



# **PART 4**

## **Committee Procedure Rules**

**February 2021**

## **COUNCIL PROCEDURE RULES**

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## **ANNUAL MEETING OF THE COUNCIL**

- CP1 The Annual Meeting of Council will be held at 11.00 am on the third or fourth Wednesday in May each year, as Council may decide. Other Council meetings will be held as determined by Council and will, unless the Mayor specially orders otherwise, be held at 6.00 pm.
- CP2 The Annual Meeting will:
- a. elect a person to preside if the Mayor is not present;
  - b. elect the Mayor for the ensuing year;
  - c. elect the Deputy Mayor for the ensuing year;
  - d. approve the minutes of the last meeting;
  - e. receive any announcements from the Mayor;
  - f. elect the Executive Leader as required in accordance with Article 7 of the Council Constitution;
  - g. receive an announcement from the Leader on the number of members of the Council Cabinet and portfolio areas;
  - h. appoint at least one overview and scrutiny board and such other committees as Council considers appropriate to deal with matters which are neither reserved to Council nor are Executive functions as set out in Part 3 of this Constitution;
  - i. approve a programme of ordinary meetings of Council for the year; and
  - j. consider any business set out in the notice convening the meeting.
- CP3 At the Annual Meeting, Council will:
- a. decide which committees, boards and panels to establish for the municipal year;
  - b. decide the size and terms of reference for those committees, boards and panels;
  - c. decide the allocation of seats to political groups in accordance with the political balance rules;
  - d. appoint to those committees, boards, panels and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Council Cabinet.

## **ORDINARY MEETINGS**

- CP4 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary meetings will:
- a. elect a person to preside if the Mayor and Deputy Mayor are not present;
  - b. receive apologies;

- c. receive any declarations of interest from members;
- d. approve the minutes of the last meeting;
- e. receive announcements from the Mayor;
- f. receive any statements from members of the Council Cabinet;
- g. consider petitions where required by the Petitions Scheme;
- h. receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- i. receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- j. consider questions from members;
- k. receive minutes or reports from the Council Cabinet and the council's committees and receive questions and answers on any of those minutes or reports;
- l. consider any other business specified in the summons to the meeting;
- m. consider notices of motion in the order in which they have been received.

#### **EXTRAORDINARY MEETINGS**

CP5 Those listed below may request the Director of Legal Procurement and Democratic Services to call Council meetings in addition to ordinary meetings:

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

#### **TIME AND PLACE OF MEETINGS**

CP6 The time and place of meetings will be determined by Council or the Director of Legal Procurement and Democratic Services and notified in the summons.

#### **NOTICE OF AND SUMMONS TO MEETINGS**

CP7 The Director of Legal Procurement and Democratic Services 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 Director of Legal Procurement and Democratic Services will send a summons signed by him or her by courier or post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **CHAIR OF MEETING**

- CP8 The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee and sub-committee meetings, references to the Mayor also include the chairs of committees and sub-committees.

## **QUORUM**

- CP9 The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **DURATION OF MEETING**

- CP10 Unless the majority of members present vote for the meeting to continue, any meeting that has lasted for four hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **QUESTIONS AT COUNCIL MEETINGS**

### **Questions by the public**

- CP11 Members of the public who are on the Derby register of electors, or are Derby Council Taxpayers or Non Domestic Ratepayers, may put a maximum of two questions to members of the Council Cabinet or Chair of a Board or Committee at ordinary meetings of Council.
- CP12 Unless Council, in exceptional circumstances, decides otherwise, the maximum period of time for questions by the public at a Council meeting shall be 30 minutes.
- CP13 Questions will be put in the order received, except that the Director of Legal Procurement and Democratic Services may group together similar questions, and that no person will have an opportunity to ask a second question before all questioners have had an opportunity to ask a first question.
- CP14 A question may only be put if notice, including the name and address of the questioner, has been given by delivering it in writing or by e-mail to the Director of Legal Procurement and Democratic Services no later than midday five clear days before the day of the meeting.

## **Questions by Members**

- CP15 A member of Council may ask a member of the Council Cabinet or Chair of a board or committee any question about the minutes or reports of the Council Cabinet or committee then before Council if the question is asked before Council's consideration of these minutes or reports is concluded.
- CP16 Questions asked under CP15 will be put and answered without discussion.
- CP17 Members asking questions under CP15 will not be prevented from their right to speak on any motion to which these questions have reference, or from moving an amendment.
- CP18 A member of Council, at the time laid down by Rule CP4, may ask a member of the Council Cabinet or chair of a board or committee any question about their area of responsibility or the business of that board or committee if written notice, setting out the question, has been given to the chair or member of the Council Cabinet and the Director of Legal Procurement and Democratic Services by 12 noon two working days before a meeting of Council.
- CP19 Where the member of the Council Cabinet or the chair of a board or committee is not available:
- a. notice of a question may be given to the Leader or Deputy Leader, or vice-chair, respectively; or
  - b. the question may be answered by the vice chair or Leader or Deputy Leader respectively.
- CP20 The question will be adjourned to the next meeting of the Council:
- a. where the member of the Council Cabinet, Leader and Deputy Leader are all absent from the Council meeting;
  - b. where the chair and vice chair of a board or committee are both absent from the Council meeting;
  - c. where the questioner is absent from the Council meeting.

## **Scope of questions**

- CP21 The Director of Legal Procurement and Democratic Services may reject a question, and will provide reasons for rejection, if it:
- is not about a matter for which the local authority has a responsibility or which affects the city;
  - is defamatory, frivolous or offensive;
  - is substantially the same as a question which has been put at a meeting of Council in the past six months; or
  - requires the disclosure of confidential or exempt information.

### **Record of questions**

- CP22 Upon receipt of public or member questions, the Director of Legal Procurement and Democratic Services will immediately send a copy of the question to the member who will answer.
- CP23 Copies of questions and answers will be circulated to all members, published on the council website and made available to the public attending the meeting by 5pm on the day of the meeting.

### **Asking the question at the meeting**

- CP24 Where an answer has been provided to a question in the published document and the questioner wishes to ask a supplementary question under CP27, a summary of the question will be put orally at the meeting by an officer. Where an answer has been provided in the published document, the response will not be read out and the supplementary question will be immediately put.
- CP25 Where an answer has not been provided, the Mayor will invite the questioner to put the question to the member named in the notice.
- CP26 If a member of the public who has submitted a written question which has not been answered in advance is unable to attend the meeting, he/she may, by prior notice to the Director of Legal Procurement and Democratic Services, either require the Mayor to put the question on his/her behalf or nominate another person to do so.

### **Supplementary question**

- CP27 A questioner may ask one supplementary question without notice to the member who has replied to the original question, provided that the supplementary question arises directly from the reply and is not rejected on any of the grounds in Rule CP21. The supplementary question will be asked and answered orally.
- CP28 If a member of the public who has submitted a written question is unable to attend the meeting, he/she may, by prior notice to the Director of Legal Procurement and Democratic Services, nominate another person to ask a supplementary question on his/her behalf.

### **Responses to questions**

- CP29 Where a question is addressed to the member of the Council Cabinet or chair of a board or committee and the answer is contained in any council

publication, it will be an acceptable answer if the publication containing the information is named.

### **Discussion following questions**

CP30 Unless the Mayor decides otherwise, no discussion will take place on any question.

### **Reference of question to the Council Cabinet or a committee**

CP31 Any member may move that a matter raised by a question be referred to the Council Cabinet or the appropriate committee, sub-committee, board or neighbourhood board/forum.

### **Questions to Derbyshire Police and Fire Authorities and Derby Homes**

CP32 A member of the Council, at the time laid down by Rule CP4, may ask any question about the business or functions of the Derbyshire Police Authority, the Derbyshire Fire Authority, Derby Homes other than the relationship of the police and fire authorities with the council.

CP33 Written notice setting out the question must be given to the member nominated for this purpose by the Derbyshire Police Authority or the Derbyshire Fire Authority, or the Chief Executive of Derby Homes, and to the Director of Legal Procurement and Democratic Services no later than seven clear days before the meeting of the Council.

CP34 With the consent of the Mayor, a questioner may ask one further question arising from the answer received.

### **STATEMENTS BY MEMBERS OF THE COUNCIL CABINET**

CP35 Members of the Council Cabinet at the time laid down by Rule CP4, may make statements to Council on any matters for which the council has a responsibility or which affect the city if written notice, setting out the subject, is given to the Director of Legal Procurement and Democratic Services and the relevant opposition spokespeople by 9.30am on the day of the meeting, and a copy of statement is made available to the relevant opposition spokespeople before the start of the Council meeting.

CP36 Following any statement made by a member of the Council Cabinet under CP35, the Mayor will invite the relevant opposition spokespeople to respond.

CP37 There will be no discussion on any statement.

CP38 A copy of every statement will be circulated to all members of Council within 14 days of the Council meeting.



## **NOTICES OF MOTION**

### **Notice**

CP39 Except for motions which can be moved without notice under CP42, written notice of every motion, signed by at least two members, must be delivered to Director of Legal Procurement and Democratic Services not later than seven clear working days before the date of the meeting.

### **Motion set out in agenda**

CP40 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the members giving notice state, in writing, that they propose to move it at a later meeting or withdraw it.

### **Scope**

CP41 Motions must be about matters for which the council has a responsibility or which affect the city. For functions which can be only carried out by the Council Cabinet, Council cannot take decisions but can recommend a course of action for the Council Cabinet to consider.

## **MOTIONS WITHOUT NOTICE**

CP42 The following motions may be moved without notice:

- a. to appoint a chair of the meeting at which the motion is moved;
- b. in relation to the accuracy of the minutes;
- c. to change the order of business in the agenda;
- d. to refer something to an appropriate body or individual;
- e. to appoint a committee or member arising from an item on the summons for the meeting;
- f. to receive minutes or reports, or adopt recommendations, of the Council Cabinet, boards, committees or officers and any resolutions following from them;
- g. to withdraw a motion;
- h. to amend a motion;
- i. to proceed to the next business;
- j. that the question be now put;
- k. to adjourn a debate;
- l. to adjourn a meeting;
- m. that the meeting continue beyond four hours in duration;
- n. to suspend a particular council procedure rule;
- o. to exclude the public and press in accordance with the Access to Information Rules;

- p. to not hear further a member named under Rule CP81 or to exclude them from the meeting under Rule CP82;
- q. to give the consent of Council where its consent is required by this Constitution;
- r. with the consent of the Mayor, to raise an urgent matter; and
- s. to refer a question from the public to the Council Cabinet, a committee, board or panel.

## **RULES OF DEBATE**

### **No speeches until motion or amendment seconded**

CP43 No speeches may be made after the mover has moved a proposal or amendment and explained the purpose of it until the motion has been seconded.

### **Right to require motion or amendment in writing**

CP44 Unless notice of the motion has already been given, a motion or amendment must be written down and handed to the Mayor before it is discussed.

### **Seconders' speech**

CP45 When seconding a motion or amendment, a member may reserve their speech until later in the debate.

### **Content and length of speeches**

CP46 Speeches must be directed to the question under discussion or to a personal explanation or point of order. Except with the consent of the Mayor, no speech may exceed five minutes except that the mover of the minutes of the Council Cabinet, a committee or a board whose business is under discussion or the mover of a motion of which notice has been given under rule CP39.

### **When a member may speak again**

CP47 A member who has spoken on a motion may not speak again while it is the subject of debate, except:

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

- f. by way of personal explanation; and
- g. where the minutes or report of a committee or the Council Cabinet are being treated as separate items for the purpose of debate.

### **Amendments to motions**

CP48 An amendment to a motion must be relevant to the motion and will either be:

- a. to refer the matter to an appropriate body or individual for consideration or reconsideration;
- b. to leave out words;
- c. to leave out words and insert or add others; or
- d. to insert or add words.

as long as the effect of (b) to (d) is not to negate the motion.

CP49 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.

CP50 If an amendment is not carried, other amendments to the original motion may be moved.

CP51 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.

CP52 After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

### **Alteration of motion**

CP53 A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

CP54 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.

CP55 Only alterations which could be made as an amendment may be made.

### **Withdrawal of motion**

- CP56 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.

### **Right of reply**

- CP57 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.
- CP58 The mover of the amendment has no right of reply to the debate on his or her amendment.

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

- CP59 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 four hours in duration;
  - h. to exclude the public and press in accordance with the Access to Information Rules;
  - i. to not hear further a member named under Rule CP81 or to exclude them from the meeting under Rule CP82;
  - j. to refer the subject of debate back to a committee or the Council Cabinet;
  - k. to suspend a Council Procedure Rule.

### **Closure motions**

- CP60 A member may move, without comment, the following motions at the end of a speech of another member:
- a. to proceed to the next business;
  - b. that the question be now put;
  - c. to adjourn a debate; or
  - d. to adjourn a meeting.
- CP61 If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he or she will give the mover of the

original motion a right of reply and then put the procedural motion to the vote.

CP62 If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.

CP63 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

### **Point of order**

CP64 A member may raise a point of order at any time. The Mayor will hear the member immediately. A point of order may only relate to an alleged breach of these rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

### **Personal explanation**

CP65 A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

## **PREVIOUS DECISIONS AND MOTIONS**

### **Motion to rescind a previous decision**

CP66 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 one third of the members of the Council.

### **Motion similar to one previously rejected**

CP67 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 one third of the members of Council. Once the motion or amendment is dealt with, no member can propose a similar motion or amendment for six months.

## **VOTING**

### **Majority**

CP68 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.

### **Mayor's casting vote**

CP69 If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

### **Show of hands**

CP70 Unless a recorded vote is demanded under Rule CP71, the Mayor will take the vote by show of hands, and/or use of e-voting software at his/her discretion, or if there is no dissent, by the affirmation of the meeting.

### **Recorded vote**

CP71a With the exception of votes relating to the annual approval of the council's budget and Council Tax precepts, if ten 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 or captured from the e-voting software and entered into the minutes.

CP71b For votes relating to the annual approval of the council's budget and Council Tax precepts, the provisions for a recorded vote detailed under CP71a will take place automatically.

### **Right to require individual vote to be recorded**

CP72 Where any member requests it immediately after the vote is taken, his/her vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

### **Voting on appointments**

CP73 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.

## **MINUTES**

### **Signing the minutes**

CP74 The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

### **No requirement to sign minutes of previous meeting at extraordinary meeting**

CP75 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.

### **Form of minutes**

CP76 Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

### **Submission of minutes to the Council**

CP77 All minutes of committees or the Council Cabinet not falling within powers delegated to them must be submitted to Council for approval. The minutes requiring approval will be moved:

- in the case of a committee by the chair of the committee or, in their absence or with their consent, by the vice chair, or, in the absence of both the chair and vice chair, by some other member of the committee called on by the Mayor;
- in the case of the Council Cabinet by the Leader or, in their absence or with their consent, by the Deputy Leader, or, in the absence of both the Leader and Deputy Leader, by some other member of the Council Cabinet called on by the Mayor.

Unless the Mayor decides otherwise, the minutes of a committee or the Council Cabinet will be treated as separate items for the purpose of debate.

## **EXCLUSION OF PUBLIC AND PRESS**

CP78 Members of the public and press may only be excluded either in accordance with the Access to Information Rules or Rules CP84 and CP85.

## **MEMBERS' CONDUCT**

### **Standing to speak**

CP79 When a member speaks at Council they must, where reasonable, stand and address the meeting through the Mayor. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated while a member is speaking unless they wish to make a point of order or a point of personal explanation.

### **Mayor standing**

CP80 When the Mayor stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

### **Member not to be heard further**

CP81 If a member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

### **Member to leave the meeting**

CP82 If the member continues to behave improperly after such a motion is carried, the Mayor may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

### **General disturbance**

CP83 If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

## **DISTURBANCE BY PUBLIC**

### **Removal of member of the public**

CP84 If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If he/she continues to interrupt, the Mayor will order his/her removal from the meeting room.

### **Clearance of part of meeting room**

CP85 If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.



## **SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **Suspension**

CP86 Any of these rules except CP71b, CP72 and CP75 may be suspended by motion with 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.

### **Amendment**

CP87 Any motion to add to, vary or revoke these rules, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of Council, when the Council will receive a report of the Director of Legal Procurement and Democratic Services on the proposal.

## **DECLARATION OF INTERESTS**

CP88 When at a meeting of Council, or any body appointed by it, the Council Cabinet or a committee of the Council Cabinet, a member has declared a disclosable pecuniary interest which precludes the member from voting and speaking, that member will leave the room in which the meeting is being held during the discussion and voting on the item of business concerned, unless an appropriate dispensation has been obtained.

CP88a When at a meeting of an overview and scrutiny board, business is considered in relation to a decision taken by Council Cabinet or another committee, a member of the scrutiny board who was part of that decision making body at the time the decision was taken may remain to provide evidence or answer questions, but must otherwise leave the room and take no part in voting.

## **BOARDS, PANELS AND COMMITTEES**

**Subject to Rules CP109 - CP114, the following procedure rules apply to meetings of all bodies appointed by Council be they boards, panels, committees or such other title as Council may determine and the term 'body' used here includes all of the above.**

### **Appointment of boards, panels and committees**

- CP89 Council will at the annual meeting appoint such overview and scrutiny boards, neighbourhood boards and neighbourhood forums and standing committees as are necessary to carry out the non-executive functions of the council, but
- a. will not appoint any member to hold office later than the next annual meeting of the Council; and
  - b. may at any time dissolve an appointed body or alter its membership.

## **Election of Chair**

CP90 Council may appoint the Chair and Vice Chair. If Council does not make these appointments, a body at its first meeting after the annual meeting of Council before proceeding to any other business, will appoint a Chair and a Vice Chair for the year, in whose absence from a meeting a Chair for the meeting may be appointed.

## **Vacancy in the office of Chair or Vice Chair**

CP91 If a vacancy occurs in the office of Chair or Vice Chair during the course of the municipal year, the Director of Legal Procurement and Democratic Services will give notice to all members of the body that at the next ordinary meeting, there will be an item at the beginning of the agenda for the appointment of Chair or Vice Chair, as the case may be, for the remainder of the year, provided that if a vacancy occurs in the office of Vice Chair because of the appointment of the former Vice Chair as Chair then the foregoing provisions will not apply and the appointment of a new Vice Chair will be made immediately after the vacancy in that office occurs.

## **Size**

CP92 Council will decide the number of members on each body.

## **Quorum**

CP93 Three members will form a quorum, provided that the quorum at any meeting of any body which consists of five members or less will be not less than one half of the total number of members.

## **Meetings**

CP94 A meeting of every body will be called by the Director of Legal Procurement and Democratic Services within ten weeks of its appointment and, afterwards, in accordance with the cycle approved by Council, on the instruction of the Chair, or at the request in writing of any three members made to the Director of Legal Procurement and Democratic Services.

## **Agenda and Reports**

CP95 An agenda and reports will be sent to each member of the body at least five clear days before the date of the meeting. Where the meeting is convened with less than five clear days notice, an agenda and reports will be sent to each member of the body at the time the meeting is convened.

### **Inclusion of item on agenda at member's request**

CP96 A member of a body will be entitled to have a matter included in the agenda provided he/she gives written notice to the Director of Legal Procurement and Democratic Services at least ten clear days before the date of the meeting.

### **Resignation of office of Chair or Vice Chair**

CP97 The Chair or Vice Chair may resign their office by sending a written, signed notice to the Director of Legal Procurement and Democratic Services. Any vacancies in the office of Chair or Vice Chair arising from resignation will be filled in accordance with Rule CP91.

### **Resignation**

CP98 Any member may resign their seat on a body by sending a written, signed notice to the Director of Legal Procurement and Democratic Services. Vacancies will be filled by Council, except where places on the committee are politically balanced and the group leader has requested that the Director of Legal Procurement and Democratic Services utilise his or her delegated authority within the Scheme of Delegations to give effect to the wishes of political groups in making the appointment.

### **Recording of Minutes**

CP99 The minutes of the proceedings of each meeting and the names of the members present will be entered in a book. The minutes will be signed and each leaf comprising those minutes will be initialed at the next meeting, by the chair of that meeting.

### **Objection to Minutes**

CP100 No motion or discussion will take place upon the minutes except on their accuracy, and any question of accuracy must be raised by motion.

### **Attendance**

CP101 A member who is unable to attend a meeting will not be allowed to send a substitute or deputy to take their place at the meeting, unless Council has specifically agreed to waive this rule for a particular committee.

### **Powers and Duties**

CP102 Each body will operate within the scheme of delegation of powers and duties, the terms of reference and allocation of functions, and the financial regulations approved by Council.

## **Voting**

- CP103 All questions coming or arising before a body will be decided by a majority of the members present and voting on the question. In the case of an equality of votes, the person presiding at the meeting will have a second or casting vote.
- CP104 Where, immediately after a vote is taken at a meeting, any member so requires, the minutes of the meeting will record whether that person cast their vote for the question, against the question, or abstained from voting.

## **Reconsideration of Decision**

- CP105 Where a question coming or arising at a meeting has been decided in accordance with the provisions of Rule CP103, the matter will not be re-opened for further consideration at the same meeting.

## **Proceedings of Committee to Be Confidential**

- CP106 A member present at a meeting from which the public has been excluded by resolution will not, without the permission of the body, disclose a matter dealt with or brought before it until the following times:
- a. in the case of the resolution requiring the approval of Council, until the agenda for the Council meeting has been circulated; or
  - b. in the case of a resolution passed under delegated powers, until the content of the resolution has been communicated to the news media by the chair or vice chair.

## **Disorderly Conduct and Suspension of Sitting**

- CP107 Rules CP81 - CP85 will apply to all other meetings as they apply to meetings of Council, subject to the modification that the words "body" and "chair" will be substituted respectively for the words "Council" and "Mayor".

## **SUB BOARDS AND SUB COMMITTEES**

- CP108 The provisions of Rules CP89 - CP107 will apply to sub boards and sub-committees equally as they apply to their parent bodies.

## **NEIGHBOURHOOD BOARDS, NEIGHBOURHOOD FORUMS AND WARD COMMITTEES**

- CP109 The proceedings of neighbourhood boards, neighbourhood forums and ward committees shall be governed by such arrangements as may be approved by Council from time to time.

CP110 A neighbourhood board or neighbourhood forum may make recommendations to an overview and scrutiny board. The board will report back on the action it proposes to take on any recommendations.

## **WARD COMMITTEES**

CP111 Ward committees may exercise functions, powers or duties delegated to them by Council or the Council Cabinet.

CP112 In accordance with the Local Government (Committees and Political Groups) Regulations 1990 (the 1990 Regulations), ward committees:

- need not be politically balanced where they meet the requirements of regulation 16A of the 1990 Regulations;
- can only include members of the local authority who are members for ward;
- must not have functions in respect of an area of the local authority which is larger than two-fifths of the local authority in terms of either area or population;
- can include voting members who are not members of the local authority in respect of functions of the local authority that are described in regulations 4 and 5 of the 1990 Regulations.

CP113 Ward committees will be subject to the Access to Information Rules, where applicable.

CP114 The Chair of the ward committee will be appointed by Council. If the chair is absent, or refuses to act, the other members will appoint a chair for the meeting.

# Access to Information Procedure Rules

## SCOPE

- AI1 These rules apply to all meetings of the Council, Overview and Scrutiny Boards, Ward Committees, the Standards Committee and Regulatory Committees, and public meetings where decisions are taken by individual members of the Council Cabinet.

## ADDITIONAL RIGHTS TO INFORMATION

- AI2 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the Law.

## AI3 RIGHTS TO ATTEND MEETINGS

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

## NOTICES OF MEETING

- AI4 The council will give at least five clear days notice of any meeting by posting details of the meeting at the Council offices. Where the meeting is convened with less than five clear days notice, the notice will be posted at the time the meeting is convened.

## ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- AI5 The Council will make copies of the agenda and reports open to the public available for inspection at least five clear days before the meeting. Where the meeting is convened with less than five clear days notice, the Council will make copies of the agenda and reports open to the public available for inspection from the time the meeting is convened.

## SUPPLY OF COPIES

- AI6 The Council will supply copies of:
- a. any agenda and reports that are open to public inspection
  - b. any further statements or particulars necessary to indicate the nature of the items in the agenda; and
  - c. if the Director of Legal and Democratic Services thinks fit, copies of any other documents supplied to in connection with an item.
- to any person on payment of a charge for postage and copying costs.

## **ACCESS TO MINUTES ETC AFTER THE MEETING**

- AI7 The Council will make available copies of the following for six years after a meeting:
- a. the minutes of the meeting or records of decisions taken, together with reasons, (Council Cabinet only), excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information
  - b. a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record
  - c. the agenda for the meeting; and
  - d. reports relating to items when the meeting was open to the public.

## **BACKGROUND PAPERS**

### **List of background papers**

- AI8 Every report open to the public will set out a list of those documents (called background papers) relating to the subject matter of the report which:
- a. disclose any facts or matters on which the report or an important part of the report is based; and
  - b. 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 Rules AI14 and AI15).

### **Public inspection of background papers**

- AI9 The Council will make available for public inspection for five clear days before, and for four years after, the date of the meeting one copy of each of the documents on the list of background papers. Where a meeting is convened with less than five clear days notice, the documents on the list of background papers will be made available for public inspection from the time the meeting is convened.

## **SUMMARY OF PUBLIC'S RIGHTS**

- AI10 A written summary of the public's rights to attend meetings and to inspect and copy documents will be available to the public at The Council House

## **EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

### **Confidential information – requirement to exclude public**

- AI11 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

### **Exempt information – discretion to exclude public**

- AI12 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.
- AI13 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.

### **Meaning of confidential information**

- AI14 Confidential information means information given to the Council by a Government Department on terms that forbid its public disclosure or information that cannot be publicly disclosed by Court Order.

### **Meaning of exempt information**

- AI15(1) Exempt information means information in the following categories that the Council can resolve to consider in private:
1. Information relating to any individual.
  2. Information which is likely to reveal the identity of an individual.
  3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
  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.
  5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.



6. Information which reveals that the authority proposes:
    - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
    - (b) to make an order or direction under any enactment.
  7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
- (2) Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:
- (a) the Companies Act 1985[3];
  - (b) the Friendly Societies Act 1974[4];
  - (c) the Friendly Societies Act 1992[5];
  - (d) the Industrial and Provident Societies Acts 1965 to 1978[6];
  - (e) the Building Societies Act 1986[7]; or
  - (f) the Charities Act 1993[8].
- (3) 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.
- (4) Information which:
- (a) falls within any of paragraphs 1 to 7 above; and
  - (b) is not prevented from being exempt by virtue of paragraph (2) or (3) above,

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

#### **EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

- AI16 The Council may exclude access by the public to reports that relate to items during which, in accordance with Rule AI15, 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.

## **APPLICATION OF RULES TO THE COUNCIL CABINET**

- AI17 Rules AI19-AI39 apply to the Council Cabinet and any committee of the Council Cabinet. If the Council Cabinet or any committee of the Council Cabinet meet to take a key decision then it must also comply with Rules AI1-AI16 unless Rule AI26 (general exception) or Rule AI27 (special urgency) apply. A key decision is as defined in Article 13 of this Constitution.
- AI18 If the Council Cabinet or any committee of the Council Cabinet meet to discuss a key decision, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules AI1-AI16 unless Rule AI26 (general exception) or Rule AI27 (special urgency) apply. A key decision is as defined in Article 13 of this Constitution. This requirement does not include meetings, whose sole purpose is for officers to brief members.

## **PROCEDURE BEFORE TAKING KEY DECISIONS**

- AI19 A key decision is:
- a. any decision in relation to an Executive function which results in the Council incurring expenditure which is, or the making of savings which are, significant, having regard to the Council's budget for the service or function to which the decision relates
  - or
  - b. any decision that is likely to have a significant impact on two or more wards within the Council
- AI20 The threshold for 'significant' expenditure/savings is £250,000. The definitions are qualified by the following...
- a. Decisions that are a direct consequence of implementing a key decision will not, in themselves, be 'key'
  - b. Subject to restrictions in the Financial Procedure Rules, decisions to bid for sums over £250,000 are not included.
  - c. 'Significant impact on two or more wards' means any decision which is likely to have a significant positive or negative impact in environmental, physical, social or economic terms on people living or working in communities in two or more wards. This includes policies, procedures and strategies not included in the policy framework other than minor policies and procedures that do not have a significant impact on two or more wards.

- d. Any decision involving the making of a grant or loan over £25,000 to any voluntary body will be deemed to have a significant impact on two or more wards.
  - e. Approvals required of the Council Cabinet under the Financial Procedure Rules or the Contracts Procedure Rules are not included.
- AI21 A decision taker may only make a key decision in accordance with the requirements of the Council Cabinet Procedure Rules.
- AI22 Subject to Rule AI 26 (general exception) and Rule AI 27 (special urgency), a key decision may not be taken unless:
- a. A Forward Plan has been published in connection with the matter in question
  - b. at least 5 clear days have elapsed since the publication of the forward plan; and
  - c. where the decision is to be taken at a meeting of the Council Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

## **THE FORWARD PLAN**

### **Period of forward plan**

- AI23 Subject to Rules AI26 and AI27, no key decision will be considered by Council Cabinet without having appeared in a Forward Plan published at least 28 days prior to the meeting taking place.

### **Contents of Forward Plan**

- AI24 The Forward Plan will contain matters which the Council Cabinet has reason to believe will be subject of a key decision to be taken by the Executive Leader, Council Cabinet or a committee of the Council Cabinet, during the period covered by the Plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

## **GENERAL EXCEPTION**

- AI26 If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule AI27 (special urgency), the decision may still be taken if:
- a. the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;

- b. the Director of Legal and Democratic Services has informed the Chair of a relevant Overview and Scrutiny Board, in writing, by notice, of the matter to which the decision is to be made;
- c. the Director of Legal and Democratic Services has made copies of that notice available to the public at the Council House; and
- d. at least five clear days have elapsed since the Director of Legal and Democratic Services complied with a. and b.

### **SPECIAL URGENCY**

- AI27 If by virtue of the date by which a decision must be taken Rule AI26 (general exception) cannot be followed, then the decision can only be taken if the Leader or, in his/her absence the Deputy Leader, obtains the agreement of the Chair of the relevant Overview and Scrutiny Board that the taking of the decision cannot be reasonably deferred. If the Chair of the relevant Overview and Scrutiny Board is unable to act, then the agreement of the Mayor, or in his/her absence the Deputy Mayor will suffice.

If no agreement can be obtained, the decision must be taken in accordance with Rule AI26.

### **REPORT TO COUNCIL**

#### **When an overview and scrutiny board can require a report**

- AI28 If the appropriate overview and scrutiny board thinks that a key decision has been taken which was not:
- a. included in the forward plan; or
  - b. the subject of the general exception procedure; or
  - c. the subject of an agreement with a relevant Overview and Scrutiny Board Chair, or the Mayor/Deputy Mayor under Rule AI27;

the Board, the Chair, or any five Members of the Board may require the Council Cabinet to submit a report to the Council within such reasonable time as the Board specifies. The Director of Legal and Democratic Services will notify the Council Cabinet when such a requisition has been made.

#### **Council Cabinet's report to Council**

- AI29 The Council Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the board, 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 Council Cabinet is of the opinion that it was not a key decision the reasons for that opinion.

#### **Quarterly reports on special urgency decisions**

- AI30 In any event the Council Cabinet will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule AI27 (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.

#### **RECORD OF DECISIONS**

- AI31 a. After any meeting of the Council Cabinet or any of its committees, the Director of Legal and Democratic Services will publish a record of every executive decision taken at that meeting within two working days of the meeting. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting. No action will be taken on any key decision for five clear days from the date of publication, unless the Council Cabinet determines that the decision is of such urgency that no delay may be made.
- b. After any meeting of an individual member of the Council Cabinet exercising delegated powers the Director of Legal and Democratic Services will publish a record of every decision taken at the meeting.

#### **OVERVIEW AND SCRUTINY ACCESS TO DOCUMENTS**

##### **Rights to copies**

- AI32 Subject to Rule AI33 below, an Overview and Scrutiny Board will be entitled to copies of any document which is in the possession or control of the Council Cabinet and which contains material relating to any business transacted at a meeting of the Council Cabinet.

##### **Limit on rights**

- AI33 An Overview and Scrutiny Board will not be entitled to:
- a. any document that is in draft form
- b. any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise.

## **ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

### **Material relating to previous business**

- AI34 All members will be entitled to inspect any document which is in the possession or under the control of the Council Cabinet and contains material relating to any executive decision taken at a meeting, including exempt information, unless the Director of Legal and Democratic Services considers that the exempt information is of a nature that Members be required to demonstrate a need to know.

### **Material relating to key decisions**

- AI35 All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Council Cabinet that relates to any key decision unless Rule AI34 above applies

### **Access to Meetings**

- AI36 All members will be entitled to attend meetings of the Council Cabinet where executive decisions are being taken, including when exempt information is being considered, unless the Director of Legal and Democratic Services considers that the exempt information is of a nature that Members be required to demonstrate a need to know.
- AI37 A member shall not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she is professionally interested, or in which he/she has a personal and prejudicial interest as defined in the Council's Code of Conduct. This Rule shall not preclude the Director of Legal and Democratic Services from declining to allow inspection of any document which is, or in the event of legal proceedings would be, protected by privilege arising from the relationship of solicitor and client.

### **Inspections of land, premises etc**

- AI38 A member may inspect any lands or premises of the Council, or enter upon any works which are being carried out by or on behalf of the Council, provided that on arrival for the above purposes he/she shall immediately inform the Chief Officer or the officer in control as the case may be.

### **Nature of rights**

- AI39 These rights of a member are additional to any other right they may have.

# **Budget and Policy Framework Procedure Rules**

## **The Framework for Executive Decisions**

- BPF1      The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Council Cabinet to implement it.

## **Process for Developing the Framework**

- BPF2      The process by which the budget and policy framework will be developed is:

- (a)      Three months before a policy, plan, strategy or budget needs to be adopted, the Council Cabinet will publish initial proposals for the budget and policy framework, having first canvassed the views of local stakeholders as appropriate and in a manner suitable to the matter under consideration. Details of the Council Cabinet's consultation process will be included in relation to each of these matters in the forward plan. Any representations made to the Council Cabinet will be taken into account in formulating the initial proposals, and will be reflected in any report dealing with them. If the matter is one where an overview and scrutiny board has carried out a review of policy, then the outcome of that review will be reported to the Council Cabinet and considered in the preparation of initial proposals.
- (b)      The Council Cabinet's initial proposals will be referred to the relevant overview and scrutiny board for further advice and consideration. The proposals will be referred by sending a copy to the Director of Legal and Democratic Services who will forward them to the chair of the relevant overview and scrutiny board. If there is no such chair, a copy must be sent to every member of that board. The overview and scrutiny board will canvass the views of local stakeholders if it considers it appropriate in accordance with the matter under consideration, and having particular regard not to duplicate any consultation carried out by the Council Cabinet. The overview and scrutiny board will report to the Council Cabinet on the outcome of its deliberations. The overview and scrutiny board will have four weeks to respond to the initial proposals of the Council Cabinet unless the Council Cabinet considers that there are special factors that make this timescale inappropriate. If it does, it will inform the overview and scrutiny board of the time for response when the proposals are referred to it. If the overview and scrutiny board does not

respond within four weeks, the Council Cabinet may submit its proposals directly to Council.

- (c) Having considered the report of the overview and scrutiny board, the Council Cabinet, if it considers it appropriate, may amend its proposals before submitting them to the council meeting for consideration. It will also report to Council on how it has taken into account any recommendations from the overview and scrutiny board.
- (d) The Council will consider the proposals of the Council Cabinet and may adopt them, amend them, refer them back to the Council Cabinet for further consideration, or substitute its own proposals in their place. In considering the matter, the Council will have before it the Council Cabinet's proposals and any report from any relevant overview and scrutiny board.
- (e) A copy of the Council's decision will be given to the Leader. The notice of decision will be dated and will state either that the decision will be effective immediately (if the Council accepts the Council Cabinet's proposals without amendment) or (if the Council Cabinet's proposals are not accepted without amendment), that the Council's decision will become effective on the expiry of five working days after the publication of the notice of decision, unless the Leader objects to it in that period.
- (f) If the Leader objects to the decision of the Council, he/she will give written notice to the Director of Legal and Democratic Services to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Director of Legal and Democratic Services will convene a further meeting of the Council to reconsider its decision and the decision will not be effective pending that meeting.
- (g) The Council meeting must take place within 10 working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council will be reconsidered in the light of the objection, which will be available in writing for the Council.
- (h) The Council will at that meeting make its final decision on the matter on the basis of a simple majority. The decision will be implemented immediately.
- (i) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree



of in-year changes to the policy framework which may be undertaken by the Council Cabinet, in accordance with Rules BPF8 and BPF9 (virement and in-year changes). Any other changes to the budget and policy framework are reserved to the Council.

### **Decisions Outside the Budget or Policy Framework**

- BPF3      Subject to the provisions of Rule BPF8 (virement) the Council Cabinet, committees of the Council Cabinet, individual members of the Council Cabinet and any officers, Neighbourhood Boards and Neighbourhood Forums 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 the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to Rule BPF5-7 below.
- BPF4      If the Council Cabinet, committees of the Council Cabinet, individual members of the Council Cabinet and any officers, Neighbourhood Boards and Neighbourhood Forums or joint arrangements discharging Executive functions want to make such a decision, they will 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 framework, 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 and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in Rules BPF5-7 will apply.

### **Urgent Decisions Outside the Budget or Policy Framework**

- BPF5      The Council Cabinet, a committee of the Council Cabinet, an individual member of the Council Cabinet or officers, Neighbourhood Boards and Neighbourhood Forums or joint arrangements discharging Executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council, if the decision is a matter of urgency. However, the decision may only be taken:
- a.      if it is not practical to convene a quorate meeting of the full Council; and
  - b.      if the chair of a relevant overview and scrutiny board agrees that the decision is a matter of urgency.

- BPF6 The reasons why it is not practical to convene a quorate meeting of full Council and the chair of the relevant overview and scrutiny board'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 board the consent of the Mayor, and in the absence of both, the Deputy Mayor, will be sufficient.
- BPF7 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

### **Virement**

- BPF8 The rules relating to virement are contained in the Financial Procedure Rules.

### **In-year Changes to the Policy Framework**

- BPF9 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Council Cabinet, a committee of the Council Cabinet an individual member of the Council Cabinet or officers, Neighbourhood Boards and Neighbourhood Forums or joint arrangements discharging Executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:
- 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. in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

### **Call-in of Decisions Outside the Budget or Policy Framework**

- BPF10 Where an overview and scrutiny board is of the opinion that an Executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it will seek advice from the Monitoring Officer and/or Section 151 Officer.
- BPF11 In respect of functions that are the responsibility of the Council Cabinet, the Monitoring Officer's report and/or Section 151 Officer's report will be to the Council Cabinet with a copy to every member of the Council.

Regardless of whether the decision is delegated or not, the Council Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Section 151 Officer conclude that the decision was a departure, and to the overview and scrutiny board if the Monitoring Officer or the Section 151 Officer conclude that the decision was not a departure.

BPF12 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 Section 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 board may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council will meet within 10 working days of the request by the overview and scrutiny board. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Section 151 Officer. The Council may either:

- a. endorse a decision or proposal of the Executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way;

Or

- b. amend the Council's Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way;

Or

- 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 Council Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer or Section 151 Officer.

## **The Existing Budget and Policy Framework**

- BPF13      Any policy, plan, strategy or budget which exists prior to the adoption of this Constitution will continue to apply until it is revised, revoked or replaced. Any changes to an existing policy, plan, strategy or budget, which do not fall within Rules BPF8 and BPF9, cannot be made otherwise than in accordance with these Rules.

# **Council Cabinet Procedure Rules**

## **Operation of the Council Cabinet**

CCP1 Executive functions may be discharged by:

- a. the Executive Leader
- b. the Council Cabinet as a whole
- c. a committee of the Council Cabinet
- d. an individual member of the Council Cabinet
- e. an officer
- f. a Neighbourhood Board/Forum/Ward Committee
- g. joint arrangements; or
- h. another local authority.

## **Sub-delegation of Executive functions**

CCP2 Where the Executive Leader, Council Cabinet or a committee of the Council Cabinet is responsible for an Executive function, they may delegate further to an executive member, a Neighbourhood Board/Forum/Ward Committee, joint arrangements or an officer.

CCP3 Where Executive functions have been delegated, this does not prevent the discharge of delegated functions by the person or body who delegated.

## **The Council's Scheme of Delegation and Executive functions**

CCP4 In so far as it relates to executive functions, the Council's scheme of delegation will be determined by the Executive Leader and may only be amended by the Executive Leader. It will contain the details required in Article 7.

## **Conflicts of Interest**

CCP5 Where a member of the Council Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

CCP6 If every member of the Council Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

CCP7 If the exercise of an Executive function has been delegated to a committee of the Council Cabinet, a Council Cabinet member or an officer, and should a conflict of interest arise, then the function will be exercised in the first

instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

### **Council Cabinet meetings – Frequency and Venue**

- CCP8 The Council Cabinet will meet at least 12 times per year at times to be agreed by the Leader. The Council Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

### **Public and private meetings of the Council Cabinet**

- CCP9 Where the Council Cabinet or a Council Cabinet Member is taking a decision, they will meet in public (subject to the Access to Information rules). The agenda for meetings will be divided as follows:

- The first part will list matters for decision which will be considered in public, unless the items contain exempt information in which case the press and public may be excluded.
- The second part will list matters for discussion only and will be considered in private. The agenda and any associated reports will also be private.

### **Quorum**

- CCP10 The quorum of the Council Cabinet is no less than half the total number of the members.

### **Taking decisions**

- CCP11 Executive decisions which have been delegated to the Council Cabinet or an individual member of the Council Cabinet will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- CCP12 Where Executive decisions are delegated to a committee of the Council Cabinet or a Council Cabinet member, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Council Cabinet as a whole.

### **Chair**

- CCP13 If the Leader is present s/he will chair the meeting. In his/her absence, the Deputy Leader will chair the meeting. If both are absent, then a person appointed to do so by those present will chair the meeting.

## **Attendance**

- CCP14 These details are set out in the Access to Information Rules in Part 4 of this Constitution.
- CCP15 If they are not members of the Council Cabinet, the Leader or Deputy Leader of each political group will be invited to attend the first part of meetings of the Council Cabinet, including the consideration of items containing exempt information, and to speak but not to vote.
- CCP16 The appropriate opposition spokesperson, and overview and scrutiny board chair and vice chair, will be invited to attend public meetings where decisions are taken by individual members of the Council Cabinet, and to speak but not vote.

## **Agenda**

- CCP17 The agenda for each meeting of the Council Cabinet will be in two parts (rule EP9 refers).

In Part 1, the following business will be conducted:

- a. consideration of the Part 1 minutes of the last meeting;
- b. declarations of interest, if any;
- c. items determined as being not subject to call-in on grounds of urgency;
- d. matters referred to the Council Cabinet (whether by an overview and scrutiny board or by the Council) for reconsideration by the Council Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- e. consideration of reports from overview and scrutiny boards; and
- f. matters set out in the agenda for the meeting, which shall indicate which are key decisions and which are not, in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.
- g. any exempt items otherwise defined by c. - e. above.

In Part 2, the following business will be conducted:

- a. consideration of the Part 2 minutes of the last meeting
- b. such other business as the Council Cabinet may decide, within the matters delegated to it, provided only that the items are for discussion only, and not decision.

CCP18 The agenda for each meeting of an individual member of the Council Cabinet will be in two parts (Rule EP9 refers). In Part 1, the following business will be conducted:

- a. consideration of the Part 1 minutes of the last meeting;
- b. declarations of interest, if any;
- c. matters set out in the agenda for the meeting
- d. any exempt items otherwise defined by c. above

In Part 2, the following business will be conducted:

- a. consideration of the Part 2 minutes of the last meeting
- b. such other business as the Council Cabinet member may decide, within the matters delegated to him/her and provided that the items are for discussion only and not decision, including business to be discussed with opposition spokespeople and chairs and vic chairs of relevant overview and scrutiny boards.

### **Consultation**

CCP19 All reports to the Council Cabinet 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 boards, 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.

### **Items on the Council Cabinet agenda**

#### *Items from Officers*

CCP20 For Part 1 items, items will be in the name of the appropriate individual member of the Council Cabinet, and included on the agenda with the agreement of the Proper Officer and the Leader. The report of the Council Cabinet Member must be accompanied by an appendix giving relevant information and the professional advice or opinion of appropriate officers including the statutory officers. Officers may also place items on Part 2 of the agenda, if so requested by a Council Cabinet Member and with the agreement of the Leader and the Proper Officer.

#### *Items from the Leader*

CCP21 The Leader may place on the agenda, on Part 1 or Part 2, of any Council Cabinet meeting any matter which s/he wishes, whether or not authority has been delegated to the Council Cabinet, a committee of it or any member or officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.



### *Items from Overview and Scrutiny Boards*

- CCP22 There will be a standing item on Part 1 of the agenda of the Council Cabinet for matters referred by Overview and Scrutiny Boards (Rule EP15(d) refers). However, there may be up to three such items on any one agenda; if there are more, the order of submission will be determined by the Scrutiny Management Board.

### *Items from Council Cabinet Members*

- CCP23 Council Cabinet Members may place items on Part 1 or Part 2 of the agenda, with the assent of the Leader.

### *Items required by statutory officers*

- CCP24 The Monitoring Officer and/or the Section 151 Officer may include an item for consideration on the agenda of a Council Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. If there is no meeting of the Council 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.

## **Proceedings of Council Cabinet Meetings**

- CCP25 Meetings of the Council Cabinet will be conducted in accordance with the Council Procedure Rules insofar as is practicable, except that where the Council Cabinet Procedure rules differ from the Council Procedure Rules, the Council Cabinet Procedure rules shall take precedence.

## **Council Cabinet Members Areas of Responsibility**

### **Leader of the Council**

- Overall strategic lead on all Council services
- Strategic partnerships
- Derby Plan/Council Plan
- Medium Term Financial Strategy
- National and regional profile
- International development

### **Regeneration, Planning and Transportation (Deputy Leader)**

- Economic Development
- Regeneration; including Strategic Assets
- Traffic, Transportation and Engineering
- Strategic Transport
- Strategic Planning, including Enforcement
- Climate Change

### **Governance and Licensing**

- Policy and Insight, including Consultation
- Communications and Marketing
- Emergency Planning and Business Continuity
- Human Resources and Organisational Development
- Corporate Health and Safety
- Property Services
- Legal and Democratic Services
- Licensing
- Markets

### **Finance and Procurement**

- Finance
- Internal Audit / Central Midlands Audit Partnership
- Risk Management
- Revenue and Benefits
- Digital and IT Services
- Customer Management and Derby Direct
- Procurement

### **Adults and Health**

- Derby Homes and Derby Advice
- Strategic Housing, Housing Development and Empty Homes
- Housing Options Service and Homelessness
- Adult Social Care including Community Support, Safeguarding and Professional Services, Mental Health and LAC
- Adult Integration and Direct Services including Commissioning and Home First
- Public Health

### **Children and Young People**

- Children's Residential Care
- Integrated Children's Disabled Services
- Fostering and Adoption Services
- Early Help and Children's Safeguarding
- Children's Quality Assurance
- Youth Offending
- Learning and Skills
- Adult Learning
- Integrated Commissioning (Children's)
- Inclusion and Intervention
- School Organisation and Provision

### **Communities, Neighbourhoods and Streetpride**

- Community Cohesion and Safety
- Neighbourhood agenda

- Highways and Grounds Maintenance
- Street Cleansing
- Refuse and Waste Management
- Environmental Health, Trading Standards, Bereavement Services and Food Safety
- Housing Enforcement
- Building Control

#### **Leisure and Culture**

- Leisure Facilities
- Libraries
- Culture, including Derby LIVE
- Tourism
- Parks, Golf and Nature Reserves

# Overview and Scrutiny Procedure Rules

## Overview and scrutiny boards

- OS1 The Council will have the overview and scrutiny boards. Overview and scrutiny boards may also be appointed for a fixed period, on the expiry of which they shall cease to exist.
- OS2 Boards may set up sub-boards, to which these procedure rules apply equally.
- OS3 Boards may also set up time-limited working groups to discuss particular issues, but without formal scrutiny powers.

## Membership

- OS4 All councillors except members of the Council Cabinet may be members of an overview and scrutiny board. However, no member may be involved in scrutinising a decision in which s/he has been directly involved.

## Co-optees

- OS5 Each overview and scrutiny board shall be entitled to recommend to Council the appointment of non-voting co-optees, provided that the number of Councillors on the Board shall be greater than the number of co-optees.

## Education representatives

- OS6 The overview and scrutiny board dealing with education matters shall include in its membership the following voting representatives:
  - a. one Church of England diocese representative;
  - b. one Roman Catholic diocese representative;
  - c. two parent governor representatives; and
  - d. one representative of other faiths or denominations.
- OS7 A relevant overview and scrutiny board in this paragraph is an overview and scrutiny board of a local education authority, where the board's functions relate wholly or in part to any education functions which are the responsibility of the authority's Executive. If the overview and scrutiny board deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

### **Meetings of the overview and scrutiny boards**

- OS8 There shall be at least five ordinary meetings of each overview and scrutiny board in each year. In addition, special meetings may be called from time to time as and when appropriate. An overview and scrutiny board meeting may be called by the chair of the relevant overview and scrutiny board, by any three members of the board or by the proper officer if s/he considers it necessary or appropriate.

### **Quorum**

- OS9 The quorum for an overview and scrutiny board shall be as set out for boards in the Council Procedure Rules in Part 4 of this Constitution.

### **Chairs of overview and scrutiny boards**

- OS10 The Council will appoint the Chairs and Vice-Chairs of Overview and Scrutiny Boards.
- OS11 The Council will appoint the Chair and Vice-Chair of the Scrutiny Management Board. If they are not members of the Scrutiny Management Board, chairs of overview and scrutiny boards will be invited to attend meetings of the Scrutiny Management Board, and to speak but not vote.
- OS12 Chairs and Vice-Chairs of Sub-Boards will be appointed by the Board establishing them.
- OS13 All Chairs and Vice-Chairs of Boards and Sub-Boards will be Members of the Council. Where the Board establishes a Working Group, the Board will appoint a Chair (and, if necessary, a Vice-Chair) who need not be a Member of the Council.

### **Work programme**

- OS14 The overview and scrutiny boards will, subject to approval from the Scrutiny Management Board be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that board who are not members of the largest political group on the Council.

### **Agenda items**

- OS15 Any member of the Council may give written notice to the proper officer that they wish an item to be included on the agenda of an overview and scrutiny board. If the proper officer receives such a notification, then s/he will include the item on the first available agenda of the relevant overview and scrutiny board for consideration by the board.

- OS16 Where an issue is being raised as a Call for Action the member will use the agreed Protocol on Calls for Action. When assessing which is the appropriate board the proper officer shall consider whether the issue is primarily in relation to a local government or crime and disorder matter. Where the board decide not to make a report or recommendations it shall notify the member of its decision and the reasons for it.
- OS17 The overview and scrutiny boards shall also respond, as soon as their work programme permits, to requests from the Council and, if it considers it appropriate, the Council Cabinet or Neighbourhood Boards and Neighbourhood Forums, to review particular areas of Council activity. Where they do so, the overview and scrutiny board shall report their findings and any recommendations back to the Council Cabinet, Neighbourhood Boards and Neighbourhood Forums or Council. The Council, Neighbourhood Boards and Neighbourhood Forums or the Council Cabinet shall consider the report of the overview and scrutiny board within one month of receiving it.

### **Policy review and development**

- OS18 The role of the overview and scrutiny boards in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- OS19 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, overview and scrutiny boards or sub-boards may make proposals to the Council Cabinet for developments in so far as they relate to matters within their terms of reference.
- OS20 Overview and scrutiny boards may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, board research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

### **Reports from overview and scrutiny boards**

- OS21 Once it has formed recommendations on proposals for development, the overview and scrutiny board will prepare a formal report and submit it to the proper officer for consideration by the Council Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

- OS22 If an overview and scrutiny board cannot agree on one single final report to the Council or Council Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Council Cabinet with the majority report.
- OS23 The Council or Council Cabinet shall consider the report of the overview and scrutiny board within one month of it being submitted to the proper officer.

**Making sure that overview and scrutiny reports are considered by the Council Cabinet**

- OS24 Once an overview and scrutiny report on any matter which is the responsibility of the Council Cabinet has been completed, the board may by notice require the Council Cabinet:
- (a) to consider the report and/or recommendations,
  - (b) to respond to the board indicating what, if any, action the Council Cabinet proposes, to take, and
  - (c) if the board published its report or recommendations, to publish its response

and the Council Cabinet must do so within two months of receipt of the report or, if later, the notice.

Where a board copied its report to a member in connection with a Call for Action, the Council Cabinet shall also provide a copy of its response to that member.

If for any reason the Council Cabinet does not consider and respond to the overview and scrutiny report within two months then the matter will be referred to Council for review, and the proper officer will call a Council meeting to consider the report and make a recommendation to the Council Cabinet.

- OS25 Only one major report every six months may be submitted by each overview and scrutiny board to the Council Cabinet, other than reports on matters i) referred to the boards by the Council Cabinet, or ii) resulting from a Call for Action.
- OS26 Overview and scrutiny boards will in any event have access to the Council Cabinet's forward plan and timetable for decisions and intentions for consultation. Where an item is not the subject of detailed proposals from an overview and scrutiny board following a consideration of possible policy/service developments, the board will be able to respond in the course of the Council Cabinet's consultation process in relation to any key decision.

## **Making sure that overview and scrutiny reports are considered by the partner organisations**

OS26a Where an overview and scrutiny board report or recommendations:

- a) relate to a target specified in the Local Area Agreement, the board may in writing by notice require a relevant partner authority to have regard to the report and recommendations;
- b) are made by the designated crime and disorder board, the board shall provide a copy to each of the appropriate responsible authorities and/or co-operating persons and bodies. Each such recipient shall provide a written response to the crime and disorder board within a period of one month from the date of the report or recommendations or, if not reasonably possible, as soon as possible thereafter.

The board shall review responses and monitor the action, if any, taken by the relevant organisation.

## **Rights of overview and scrutiny board members to documents**

- OS27 In addition to their rights as councillors, members of overview and scrutiny boards have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- OS28 Nothing in this paragraph prevents more detailed liaison between the Council Cabinet and overview and scrutiny boards as appropriate depending on the particular matter under consideration.

## **Members and officers giving account**

- OS29 Any overview and scrutiny board may scrutinise and review decisions made or actions taken in connection with the discharge of Council functions, within its remit. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Council Cabinet, any member to whom powers have been delegated under section 236 of the Local Government and Public Involvement in Health Act 2007, the head of paid service and/or any senior officer to attend before it to explain in relation to matters within their remit:
- any particular decision or series of decisions;
  - the extent to which the actions taken implement Council policy; and/or
  - their performance.

and it is the duty of those persons to attend if so required. For these purposes, a senior officer is defined as a first, second or third tier officer. Members of Overview and Scrutiny Boards will limit their enquiries of officers



to questions of fact and questions relating to the financial, legal, professional and technical aspects of the matter under consideration; political questions will be reserved for Council Cabinet Members.

- OS30 Where any member or officer is required to attend an overview and scrutiny board under this provision, the Chair of that board will inform the proper officer. The proper officer shall inform the member or officer in writing giving at least five working days notice of the meeting at which s/he is required to attend. The notice will state the nature of the item on which s/he is required to attend to give account and whether any papers are required to be produced for the board. Where the account to be given to the board will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- OS31 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny board shall in consultation with the member or officer arrange an alternative date for attendance to take place within a maximum of 15 working days from the date of the original request.

#### **Attendance by others**

- OS32 An overview and scrutiny board may invite people other than those people referred to in Rule OS29 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

#### **Call-in**

- OS33 Call-in should only be used in exceptional circumstances. These are where members of the Council are of the opinion that the Council Cabinet did not take the decision in accordance with the principles set out in Article 13 (Decision Making), namely,
- a. proportionality (i.e. the action must be proportionate to the desired outcome)
  - b. due consultation and the taking of professional advice from officers
  - c. respect for human rights
  - d. a presumption in favour of openness
  - e. clarity of aims and desired outcomes
  - f. a record of what options were considered and giving the reasons for the decision.
  - g. or where relevant issues do not appear to have been taken into consideration.

## **Procedure for Call-in**

- OS34 When a key decision is made by the Council Cabinet or a committee of the Council Cabinet, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two working days of being made. All Members of the Council will be sent copies of the records of all such decisions within the same timescale, by the Monitoring Officer.
- OS35 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five clear days after the publication of the decision, unless it is called in.
- OS36 During that period, the Monitoring Officer shall call-in a decision for scrutiny by the appropriate board if so requested by written notice by any three members of the Council. The written notice must specify which principle in Rule OS33 has allegedly been infringed. The Monitoring Officer must then notify the Council Cabinet of the call-in. S/he shall call a meeting of the board on such date as s/he may determine, where possible after consultation with the chair of the board, and in any case within ten working days of the decision to call-in.
- OS37 If, having considered the decision, the overview and scrutiny board is still concerned about it then it may refer it back to the Council Cabinet for reconsideration, setting out in writing the nature of its concerns. If the Board concludes that the decision is outside the budget and policy framework it may, subject to Rule BPF10, refer the matter to full Council. If referred to the Council Cabinet, they shall then reconsider it at their next meeting, amending the decision or not, before adopting a final decision.
- OS38 If following an objection to the decision, the overview and scrutiny board does not meet in the ten day period set out above, or does meet but does not refer the matter back to the Council Cabinet or to Council, the decision shall take effect on the date of the overview and scrutiny meeting, or the expiry of the ten day period, whichever is the earlier.
- OS39 If the matter is referred to full Council and the Council does not object to a decision that 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 and also concludes that the decision is outside the budget and policy framework, the provisions for this event in the Rules BPF 10-12.
- OS40 Where a Council Cabinet decision has been taken by an Ward Committee, then the right of call-in shall extend to:

- any three elected members of another Ward Committee if they are of the opinion that the decision made but not implemented will have an adverse effect on the area to which their panel relates; and/or
- any three members of the Council if they consider that the decision is contrary to the principles of decision-making set out in these rules.

In either case, those three members may request the Monitoring Officer by written notice to call-in the decision. The written notice must specify which principle in Rule OS33 has allegedly been infringed. S/he shall call a meeting of the relevant overview and scrutiny board on such a date as s/he may determine, where possible after consultation with the chair of the board, and in any case within ten days of the decision to call-in.

- OS41 All other provisions relating to call in shall apply as if the call in had been exercised in respect of a decision of the Council Cabinet.

### **Call-in and urgency**

- OS42 The call-in procedure set out above shall not apply where the decision is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the Council's or the public's interests, and has been identified as urgent under the Access to Information Procedure Rule AI27.
- OS43 The Council Cabinet must decide that no call in may be made on the grounds of urgency at the time the decision is made, and not subsequently. This will be indicated at a set point on the agenda.
- OS44 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 Chair of the relevant Overview and Scrutiny Board must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. If the Chair of the relevant Overview and Scrutiny Board is unable to act, then the agreement of the Mayor or, in his/her absence, the Deputy Mayor will suffice. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- OS45 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.

### **The party whip**

- OS46 The party whip is defined as "any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how

that councillor shall speak or vote on any matter before the Council, board, or other body appointed by it, or the application or threat to apply any sanction by the group in respect of that councillor should s/he speak or vote in any particular manner.”

- OS47 When considering any matter in respect of which a member of an overview and scrutiny board is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the board’s deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

**Procedure at overview and scrutiny board meetings**

- OS48 Overview and scrutiny boards shall consider the following business:

- a. minutes of the last meeting
- b. declarations of interest (including whipping declarations)
- c. consideration of any matter referred to the board for a decision in relation to call in of a decision
- d. responses of the Council Cabinet to reports of the overview and scrutiny board; and
- e. the business otherwise set out on the agenda for the meeting.
- f. Petitions in accordance with the Petitions Scheme

- OS49 Where the overview and scrutiny board conducts investigations e.g. with a view to policy developments, the board may also ask people to attend to give evidence at board meetings which are to be conducted in accordance with the following principles:

- a. that the investigation be conducted fairly and all members of the board be given the opportunity to ask questions of attendees, and to contribute and speak;
- b. that those assisting the board by giving evidence be treated with respect and courtesy; and
- c. that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

- OS50 Following any investigation or review, the board shall prepare a report, for submission to the Council Cabinet and/or Council as appropriate and shall make its report and findings public.

### **Matters within the remit of more than one overview and scrutiny board**

- OS51 The Scrutiny Management Board will have overall responsibility for co-ordinating the discussion of matters within the remit of more than one overview and scrutiny board. It can either elect to consider the matter itself, or determine which of the relevant overview and scrutiny boards shall consider it. In either case, it may invite the Chair of the other board(s) (or his/her nominee) to attend the relevant meeting(s) and speak thereon and/or may refer its report to the other overview and scrutiny board(s) for comment before it is finalised.

### **Proceedings of overview and scrutiny board meetings**

- OS52 Meetings of the overview and scrutiny boards will be conducted in accordance with the Council Procedure Rules insofar as is practicable, except that where the Overview and Scrutiny Procedure rules differ from the Council Procedure Rules, the Overview and Scrutiny Procedure rules shall take precedence

# Remote Meeting Procedure Rules

## Remote attendance at Council meetings

- RM1 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 allow for remote participation in local authority meetings.
- RM2 The following conditions must be met for a member of a committee to form part of the quorum of the meeting:
- a. The councillor or co-opted member must be able to hear and, where possible, see other councillors attending the meeting.
  - b. The councillor or co-opted member must be heard and, where possible, be seen by those other councillors in attendance.
  - c. The councillor or co-opted member must be able to hear and, where possible, see members of the public who are attending the meeting to exercise a right to speak.
  - d. The councillor or co-opted member must be heard and, where possible, be seen by members of the public who are attending the meeting to exercise a right to speak.
  - e. The councillor or co-opted member must be heard and, where possible, be seen by members of the public who are attending the meeting, either remotely or physically.
- RM3 These procedure rules apply to meetings the Council, and any body appointed by it, the Council Cabinet or a committee of the Council Cabinet. Unless specified, these procedure rules apply equally to any meeting convened both wholly remotely or where individual councillors are in remote attendance.

## General Provisions

- RM4 The Council will facilitate remote meetings by providing councillors with appropriate technology to allow participation under the conditions detailed at Remote Meeting Procedure Rule RM2.
- RM5 Following consultation with the Chair, Democratic Services will confirm whether the meeting is to be convened wholly remotely when issuing the meeting summons.

- RM6 Where meetings are convened wholly remotely, the Council will facilitate meetings in such a format that allows members of the press and public to access the meeting remotely, where they are entitled to do so.
- RM7 Where a meeting has been summoned with five clear days' notice, councillors not appointed to the committee wishing to attend remotely will provide a minimum of 24 hours' notice to Democratic Services of their intention to attend the meeting.
- RM8 Where a meeting has been summoned with less than five clear days' notice, councillors not appointed to the committee should provide advanced notice to Democratic Services of their intention to attend the meeting remotely as soon as practicable.
- RM9 All remote participants will be invited to join the meeting five minutes in advance of the advertised start time in order to avoid unnecessary disruption once the meeting is underway.
- RM10 Should a remote participant join the meeting after the advertised start time, they will play no part in the meeting until such time as the item of business under discussion at the time of joining the meeting has been concluded.
- RM11 The Chair will request that all remote participants mute their microphones when not speaking, in order to reduce feedback and background noise.
- RM12 Unless technical difficulties arise, all councillors and co-opted members will ensure their camera is switched on for the duration of the meeting. Other remote attendees will only be required to turn on their camera when required to address the meeting.

### **Access to Documents**

- RM13 In accordance with the Access to Information Procedure Rules, Democratic Services will publish the agenda and reports for committee meetings on the Council's website and will notify councillors of their availability.
- RM14 Where a meeting is convened wholly remotely, printed copies of agendas and reports will not routinely be circulated nor will they be available for inspection at the Council's Office.

### **Protocol for speaking at meetings**

- RM15 In all cases, the Chair will follow the Committee Procedure Rules when determining who may speak, as well as the order and priority of speakers. The Chair's ruling in this regard will be final.

- RM16 Where practicable, remote attendees will indicate their intention to speak on particular items of business by contacting the Chair or Democratic Services in advance of the meeting.
- RM17 Remote attendees wishing to speak in the course of the debate will indicate they wish to do so by utilising the comments function within the Council's chosen software for administering remote meetings.
- RM18 Subject to the provisions of the Council Procedure Rules, before concluding an item of business, the Chair will confirm with attendees that they do not wish to speak further, before moving to a vote as appropriate.

### **Voting**

- RM19 Voting will be conducted in accordance with the Council Procedure Rules, with the exception that when a meeting is convened either wholly or partially remotely the requirement to vote by show of hands (CP70) is replaced by the following procedure.
- RM20 When a vote is required at a meeting held either wholly or partially remotely, the Chair will ask each member of the committee in turn to confirm their vote verbally, before also confirming their own vote.
- RM21 The Chair will not proceed to the next item of business until the Democratic Services Officer has announced the outcome of the vote to the meeting.
- RM22 Individual votes will only be recorded when required under the provisions of Council Procedure Rules CP71 and CP72 (Recorded Vote / Right to require individual vote to be recorded).

### **Attendance and participation by members of the public**

- RM23 Where a meeting has been convened wholly remotely, the means by which members of the press and public can access the meeting will be publicised on the agenda.
- RM24 A member of the public who has given appropriate notice of their intention to ask a question in accordance with the Council Procedure Rules will be invited to participate in the remote meeting for the duration of the item in question. The Chair may exercise their discretion to re-order the agenda in order to facilitate this participation at the beginning of the meeting.

### **Application of protocol to meetings of the Planning Control Committee**

- RM25 Where a meeting of the Planning Control Committee has been convened wholly remotely, members of the public who have provided the necessary notice of their intention to speak to an application under consideration will



be invited to join the remote meeting at the point at which their application is due to be considered.

- RM26 At least 72 hours prior to the meeting taking place, public speakers will be advised of the Council's preferred software for administering remote meetings. Public speakers will be asked to provide contact details to facilitate remote access to the meeting and will be advised of an approximate time period in which they are to make themselves available to be contacted. Public speakers may provide supplementary evidence in accordance with Remote Procedure Rule RM29.
- RM27 Where public speakers do not have access to the appropriate technology to allow them to participate in the meeting remotely, they may instead be invited to make a written submission of no more than 1,000 words.
- RM28 The deadline for receipt of written submissions and any accompanying supplementary evidence by the Planning Department will be 48 hours prior to the commencement of the meeting. Written submissions and supplementary evidence will be circulated to members of the committee at least 24 hours prior to the commencement of the meeting.
- RM29 Where a meeting of the Planning Control Committee has been convened wholly remotely, ward councillors who have provided the necessary notice of their intention to speak to an application under consideration will be invited to participate in the meeting remotely.

#### **Application of protocol to meetings of the General and Taxi Licensing Sub-Committees**

- RM30 Remote hearings of the General or Taxi Licensing Sub-Committees will be held in accordance with the requirements of the Licensing Act 2003 and the local procedures agreed by the Licensing Committee.
- RM31 Prior to a meeting of the General or Taxi Licensing Sub-Committees being summoned, the Licensing department will communicate the Council's preferred format for facilitating remote attendance to all parties.
- RM32 In the event that parties do not have access to appropriate technology to access a meeting of the General or Taxi Licensing Sub-Committees remotely, access to the sub-committee via telephone will be facilitated.
- RM33 To assist in the effective conduct of the hearing, where relevant parties will be attending a Sub-Committee remotely or via telephone, they will be invited to make written submissions summarising the arguments they intend to make. The deadline for receipt of written submissions by the Licensing Department will be 24 hours prior to the scheduled start time of the Sub-Committee.

RM34 Where a meeting of the General or Taxi Licensing Sub-Committees has been convened wholly remotely, upon conclusion of the hearing copies of the decision notice will not be handed to the relevant parties and will be distributed via email.

#### **Dealing with exempt items of business**

RM35 Subject to the requirements of the Access to Information Procedure Rules, where confidential information is due to be considered at a meeting convened either wholly or partially remotely, the Chair will request that councillors or co-opted members attending remotely declare whether there are persons present able to hear or see the proceedings of the meeting who are not entitled to do so.

RM36 Any councillor or co-opted member attending remotely who fails to disclose that there are persons present able to hear or see the proceedings of the meeting who are not entitled to do so will be in breach of the Councillors' Code of Conduct.

RM37 Following a resolution to exclude the press and public and prior to consideration of any confidential items of business, the Democratic Services Officer will confirm that remote public access to the meeting has been disabled.

#### **Dealing with declarations of interest**

RM38 Declarations of interest will be dealt with in accordance with the Council Procedure Rule CP88.

RM39 Where a councillor or co-opted member attending a meeting remotely has declared a disclosable pecuniary interest and would ordinarily be required to leave the room, they will be asked to leave the remote meeting for the duration of that item of business.

RM40 Following the conclusion of an item of business in which a declaration of interest has been made and a councillor or co-opted member has left the remote meeting, the Chair will call for an adjournment to allow the Democratic Services Officer to contact the councillor or co-opted member and invite them to re-join the meeting.

#### **Dealing with technical difficulties**

RM41 In the event that the Chair or Democratic Services Officer identifies a failure of the technology facilitating remote participation in the meeting, the Chair will call for an adjournment whilst the fault is addressed.

RM42 If it is not possible to address a technical fault and the meeting has become inquorate as a result, the meeting will be adjourned until such time as it can be reconvened with a quorum present, as determined by the Chair.

RM43 If it is not possible to address a technical fault and the meeting remains quorate, the meeting will continue without those councillors or co-opted members who were previously attending remotely able to participate further.

RM44 If the meeting has been convened to consider a matter identified as urgent under Access to Information Procedure Rule AI27, the Monitoring Officer, in consultation with the Chair, will explore such other means of taking the decision as may be permitted by the Council Constitution.

### **Interpretation**

RM45 Where the Chair is otherwise required to interpret the Committee Procedure Rules as they relate to remote attendance at meetings, they will take advice from the Monitoring Officer or their representative. The Chair's decision in all cases will be final.