

Chapter 2

The Procedure Rules



Castle Point Borough Council

	Contents - Item	Page
	Chapter 2 - The Procedure Rules	50
12.	The Council Procedure Rules	55
12.1	The Annual of the Council	55
12.2	Ordinary Meeting of the Council	56
12.3	Extraordinary Meetings of Council	57
12.4	Time and Place of Meetings	57
12.5	Duration of Meetings	58
12.6	Chairing the Meeting	58
12.7	Quorum	58
12.8	Documents	59
12.9	Minutes	59
12.10	Public Questions	59
12.11	Statements by the Leader	61
12.12	Councillor Questions on Report of the Cabinet and on Notice at Council	61
12.13	Replies to Questions	62
12.14	Statements by Chairmen	62
12.15	Petitions	62
12.16	Motions	63
12.17	Rules of Debate	64
12.18	Speeches by Proposer and Seconder	65
12.19	Amendments to Motions	66
12.20	Points of Order and Personal Explanation	67
12.21	Voting	67
12.22	Substitute Members	68
12.23	General Disturbance	68
12.24	Suspension of the Council Procedure Rules	69
12.25	Procedure Rules applying to Committees	69
13.	The Cabinet Procedure Rules	70
13.1	Cabinet Meetings	70
13.2	Quorum	70
13.3	Attendance at Meetings	70
13.4	Order of Business	70
13.5	Taking Decisions	71
13.6	Chairing the Meeting	71
13.7	Conflicts of Interest	71
13.8	Who can put items on the Cabinet Agenda	71

13.9	Consultation	71
13.10	Councillor Questions	72
13.11	Matters of Urgency	72
14.	The Budget and Policy Framework Procedure Rules	74
14.1	The Framework for Cabinet Decisions	74
14.2	Process for Developing the Budget and Policy Framework	74
14.3	Decisions outside the Budget and Policy framework	75
14.4	Urgent Decisions outside the Budget and Policy Framework	75
14.5	In-year changers to the Budget and Policy Framework	76
14.6	Call-in of decisions which are outside the Budget and Policy Framework	76
15.	Access to Information Procedure Rules	78
15.1	Introduction	78
15.2	Rights to Attend Meetings	78
15.3	Notices of Meetings	78
15.4	Access to Agenda and Rights before the Meeting	78
15.5	Supply of Copies	79
15.6	Access to Minutes	79
15.7	Background Papers	80
15.8	Public Inspection of Background Papers	80
15.9	Summary of the Publics Rights	80
15.10	Recording of meetings by Persons Present	80
15.11	Exclusion of Access by the Public to Meetings	81
15.12	Exclusion of Access by the Public to Reports	83
15.13	Application of Rules to the Cabinet	83
15.14	Procedure before taking Key Decisions	83
15.15	Forward Plan	84
15.16	General Exception from Inclusion on the Forward Plan	84
15.17	Special Urgency relating to Key Decisions	85
15.18	Reports on Special Urgency Decisions	85
15.19	Report to Council where the Key Decision Procedure is not Followed	85
15.20	Cabinet's Report to Council	86
15.21	Records of Decisions	86
15.22	Decisions by Individual Cabinet Members	86
15.23	Record of Individual Officer Decisions	87
15.24	Additional Rights of Access for Councillors	87
15.25	Overview & Scrutiny Committee's Access to Documents	88
16.	The Financial Regulations (these are at Chapter 5)	89
17.	Overview and Scrutiny Procedures Rules	89
17.1	Introduction	89
17.2	The Scrutiny Arrangements	89
17.3	Meetings of the Scrutiny Committees	89
17.4	Membership	89
17.5	Co-opted Members	90
17.6	Chairman	90
17.7	Work Programme	90
17.8	Agenda Items	90
17.9	Order of Business	91

17.10	Reports from the Scrutiny Committees	91
17.11	Rights of Scrutiny Committee members to Documents	91
17.12	Members and Officers Giving Account	91
17.13	Attendance by Others	92
17.14	Call In	92
17.15	Call In Procedure	93
17.16	Informal Meeting	94
17.17	Meeting of the Overview and Scrutiny Committee	94
17.18	Decisions referred back to the Decision Maker	95
17.29	Exceptions to Call In	96
18.	Officer Employment Procedure Rules	97
18.1	Recruitment and Appointment	97
18.2	Recruitment of Head of Paid Service and Chief Officers	97
18.3	Appointment Head of Paid Service, Monitoring Officer and Chief Financial	98
18.4	Appointment of Other Chief Officers	98
18.5	Other Appointments at Tier 3	98
18.6	Notification of Appointments	98
18.7	Disciplinary Action	99

12. Council Procedure Rules

12.1 Annual Meeting of the Council

Timing of the Annual Meeting

The Annual Meeting of the Council shall be held:

- (a) in a year in which there are ordinary elections of Councillors to the Council, on a date not more than twenty-one days after the day of the retirement of Councillors; or
- (b) in any other year, the Annual Meeting may take place in March, April or May.

Order of Business

At the Annual Meeting of the Council, business will be reserved for:-

- (a) the election of the Mayor and Deputy Mayor;
- (b) In the first Annual Meeting following an ordinary election of Councillors,
 - (i) the appointment of the Leader for a 4-year term;
 - (ii) receive notification from the Leader on the appointment of the Deputy Leader;
 - (iii) receive notification of the memberships of political groups; and
 - (iv) receive notification of the names of Group Leaders and their Deputies.
- (c) Announcements from the Mayor, the Leader and/or the Chief Executive;
- (d) Receive notification from the Leader of:
 - (i) the appointment of Cabinet Members and their Portfolios;
 - (ii) the appointment of Cabinet committees, their membership and terms of reference;
 - (iii) Delegation of executive functions to Cabinet Members and Officers;
- (e) The establishment of Council Committees and sub-committees, their membership and term of reference in accordance with the political balance rules and appointments to outside bodies, subject to the provisions below;
- (f) Fix the allowances for Councillors for the municipal year, having regard to any report prepared by the Independent Remuneration Panel;
- (g) The setting of dates for the Ordinary Meetings of the Council for the remainder of the municipal year.

Restrictions and requirements on Business

No other business shall be transacted at the Annual Meeting unless it is the opinion of the Mayor or the Chief Executive that there is business which relates to the administrative functions of the Council, or the Council is required urgently to consider before the next available Ordinary Meeting.

The Monitoring Officer shall prepare and provide lists of appointments to be made to Council Committees and Sub-Committees to each Group Leader, taking into account the rules of proportionality where these apply. Each Group Leader will submit a list of Councillors of their political group, together with nominations for all appointments (including the Chairs and Vice-Chairs of committees) to the Monitoring Officer at least 2 working days before the Annual Meeting.

12.2 Ordinary Meeting of the Council

Timing of the Ordinary Meeting

In addition to the Annual Meeting of the Council and any meeting convened under paragraph 12.4, the Council's Ordinary Meetings shall be held each year on such dates, times and places as decided by Council at its Annual Meeting.

Order of Business

Ordinary Meetings will conduct the following business:

- (a) Elect a person to preside over the meeting if the Mayor and the Deputy Mayor are not present;
- (b) Receive any apologies for absence;
- (c) Receive any declarations of interest from Councillors;
- (d) Approve the minutes of the last meeting;
- (e) Deal with questions from members of the public in accordance with paragraph 12.11;
- (f) Receive any announcements from the Mayor and/or the Leader and/or the Chief Executive;
- (g) Deal with any business remaining from the last meeting;
- (h) Deal with any urgent items of business as agreed by the Mayor;
- (i) Receive a report on any petition required to be debated in accordance with the Council's Petitions Procedure; (rule 12.16)
- (j) Consider any Motions on notice;
- (k) Deal with the Medium-Term Financial Strategy, the setting of the Council Budget and Council Tax resolution;
- (l) Consider a report on any matters reserved to the Council;
- (m) Receive and consider any other reports, if any, as specified in the Agenda;

- (n) Consider any recommendations from the Cabinet, Council or their Committees that require a Council resolution;
- (o) Receive reports from the Leader and the Cabinet Members incorporating oral questions, as permitted by these Council Procedure Rules; and
- (p) Deal with any business in private in accordance with the Access to Information Procedure Rules.

The order of business at any meeting of the Council, save for business items falling under (a), (b) and (c) above, may be varied and re-ordered by the Mayor of the Council.

12.3 Extraordinary (Special) Meetings of Council

Timing of the Extraordinary Meeting

An Extraordinary (or Special) Meeting of the Council may be held in addition to the Ordinary Meetings of the Council, where a request to call an Extraordinary Meeting has been received by the Chief Executive from:

- (i) The Mayor;
- (ii) The Council by resolution;
- (iii) The Monitoring Officer in circumstances where a report under Section 5 of the Local Government Act 1989 is to be presented; or
- (iv) Any 5 Councillors, only if having signed and presented a requisition to the Mayor, the Mayor has refused to call an Extraordinary Meeting or has failed to call an Extraordinary Meeting within 7 clear working days of receipt of the requisition.

Order of Business

Save for items set out in paragraph 12.2 (a) – (f), only the business for which the meeting has been called will be conducted at an Extraordinary Meeting of the Council.

12.4 Time and Place of Meetings

All meetings of the Council shall normally be held at the Council's offices in Kiln Road, Thundersley and the time of the meetings shall be notified in the agenda for each meeting.

Meetings of the Council shall be called by the Chief Executive at such times and places as shall be required to conduct the business of the Council.

No alterations to the dates or times of Ordinary Meetings of the Council shall take place, unless the Mayor, after consultation with the Chief Executive, determines that it is necessary to either cancel a meeting or establish an alternative date or time. In such instances all Councillors will be notified by email, and notice of the changes will be on the Council's website.

The Council will give at least 5 clear working days' notice of the meeting to all Councillors and to the public by posting details of the meeting at the Council's main office and on its website.

12.5 Duration of Meetings

No meeting shall last for more than 2 hours.

If, during the meeting, it appears to the Mayor that the meeting will exceed its permitted time of 2 hours, they will invite the meeting to suspend this Procedure Rule in accordance with paragraph 12.25.

Where this Procedure Rule is suspended, the Council will deal with the remaining business in the order set out in the agenda or continue to sit for a specific period of time. In such circumstances, priority will be given to any item of business that the Council is legally obliged to consider at that meeting.

Any business not concluded during the extended period will be considered at the next meeting of Council, save for Cabinet's reports to Full Council which will be dealt with at the meeting.

12.6 Chairing the Meeting

Meetings of the Council will be chaired by the Mayor of the Council, or in their absence the Deputy Mayor. In the absence of both, the Council at the start of the meeting will elect a Member to chair the meeting on that occasion.

The Councillor presiding over the meeting may exercise any power or duty of the Mayor and will control the order and conduct of business.

Where these Procedure Rules apply to Committees and Sub-committees, references to the Mayor will include the Chair of the Committee and Sub-Committee.

The ruling of the Mayor as to the construction or application of any of the Procedure Rules shall be final and shall not be challenged.

12.7 Quorum

The quorum of a meeting will be one third of the Councillors called for the meeting, or 3 Councillors, whichever is the greater present in the meeting.

If the Mayor considers the meeting to be inquorate the meeting shall stand deferred for 15 minutes. If there is still no quorum after 15 minutes, then the meeting will be adjourned and the consideration of business will be held over to the next meeting.

12.8 Documents

Reports

The agenda for each meeting will include written reports containing such information as is necessary to enable the Council to properly discharge its functions and responsibilities. All reports will be made available in accordance with the Access to Information Procedure Rules.

Background Papers

Each report will identify a list of background papers relating to the subject matter, as defined by paragraph 15.7 of the Access to Information Procedure Rules.

Confidential Appendix

Where a report contains information that is considered Confidential Information or Exempt Information, in accordance with paragraph 15.11 of the Access to Information Procedure Rules, that information shall be placed in a Confidential Appendix, which will accompany the report for consideration. The Confidential Appendix will be exempt from publication in accordance with paragraph 15.12 of the Access to Information Procedure Rules.

12.9 Minutes

The minutes of each meeting shall be considered at the next Ordinary Meeting of the Council.

The Mayor shall put the question that the minutes of the meeting be approved as a correct record.

No discussion shall take place upon the minutes except upon their accuracy and any question of their accuracy will be considered and voted upon.

12.10 Public Questions On Notice

At every meeting of the Ordinary Council provision shall be made to enable members of the public to ask questions.

Members of the public may ask questions on any matter in relation to which the Council has powers or duties, or which affects the Borough to:

- the Mayor; or
- the Leader of the Council (or the Deputy Leader in the case of absence); or
- any member of the Cabinet; or
- any chair of a committee

A question may only be asked if the member of the public has registered to speak by giving notice of the question to the Chief Executive/Assistant Director Legal & Democratic Services no later than 4.45 pm on the date seven

clear working days before the day of the meeting. Each questioner must give their name and address.

At any meeting no person, organisation or group may submit more than one question. (A question may be multi-faceted but it must be directly related in the subject matter to qualify as a single question).

Questions shall normally be dealt with in the order in which notice was received. However, the Mayor may revise the order of questions if they consider it appropriate and may group together similar questions.

The Mayor may vary the order of the agenda to take Public Questions after Council business has been transacted.

A question may be rejected by the Chief Executive, in consultation with the Mayor, if it addresses matters that would be inappropriate to consider at the meeting. For this purpose, 'inappropriate' includes any question or statement falling within any of the following categories:

- (a) is not about a matter for which the Council has powers or duties;
- (b) is defamatory, frivolous, vexatious or offensive;
- (c) is substantially the same as a question put to a meeting in the previous 6 months;
- (d) will require the disclosure of confidential or exempt Information as defined in the Access to Information Procedure Rules; or
- (e) is already subject to separate appeal, adjudication, litigation, mediation or dispute resolution.

If a question is rejected, then a written explanation as to why it has been rejected will be provided.

Questions which have not been rejected will be circulated to all Councillors before the meeting.

The Mayor will invite the person who gave notice of the question to ask the question. The person asking the question must normally be present at the meeting. However, the Mayor may exercise their discretion to allow a question to be read out by an Officer in the absence of the person making it.

There is no further opportunity for a member of the public to make a statement or to ask a supplementary question.

The Leader, relevant Cabinet Member or Chair of the relevant committee will respond to the question orally or, where a response cannot be provided at the meeting, a written response will be provided within 3 working days of the meeting.

No other Councillor shall be permitted to speak.

12.11 Statements by the Leader

At every Ordinary or Extraordinary Council meeting there will be a statement by the Leader. The purpose of the statement is to allow the Leader to update the Council on current issues of importance that cannot be covered elsewhere as part of the usual business.

At the meeting, the Leader will be entitled to address the Council for a maximum of 10 minutes.

12.12 Councillor Questions

a. On Reports of the Cabinet

A Councillor may ask a member of the Cabinet any question without notice upon an item of the report of the Cabinet when that item is being received or under consideration by the Council.

With the approval of the Mayor, the Cabinet Member may ask a Chief Officer to respond on any question where the Cabinet Member does not have the information, and it is considered the officer would be able to assist.

b. Questions on Notice at Council

Subject to Rule 12.12 c., a Councillor may ask:-

- the Mayor; or
- the Leader of the Council (or the Deputy Leader in the case of absence); or
- any member of the Cabinet; or
- any chair of a committee

A question may be rejected by the Chief Executive, in consultation with the Mayor, if it addresses matters that would be inappropriate to consider at the meeting. For this purpose, 'inappropriate' includes any question or statement falling within any of the following categories:

- (a) is not about a matter for which the Council has powers or duties;
- (b) is defamatory, frivolous, vexatious or offensive;
- (c) is substantially the same as a question put to a meeting in the previous 6 months;
- (d) will require the disclosure of confidential or exempt Information as defined in the Access to Information Procedure Rules; or
- (e) is already subject to separate appeal, adjudication, litigation, mediation or dispute resolution.

c. Notice of Questions

A Councillor may only ask one question under Rule 12.12 b. if it has been given in writing and delivered to the Chief Executive/Assistant Director

Legal & Democratic Services no later than 4.45 pm on the date seven clear working days before the day of the meeting.

There is no further opportunity for a Member to make a statement or to ask a supplementary question.

12.13 Replies to Questions

An answer to a question raised without notice may take the form of:-

- (a) A direct oral answer;
- (b) Where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) Where the reply cannot conveniently be given orally, a written answer will be issued to the Councillor asking the question, and circulated to all Councillors within 5 working days of the meeting.

12.14 Statements by Chairmen

The Chair of a committee or sub-committee may make a statement at an Ordinary Meeting of Council on a key issue arising from the work of their Committee, which they consider should be brought to the attention of the Council.

Details of the issue to be brought to the attention of the Council must be given to the Chief Executive/Assistant Director Legal & Democratic Services no later than 9 clear working days before the meeting.

12.15 Petitions

Petitions sent to the Council will be passed directly to the Chief Executive who will acknowledge receipt and refer to full Council or the Cabinet at the next appropriate meeting.

The Council will respond to all petitions which demonstrate sufficient local support and number of signatures that cause the Council to consider those petitions.

Petitions meeting this criteria will receive a substantive response reflecting the view of the Council on the issue(s) and/or proposed actions as soon as reasonably practicable and within a Council cycle.

12.16 Motions on Notice

Scope

No Motion shall be put unless it relates to a matter over which the Council has power or which affects the Council or the Borough.

Any Motion which relates to an Executive Function or which has budget implications shall be deferred by the Monitoring Officer to the next available Cabinet meeting for consideration and determination.

Submission of Motions on Notice

Notice of the Motion and the proposed wording shall be submitted to the Chief Executive and the Monitoring Officer and include the Councillors proposing and seconding the Motion.

Such notices may be submitted in person, by 4.45 pm by post or electronic mail 7 clear working days before the meeting of Council.

Motions that have been received in accordance with these Procedure Rules will be included on the agenda in the order in which they are received, unless the Councillors proposing the Motion give written notice that they intend to withdraw it or defer it to a subsequent meeting of Council.

In the event that there are 2 motions which are similar in topic, the Chief Executive and Monitoring Officer will work with Group Leaders to agree an alternative approach. The default position is that each will be taken separately in the order they are received.

A maximum of five Motions may be considered at any given meeting; any additional Motions shall be deferred to the next meeting of Council unless the Motion is withdrawn.

Where more than 5 valid Motions have been submitted and time allows, then additional Motions on notice may be added to the agenda at the discretion of the Chief Executive (in consultation with the Mayor).

(Note the operation of these provisions shall be kept under review and be brought back to Overview & Scrutiny Committee for formal consideration no later than 31 January 2025.)

Motions without Notice

The following Motions may be moved without notice:-

- (a) The appointment of a Chair in the absence of the Mayor and Deputy Mayor;
- (b) In relation to the accuracy of the minutes of the meeting;
- (c) The referral of an issue to the Cabinet or a committee of the Council if it is within their terms of reference;
- (d) The adoption of a recommendation of the Cabinet or a committee of the Council or an Officer, presented as part of the agenda, including any consequent motions or resolutions;
- (e) To withdraw a Motion or a question (by the proposer only and no seconder is required);
- (f) To amend a Motion or recommendation in a report (by the proposer only)
- (g) To adjourn the debate or the meeting;

- (h) To exclude the public and press from the meeting under the relevant statutory provisions and in accordance with the Access to Information Procedure Rules;
- (i) To change the order of business on the agenda, proceed to the next item of business or put to a vote the matter under debate;
- (j) To suspend a particular Council Procedure Rule in accordance with the provisions set out in paragraph 12.24; or
- (k) That a Councillor not be further heard or be required to leave the meeting due to their conduct during the meeting.

Rescinding a Preceding Resolution

No motion to rescind any resolution passed within the preceding 6 months, and no motion or amendment to the same effect as one which has been rejected within the preceding 6 months, shall be considered, unless:

- (a) In the opinion of the Mayor significant new information has come to light since the original debate; or
- (b) The Notice thereof given in accordance with paragraph 12.16 (Submission of Motions on Notice) with the names of at least 10 Members of the Council is received by the Chief Executive or the Monitoring Officer, 7 clear working days before the meeting; or
- (c) It is moved in pursuance of a recommendation in a report to the meeting.

Dealing with Motions on Notice at the Meeting

If the Proposer or the Secunder (or a Councillor nominated as such) is not present at the meeting, then the Motion will be declared by the Mayor as having failed and the Mayor will immediately move onto the next item of business on the agenda.

12.17 Rules of Debate

Debate Etiquette

A Councillor when speaking will stand and address the Mayor, unless alternative provisions have been agreed with the Mayor.

While a Councillor is speaking, all other Members shall remain seated, unless raising a Point of Order or Personal Explanation.

A Councillor shall indicate they wish to speak by raising their hand, but shall only speak when called by name by the Mayor.

Councillors will, when speaking, refrain from making comments of a personal nature about another Councillor.

Councillors will refrain from disrupting the meeting.

Whenever the Mayor speaks during a debate, any Councillors then standing shall be seated and the Council shall be silent.

Discussion of the Motion at the Meeting

Any Councillor that speaks on a Motion shall address the Mayor and shall ensure that their speech is strictly related to the Motion under discussion and necessary for the progression of the debate or to a Point of Order as set out in paragraph 12.20.

The Mayor has the right to advise Councillors that they are no longer addressing the Motion and to curtail excessive speeches.

Number of Speeches

No Member may speak more than once in a debate on a Motion unless:

- (a) The Proposer of the Motion shall have the right of reply at the close of the debate and immediately before the Motion is put to the vote. Such reply shall be confined to answering the previous speakers and shall not introduce any new matters; or
- (b) The Leader (in respect of Motions concerning Cabinet functions) or the relevant committee Chair (in respect of Motions concerning non-Cabinet functions) shall be entitled to a right of reply; or
- (c) On a Point of Order; or
- (d) Point of Personal Explanation; or
- (e) On an Amendment to the Motion.

12.18 Speeches by Proposer and Seconder

The Proposer

At the meeting the Mayor will invite the Proposer of the Motion to present the Motion to the meeting and formally move it.

The Proposer of any Motion which is the subject of a debate shall make a speech as soon as the Motion has been seconded.

In the case of Motions arising from a recommendation or report from the Cabinet, the Leader or relevant Cabinet Member will introduce the recommendation and propose the Motion.

The Seconder

Every Motion shall be formally seconded before the Mayor opens up the debate. The Seconder of a Motion may reserve their speech to a later period in the debate.

Length of Speech or Statement

Councillors will usually be expected to speak for no longer than 5 minutes. Any extension in time permitted for a speech will be at the sole discretion of the Mayor.

12.19 Amendments to Motions

An amendment may be moved if it is relevant to the Motion and propose changes to the Motion by either:

- (a) Leaving out words;
- (b) Leaving out words and inserting or adding others;
- (c) Inserting or adding words;
- (d) Changing the Motion so that it refers the matter to the Cabinet, committee or Cabinet Member for consideration.

The omission, insertion or addition of words must not be capable of negating or nullifying the effect of the Motion under consideration, or have the effect of introducing a new subject matter into the Motion.

Recommendations contained within reports due to be considered by Council shall be preserved. Accordingly, no Motion shall be brought that seeks to alter a recommendation contained within a report before the meeting, unless in accordance with paragraph 12.16 (f).

The only exception shall be to the Budget report considered by the Council at its Budget meeting, for which Councillors may be able to submit amendments to the Motions on notice to the Chief Executive and Monitoring Officer at least three clear working days before the meeting.

The proposed amendment will be circulated to the Section 151 Officer and the Monitoring Officer for the purposes of assessing the potential budgetary or legal impact and consequences for the Council.

If the Proposer and Seconder of the Original Motion consents to the amendment it can be adopted without the need for further debate or vote. In such instance the amended Motion then becomes the Substantive Motion upon which any further amendment can be moved.

Only one amendment can be moved, seconded and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.

If an amendment is carried when put to the vote, then the Motion as amended shall take the place of the original Motion and shall become the Substantive Motion.

If an amendment is lost when put to the vote, then the next proposed amendment will be considered. If there is no further amendment then the original Motion will be put and opened for debate.

12.20 Points of Order and Personal Explanation

A Councillor may raise a Point of Order or Personal Explanation and shall be invited by the Mayor to speak on the issue forthwith.

The Point of Order may only relate to an alleged breach of the Council Procedure Rules or a statutory provision and the Member shall specify the nature of the breach.

The Mayor shall consider the Point of Order and shall give their ruling on the matter. The ruling of the Mayor will be final.

A Personal Explanation shall be confined to some material part of their former speech which may have been misunderstood or misrepresented in the present debate.

No Point of Order or Personal Explanation shall be taken after the vote on the matter has been taken.

12.21 Voting

General Provisions

Unless required otherwise by law, all matters shall be decided by a simple majority of those present at the meeting at the time the question is put.

Voting shall be by a show of hands, or such other method as determined by the Mayor of the Council.

In the event of an equality of votes on either side, the Mayor will have a second or casting vote.

Where the Council is making an appointment, and there are two or more persons nominated, the decision will be taken by majority ballot. Where there is not an overall majority in favour of one person a further ballot will be undertaken with the person with the least votes being struck off the list and so on until a majority of votes is cast in favour of one person.

Recording Votes

A Councillor shall have the right to have their votes for, against or abstaining from the vote recorded in the minutes, provided that this is requested immediately before the vote is taken.

Recorded Votes

If, immediately before the vote is taken, at least 5 Councillors stand to request a recorded vote, the Chief Executive or the Monitoring Officer in their absence shall call each Member present to state whether they vote for, against or abstain. The names for, against and abstaining from voting on the Motion or amendment shall be taken down in writing and entered in the

Minutes.

Budget and Council Tax Votes

The mechanism for recorded votes, as set out above, shall apply automatically in the case of any decision (including any amendments to the Substantive Motion) relating to the Budget or Council Tax at the annual budget decision meeting.

This is a statutory provision which cannot be suspended under paragraph 12.24.

12.22 Substitute Members

Each political group shall annually appoint up to 2 Substitute Members to the Development Management and Audit and Governance Committees at the Council's Annual Meeting. Each Substitute Member shall undertake all required knowledge and training before they are permitted to participate as a Member of the relevant committee.

All named Substitute Members shall be permitted to attend the relevant committees as an observer on those occasions where they are not acting as a notified Substitute Member.

All nominated Substitute Members will be identified on all agendas for the respective committee meetings.

For the avoidance of doubt, there is no other general provision for Substitute Members at any other committees.

12.23 General Disturbance

In the event of a general disturbance which, in the opinion of the Mayor, renders the due and orderly conduct of the business impossible the Mayor may without question adjourn the meeting for such period as they consider necessary and expedient.

Disorderly Conduct of a Councillor

If at a meeting any Councillor, in the opinion of the Mayor, misconducts themselves by persistently disregarding the ruling of the Mayor, or by behaving irregularly, improperly, offensively or by wilfully obstructing the business of the Council, any Councillor may move:

- (a) That the Councillor shall not be heard further; and the Motion, if seconded, shall be put and determined without discussion or debate.
- (b) If the Councillor named continues their misconduct after a Motion under paragraph (a) above has been carried, a Councillor shall:
 - (i) Either move that the Councillor leaves the meeting; in such case the

motion shall be put and determined without seconding, discussion or debate; or

- (ii) The Mayor may adjourn the meeting for such period as they consider expedient; and
- (iii) The Mayor may also give such directions as they consider appropriate for the removal of the Councillor and the restoration of order to the meeting.

Disorderly Conduct of a Member of the Public

If any member of the public interrupts the meeting the Mayor shall, in the first instance, issue them with a verbal warning. If the interruption continues, the Mayor shall request that they leave the meeting and, in the event that they do not leave, the Mayor shall have the power to adjourn the meeting and/or order their removal from the meeting room.

12.24 Suspension of the Council Procedure Rules

Any of these Procedure Rules may be suspended by way of Motion carried by a simple majority at any meeting of the Council, save and except for paragraph 12.21 (Budget and Council Tax Votes).

12.25 Procedure Rules applying to Committees

The following Council Procedure Rules shall apply to all committees, and sub-committees and working groups either appointed by Council or by Cabinet:

- (a) Quorum
- (b) Rules of Debate, except those relating to standing, length of speeches and ability to speak only once
- (c) Voting
- (d) Record of Attendance
- (e) Length of Meeting
- (f) Suspension of the Procedure Rules
- (g) General Disturbance
- (h) Points of Order or Personal Explanation
- (i) Documents
- (j) Minutes

13. Cabinet Procedure Rules

13.1 Cabinet Meetings

The Cabinet will meet at least 6 times a year at times to be agreed by the Leader.

Additional Cabinet meetings may be called from time to time by the Leader, as and when required.

The Cabinet shall meet at the Council's offices or another location to be agreed by the Leader.

13.2 Quorum

The quorum for a meeting of the Cabinet (or a committee of it) shall be 3 Cabinet Members, which shall include the Leader, or in their absence, the Deputy Leader.

13.3 Attendance at Meetings

All Cabinet Members are entitled to attend the Cabinet meetings and hold full speaking and voting rights.

All other Councillors are entitled to attend the Cabinet meetings but shall exercise speaking rights only as set out in these Cabinet Procedure Rules and shall not have voting rights.

The Leader may invite other Councillors to attend Cabinet meetings, as and when required, and may invite them to speak either on individual items or on any items on the Agenda. In such instances the invited Councillors will not be entitled to vote on any item on the Agenda.

Members of the public are entitled to attend meetings in accordance with the Access to Information Procedure Rules.

13.4 Order of Business

In addition to those items set out in paragraph 12.25, the Cabinet will conduct the following business:

- (a) matters referred to the Cabinet (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration by the 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 this Constitution;
- (b) consideration of reports from the Council's scrutiny committees; and

- (c) matters set out in the Agenda for the meeting, and which shall indicate which are Key Decisions in accordance with the Access to Information Procedure Rules set out in this Constitution.

13.5 Taking Decisions

Executive decisions will be taken at a meeting convened in accordance with the Access to Information Procedure Rules.

Where an executive function has been delegated to a committee of the Cabinet these rules will apply to that committee.

All decisions will be taken in accordance with these Procedure Rules and, where applicable, the Council Procedure Rules and in accordance with the Access to Information Procedure Rules and the Scheme of Delegations (contained in Chapter 4).

13.6 Chairing the Meeting

Cabinet meetings will be chaired by the Leader, or in their absence, the Deputy Leader.

13.7 Conflicts of Interest

Where the Leader has a conflict of interest this should be dealt with in accordance with the Members' Code of Conduct, as set out in this Constitution.

If every member of the Cabinet has a conflict of interest this should be dealt with in accordance with the Members' Code of Conduct, as set out in this Constitution.

In the event that a conflict of interest arising in the exercise of an executive function which has been delegated to a Cabinet committee, a Cabinet Member or an Officer, then the matter 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 Members' Code of Conduct in in this Constitution.

13.8 Who can put items on the Cabinet Agenda

The Leader will determine the items on the Agenda for Cabinet meetings, in consultation with the Chief Executive.

The Monitoring Officer, Section 151 Officer or the Head of Paid Service may include an item for consideration on the agenda of a Cabinet meeting and may request such a meeting in pursuance of their statutory roles.

13.9 Consultation

All reports to the Cabinet which relate to the Budget and Policy Framework must contain details of the nature and extent of consultation with

stakeholders and the Overview and Scrutiny Committee and will provide details of the outcome of that consultation.

Reports about other matters will set out the details and outcome of any consultation undertaken, as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration and in accordance with any statutory requirements in force at the time the consultation is undertaken.

13.10 Councillor Questions

A Member who is not a member of Cabinet, may ask the Leader or a Cabinet Member any question on any matter in respect of which the Cabinet has powers or duties, or which affects the borough provided notice of the question has been given in writing to the Chief Executive and the Monitoring Officer no later than 4.45 pm, 2 clear working days before the meeting.

No more than one question may be put by the Councillor at any meeting.

Questions shall normally be dealt with in the order in which notice was received. However, the Leader may revise the order of questions if they consider it appropriate and may group together similar questions.

There is no opportunity for a Councillor to make a further statement but they may ask a supplementary question provided that the supplementary question arises solely as a consequence of the response which has been provided to them.

The Leader or relevant Cabinet Member will respond to the question orally or, where a response cannot be provided at the meeting, a written response will be provided within 3 working days after the meeting.

The number of Councillors asking questions shall be at the Leader's discretion, having regard to the reasonable and efficient management of the meeting.

13.11 Matters of Urgency

Where the Monitoring Officer, in consultation with the Chief Executive, considers that a matter of urgency has arisen in connection with the work of the Cabinet and requires a decision before the next regular meeting of the Cabinet, then the following shall have the authority to take the decision:

- (a) the Leader; or
- (b) in their absence the Deputy Leader; or
- (c) in their absence the Cabinet Member who has responsibility for the matter concerned.

Where an urgent decision has been taken, the decision taker shall take a report setting out the nature of the decision taken, the reasons for the urgency

and details of the actions taken, to the next Council meeting.

This provision shall only apply to executive functions, or those functions which have been delegated by Council to the Cabinet or a Cabinet committee.

A decision made by the Cabinet pursuant to this paragraph shall not be subject to the call-in procedure and may be implemented with immediate effect.

This provision will apply to a key decision. The Leader may only take an urgent key decision if the provisions, as set out in paragraph 15.17 of the Access to Information Procedure Rules, have been followed.

14. The Budget and Policy Framework Procedure Rules

14.1 The Framework for Cabinet Decisions

The Council will be responsible for the adoption of its Budget and Policy Framework, as set out in Article 5 of this Constitution. Once the Budget and Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.

14.2 Process for Developing the Budget and Policy Framework

The Budget and Policy Framework shall be developed in accordance with the process set out in these Procedure Rules.

Publication

The Cabinet will publish its initial proposals for the adoption of any plan, strategy and budget that forms part of the Budget and Policy Framework at least two months before its submission to Council for adoption.

Consultation

Prior to publication, the Cabinet will first consult and seek the views of local stakeholders, as appropriate, and in a manner suitable to the matter under consideration.

Details of the Cabinet's consultation process shall be included in the Forward Plan.

Any representations made to the Cabinet shall be taken into account in formulating the initial proposals and shall be reflected in any report dealing with them.

If the matter is one where a scrutiny committee has carried out a review of policy, then the outcome of that review will be reported to the Cabinet and considered in the preparation of initial proposals.

Overview and Scrutiny Committee

The Cabinet's initial proposals shall be referred to the Overview and Scrutiny Committee as part of the consultation process.

Cabinet

Following which a report to Cabinet on the outcome of its deliberations will be prepared and submitted. The Overview and Scrutiny Committee shall have at least four weeks to respond to the initial proposals of the Cabinet unless the Cabinet considers that there are special factors that make this timescale inappropriate. If it does, it will inform the Overview and Scrutiny Committee of the time for response when the proposals are referred to it.

Having considered the report of the Overview and Scrutiny Committee, the Cabinet, if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration.

Council

The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place.

In considering the matter, the Council shall have before it the Cabinet's proposals and any report from the Overview and Scrutiny Committee.

The Council's decision will be publicised in accordance with this Constitution and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Cabinet's proposals without amendment) or that the Council's decision will become effective on the expiry of 5 clear working days after the publication of the notice of decision, (where amendments have been made), unless the Leader of the Council objects to it during that period.

Leader Objection

If the Leader objects to the decision of the Council, they shall give written notice to the Monitoring Officer 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 Monitoring Officer shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.

The Council meeting must take place within 10 working days of the receipt of the Leader's full and measured written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.

The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with the Constitution, and shall be implemented immediately.

14.3 Decisions Outside the Budget and Policy Framework

Subject to the provisions of the Financial Regulations, the Cabinet, Cabinet committees, Cabinet Members and any Officer, area committees 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 Budget and Policy Framework approved by the Council, then they shall take advice from the Monitoring Officer and the Section 151 Officer.

If the advice of either of those officers is that the decision would not be in line with the existing Budget and Policy Framework then that decision may only be taken by the Council, subject to paragraph 14.4 below.

14.4 Urgent Decisions Outside the Budget or Policy Framework

The Cabinet, a Cabinet committee, Cabinet Member or Officer, area committees or joint arrangements discharging executive functions may take a decision which is contrary to the Budget and Policy Framework if the decision is a matter of urgency.

Such an urgent decision may only be taken if:

- (a) it is not practical to convene a quorate meeting of the Council; and
- (b) the Chair of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency, in accordance with the Access to Information Procedure Rules.

The decision notice must specify the reasons why it is not practical to convene a quorate meeting of the Council and the Chair of the Overview and Scrutiny Committee's consent to the decision being taken as a matter for urgency.

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.

14.5 In-Year Changes to the Budget and Policy Framework

No changes to any policy and strategy which make up the Budget and Policy Framework may be made by the Cabinet, a Cabinet committee, Cabinet Member or Officer, area committees or joint arrangements discharging executive functions, except where those changes are:

- (a) necessary to ensure compliance with the law, ministerial direction or government guidance; or
- (b) 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.

14.6 Call-In of Decisions which are Outside the Budget and Policy Framework

Where the Overview and Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the Budget and Policy Framework then it shall seek advice from the Monitoring Officer and/or the Section 151 Officer.

In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's and/or Section 151 Officer's report shall be to the

Cabinet with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report.

The Cabinet must prepare a report:

- (a) to Council in the event that the Monitoring Officer and/or the Section 151 Officer conclude that the decision was a departure, or
- (b) to the Overview and Scrutiny Committee if the Monitoring Officer and/or the Section 151 Officer conclude that the decision was not a departure.

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 Budget and Policy Framework, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter.

The Council shall meet within 10 working days of the request by the Overview and Scrutiny Committee. 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 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 Regulations or the 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 Budget and Policy Framework and does not amend the existing Budget and Policy Framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer or Section 151 Officer.

15. Access to Information Procedure Rules

15.1 Introduction

These rules apply to meetings of the Council, Council committees, scrutiny committees and Cabinet.

As the Council is functioning under executive arrangements these rules have been prepared in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and the provisions set out in sections 100A-H and Schedule 12A of the Local Government Act 1972 (as amended).

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

15.2 Rights to Attend Meetings

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

Members of the public shall not be admitted into any meeting in excess of the number which the public accommodation can safely contain.

15.3 Notices of Meetings

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

If a meeting is convened at shorter notice, notice will be issued at the time the meeting is convened, and in accordance with the general exception and special urgency rules set out in paragraphs 15.16 and 15.17.

15.4 Access to Agenda and Rights before the Meeting

At least 5 clear working days before the meeting, the Council will make copies of the following documents available for inspection by the public at its Council offices and will publish them on its website:

- (a) the agenda for the meeting;
- (b) any reports which are to be made available to the public in accordance with these rules; and
- (c) Notice of Intention to hold a meeting in private.

Where a meeting is convened at shorter notice, a copy of the agenda and the associated reports will be made available for inspection as soon as possible and no later than the commencement of that meeting.

If an item is added to the agenda after it has been made publicly available, the

revised agenda and any reports relating to the item for consideration will be made available for inspection from the time the item was added to the agenda.

Where reports are prepared after the agenda has been published and circulated to Councillors, the designated officer shall make each late report available to the public as soon as the report is completed and send it to all Members.

15.5 Supply of Copies

The Council will supply copies of:

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

to any person on payment of a charge for postage and any other costs. Copies will be freely available on the Council's website.

Except during any part of a public meeting during which the public are excluded, the Council will make available for use by the public present at the meeting a reasonable number of copies of the agenda and reports for the meeting.

15.6 Access to Minutes

The Council will make available copies of the following for 6 years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, options considered and rejected, a record of any conflict of interest declared by any Member and in respect of any declared conflict of interest a note of any dispensation granted, 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.

A copy of the minutes of all public meetings will be available for public inspection at the Council offices on weekdays during office hours and will also be available on the Council's website.

15.7 Background Papers

List of Background Papers

Officers will set out in every report a list of those documents (called background papers) relating to the subject matter of the report, which in their opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published material or any documents which disclose exempt or confidential information (as defined in paragraph 15.11).

15.8 Public Inspection of Background Papers

The Council will make available for public inspection for at least 4 years after the date of the meeting one copy of each of the documents on the list of background papers at the Council offices and on the Council's website.

15.9 Summary of Public's Rights

These rules constitute a written summary of the public's rights to attend meetings and to inspect and copy documents.

15.10 Recording of Meetings by Persons Present

Requests from Reporters

The Mayor shall respond to requests made in accordance with section 100A(6)(c) of the Local Government Act 1972 from any person attending the meeting for the purpose of reporting the proceedings to be afforded reasonable facilities for taking their report.

Use of Electronic Devices at Meetings held in Public

Members of the public or representatives of the media may use electronic devices at meetings held in public for the purposes of filming, audio recording, taking photographs, blogging, tweeting and posting to social media websites.

The use of electronic devices for reporting purposes is, in certain circumstances, recognised as contributing towards transparency and democratic debate and there is a presumption in favour of allowing their use. However, the proceedings of a meeting must not be disrupted by the use of electronic devices and such use must not inhibit the proceedings. Accordingly, oral commentary to any recording made during the meeting will not therefore be permitted.

Filming and audio recording of meetings using small devices is generally permitted.

Any filming or audio recording must take place from fixed positions in the meeting room, the location of which shall be agreed with the Chair of the meeting. Equipment must be set up before the meeting starts.

If the Chair considers that the filming or audio recording is disrupting the meeting in any way, the operator will be required to stop immediately.

No-one is permitted to film, record or report any part of a meeting where the press or public are excluded because confidential or exempt information would be disclosed. This includes Councillors and officers present at the meeting.

No restrictions will be placed on anyone in the public gallery at a meeting in relation to the use of social media and photography, provided that there is no flash photography and the Chair considers their actions are not disrupting the proceedings of the meeting.

15.11 Exclusion of Access by the Public to Meetings

Confidential Information - Requirement to Exclude Public

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

Meaning of Confidential Information

Confidential information means information:

- (a) given to the Council by a Government Department on terms which forbid its public disclosure; or
- (b) which cannot be publicly disclosed by any enactment or by Court Order.

Exempt Information - Discretion to Exclude Public

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

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

Meaning of Exempt Information

Exempt information means information which is covered by the Local Government Act 1972, Schedule 12A and falls within the following 7 categories (subject to any condition/qualifications):

	Category	Conditions
1.	Information relating to any individual.	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated.
2.	Information which is likely to reveal the identity of an individual.	Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles.
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information within paragraph 3 is not exempt if it must be registered under <ul style="list-style-type: none"> • The Companies Act 1985; • The Charities Act 1993; • The Friendly Societies Acts 1974; • The Industrial and Provident Societies Acts 1965 to 1978; and • The Building Societies Act 1986.
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations with any labour relations matter arising between the Council or a Minister of the Crown and employees of, or office holders under, the Council.	Information within paragraph 4 is only exempt if and for so long as its disclosure to the public would prejudice the Council in those or any other consultations or negotiations in connection with a Labour relations matter. “Labour relations matters” are as specified in paragraphs (a) to (g) of section 29(1) of the Trade Unions and Labour Relations Act 1974, i.e. matters which may be the subject of a trade dispute.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6.	Information which reveals that the Council proposes: (a) to give under any enactment a notice under or by virtue of	Information within paragraph 6 is exempt only if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or

	Category	Conditions
	which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	

In determining whether the exemptions above can be applied, the public interest test, as applicable under the Freedom of Information Act 2000, shall be applied. Accordingly, the information will only remain exempt 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.

Information is not exempt if it relates to proposed development for which the Local Planning Authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

15.12 Exclusion of Access by the Public to Reports

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Paragraph 15.11, the meeting is likely not to be open to the public.

Such reports will be marked “Not for publication” or “exempt”, together with the category of information likely to be disclosed.

15.13 Application of Rules to the Cabinet

If the Cabinet or its committees meet to take a Key Decision then it must comply with paragraph 15.1 – 15.11 unless paragraph 15.16 or paragraph 15.17 apply. A Key Decision is as defined in Article 7 of Chapter 1 of this Constitution.

This requirement does not include meetings whose sole purpose is for Officers to brief Councillors.

Paragraphs 15.14 – 15.23 also apply to the Cabinet and its committees.

15.14 Procedure before taking Key Decisions

Subject to paragraph 15.16 or paragraph 15.17, a Key Decision may not be taken unless:

- (a) a notice (called here a Forward Plan) has been published in connection with the matter in question;
- (b) at least 28 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 Cabinet or its committees, notice of the meeting has been given in accordance with paragraph 15.3 and if the decision is to be taken in private at the meeting, notice has been given in accordance with paragraph 15.4.

15.15 Forward Plan

The Forward Plan will be available for inspection by the public at the Council offices and on the Council's website.

Period of Forward Plan

The Forward Plan will be prepared on behalf of the Leader to cover a period of at least three months, beginning with the first day of any month.

The Forward Plan will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

Contents of Forward Plan

The Forward Plan will include matters which the Leader has reason to believe will be the subject of a Key Decision to be taken by the Cabinet in the course of the discharge of an executive function.

The Forward Plan will describe the following particulars insofar as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, their name and title, if any, and where the decision taker is a body, its name together with the relevant officer's contact details;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision; and
- (e) a list of the documents submitted to the decision taker for consideration in relation to the matter.

15.16 General Exception from Inclusion on the Forward Plan

Where the publication of the intention to make a Key Decision on the Forward Plan is impracticable then, subject to paragraph 15.17, 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 notice has been given on the Forward Plan for at least 28 clear calendar days;

- (b) the Proper Officer has informed the Chair of the Overview and Scrutiny Committee, or if there is no such person, each member of the Overview and Scrutiny Committee, by notice in writing, of the matter to which the decision is to be made;
- (c) the Proper Officer has made copies of that notice available to the public at the offices of the Council and on its website; and
- (d) at least five clear days have elapsed since the Proper Officer complied with (a) and (b) above.

Where such a decision is taken collectively, it must be taken in public.

As soon as reasonably practicable after the Monitoring Officer has complied with 15.16, they must make available at the Council offices and on the Council website a notice setting out the reasons why it is impracticable to defer the decision.

15.17 Special Urgency relating to Key Decisions

If, by virtue of the date by which a decision must be taken, paragraph 15.15 cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chair of the body making the decision (where permitted by this Constitution), obtains the agreement of:

- (a) the Chair of the Overview and Scrutiny Committee; or
- (b) if there is no Chair of the Overview and Scrutiny Committee, or the Chair of that Committee is unable to act, then the agreement of the Mayor, or in the absence of the Mayor, the Deputy Mayor

that the taking of the decision is urgent and cannot be reasonably deferred.

As soon as reasonably practicable after the agreement has been obtained a notice must be made available at the Council offices and on the Council's website setting out the reasons why the matter is urgent and why it cannot reasonably be deferred.

15.18 Reports on Special Urgency Decisions

The Leader will submit a report to the next practicable ordinary meeting of the Council, on Key Decisions taken by the Leader, Cabinet or Chief Executive where the making of the decision was agreed as urgent in accordance with paragraph 15.17. The report will include the number of decisions made, the particulars of each decision made and a summary of the matters in respect of which those decisions were made.

15.19 Report to Council where the Key Decision procedure is not followed

If an executive decision has been made and not treated as a Key Decision and the Overview and Scrutiny Committee is of the opinion that the decision should have been treated as a Key Decision, the Committee may require the

Cabinet to submit a report to the Council within such reasonable period as the Committee may specify.

15.20 Cabinet's Report to Council

In the event that the Overview and Scrutiny Committee request a report in accordance with paragraph 15.19, the Cabinet must prepare a report for submission to the meeting of Council specified by the Committee. However, if the next meeting of the Council is within 7 days of receipt of the written notice, then the report may be submitted to the next Council meeting.

The report to Council will set out particulars of the decision, the individual or body making the decision and, if the Leader is of the opinion that it was not a Key Decision, the reasons for that opinion.

15.21 Records of Decisions

After any meeting of the Cabinet or any of its committees, whether held in public or private, the proper officer or, where no officer was present, the person presiding at the meeting, will produce and publish a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting; any interest declared in relation to the matter decided by any Member of the decision-making body which made the decision and, in respect of any declared interest, a note of any dispensation granted by the Head of Paid Service.

15.22 Decisions by Individual Cabinet Members

No Cabinet Member shall take a decision unless they have been provided with a report on the issues by the relevant officer. Such report shall contain clear details of the issue, the decision the Cabinet Member is being asked to take, and the details of any alternative options that have been considered.

Such report should be delivered to the Monitoring Officer for publication where the recommendations within the report have been approved by the Cabinet Member.

As soon as reasonably practicable after an executive decision has been taken by an individual Cabinet Member, a record of the decision shall be prepared and will include:

- (a) the date it was made,
- (b) a statement of the reasons for it,
- (c) any alternative options considered and rejected, and
- (d) a record of any conflict of interest declared by any Cabinet Member who is consulted by the decision-maker and, in respect of any interest declared, a note of any dispensation granted by the Head of Paid Service.

This information can be included within the initial report, where appropriate to do so.

As soon as practicable after the decision has been taken the report and the decision must be:

- (a) published on the Council's website; and
- (b) circulated to all Councillors.

15.23 Record of Individual Officer Decision

As soon as reasonably practicable after an Officer has made a decision delegated to them by the Council or any of its committees, or by the Cabinet or a Cabinet Member, then the decision must be recorded if:

- (a) it relates to the discharge of an executive function; or
- (b) it is a decision which is not the responsibility of the Cabinet and the effect of the decision is:
 - (i) to grant a permission or licence; or
 - (ii) to affect the rights of an individual; or
 - (iii) to award a contract or incur expenditure.

Such a record must be produced by or on behalf of the Officer concerned and must include a record of the decision including:

- (a) the date it was made,
- (b) a statement of the reasons for it,
- (c) any alternative options considered and rejected, and
- (d) a record of any conflict of interest declared by any Cabinet Member who is consulted by the Officer and, in respect of any interest declared, a note of any dispensation granted.

As soon as practicable after the decision has been taken the report and the decision must be:

- (a) published on the Council's website; and
- (b) circulated to all Members.

The provisions of Rules 15.7 and 15.8 will also apply to the making of decisions by individual Cabinet Members and decisions taken by Officers which are required to be recorded. This does not require the disclosure of exempt or confidential information.

15.24 Additional Rights of Access for Councillors

Any document which is in the possession of, or under the control of, the Cabinet or its committees and contains material relating to any business to be transacted at a public meeting must be available for inspection by any

Member for at least five clear working days before the meeting except where the meeting is convened at shorter notice.

Such documents must be available when the meeting is convened and, when an item is added to the agenda at shorter notice, such a document must be available for inspection at the time the item is added to the agenda.

Any document which is in the possession of, or under the control of, the Cabinet and contains material relating to any business transacted at a private meeting or any decision made by a Cabinet Member or Officer in accordance with executive arrangements must be available for inspection by any Councillor when the meeting concludes or immediately after the decision has been made and in any event within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

The above does not require a document to be available for inspection if it appears to the Monitoring Officer that it discloses exempt information of a description falling within Part 1 of Schedule 12A to the 1972 Act unless it is information of a description falling within paragraph 3 (except to the extent that the information relates to any terms proposed or to be proposed by the Council in the course of negotiations for a contract) or paragraph 6.

15.25 Overview & Scrutiny Committee's Access to Documents

Rights to Copies

Subject to the provisions below, the Overview & Scrutiny Committee (including its working groups) will be entitled to copies of any document which is in the possession of, or control of, the Cabinet or its committees and which contains material relating to:

- (a) any business transacted at a meeting of the Cabinet or its committees; or
- (b) any decision taken by a Cabinet Member or any Key Decision.

Limit on rights

The Overview & Scrutiny Committee (including its working groups) will not be entitled to:

- (a) any document that is in draft form; or
- (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.

16. Financial Regulations

These are at Chapter 5 of this Constitution.

17. Overview and Scrutiny Procedure Rules

17.1 Introduction

Overview and Scrutiny arrangements play an important role in securing the efficient delivery of public services and drive improvements within the Council. Through the legislative powers the Overview & Scrutiny Committee is responsible for scrutinising decisions the Cabinet is planning to take and those that it has already taken, thereby holding the Cabinet to account for its decisions and its actions. The scrutiny committees carry out the scrutiny function on behalf of the Council.

17.2 The Scrutiny Arrangements

The Council will have in place the scrutiny arrangements as set out in Article 9 of this Constitution. The scrutiny committees may appoint task and finish groups and establish their membership. Reference to the scrutiny committees will (unless otherwise stated) include reference to the task and finish groups. The task and finish groups may be appointed for a fixed period or to undertake a specific task, on the expiry of which they shall cease to exist.

17.3 Meetings of the Scrutiny Committees

In addition to the ordinary meetings scheduled at the start of the municipal year, extraordinary meetings may be called from time to time, as and when appropriate. Extraordinary meetings may be called by:

- (a) the Chair of the relevant scrutiny committee;
- (b) any 5 members of the relevant scrutiny committee or
- (c) the proper officer if they consider it necessary or appropriate.

17.4 Membership

Councillors are eligible to be members of a scrutiny committee, subject to the number of places available and the political proportionality rules.

No Councillor may be involved in scrutinising a decision in which they have been directly involved in making.

Cabinet Members are not entitled to be a member of a scrutiny committee.

The task and finish groups may consist of any Members of the Council, subject to paragraph 17.4, who are not members of the scrutiny committees and will hold voting rights on any question which falls to be

determined at the meeting of the task and finish group. (For the avoidance of doubt this includes a member of Cabinet).

17.5 Co-opted Members

The scrutiny committees shall be entitled to recommend to the Council the appointment of additional third party individuals who are not Members of the Council, as a result of the expertise they will bring to the scrutiny committee in the consideration of its review. Such individuals will be known as 'Co-opted Members' and will be entitled to participate in the review but will not hold voting rights on any question which falls to be determined at a meeting of the scrutiny committee.

17.6 Chair

The Chair of each of the scrutiny committees will be appointed at the Annual Meeting of the Council.

The Chair of the Overview and Scrutiny Committee should not normally be a member of the Majority Group, unless there are no such other persons available.

The Chair of any task and finish group will be a member of the Overview and Scrutiny Committee.

The Vice-Chair shall be selected from the Overview & Scrutiny Committee membership.

17.7 Work programme

The scrutiny committees will be responsible for setting their own work programme which exercises the functions as conferred by section 21 of the Local Government Act 2000 and set out in Article 9 of this Constitution.

In doing so they shall review the suggestions provided as part of the annual call for topics and will take into account the views of the Chief Officers.

The work programme shall be considered by the Chair of the Overview and Scrutiny Committee to coordinate the work undertaken by each of the committees. The Chair may consult with Group Leaders, the Cabinet, any Councillor and any other person or group they consider relevant to inform their considerations.

17.8 Agenda Items

Any member of the scrutiny committees shall be entitled to give notice to the Monitoring Officer that they wish an item relevant to the functions of the scrutiny committees to be included on the agenda for the next available meeting of the relevant scrutiny committee. Where such a request has been received on later than 4.45 pm seven clear working days before the meeting the Scrutiny Lead Officer will ensure that it is included on the next available agenda. Otherwise the item will be included in the next agenda of the

relevant scrutiny committee.

17.9 Order of Business

In addition to the provisions stipulated in the Council Procedure Rules at paragraph 12.25, the scrutiny committees shall also consider the following business:

- (a) consideration of any matter referred to them for a decision in relation to call-in of a decision;
- (b) responses of the Cabinet to reports of the scrutiny committees; and
- (c) any other business as set out on the agenda for the meeting.

17.10 Reports from the Scrutiny Committees

Once it has formed recommendations, the relevant scrutiny committee will prepare a formal report and submit it to the proper officer for consideration by the Cabinet.

The Cabinet shall consider the report from the scrutiny committee at the next meeting of Cabinet for which the agenda has not yet been published. The Cabinet will normally consider the report within two months of it being submitted to Cabinet. However, the Leader and the Chair of the relevant scrutiny committee may agree a longer period.

Having considered the report, Cabinet will provide a response. That response will be reported to Council, together with the original scrutiny committee's report, setting out details of Cabinet's considerations, and set out any recommendations to the Council, including recommendations for a departure from or a change to the agreed Budget and Policy Framework.

17.11 Rights of Scrutiny Committee Members to Documents

In addition to their rights as Councillors, members of the scrutiny committees in fulfilling their functions have additional rights to documents as set out in the Access to Information Procedure Rules.

Nothing in this paragraph prevents more detailed liaison between the Cabinet and the scrutiny committees as appropriate depending on the particular matter under consideration.

17.12 Members and Officers Giving Account

The scrutiny committees may require any Cabinet Member, 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; and the extent to which the actions taken implement Council policy. It is the duty of those persons to attend if so required.

Where any Cabinet Member or Officer is required to attend a scrutiny committee under this provision, the Chair will inform the proper officer. The

proper officer shall inform the Cabinet Member or officer in writing giving at least 5 working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the scrutiny committee's consideration. Where the account to be given to the scrutiny committee will require the production of a report, then the Cabinet Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

Where, in exceptional circumstances, the Cabinet Member or Officer is unable to attend on the required date, then the scrutiny committee shall, in consultation with the Cabinet Member or Officer, arrange an alternative date for attendance as soon as reasonably practicable.

17.13 Attendance by Others

The scrutiny committees may invite people other than those people referred to in paragraph 17.13 above to address them, discuss issues of local concern and/or answer questions. They 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. Attendance by those invited under this provision is entirely optional but encouraged in the spirit of partnership working and community engagement.

17.15 Call-In

When a Key Decision is made by:

- (a) the Cabinet,
- (b) a Cabinet Member
- (c) a committee of the Cabinet,
- (d) an officer with delegated authority from the Cabinet, or
- (e) under joint arrangements,

the decision shall be published on the Council's website and shall be made available at the main offices of the Council normally within 3 working days of being made. Copies of all such decisions will be made available to all Councillors within the same timescale, by the person responsible for publishing the decision.

The notice publishing the decision shall bear the date on which it is published and will specify the date that the decision will come into force and may then be implemented on the expiry of five working days after the publication of the decision, unless the decision is called-in.

A decision that has been taken may be called in to the scrutiny committee whose remit includes the subject matter of the decision. The Climate Policy and Scrutiny Sub-Committee does not have the power to call-in a decision.

Individual decisions taken by non executive committees (Planning, Licensing, Standards and Audit Committees) cannot be the subject of call-in.

Any decision can only be called-in once.

A decision may be called-in by:

- (a) the Chair of the Overview and Scrutiny Committee; or
- (b) any five non-Cabinet Members.

All valid call-in notices will be referred to the Overview and Scrutiny Committee for determination and the decision-maker will be notified of the call-in.

The submission of a call-in notice shall have the effect of suspending the implementation of the decision, pending consideration of the matter by the Overview and Scrutiny Committee.

The Chair of the relevant scrutiny committee is under an obligation to ensure that the meeting is held within 10 working days of receipt of the call-in notice. If the Overview and Scrutiny Committee does not meet within the required period, the decision shall take effect on the expiry of the 10 working days' period.

If the Overview and Scrutiny Committee has already commented or made recommendations on the specific matter which has been called-in prior to the decision being made call-in will not apply to that decision.

17.16 Call-In Procedure

A notice of call-in must be made direct to the Monitoring Officer and must be received within five working days of the date of publication of the decision. The call-in notice must set out the details of the decision being called in and state clearly the reasons why the decision needs to be scrutinised based on one or more of the following seven assessment criteria:

- (a) The decision-maker has failed to consult relevant people, or bodies, in contravention of defined Council policies or procedures;
- (b) The decision is contrary to the Council's Budget and Policy Framework;
- (c) The decision is not consistent with Council policy;
- (d) The decision-maker did not take into account relevant considerations or other material factors and therefore the decision is unreasonable;
- (e) The decision is contrary to a previously agreed decision made by the Council, which has not been superseded by a subsequent decision;
- (f) The decision is inconsistent with a previous Overview and Scrutiny Committee recommendation that has been accepted by Cabinet or Council and that recommendation has not been superseded by a subsequent decision; or
- (g) The decision was not taken in accordance with the principles set out in Article 7 (Decision-Making) of the Constitution.

On receipt of the notice for call-in, the Monitoring Officer will:

- (a) acknowledge receipt of the Notice;
- (b) Notify the decision-maker in writing of the call-in; and

- (c) Notify the Chair of the Overview and Scrutiny Committee.

The Monitoring Officer shall call a meeting of the relevant scrutiny committee on such date as they may determine, where possible after consultation with the Chair of the Overview and Scrutiny Committee, and in any case within 10 working days of the request to call-in.

17.17 Informal Meeting

Prior to the meeting of the Overview and Scrutiny Committee arranged under 17.10 above, the Chair of the Overview and Scrutiny Committee may, in agreement with those calling the decision in, call an informal meeting to be attended by the Chair of the scrutiny committee, the Members calling-in the decision, and the decision-maker. The purpose of that meeting will be to discuss the issues and to see if the matter can be resolved.

The Monitoring Officer will attend the informal meeting and will within 24 hours produce a note of the discussion and the outcome, for circulation to all parties for approval.

Once the note and the outcomes have been agreed by all parties then the call-in will be treated as having been dealt with and any further required action in relation to the decision will be undertaken in accordance with the Council's Constitution. A report of any call-ins that are dealt with by way of an informal meeting will be included on the Agenda for the next meeting of the Overview and Scrutiny Committee.

17.18 Meeting of the Overview & Scrutiny Committee

If the call-in is not withdrawn as a result of the informal meeting, or an informal meeting is not held, the call-in will be presented to the Overview and Scrutiny Committee for consideration. The Overview and Scrutiny Committee will meet within 10 working days of the notice of call-in. Wherever possible, scheduled meetings of the Overview and Scrutiny Committee will be used. Where this is not possible the Monitoring Officer will liaise with the parties concerned and arrange a special meeting.

At the meeting to consider the call-in notice, the Overview and Scrutiny Committee shall limit its consideration to the reasons stated in the call-in notice.

The meeting shall be conducted in the following way:

- (a) The Members requesting the call-in shall attend and explain their objections to the decision and the reasons for the call-in against the stated criteria.
- (b) the decision-maker shall establish the reasons behind the decision.
- (c) Questions can be asked by:
 - (i) Those calling in the decision;
 - (ii) The relevant Cabinet Member or relevant Officer; and
 - (iii) The Overview and Scrutiny Committee.

All questions will be at the discretion of the Chair, taking account of relevance to the subject matter.

Both those calling in the decision and the decision-maker are permitted to stay at the meeting whilst the Overview and Scrutiny Committee debates and decides what action to take at the discretion of the Chair of the Overview and Scrutiny Committee. However, they will not be able to participate in the general debate. The Chair may allow them to answer questions or points of clarification arising through the debate.

17.19 Decisions Referred Back to the Decision-Maker

On considering the matter, the Overview and Scrutiny Committee will decide whether or not to ask the decision-maker to reconsider its decision.

If, having had regard to the advice of the Monitoring Officer, which will be summarised within the report, the Overview and Scrutiny Committee considers the executive decision is contrary to the Budget and Policy Framework the Overview and Scrutiny Committee may refer the matter to the next practicable meeting of the Council.

If the Overview and Scrutiny Committee decides to ask the decision-maker to reconsider their decision, the decision-maker shall be required to do so within 10 working days following the meeting of the Overview and Scrutiny Committee, unless the decision-maker was an Officer in which case it will be referred back to the Leader or relevant Cabinet Member for consideration. In that circumstance the Leader or relevant Cabinet Member shall be required to reconsider the decision within 10 working days.

If the Overview and Scrutiny Committee decides that it does not wish to refer the matter back to the decision-maker, the decision shall be confirmed and shall take effect at the conclusion of the meeting of the Overview and Scrutiny Committee.

If the matter is referred to Council, who do not object to the decision the subject of call-in, no further action is necessary and the decision will be effective on the date of the Council meeting. If Council does object to the decision the subject of call-in, it only has authority to make decisions where it is considered contrary to the Budget and Policy Framework. The Council must refer any decision relating to executive functions, to which it objects, back to the decision-maker, together with the Council's views on the decision.

The decision-maker shall, within a further 10 working days, choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet or a committee of it, the next meeting of the Cabinet will consider the request of the Council. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.

It should be noted that, although a decision may be deemed to meet the criteria for call-in, this does not automatically mean the matter should be referred back to the decision-maker. There may be compelling reasons for the decision being made and all evidence should be heard before determining what action should be taken.

If the Council does not meet, or if it does but does not refer the Key Decision back to the decision-making body or person, the Key Decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

17.20 Exceptions to Call In

The call-in procedure set out above shall not apply in respect of Cabinet decisions regarding the following:

Urgent Decisions

A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision-making person, or body, the decision is an urgent one and why, and therefore not subject to call-in.

The Chair of the Overview and Scrutiny Committee must agree that the proposed decision is reasonable in all its circumstances and that it should be treated as a matter of urgency. In the absence of the Chair, the Vice-Chair's consent shall be required. In the absence of both, the Head of Paid Service or their nominee's consent shall be required.

Decisions taken as a matter of urgency must be reported by the Leader to the next practicable ordinary meeting of the Council, together with the reasons for urgency in accordance with the provisions of this Constitution.

Other Exceptions

The following will not be subject to call-in:

- (a) "Provisional" or "in principle" decisions where the issue is to be referred to a scrutiny committee for comment.
- (b) Recommendations from Cabinet to Council.
- (c) Decisions by the Cabinet where the issue has been referred to them by the Council or a scrutiny committee for their view or comment
- (d) Non key decisions

Unless the decision has taken into account new material considerations arising since the original consultation with the Council or the Overview and Scrutiny Committee, a decision by the Cabinet in response to such consultation shall not be subject to call-in.

Where the Council has delegated to the Cabinet the ability to approve additional information in respect of the Corporate Plan to ensure that statutory publishing deadlines are met, such decisions shall be construed as urgent for the purposes of paragraph 17.20 above. In such circumstances the Chair of the Overview and Scrutiny Committee, or Vice-Chair so authorised to act in their absence, will only be required to agree that the proposed decision is reasonable in all the circumstances.

The operation of the provisions relating to call-in and urgency shall be monitored in accordance with Article 1 of this Constitution and a report submitted to Council with proposals for review, if necessary.

18. Officer Employment Procedure Rules

These Rules are subject to and must be read in accordance with the provisions of The Local Authorities (Standing Orders) (England) Regulations 2001.

18.1 Recruitment and Appointment

Declarations

The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Officer of the Council; or of the partner of such persons; or if they are related in any other way to such persons.

No candidate so related to a Councillor or Officer will be appointed without the authority of the Head of Paid Service or an Officer nominated by them.

A candidate who fails to disclose a relationship, as set out in paragraph 18.1 above, may be disqualified for the appointment and, if appointed, may be liable to dismissal without notice.

Seeking Support for Appointment

Subject to providing a written reference as set out below, the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillors for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

Subject to providing a written reference as set out below, no Councillors will seek support for any person for any appointment with the Council.

Nothing in paragraph 18.1 will preclude a Councillor from giving a written reference for an applicant for submission with an application for appointment.

18.2 Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment will be made exclusively from among its existing Officers, the Council will:

- (a) Draw up a statement specifying:
 - (i) the duties of the Officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed.
- (b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it.
- (c) Make arrangements for a copy of the statement mentioned in (a) above to

be sent to any person on request.

Where a post has been advertised as set out in paragraph 18.2, the Council shall:

- (a) interview all qualified applicants for the post, or
- (b) select a shortlist of such qualified applicants and interview those included on the shortlist; or
- (c) where no qualified person has applied, the Council shall make further arrangements for the advertisement in accordance with 18.2(b).

18.3 Appointment of Statutory Chief Officers - Head of Paid Service, Monitoring Officer and Chief Financial Officer

Full Council will approve the appointment of the Head of Paid Service, Monitoring Officer and Chief Financial Officer following the recommendation of the Staff Appointments and Review Panel, the committee appointed for the purposes of that recruitment.

18.4 Appointment of Other Chief Officers

The Staff Appointments and Review Panel, the committee of Council appointed for this purpose will appoint the Directors, as defined in this Constitution.

That Committee is comprised of Councillors.

18.5 Other Appointments

The appointment of Officers at Tier 3, i.e. those directly reporting to a Director, is the responsibility of the Head of Paid Service or their nominee and may not be made by Councillors.

All other appointments of Officers is the responsibility of the Head of Paid Service or their nominee and may not be made by Councillors.

18.6 Notification of Appointments

No offer of an appointment shall be made to the Head of Paid Service, Monitoring Officer, Chief Financial Officer, or Director until:

- (a) The Chair of the committee established for the purpose of the recruitment to that post (on behalf of the committee) has notified the Head of HR or their Deputy, of the name of the person to whom the post is to be offered and any other matter relevant to the appointment.
- (b) The proper officer has notified every Member of the Cabinet of the name and of the person to whom the post is to be offered and any other matter relevant to the appointment.

The Leader of the Council may object, on behalf of the Cabinet, to the appointment within 3 working days of the issue of the notice in paragraph 18.6(b).

An offer of appointment may be made if:

- (a) The Leader of the Council has notified the proper officer within 3 working days that neither they, nor any other Member of the Cabinet, has any objection to the making of the appointment.
- (b) The proper officer has notified the committee that they have not received any objection in the period specified in paragraph 18.6.
- (c) The committee is satisfied that any objection received from the Leader within that period is neither material nor well founded.

18.7 Disciplinary Action

Statutory Chief Officers

The Statutory Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay until conclusion of the investigation and a decision has been made on whether to dismiss or not and shall be for no longer than 6 months.

In the following paragraphs:

- (a) “the 2011 Act” means the Localism Act 2011;
- (b) “chief finance officer”, “disciplinary action”, “Head of the Council’s Paid service” and “Monitoring Officer” have the same meaning as in Regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
- (c) “Independent Person” means a person appointed under section 28(7) of the 2011 Act;
- (d) “local government elector” means a person registered as a local government elector in the register of electors in the Council’s area in accordance with the Representation of the People Act;
- (e) “the Panel” means a committee appointed by the Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of relevant officers of the Council;
- (f) “relevant independent person” means any independent person who has been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another Council or Councils as the Council considers appropriate;
- (g) “relevant meeting” means a meeting of the Council to consider whether or not to approve a proposal to dismiss a relevant officer; and

(g) “relevant officer” means the Chief Finance Officer, Head of the Council’s Paid Service or Monitoring Officer, as the case may be.

A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.

The Council must invite relevant independent persons to be considered for appointment to the Investigation Panel, with a view to appointing at least two such persons to the Panel.

Subject to paragraph 18.3, the Council must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 18.7 in accordance with the following priority order:

- (a) a relevant independent person who has been appointed by the Council and who is a local government elector;
- (b) any other relevant independent person who has been appointed by the Council;
- (c) a relevant independent person who has been appointed by another Council or Councils.

The Council is not required to appoint more than two relevant independent persons in accordance with paragraph 18.4 but may do so.

The Council must appoint any Panel at least 20 working days before the relevant meeting.

Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular:

- (a) any advice, views or recommendations of the Panel;
- (b) the conclusions of any investigation into the proposed dismissal; and
- (c) any representations from the relevant officer.

With regard to disciplinary issues in connection with the Statutory Officers, the Panel can only make a recommendation for dismissal. In instances where its recommendation is to dismiss any Statutory Officer it must adhere to the processes set out in these Procedure Rules. The Panel, together with the Independent Persons, must refer its recommendation to Full Council.

Any remuneration, allowances or fees paid by the Council to an Independent Person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that Independent Person in respect of that person’s role as an Independent Person under the 2011 Act.

Other Chief Officers

The Staff Appointments and Review Panel, the committee established by the Council for this purpose, shall deal with disciplinary issues in connection with a Director and resolve any action which it considers appropriate.

A Director may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay until conclusion of the investigation and a decision has been made on whether to dismiss or not and shall be for no longer than 6 months.

Other Officers

Members will not be involved in the disciplinary action or dismissal against any other officer. The Council's disciplinary, capability and related procedures, as adopted from time to time, will apply.