "party whip", as a tool of political management, is however strongly discouraged. The "whip" is a mechanism by which

a member can be instructed to vote in a specific way where non-compliance with that instruction can render the member subject to a sanction imposed within the political group of which they are a member.

If such an instruction is given 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.

5.5 The structure of Northumberland’s overview and scrutiny committees

5.5.1 The Council has four overview and scrutiny committees.

- (a) Corporate Services and Economic Growth Overview and Scrutiny Committee;
- (b) Communities and Place Overview and Scrutiny Committee;
- (c) Family and Children’s Services Overview and Scrutiny Committee;
- (d) Health and Wellbeing Overview and Scrutiny Committee.

Rules of procedure have been drafted which lay out how scrutiny committees will be convened, arrangements for attendance and speaking rights for councillors, council officers and members of the public. These are set out in [Part 6](#) of the Constitution.

5.5.2 Frequency of meetings

These committees will meet at least 6 times a year. The Chair of an overview and scrutiny committee may call an extraordinary meeting of a committee if they consider it necessary or appropriate, in the context of scrutiny’s role and core tasks and having regard to the advice of the Monitoring Officer.

5.5.3 Joint committees

From time to time cross-border issues may be of such importance that they demand the establishment of temporary or permanent scrutiny arrangements with another council. In considering the necessity of this work, chairs of scrutiny committees will have regard to:

- (a) The advice of the Monitoring Officer;
- (b) The need for such work to add clear value for the people of Northumberland;
- (c) The presence of other cross-border scrutiny arrangements, such as the Northumbria Police and Crime Panel and the

overview and scrutiny committee of the North of Tyne Combined Authority.

In the case of a substantial variation to local health and care services which, by law, is of such a nature that requires the establishment of a joint committee, the Monitoring Officer will advise councillors on the operating arrangements for that committee, including facilitating agreement on hosting arrangements and the nomination of councillors to sit on it.

5.5.4 Task and finish groups

Task and finish groups may be established to investigate and explore future policy options for a topic or issue for which the council has whole or partial responsibility.

When agreed as part of the scrutiny function's work programming arrangements, and when the allotted time for the establishment of the task and finish group arrives, the procedure should be as follows:

- (a) The agreement by the committee of the scope of the review and the membership of the group. The scope will set out the question or questions to be answered, the way in which evidence will be gathered to reach that outcome (and from whom), the councillors nominated to form part of the group, the names of any co-optees and officer support arrangements;
- (b) Evidence-gathering, following the methods set out in section xx below. Task and finish work may be carried out both in private and in public;
- (c) The preparation of a report, and recommendations, for submission to the commissioning committee. Reports will be short and contain a limited number of recommendations. The report submitted by the task group to the committee will be the one agreed to by the majority of members of that group;
- (d) Consideration of the report by the commissioning committee and submission of the report and recommendations to the relevant recipients. The committee should not normally make any amendment to the report submitted to them.

The membership of task and finish groups can include any member of the Council not currently a Cabinet member, or a Cabinet Assistant. Groups will usually number no more than six councillors, as far as possible politically balanced. The committee commissioning the review will determine if non-councillors should be invited to participate as co-optees. This may be relevant if certain individuals can bring recognised expertise to the work of a task and finish group. Co-optees may be individuals who have publicly campaigned on a given issue,

but in their role on a task and finish group they will be expected to act with an open mind, and to conform to behavioural expectations similar to those put to members.

Arrangements for the scoping and membership of task and finish groups will in all cases be determined by the committee which commissions them.

5.6 Who sits on the overview and scrutiny committees

The membership, and Chairs, of overview and scrutiny committees will be determined by Council at its Annual General Meeting, subject to any in-year changes and substitutions confirmed by the Monitoring Officer.

5.6.1 Councillors

All councillors, except members of the Cabinet, may be members of an Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which they have been directly involved.

5.6.2 Co-optees

The power exists for scrutiny committees to “co-opt” people who are not councillors to sit on scrutiny committees.

With the exception of statutory education co-optees, described below, any person co-opted to sit on a scrutiny committee will be a member of that committee, but without the right to vote. Co-option may take place only in accordance with a scheme agreed by Council.

The Family and Children’s Services Committee will have among its membership five co-optees, who may exercise the right to vote on any matter that relates to the Council’s education functions, but not on any other matter. These five co-optees will be representatives of the following groups and organisations:

- (a) The Church of England Diocese of Newcastle;
- (b) The Roman Catholic Diocese of Hexham and Newcastle;
- (c) Two parent governor representatives, elected by the parent governors of maintained primary and secondary schools serving children residing in the county council’s area. The Monitoring Officer will arrange for the periodic election of these individuals in line with Government guidance;
- (d) One representative of other faiths and denominations, to be determined by the Monitoring Officer in consultation with the Council’s Standing Advisory Council on Religious Education (SACRE).

5.7 The role of Chairs of overview and scrutiny committees

Chairs of overview and scrutiny committees have a role, individually and collectively, to:

- 5.7.1 Preserve and champion the independence of the scrutiny function from the executive;
- 5.7.2 Ensure that scrutiny is looking at the right things, in the right way, at the right time;
- 5.7.3 Ensure that scrutiny is a collaborative working environment which benefits from the experience and viewpoints of a range of councillors;
- 5.7.4 Ensure that scrutiny activity is planned and carried out in a way which conforms to the Council's agreed values and behaviours;
- 5.7.5 Ensure that scrutiny is visible to the public and drawing on public insight and views;
- 5.7.6 Ensure that councillors sitting on scrutiny committees individually and collectively have the skills and capabilities to carry out their roles;
- 5.7.7 Work in a mutually supportive manner with officers, in accordance with the Member-Officer Protocol and the Council's agreed values and behaviours.

5.8 The ways in which the overview and scrutiny function will work

The work of the Council's scrutiny function will be focused and directed to those areas where the function's unique capabilities are best able to add value to the work of the Council and the lives of its residents.

To that end, scrutiny committees between them have adopted the following ways of working.

Work	How this will be delivered
<p>Carrying out work on subjects where member-led scrutiny can add value</p>	<p>This objective will be met through the delivery of a comprehensive and focused work programme.</p> <p>Scrutiny committees will individually agree a rolling work programme, which will be aligned across the whole scrutiny function through liaison between committee chairs. The work programme will be informed by scrutiny's "core tasks"</p> <p>Scrutiny committees will agree a common set of criteria that will be used to determine where an issue should be placed on a future agenda with reference to available evidence on the matter in question. These criteria may change from year to year to ensure that scrutiny's work reflects the council's, and local people's, priorities.</p> <p>Overall, the work programme for committees individually and collectively will focus on:</p> <ul style="list-style-type: none"> (a) Forthcoming policy development, with such matters usually being identified well ahead of time; (b) Review of performance, and finance, issues in-year, with particular matters of concern being escalated to committee by exception. <p>Committees will not usually carry out the scrutiny of decisions shortly before they are submitted to Cabinet ("pre-decision scrutiny"). Chairs will however have the discretion to place such matters on the work programme where the subject matter is high profile and contentious.</p>

Work	How this will be delivered
<p>Carrying out work using methods most likely to deliver a consistent high impact</p>	<p>Scrutiny committees have a range of methods at their disposal to conduct their work, and to gather evidence.</p> <p>Where the work programme is being developed, decisions as to whether certain items are placed on the programme will need to bear in mind what method or methods will deliver the greatest impact.</p> <p>Usual methods will include:</p> <ul style="list-style-type: none"> (a) Considering an item on an ordinary agenda of a scrutiny committee meeting. This may be one of several items or the sole item on the agenda. The rules of procedure on scrutiny set out the arrangements for this form of evidence-gathering in more detail; (b) Convening a joint meeting with another scrutiny committee of the county council. If the work programme demands it, joint meetings of multiple committees may be convened to review cross-cutting topics. Joint meetings with scrutiny committees of other authorities may also be convened – and joint committees of more than one authority may also be established, subject to rules set out above; (c) Establishing a standing sub-committee to take responsibility for a portion of the parent committee’s terms of reference. The establishment of sub-committees will happen further to the advice of the Monitoring Officer and will be subject to the agreement of full Council given the overall effects on overall political proportionality; (d) Establishing a task and finish group. Task and finish groups are informal, time limited bodies established by a committee to undertake a specific, defined investigation and to report back to that committee before being

Work	How this will be delivered
	<p>disbanded. Detailed arrangements for the establishment of task and finish groups are set out above.</p> <p>(e) Establishing a standing panel. The Corporate Services and Economic Growth Overview and Scrutiny Committee may, at the start of the municipal year, determine whether to establish a standing panel to transact duties relating to the scrutiny of the budget development process. This panel will operate further to arrangements set out in the Protocol on Financial Oversight, Financial Management and Scrutiny and the Executive-Scrutiny Protocol;</p>

Work	How this will be delivered
<p>Gathering evidence from a wide range of sources so as to gain as full an understanding as possible of an issue prior to making recommendations</p>	<p>Evidence to support scrutiny activity may derive from:</p> <ul style="list-style-type: none"> (a) Desktop research. Officers supporting scrutiny committees may undertake research on behalf of those committees, and councillors may also be tasked by the committee to undertake research; (b) Officer reports. Reports on matters for information, or for noting, will not be submitted to scrutiny committees for consideration. Where an officer report is proposed or requested for a given meeting it should be to answer a specific question and/or to support the scrutiny committee to reach, or recommend, a specific outcome. General reports “for information” can be submitted to councillors directly, outside of the ordinary committee cycle, and used in support of the work programming process described above; (c) Officer or executive member attendance at formal meetings. Officers or executive members may be required to attend meetings to give evidence and/or to be held to account for decisions, or performance, for which they are responsible. “No blame” does not mean “no accountability”, and scrutiny committees should carry out this work constructively but vigorously. More information on this power is set out in the Executive-Scrutiny Protocol; (d) Public meetings. In order to investigate a matter on the work programme a scrutiny committee may convene a meeting to take evidence directly from the public. The design of this process should have regard to the need to maximise accessibility for those identified as key stakeholders for such evidence-gathering;

Work	How this will be delivered
	(e) Site visits. In transacting work (particularly task and finish groups) councillors will want to carry out in-person visits to places within, and occasionally outside, the county.

5.9 Call in

- 5.9.1 Call-in should only be used in exceptional circumstances. These are where members of the appropriate Overview and Scrutiny Committee have evidence which suggests that the decision making person or body did not take the decision in accordance with the principles set out in [Article 13](#) (Decision Making).
- 5.9.2 When a decision is made by the Cabinet, an individual member of the Cabinet or a committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or a Local Area Committee, or under joint arrangements, the decision notice shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of being made. All Members will be sent a copy of the notice within the same timescale, by the person responsible for publishing the decision.
- 5.9.3 That notice will bear the date on which it is published and will specify that the decision will come into force, and may be implemented, unless the powers of call-in have been exercised or a period of five days from the date of the notice have elapsed whichever is the sooner.
- 5.9.4 If during that period, the Proper Officer receives a valid call-in notice, they, in consultation with the Chair or Deputy-Chair of the Council, or in their absence, the Monitoring Officer, shall call a meeting of the committee on such date as they may determine, where possible after consultation with the chair of the committee, and in any case within 5 days of the decision to call-in.

The call in notice must be signed by either;

- (a) the Chair or Vice-Chair of the relevant scrutiny committee or
- (b) five signatories (comprising non-executive members or, in the case of education matters, any non-Council members with voting rights in respect of the matter in question).

A clear reason for the call-in must be stated on the notice, with due regard to the principles of decision making contained in [Article 13](#), and the completed form must be forwarded to the

Proper Officer by noon on the fifth day following the publication of the relevant decision notice.

- 5.9.5 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 five working days, amending the decision or not, before adopting a final decision.
- 5.9.6 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 meeting, or the expiry of the period, in which the Overview and Scrutiny Committee should have been held whichever is the earlier.
- 5.9.7 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 locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a committee of it, a meeting will be convened to reconsider within five working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 5 working days of the Council request.
- 5.9.8 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.
- 5.9.9 Where an executive decision has been taken by a Local Area Committee, then the right of call-in shall extend to any other Local Area Committee which resolves to refer a decision which has been made but not implemented to a relevant Overview and Scrutiny Committee for consideration in accordance with these provisions. A Local Area Committee may only request the Proper Officer to call-in the decision if it is of the opinion that the decision will have an adverse effect on the area to which it relates. All other provisions relating to

call in shall apply as if the call in had been exercised by members of a relevant Overview and Scrutiny Committee.

5.9.10 **Exceptions**

In order to ensure that call-in is not abused, nor causes unreasonable delay, the Council may resolve to place limits on the number or categories of matters which may be the subject of call in.

5.9.11 **Call-In and Urgency**

The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Business Chair 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 Business Chair, the Deputy Business Chair consent shall be required. In the absence of both, the Head of Paid Service or their 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.

5.9.12 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

Section 6

6 EMPLOYMENT PROCEDURE RULES

6.1 Purpose

6.1.1 These Rules set out the procedural rules dealing with the appointment and dismissal of staff. This includes mandatory standing orders required by statute.

6.2 Recruitment and Appointment

6.2.1 All staff to be appointed on merit

- (a) Subject to those exceptions set out in [section 7 of the Local Government and Housing Act 1989](#), every appointment of a person to a paid office or employment under the Authority (an officer of the Council) shall be made on merit.

6.2.2 Declarations

- (a) Any candidate for any designation or appointment with the Council who knows that they are related to a Member or employee of the Council shall, when making an application, disclose, in writing, that relationship. 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.
- (b) Every Member and employee of the Council shall disclose any relationship known to them to exist between themselves and any person they know is a candidate for a designation or appointment by the Council.

6.2.3 Seeking support for appointment

- (a) Any candidate for designation or appointment who directly or indirectly seeks the support of a Member or officer of the Council in any designation or appointment shall be disqualified and, if designated or appointed, shall be liable to dismissal. A Member 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.
- (b) Persons shall be deemed to be related to a candidate or officer if they are a spouse, civil partner, partner (i.e. Member of a couple living together) parent, parent-in-law, grandparent, child, step-parent 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. This list is indicative, and a judgement will be made based on the closeness of the relationship.

- (c) No candidate so related to a Member or senior officer will be appointed without the authority of the relevant Chief Officer or an officer nominated by them.

6.3 Recruitment of Chief Officers and Deputy Chief Officers

- 6.3.1 A Chief Officer and a Deputy Chief Officer means those officers of the Council as defined by Part 1 of the Localism Act 2011
- 6.3.2 Where the Council proposes to appoint a Chief Officer or Deputy Chief Officer, and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:
 - (a) draw up a statement specifying the duties of the post concerned and a specification of the qualifications or qualities to be sought in the person to be appointed;
 - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (c) make arrangements for a copy of the statement mentioned in paragraph above to be sent to any person on request.
- 6.3.3 Where a post has been advertised as above, the Council will interview all qualified applicants for the post or select a short-list of such qualified applicants and interview those included on the short-list.
- 6.3.4 Where the Council is of the view that there is no suitable candidate, it will re-advertise the post.

6.4 Appointment of Chief Officers and Deputy Chief Officers

- 6.4.1 Where the Council proposes to appoint to a Chief Officer position a committee or sub-committee of the Council will oversee the arrangements for the filling of the vacancy and may appoint a sub-committee for this purpose (Appointment Panel). The Committee or the Appointment Panel sub-committee exercising responsibility for this function must include at least one Cabinet Member.
- 6.4.2 The Committee, or the Appointment Panel, shall make appointments to all Chief Officer posts, (except those referred at Rule 5 below which require a report and recommendation to be made to full Council).
- 6.4.3 The Committee or the Appointment Panel sub-committee may make appointments to any or all Deputy Chief Officer posts or may delegate such appointments to the Head of Paid Service.

- 6.4.4 An offer of an appointment as a Chief Officer or Deputy Chief Officer must not be made by the Council, Committee, Appointments Panel or Head of Paid Service as the appointor until–
- (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
 - (b) the proper officer has notified every Member of the Cabinet of the authority of–
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
 - (iii) 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 proper officer; and
 - (c) either–
 - (i) the Leader has, within the period specified in the notice, notified the appointor that neither they, nor any other Member of the cabinet, has any objection to the making of the offer;
 - (ii) the proper officer has notified the appointor that no objection was received within that period from the Leader; or
 - (iii) the appointor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

6.5 Appointment of Head of Paid Service, Monitoring Officer and The Chief Finance (S.151) Officer

- 6.5.1 The full Council must appoint the Head of Paid Service following consideration of a recommendation of the Staffing Committee, or Appointment Panel, as to the person to be appointed.
- 6.5.2 The full Council shall appoint the Monitoring Officer and the Chief Finance (S.151) Officer following consideration of a recommendation of the Staffing Committee, or Appointment Panel, as to the person to be appointed.
- 6.5.3 The procedure set out at Rule 4.4 in respect of notifying the Leader and Cabinet also applies in respect of these three posts.

- 6.5.4 The full Council shall also appoint the officer designated as the Returning Officer and the Electoral Registration Officer.
- 6.5.5 Where the Council does not approve the recommendation of the Committee, it shall indicate how it wishes to proceed.

6.6 Disciplinary of Head of Paid Service, Monitoring Officer and The Chief Finance (S.151) Officer

- 6.6.1 The Head of Paid Service, Monitoring Officer or Chief Finance Officer and other Chief Officer(s) may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months without a review of such suspension first taking place. The proceedings will be dealt with in accordance with the Council's agreed policy. The requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) and the Model Disciplinary Procedure A (England) of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives (13th October 2016) and accompanying Guidance give effect to these provisions and will be used in circumstances where disciplinary action against the Head of Paid Service, Monitoring Officer or s151 Officer is contemplated
- 6.6.2 Potential for dismissal - Disciplinary action or situations in which there is the potential to dismiss either the Head of Paid Service, Monitoring Officer or Chief Finance Officer on the grounds of misconduct and potential to dismiss for other reasons such as capability and some other substantial reason will require the involvement of an Independent Investigator. Where it results in a proposal to dismiss, it will require the involvement of an Independent Panel before the Council considers the proposal (in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015)).
- 6.6.3 Procedure – The Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (S.151 Officer) may not be dismissed by the Council unless this procedure is complied with.
- (a) The Council must invite relevant Independent Persons to be considered for appointment to an Independent Persons Panel, with a view to appointing at least two such persons to the Panel.
 - (b) The “relevant Independent Persons” means any Independent Person who has been appointed by the Council or, where there are fewer than two such persons, such Independent Persons as have been appointed by another authority, or authorities, as the Council considers appropriate.

- (c) The Council must appoint to the Independent Persons Panel such relevant independent persons who have accepted an invitation issued in accordance with Procedure Rule 6.2 in accordance with the following priority order:
 - (i) a relevant Independent Person who has been appointed by the Council and who is a local government elector;
 - (ii) any other relevant Independent Person who has been appointed by the Council;
 - (iii) a relevant Independent Person who has been appointed by another authority or authorities
 - (iv) The Council is not required to appoint more than two relevant Independent Persons but may do so.
 - (v) The Council must appoint any Independent Persons Panel at least 20 working days before the relevant meeting.
 - (vi) Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular:
 - (A) any advice, views or recommendations of the Independent Persons Panel
 - (B) the conclusions of any investigation into the proposed dismissal; and
 - (C) any representations from the relevant officer.
 - (vii) Any remuneration allowances or fees paid by the Council to an Independent Person appointed to the Independent Persons Panel must not exceed the level of remuneration, allowance or fees payable to that Independent Person in respect of that person's role as an Independent Person under the Localism Act 2011.

6.7 Consultation with Cabinet Members

6.7.1 No notice of dismissal, in relation to a Chief Officer or Deputy Chief Officer must be issued by the Council, Committee, Appointments Panel or Head of Paid Service as the dismissor until—

- (a) the dismissor has notified the proper officer of the name of the person to be dismissed and any other particulars which are relevant to the dismissal;
- (b) the proper officer has notified every Member of the Cabinet of:

- (i) the name of the person to be dismissed:
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
 - (iii) the period within which any objection to the proposed dismissal is to be made by the Leader on behalf of the Cabinet to the proper officer; and
- (c) either–
- (i) the Leader has, within the period specified in the notice, notified the dismissor that neither they, nor any other Member of the Cabinet, has any objection to the proposed dismissal;
 - (ii) the proper officer has notified the dismissor that no objection was received within that period from the Leader; or
 - (iii) the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

6.8 Other Officers

- 6.8.1 The function of appointment or dismissal of, and taking disciplinary action against, any officer other than a Chief Officer or Deputy Chief Officer must be the responsibility of the Head of Paid Service, or their nominee.
- 6.8.2 Members will not be involved in the appointment, dismissal of or taking disciplinary action against any officer other than a Chief Officer or Deputy Chief officer, except where such involvement is necessary for any investigation or inquiry into alleged misconduct, although the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to Members in respect of disciplinary action resulting in dismissal only.
- 6.8.3 Any disciplinary action will be taken in accordance with the Council's Disciplinary Policy and Procedure, as adopted from time to time.

6.9 No Directions to Be Given To Persons Making Appointments or Taking Disciplinary Action

- 6.9.1 Save as specifically provided for elsewhere in these Standing Orders, neither the Council nor the Cabinet or its Committees or Overview and Scrutiny meeting or an individual Member, nor any other person shall directly or indirectly:

- (a) give directions to any person taking any step in relation to an appointment to a post in the paid service of the Council as to the identity of the person to be appointed;
- (b) give directions about the taking of any disciplinary action in relation to a person in the paid service of the Council; or
- (c) otherwise interfere with the making of such an appointment or the taking of disciplinary action.

6.10 Statement of Pay Policy

6.10.1 A statement of the Council's pay policy will be published annually.