



BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

TUESDAY, 24TH APRIL, 2007, AT 4.00 PM

COMMITTEE ROOM, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

AGENDA

MEMBERS: Councillors R. Hollingworth (Executive Leader),
Mrs. J. M. L. A. Griffiths (Deputy Executive Leader),
Mrs. J. Dyer M.B.E., B. L. Fuller C.B.E. Q.F.S.M.,
Mrs. M. A. Sherrey JP, Mrs. C. J. Spencer, Mrs. M. M. T. Taylor and
P. J. Whittaker

1. To receive apologies for absence
2. Declarations of Interest
3. To confirm the Minutes of the Meeting of the Executive Cabinet held on 4th April 2007 (Pages 1 - 6)
4. Matters arising from the Minutes
5. Public Questions
6. Review of the Council's Constitution (Pages 7 - 114)
7. To consider any other business, details of which have been notified to the Head of Legal and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire B60 1AA

13th April 2007

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE EXECUTIVE CABINET

WEDNESDAY, 4TH APRIL, 2007, AT 6.00 P.M.

PRESENT: Councillors R. Hollingworth (Executive Leader), Mrs. J. M. L. A. Griffiths (Deputy Executive Leader), Mrs. J. Dyer M.B.E., B. L. Fuller C.B.E. Q.F.S.M., Mrs. M. A. Sherrey JP, Mrs. C. J. Spencer, Mrs. M. M. T. Taylor and P. J. Whittaker

Observers: Councillors Miss D. H. Campbell JP, G. N. Denaro and N. Psirides JP

Officers: Mr. K. Dicks, Mr. P. Street, Mr. H. Bennett, Mr. M. Bell, Mrs. C. Felton, Mr. D. Hammond, Ms. J. Pickering, Ms. J. Pitman, Mr. A. Coel, Mr. S. Martin and Ms. R. Cole

182/06 MINUTES

The Minutes of the Meeting of the Executive Cabinet held on 7th March 2007 were submitted.

RESOLVED: that the Minutes of the Meeting be approved and confirmed as a correct record.

183/06 MATTERS ARISING FROM THE MINUTES

There were no matters arising from the Minutes.

184/06 LOCAL DEVELOPMENT FRAMEWORK WORKING PARTY

The Minutes of the Local Development Framework Working Party held on 28th March 2007 were submitted.

RESOLVED: that the Minutes of the Meeting be noted and the recommendations be approved.

185/06 PERFORMANCE MANAGEMENT BOARD

The Minutes of the Meeting of the Performance Management Board held on 23rd March 2007 were submitted.

RESOLVED: that the Minutes of the Meeting be noted and the recommendations approved.

186/06 SCRUTINY STEERING BOARD

The Minutes of the Meeting of the Scrutiny Steering Board held on 6th March 2007 were submitted.

RESOLVED: that the Minutes of the Meeting be noted.

187/06 **CAR PARKING SCRUTINY REPORT**

The Cabinet considered recommendations made by the Scrutiny Steering Board based on the report of the Task Group set up to scrutinise issues relating to Car Parking. The Leader acknowledged the work undertaken by the Task Group and thanked the Chairman of the Task Group for its efforts in undertaking the exercise. It was recognised that some of the issues had moved on since the report had been compiled.

RESOLVED:

- (a) that in view of the decision made as part of the Medium Term Financial Plan process to ask officers to investigate means by which the sum of £50,000 can be utilised to ensure the Council's car park facilities may be used to best advantage by disabled persons and all sections of the community, no action be taken at present with regard to removing car parking charges for the disabled.
- (b) that Blue Badge holders be allowed an additional hour of parking over and above the time for which they have paid.
- (c) that in view of the significant financial implications which would result from the removal of charges after 6.00pm and on Sundays, consideration of this matter be deferred until the budget for 2008/09 is being considered.
- (d) that the issue of overnight charging be revisited as part of the discussion referred to in (f) below on altering the ticket machines so that customers receive the full time for which they have paid.
- (e) that officers be requested to look at ways of encouraging the most efficient and flexible use of the car park facilities.
- (f) that if possible, the ticket machines be adjusted so that customers receive the full time for which they have paid and that the use of mobile telephones to allow "remote payment" be considered further at a later stage.
- (g) that officers be requested to review the system of issuing Concessionary Permits in view of the predicted growth in the elderly population of the District.
- (h) that it be noted that discussions with Bromsgrove School regarding the possible use of their car park have been unsuccessful.
- (i) that officers be requested to look at ways in which the Shopmobility service can be sustained and improved.

188/06 **WATERCOURSES SCRUTINY REPORT**

The Cabinet considered recommendations made by the Scrutiny Steering Board based on the report of the Task Group set up to scrutinise issues in relation to watercourses. The Leader thanked the Chairman of the Task Group for the work which had been undertaken as part of the exercise. As part of the discussion it was acknowledged that whilst the budget bids totalling

£7,500 to cover the costs of recommendations 1 and 2 had been unsuccessful, the enhancement of the Spadesbourne Brook was an important feature of the Town Centre redevelopment and would be considered as part of this project.

RESOLVED: that recommendations 3 to 16 contained within the Watercourses Task Group report be approved, subject to officers producing an Action Plan on how the recommendations could be implemented and built into existing work programmes without impacting on the budget.

189/06 **FLYTIPPING SCRUTINY REPORT**

Consideration was given to the report which identified the cost and resource implications of implementing the recommendations of the Fly Tipping Task Group. The recommendations had been approved at the previous meeting of Executive Cabinet subject to this report on the cost and resource implications. It was confirmed that the proposals could be implemented as part of the work programme for Street Scene and Waste Management and that a further report would be submitted to Cabinet in relation to additional CCTV equipment if this should prove to be required.

RESOLVED: that the contents of the report be noted.

190/06 **CAPITAL STRATEGY 2007-2010**

Consideration was given to the report on the updated Capital Strategy for 2007-2010. It was noted that the Strategy brought together the work undertaken by the Council in recent years on the Community Plan and the Council Plan, which together set out a vision for Bromsgrove for 2007 and beyond.

RECOMMENDED: that the Capital Strategy for 2007-2010 be approved.

191/06 **IMPROVEMENT PLAN EXCEPTION REPORT (JANUARY 2007)**

The Cabinet gave consideration to a report on the updated Improvement Plan Exception Report for January 2007. It was reported that work would begin shortly on a new version of the Improvement Plan as the vast majority of the actions contained within the existing Plan had been achieved.

RESOLVED:

- (a) that the revisions to the Improvement Plan Exception Report together with the corrective action being undertaken be approved.
- (b) that it be noted that 67.8% of the Improvement Plan is on target, 9% is one month behind, 9% is over one month behind and 14.2% of actions have been rescheduled or suspended with approval.

192/06 **CHOICE-BASED LETTINGS SCHEME - UPDATE**

Consideration was given to a report which set out details of the implementation of a Choice Based Lettings Scheme for social housing which had previously been agreed in principle.

RESOLVED: that the proposals for the implementation of Choice Based Lettings for the allocation of social housing as set out in the report be approved.

193/06 **DE-COMMISSIONING OF HOSTELS - PROGRESS REPORT AND REVISED STRATEGY**

Consideration was given to a report which set out the latest position regarding the decommissioning of the three Council owned hostels which provide temporary accommodation for the homeless and are managed under a Service Level Agreement by Bromsgrove District Housing Trust.

RESOLVED:

- (a) that the progress made in closing Wythall Hostel be noted.
- (b) that delegated authority be granted to the Corporate Property Officer, the Section 151 officer and the Corporate Director (Services) through the Asset Management Group for the disposal and settlement of the terms of sale of Wythall Hostel.
- (c) that Sidemoor and Rubery Hostels be conveyed to BDHT for nil capital receipt to the Council for re-modelling into self contained units of affordable housing for rent and the revised scheme proposals as set out in sections 5 and 6 of the report be approved.
- (d) that the grant funding to BDHT for the development of self contained flats on the Sidemoor and Rubery sites and for the purchase of "buy backs" as detailed in sections 5 and 6 of the report be approved.

(Note: Councillor Mrs. C. Spencer declared a personal interest in this item as one of the Council's representatives on the Board of BDHT.)

194/06 **DISTRICT COUNCIL'S EMERGENCY PLAN**

Consideration was given to the report on the revised version of the District Council's Emergency Plan. It was reported that the Plan had been substantially revised in association with advice received from the Worcestershire County Council Emergency Planning Officer and that it now conformed to the expectations of the Civil Contingency Act 2004. It was also noted that that the Plan would be subject to further revision in July and November each year and that further work would be undertaken on the production of a strategy relating to Business Continuity Management arrangements.

RESOLVED:

- (a) that the report be noted and the revised Emergency Plan be approved.
- (b) that Senior Officers be authorised to make expenditure decisions in the event of an emergency, subject to the submission of a report to the Executive Cabinet immediately following the emergency giving details of financial implications for retrospective approval.

195/06 **BROMSGROVE ROVERS**

Consideration was given to a report which updated Executive Cabinet on the position regarding the Victoria Ground which is currently leased to Bromsgrove Rovers Football Club.

RESOLVED: that the current position with regard to the Victoria Ground, as set out in the report be noted and endorsed.

196/06 **PARCELS FOR ARMED FORCES OVERSEAS**

Consideration was given to a report relating to a Motion agreed by Tewkesbury Borough Council concerning arrangements for sending parcels to British forces and their families who are stationed overseas. Following discussion it was

RESOLVED:

- (a) that the Motion agreed by Tewkesbury Borough Council as set out in paragraph 3.1 of the report be supported.
- (b) that the Chief Executive be requested to write to the appropriate Government Minister to express such support.
- (c) that the Chief Executive Officer be requested to forward the letter received from Tewkesbury Borough Council to all Parish Councils within Bromsgrove District to seek their support in writing to the Government Minister.

The meeting closed at 7.55 pm

Chairman

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BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

24TH APRIL 2007

REVIEW OF THE COUNCIL'S CONSTITUTION

Responsible Portfolio Holder	Councillor Mrs. Spencer
Responsible Head of Service	Claire Felton, Head of Legal and Democratic Services

1. SUMMARY

- 1.1 Parts of the Constitution have been reviewed and updated and members are requested to adopt the revised Constitution.

2. RECOMMENDATION

- 2.1 It is recommended that:

1. The Constitution be amended in accordance with the drafts appended to this report to take effect from 4 May 2007; and
2. Authority be delegated to the Head of Legal and Democratic Services to correct typographical and/or cross-referencing errors in order to give effect to the Council's intentions

3. BACKGROUND

- 3.1 The reasons for the review and updating of the Constitution are as follows:
- to take account of changes in structure;
 - to ensure current legislation is being complied with;
 - to ensure that the overview and scrutiny function is involved appropriately in decision-making;
 - to review the composition and terms of reference of the Scrutiny Steering Board;
 - to review the composition and terms of reference of the Standards Committee to enable the Standards Committee to operate in a non-political manner and that it is empowered to carry out its responsibilities including in respect of parish councils;
 - to review the composition and terms of reference and Procedure Rules of the Audit Board and the Performance Management Board;
 - to remove errors, inconsistencies and anomalies;
 - to ensure that the language used in the Constitution is easy to understand and that it accurately reflects the way it operates.

3.2 The principal amendments are as follows:

Standards Committee

3.2 Proposed composition:

- the number of District Councillors is yet to be agreed. The Leader may not sit on the Standards Committee;
- three Independent Members. Independent Members cannot be Councillors or officers of the Council or any other body having a standards committee;
- one member from a Parish Council with a nominated and trained substitute.
- Chairman to be an Independent Member.

3.3 Principal Proposed Changes to the Terms of Reference:

- having an overview of the operation of the Constitution to the extent that decisions are being made in accordance with it;
- monitoring, and reviewing the operation of the Protocols on Member-Officer relations and Member-Member relations;
- having a proactive role in respect of both the District Council and the parish councils within the district.

Scrutiny Steering Board

3.4 Proposed Composition of Scrutiny Steering Board

- 7 members (none of whom may be members of the Cabinet or be a member of the Audit Board)
- Quorum of 4

3.5 Task Group Chairman

- To be drawn from members of the Scrutiny Steering Board or a pool of members trained in chairmanship skills.

Cabinet

3.6 Quorum – to be increased to 4

3.7 Delegation to Portfolio Holders

Currently the Constitution recognises that certain decisions might be delegated to individual Portfolio Holders although the necessary processes to enable this have never been implemented. The White Paper proposes delegating more functions to individual Portfolio Holders and in due course the Constitution will need to take account of any legislative changes. However, in the meantime it is proposed that the Cabinet should be required to take all decisions acting collectively, except:

- when the Cabinet has made a decision in principle, it may authorize the Leader or the relevant Portfolio holder to finalise outstanding details in consultation with the appropriate Head of Service ; or
- when a decision regarding a Cabinet function requires attention as a matter of such urgency that formal reporting to Cabinet is not possible

the Leader may take that decision in consultation with the Chief Executive, the s151 Officer and the Monitoring Officer;

- the Leader may suggest matters for consideration to the Scrutiny Steering Board, the Audit Board or the Performance Management Board as a result of a quarterly meeting with the Chairmen of those Boards;
- when the Cabinet has delegated a Cabinet function.

Audit Board and Performance Management Board

3.8 **Proposed Composition**

- 7 members, none of whom may be members of the Cabinet. Additionally in respect of the Audit Board, members must not be members of the Scrutiny Steering Board;
- Quorum of 4

Final Revisions

- 3.9 Drafts of those parts of the Constitution which are proposed for amendment are appended to this report. Members must note that at the date of preparation of this report, final proof-reading and cross-referencing has yet to be undertaken; this will be finalised before implementation of the new Constitution. Members are requested to approve the changes to the Constitution and delegate authority to the Head of Legal and Democratic Services to correct any typographical or cross-referencing errors.

Implementation

- 3.10 It is proposed that the new Constitution should take effect from 4 May 2007.

Future Revisions to the Constitution

- 3.11 The draft revised Articles refer to Tables in Part 3 of the Constitution which set out the Responsibility for Functions (as between the Council and Cabinet) and the responsibility of Committees for functions including the terms of reference for those committees. These will be brought to the Annual Meeting for approval.
- 3.12 A revised Code of Conduct for Members has very recently been published by the Department for Communities and Local Government and must be adopted by the Council before October 2007. When this is brought for approval, the Council will be asked to consider a revised version of the document setting out Councillors' Roles, which currently forms part of the Constitution.

4. FINANCIAL IMPLICATIONS

- 4.1 None

5. LEGAL IMPLICATIONS

5.1 The various Local Government Acts and regulations must be adhered to and have been taken into account when preparing the draft.

6. **CORPORATE OBJECTIVES**

6.1 Good governance is a key to the efficient running of the Council.

7. **RISK MANAGEMENT**

7.1 Ensuring the Constitution is up-to-date minimises the risk of challenge to Council decisions.

8. **CUSTOMER IMPLICATIONS**

8.1 The Constitution is a public document.

9. **OTHER IMPLICATIONS**

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None
Environmental	None
Equalities and Diversity	None

10. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	Yes
Corporate Director (Services)	No
Assistant Chief Executive	Yes
Head of Service	Report author
Head of Financial Services	No
Head of Legal & Democratic Services	Report author
Head of Organisational Development & HR	No
Corporate Procurement Team	No

11. **APPENDICES**

- Appendix 1 Summary and Explanation of the Constitution - DRAFT
- Appendix 2 Articles of the Constitution – DRAFT
- Appendix 3 Council Procedure Rules – DRAFT
- Appendix 4 Cabinet Procedure Rules - DRAFT
- Appendix 5 Scrutiny Procedure Rules – DRAFT
- Appendix 6 Performance Management Rules – DRAFT
- Appendix 7 Audit Board Management Rules – DRAFT
- Appendix 8 Budget and Policy Framework Rules – DRAFT

12. **BACKGROUND PAPERS**

None

CONTACT OFFICER

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Summary and Explanation

The Council's Constitution

Bromsgrove District Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 17 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols.

What's in the Constitution?

Article 1 of the Constitution commits the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations, and to support the active involvement of citizens in the process of local authority decision-taking.

Articles 2 - 16 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Overview and scrutiny of decisions (Article 6).
- The Cabinet(Article 7).
- Regulatory and other committees (Article 8).
- Area Committees (Article 9)
- The Standards Committee (Article 10).
- Joint arrangements (Article 11).
- Officers (Article 12).
- Decision making (Article 13).
- Finance, contracts and legal matters (Article 14).
- Review and revision of the Constitution (Article 15).

- Suspension, interpretation and publication of the Constitution (Article 16).

How the Council operates

The Council is composed of 39 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council decides the overriding policy framework and sets the budget each year. It also agrees the decision-making structure.

HOW DECISIONS ARE MADE

The Cabinet is the part of the Council which is responsible for most day-to-day decisions. The Cabinet is made up of the Leader, who is elected by the Council each year, and councillors whom he/she appoints. When major decisions are to be discussed or made, these are published in the Cabinet's forward plan in so far as they can be anticipated. If these major decisions are to be discussed with council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

OVERVIEW AND SCRUTINY

The Scrutiny Steering Board supports the work of the Cabinet and the Council as a whole. It allows citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Scrutiny Steering Board also monitors the decisions of the Cabinet. It can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the Cabinet reconsider the decision.

It may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources

wisely. A code of practice governs the relationships between officers and members of the Council.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3 of the Constitution. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific council services they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- contribute to any investigations by the Scrutiny Steering Board or Task Groups set up by the Scrutiny Steering Board by invitation;
- find out, from the Cabinet's forward plan, what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
- attend meetings of the Cabinet where key decisions are being discussed or decided;
- see reports and background papers, and any record of decisions made by the Council and Cabinet and (when attending any meeting of the Council) to take a copy of the Agenda and associated reports available in the public gallery;
- complain to the Council about any of its actions (or lack of actions) which have caused them concern;
- complain to the Commissioner for Local Administration if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Standards Board for England if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and

- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work.

For further information on your rights as a citizen please contact the Customer Service Centre, The Dolphin Centre, School Drive, Bromsgrove B60 1AY, telephone (01527) 881288, email worcestershirehub@bromsgrove.gov.uk .

THE ARTICLES OF CONSTITUTION

Article No.	
1	The Constitution
2	Members of the Council
3	Citizens and the Council
4	The Full Council
5	Chairing the Council
6	Scrutiny Steering Board
7	The Cabinet
8	Regulatory and other Committees
9	Area Committees
10	The Standards Committee
11	Joint Arrangements
12	Officers
13	Decision-Making
14	Finance, Contracts and Legal Matters
15	Review and Revision of the Constitution
16	Suspension, Interpretation and Publication of the Constitution

ARTICLE 1 - THE CONSTITUTION

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution and all its appendices are the Constitution of the Bromsgrove District Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- a. enable the Council to provide clear leadership to the community in partnership with citizens, businesses, and other organisations;
- b. support the active involvement of citizens in the process of local authority decision-making;
- c. help Councillors represent their constituents more effectively;
- d. enable decisions to be taken efficiently and effectively;
- e. create a powerful and effective means of holding decision-makers to public account;
- f. ensure that no-one will review or scrutinise a decision in which they were directly involved;
- g. ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- h. provide a means of improving the delivery of services to the community.

1.4 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Council will monitor and evaluate the operation of the Constitution as set out in Article 16.

ARTICLE 2 - MEMBERS OF THE COUNCIL

2.1 Composition and eligibility

The Council will comprise 39 Members, otherwise called Councillors. One or more Councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Electoral Commission and approved by the Secretary of State. Only registered voters of the District, or those living or working or owning property in the District, will be eligible to hold the office of Councillor.

2.2 Election and terms of Councillors

The regular election of Councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Roles and functions of all Councillors

All Councillors will:-

- a. collectively be the ultimate policy makers and carry out a number of strategic and corporate management functions;
- b. represent their communities and bring their views into the Council's decision-making process ie become the advocate for their communities;
- c. deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- d. balance different interests identified within their ward and represent the ward as a whole;

- e. contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- f. participate in the governance and management of the Council; and
- g. maintain the highest standards of conducts and ethics.
- h. be available to represent the Council on other bodies

The roles and responsibilities of Councillors are set out in more detail in Part 25 of this Constitution.

2.4 Councillors' Rights and Duties

Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than another Member of this Council or officer entitled to know it and any information so divulged to a councillor or officer is to be strictly on a confidential basis

For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 5 of this Constitution.

2.5 Conduct

Councillors will at all times observe the Members' Code of Conduct, gifts and Hospitality Code of Conduct, the Protocol on Member-Officer Relations and the Protocol on Relations Between Members set out in Parts 16, 17, 18 and 19 of this Constitution.

2.6 Allowances

Councillors will be entitled to receive allowances and/or salaries in accordance with the Members' Allowances Scheme set out in Part 15 of this Constitution.

ARTICLE 3 – CITIZENS AND THE COUNCIL

3.1 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 5 of this Constitution:

- a. **Voting and petitions** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.
- b. **Information** Citizens have the right to:
 - (i) attend meetings of the Council and its committees or Boards except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) attend meetings of the Cabinet except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (iii) find out from the forward plan what key decisions will be taken by the Cabinet and when;
 - (iv) see reports and background papers, and any minutes of decisions made by the Council and the Cabinet (other than those comprising confidential or exempt information); and
 - (v) inspect the Council's accounts and make their views known to the external auditor.
- c. **Participation**
 - (i) Citizens may be invited to contribute to investigations by the Scrutiny Steering Board or Scrutiny Task Groups.
 - (ii) Citizens who attend any meeting of the Council are entitled to take a copy of the Agenda and associated reports available in the public gallery.
 - (iii) Citizens may be entitled to address committee meetings only where public participation has been agreed by the Council.

(iv) Citizens may be invited from time to time to contribute to other community forums.

d. **Complaints** Citizens have the right to complain to:

(i) the Council itself under its complaints scheme;

(ii) the Commissioner for Local Administration after using the Council's own complaints scheme;

(iii) the Standards Board for England about a breach of the Councillor's Code of Conduct.

3.2 Citizens' responsibilities

Citizens may not disrupt or cause undue disturbance at meetings. Citizens must not be violent, abusive, or threatening to Councillors or officers and must not wilfully harm things owned by the Council, Councillors, or officers.

ARTICLE 4 – THE FULL COUNCIL

4.1 Meanings

"Policy Framework"

The policy framework means the following plans and strategies:-

- Annual Performance Plan
- Community Plan;
- Crime and Disorder Reduction Strategy;
- Plans and strategies which together comprise the Local Development Framework;
- The Development Plan;
- The Council Plan;
- Food Law Enforcement Service Plan;
- The plan and strategy which comprise the Housing Investment Programme;
- Local Agenda 21 Strategy;
- Service Business Plans;
- Inclusive Equalities Scheme;
- Improvement Plan.

"Budget"

The budget includes the allocation of financial resources to different services and projects, the medium-term financial plan, proposed contingency funds, the Council tax base, setting the Council tax and decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits.

4.2 Functions of the full Council

Only the Council will exercise the following functions:

- a. adopting and changing the Constitution;
- b. approving or adopting the Policy Framework and the Budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- c. subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 5 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget
- d. appointing or removing from office:-
 - (i) the Leader
 - (ii) the Deputy Leader
 - iii) the Chairman or Vice-Chairman
- e. confirming the appointment of the Chief Executive;
- f. agreeing and/or amending the terms of reference for committees and Boards, deciding on their composition and, subject to Article 8.03, making appointments to them;
- g. the appointment and revocation of appointments of representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- h. adopting an allowances scheme under Article 2.06;
- j. changing the name of the area or conferring the title of honorary alderman

- k. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- l. all local choice functions set out in Table 1 of Part 3 of this Constitution (Responsibilities for Functions) which the Council decides should be undertaken by itself rather than the Cabinet; and
- m. all other matters which, by law, must be reserved to Council.

4.3 Council meetings

There are three types of Council meeting:

- a. the annual meeting;
- b. ordinary meetings;
- c. extraordinary meetings

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.4 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out:

- a. those functions which are the responsibility of the Council;
- b. those functions which are the responsibility of the Council and which it has delegated to committees or officers.

ARTICLE 5 – CHAIRING THE COUNCIL

5.1 Role and function of the Chairman

The Chairman and Vice-Chairman of the Council will be elected by the Council annually. The Chairman, and in his/her absence the Vice-Chairman, will have the following roles and functions:

- a. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- b. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- c. to ensure that the Council meeting is the forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet or do not hold committee chairmanships are able to hold the Executive Cabinet and the Committee Chairmen to account;
- d. to promote public involvement in the Council's activities;
- e. to be the conscience of the Council; and
- f. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

The roles and responsibilities of the Chairman and Vice-Chairman are set out in more detail in Part 25 of this Constitution.

ARTICLE 6 – SCRUTINY STEERING BOARD

6.1 The Scrutiny Steering Board

The Council will appoint a Scrutiny Steering Board to discharge the functions conferred by section 21 of the Local Government Act 2000 (other than conducting best value reviews under section 5 of the Local Government Act 1999) or any regulations made under section 32 of the Local Government Act 2000.

6.2 Composition

The Scrutiny Steering Board will be composed of 7 Councillors, none of whom shall be members of:

- a. the Cabinet; or
- b. the Audit Board.

6.3 Terms of reference

The general terms of reference of the Scrutiny Steering Board will be to perform all overview and scrutiny functions on behalf of the Council in relation to any matter affecting the District and its inhabitants.

6.4 General role

The Scrutiny Steering Board will:

- a. review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- b. make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions;
- c. consider any matter affecting the area or its inhabitants;
- d. exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet and/or any policy or area committees (which might shall not arise before the Cabinet has made a decision).

6.5 Specific functions

The Scrutiny Steering Board may:

- a. assist the Council and the Cabinet in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
- b. conduct research, community consultation and other consultation in the analysis of policy issues and possible options;
- c. consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- d. question members of the Cabinet and chief officers;
- e. liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
- f. review and scrutinise the decisions made by the Cabinet, committees and Council Officers;

- g. review and scrutinise the performance of the Council in relation to its policy objectives and/or particular service areas;
- h. question members of the Cabinet, committees or Boards and chief officers about their decisions and performance whether generally in comparison with service plans and targets over a period of time, or in relation to particular decision, initiatives or projects;
- i. make recommendations to the Cabinet and/or the Council arising from the outcome of the scrutiny process;
- j. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Steering Board or Task Groups and local people about their activities and performance; and
- k. question and gather evidence from any person (with their consent).

6.6 Finance.

The Scrutiny Steering Board will exercise overall responsibility for any finances made available to it.

6.7 Officers.

The Head of legal and Democratic Services will in consultation with the Chairman of the Scrutiny Steering Board exercise overall responsibility for the work programme of any officers specifically employed to support their work.

6.8 Proceedings of Scrutiny Steering Board

The Scrutiny Steering Board will conduct its proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 [*check*]of this Constitution.

6.9 Annual Report

The Scrutiny Steering Board will report annually to Council on its workings together with recommendations for future work programmes and amended working methods if appropriate.

ARTICLE 7 - THE CABINET

7.1 Role

The Cabinet will carry out all the Council's functions which are not the responsibility of the full Council or any other part of the Council, whether by law or under this Constitution.

7.2 Composition

The Cabinet will consist of the Leader together with at least two, but not more than nine, Councillors appointed to the Cabinet by the Leader. Within these limits, the exact size of the Cabinet will be decided by the Leader.

7.3 Leader

The Leader will be a Councillor elected to the position of Leader by the Council at its annual meeting. The Leader will hold office until:

- a. he/she resigns from the office; or
- b. he/she is removed from office by resolution of the Council; or
- c. he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- d. he/she is no longer a Councillor.

7.4 Other Cabinet members

Other Cabinet members shall hold office until:

- a. they resign from office; or
- b. they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or

- c. they are no longer Councillors; or
- d. they are removed from office by the Leader who must give written notice of any removal to the proper officer. The removal will take effect two working days after receipt of the notice by the proper officer.

7.5 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 7 of this Constitution.

7.6 Responsibility for functions

All Cabinet decisions will be taken by the Cabinet acting collectively except:

- a. when the Cabinet has made a decision in principle it may authorize the Leader or the Portfolio Holder with responsibility to finalise outstanding details in agreement with the appropriate Head of Service;
- b. when a decision regarding a Cabinet function requires attention as a matter of such urgency that formal reporting to Cabinet is not possible, the Leader may take that decision in consultation with the Chief Executive, the Section 151 Officer and the Monitoring Officer;
- c. the Leader may request the Scrutiny Steering Board, the Audit Board and the Performance Management Board to consider including issues within their work programme;
- d. when the Cabinet has arranged for a Cabinet function to be discharged by a Cabinet committee or an officer or by way of joint or local arrangements.

The Leader will maintain a List in Table 1 Part 3 of this Constitution (Responsibility for Functions) setting out which Cabinet committees, officers or joint or local arrangements are responsible for the exercise of particular Cabinet functions.

ARTICLE 8 - REGULATORY AND OTHER COMMITTEES

8.1 Regulatory and other committees

The Council will appoint the committees and boards set out in the table in Part 3 of this Constitution to discharge the functions described in that table.

8.2 Proceedings of Regulatory and Other Committees

Unless otherwise specifically provided for in Table 2 of Part 3 of this Constitution (Committees), in Parts 9 and 10 (Audit Board Procedure Rules and Performance Management Board Procedure Rules) or elsewhere in this Constitution, regulatory and other committees will conduct their proceedings in accordance with the Council Procedure Rules in Part 4 of this Constitution.

8.3 Appointment to Seats of Regulatory and other Committees

When the Council allocates seats on a regulatory or other committee to a political group, the appointment of Councillors to those seats shall be at the discretion of the leader of the appropriate political group who shall confirm in writing to the Chief Executive the appointment or removal of any member of that group to any regulatory or other committee.

ARTICLE 9 - AREA COMMITTEES

The Council may establish Area Committees which may take the form of:

- (i) consultative forums
- (ii) decision-making bodies to which either Cabinet functions or non-Cabinet functions may be delegated.

ARTICLE 10 - THE STANDARDS COMMITTEE

10.1 Standards Committee

The Council meeting will establish a Standards Committee to discharge the functions conferred by sections 53 to 56 of the Local Government Act 2000.

10.2 Composition

- a. **Membership.** The Standards Committee will be composed of:
- (i) two/three/five District Councillors (other than the Leader) [with one member from the controlling political group and one Councillor nominated by the Leader of the Opposition/ to give political balance so far as is possible/];
 - (ii) at least two persons who are not Councillors or officers of the Council or any other body having a standards committee (independent members);
 - (iii) one member of a Parish Council wholly or mainly in the Council's area (Parish Members).
- b. **Appointment of Independent Members and Parish Members.** Independent Members and Parish Members shall be appointed by the Council in accordance with such process as the Council shall from time to time determine. The Council will appoint a nominated substitute Parish Member who may attend, participate in and vote at Standards Committee meetings in the absence of the Parish Member.
- c. **Voting.** Independent members and one Parish Member will be entitled to vote at meetings.
- d. **Parish members.** A Parish Member (one must be present when matters relating to parish Councils or their members are being considered).
- d. **Parish Councils.** The Standards Committee may establish a sub-committee to exercise the function set out in Article 10.03 h. below.
- e. **Chairing the committee.** The Chairman of the Committee shall be an Independent Member.

10.3 General Role

The Standards Committee will have the following roles and functions:

- a. promoting and maintaining high standards of conduct by Councillors and any co-opted members of Council bodies;
- b. assisting the Councillors and co-opted members to observe the Members' Code of Conduct;

- c. advising the Council on the adoption or revision of the Members' Code of Conduct;
- d. monitoring the operation of the Members' Code of Conduct;
- e. advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- f. granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- g. dealing with any report from a case tribunal, and any report from the Monitoring Officer on any matter which is referred by an ethical standards officer to the Monitoring Officer;
- h. the exercise of a - g above in relation to the Parish Councils in the Council's area and the members of those parish Councils;
- i. having an overview of the Council's whistle blowing policy;
- j. having an overview of complaints handling and ombudsman investigations;
- k. monitoring, and reviewing the operation of the Protocol on Member-Officer relations
- l. monitoring and reviewing the operation of the Protocol on Member-Member Relations;
- m. having an overview of the Council's decision-making processes to ensure compliance with this Constitution.

ARTICLE 11 - JOINT ARRANGEMENTS

11.1 Arrangements to promote well-being

The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may:

- a. enter into arrangements or agreements with any person or body;

- b. co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- c. exercise on behalf of that person or body any functions of that person or body, where legally permissible.

11.2 Joint arrangements

- a. The Council may establish joint arrangements with one or more local authorities and/or their Cabinets in order to exercise functions which are not Cabinet functions in any of the participating authorities, or in order to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- b. The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- c. Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- d. The Cabinet may appoint members to a joint committee from outside the Cabinet, where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a member for a ward which is wholly or partly contained within the area. In such circumstances the political balance requirements do not apply to such appointments.
- e. Details of any joint arrangements including any delegations to joint committees will be found in the table of Responsibility for Functions in Part 3 of this Constitution.

11.3 Access to information

- a. The Access to Information Rules in Part 5 of this Constitution apply.
- b. If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.

- c. If the joint committee contains members who are not on the Cabinet of any participating authority then the Access to Information Rules in Part V of the Local Government Act 1972 will apply.

11.4 Delegation to and from other local authorities

- a. The Council may delegate non-Cabinet functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
- b. The Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances.
- c. The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

11.5 Contracting out

The Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

ARTICLE 12 - OFFICERS

12.1 Management structure

The full Council may engage officers as it considers necessary to carry out its functions. The establishment of the Council will include the following posts, who will be designated chief officers:

Chief Executive
Corporate Director (Resources)
Corporate Director (Services)
Assistant Chief Executive
Head of Culture & Community Services
Head of E-Government & Customer Services
Head of Financial Services
Head of Legal & Democratic Services

Head of Organisational Development & Human Resources
Head of Planning & Environment Services

The Council will designate the Chief Executive as Head of Paid Service and proper officer and will designate officers as Monitoring Officer and Section 151 Officer. These posts will have the functions described in Articles 12.2 – 12.4 below.

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 14 of this Constitution.

12.2 Functions of the Head of Paid Service

- a. The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- b. The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

12.3 Functions of the Monitoring Officer

- a. **Maintaining the Constitution** The Monitoring Officer will maintain an up to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- b. **Ensuring lawfulness and fairness of decision making** After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the full Council, or to the Cabinet in relation to an Cabinet function, if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposals or decision being implemented until the report has been considered.
- c. **Supporting the Standards Committee** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

- d. **Receiving reports** The Monitoring Officer will receive and act on reports made by Ethical Standards Officers and decisions of the case tribunals.
- e. **Conducting investigations** The Monitoring Officer will conduct investigations into matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.
- f. **Proper Officer for access to information** The Monitoring Officer will ensure that Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- g. **Advising whether Cabinet decisions are within the Budget and Policy Framework** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.
- h. **Providing advice** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors.
- i. **Restrictions on post** The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

12.4 Functions of the Section 151 Officer

- a. **Ensuring lawfulness and financial prudence of decision making** After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the full Council, or to the Cabinet in relation to an Cabinet function, and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- b. **Administration of financial affairs** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- c. **Contributing to Corporate Management** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

- d. **Providing advice** The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- e. **Give financial information** The Section 151 Officer will provide financial information to the media, members of the public and the community.

12.5 Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer

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

12.6 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 19 of this Constitution.

12.7 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 13 of this Constitution.

ARTICLE 13 - DECISION MAKING

13.1 Responsibility for decision-making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in the Tables at Part 3 of this Constitution.

13.2 Principles of decision-making

All decisions of the Council will be made in accordance with the following principles:

- a. proportionality (i.e. the action must be proportionate to the proposed outcome);
- b. due consultation and the taking of professional advice from officers;
- c. respect for human rights;
- d. a presumption in favour of openness;
- e. clarity of aims and desired outcomes;
- f. due regard for the Council's environmental objectives;
- g. due regard for the Council's duties in relation to crime and disorder;
- h. clear explanations of the options considered and the reasons for the decision reached.

13.3 Types of decision

- a. Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.
- b. Key decisions are those which are likely to:
 - (i) result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
 - (ii) be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Council.

A key decision must be made in accordance with the requirements of the Cabinet Procedure Rules set out in Part 7 of this Constitution.

13.4 Decision making by the full Council

Subject to Article 14.8, each Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

14.05 Decision-making by the Cabinet.

Subject to Article 14.8, the Cabinet will follow the Cabinet Procedure Rules set out in Part 7 of this Constitution when considering any matter.

14.06 Decision-making by the Scrutiny Steering Board

The Scrutiny Steering Board will follow the Scrutiny Procedures Rules set out in Part 8 of this Constitution when considering any matter.

14.07 Decision making by other committees and sub-committees established by the Council

Subject to Article 14.8 other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them or such other Procedure Rules as are agreed by the Council and are set out in Table 2 of Part 3 of this Constitution (Committees), parts 9 and 10 (Audit Board Procedure Rules and Performance Management Board Rules) or elsewhere in this Constitution.

13.8 Decision making by Council bodies acting as tribunals

The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

ARTICLE 14 - FINANCE, CONTRACTS AND LEGAL MATTERS

14.1 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 11 of this Constitution.

14.2 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Part 12 of this Constitution.

14.3 Legal proceedings

The Chief Executive and the Head of Legal and Democratic Services are authorised to institute, defend or participate in any legal proceedings or action in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider that such action is necessary to protect the Council's interests.

14.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Executive or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

14.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal and Democratic Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal and Democratic Services should be sealed. The affixing of the Common Seal will be attested by the Head of Legal and Democratic Services or some other person authorised by him/her.

ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION

15.1 Duty to Monitor and Review the Constitution

- a. The Standards Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

- b. A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:
 - (i) observe meetings of different parts of the member and officer structure;
 - (ii) undertake an audit trail of a sample of decision;
 - (iii) record and analyse issues raised with him/her by Councillors, officers, the public and other relevant stakeholders; and
 - (iv) compare practices in the Council with those in other comparable authorities, or national examples of best practice

15.2 Changes to the Constitution

- a. Changes to the Constitution shall not be approved unless two-thirds of the total membership of the Council shall agree
- b. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals for a change from a Leader and Cabinet form of government to alternative arrangements, or vice versa.

ARTICLE 16 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

16.1 Suspension of the Constitution

The Articles of this Constitution may not be suspended.

16.2 Suspension of Rules

The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law:

- (i) Council Procedure Rules
- (ii) Scrutiny Procedure Rules
- (iii) Performance Management Board Procedure Rules

- (iv) Audit Board Procedure Rules
- (v) Cabinet Procedure Rules
- (vi) Officer Employment Procedure Rules
- (vii) Financial Regulations
- (viii) Contracts Procedure Rules
- (ix) Budget and Policy Framework Procedure Rules

16.3 Procedure for Suspension of Rules

A motion to suspend any Rules will not be moved without notice unless at least two thirds of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

16.4 Interpretation

Reference in any provision of this Constitution to the appointment of a person or a Member to an office shall be taken to include the removal of that person or Member from that office (subject to compliance with the Officer Employment Procedure Rules or other provision whether statutory or otherwise relating to the employment of staff).

16.5 Chairman's Ruling

The ruling of the Chairman of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.6 Publication

The Chief Executive will give a printed copy of this Constitution to each Councillor upon delivery to him/her of that individual's declaration of acceptance of office on the Councillor first being elected to the Council.

The Chief Executive will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

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Bromsgrove District Council

Council Procedure Rules

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1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year when there is an ordinary election of councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the Annual Meeting will take place in March, April or May.

The Annual Meeting will:

- (a) elect a person to preside if the Chairman of Council is not present;
- (b) elect the Chairman of Council;
- (c) elect the Vice Chairman of Council;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Chairman and/or Chief Executive;
- (f) elect the Leader;
- (g) appoint the Leader of the opposition;
- (h) appoint a Scrutiny Steering Board, a Standards Committee and such other committees or Boards as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3, Table 1 of this Constitution);
- (i) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution); and
- (j) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council will:

- (a) decide which committees to establish for the municipal year;
- (b) decide the size and terms of reference for those committees;
- (c) decide, where appropriate, the allocation of seats to political groups in accordance with the political balance rules;
- (d) receive nominations of councillors to serve on each outside body; and

- (e) appoint to those outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

2. ORDINARY MEETINGS

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

- (a) elect a person to preside if the Chairman and Vice Chairman are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest from members;
- (d) receive any announcements from the Chairman and/or the Head of Paid Service;
- (e) receive any announcements from the Leader;
- (f) deal with any business from the last Council meeting;
- (g) deal with questions on notice from members of the Council, in the order in which they have been received;
- (h) receive minutes and/or reports from the Audit Board;
- (i) consider reports and/or recommendations from the Cabinet including any proposals in relation to the Council's Budget and Policy Framework;
- (j) receive minutes from the Cabinet for information only and receive and answer questions on matters of clarification;
- (k) consider and (where appropriate) respond to recommendations from the Standards Committee;
- (l) consider recommendations from and (where appropriate) respond to any other Committees of the Council;
- (m) receive and consider reports from officers of the Council;
- (k) receive reports about the business of joint arrangements and external organisations and answer questions on matters of clarification;
- (n) consider motions (in the order in which they have been received);
- (o) consider any other business specified in the summons to the meeting;

- (p) to carry out all other matters, by law, which must be reserved to the Council;
- (q) to consider urgent items of business not specified on the summons to the meeting pursuant to paragraph 14 [**check**] below;
- (r) other than items under sub-paragraphs (a) – (c), the order of business may be varied by the Chairman or by Council resolution.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings

The Chief Executive may call Council meetings in addition to ordinary meetings. Those listed below may also request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer; and
- (d) any five members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition. The Chairman may, in consultation with the Leader, the Chief Executive and the Monitoring Officer, refer the subject matter thereof to the Cabinet, a committee, the next scheduled Council meeting or an officer as he/she considers appropriate and in which case the extraordinary meeting will not be called.

3.2 Business

Extraordinary meetings of the Council will consider only

- (a) the minutes of the last meeting; and
- (b) such business as is specifically stated on the agenda for the meeting

The extraordinary meeting will not consider motions (whether on Notice or without) or Questions from Members (whether on Notice or without) but may consider Minutes of Cabinet or other Committee/Board meetings or such other items of business as may be appropriate in the interests of efficient administration of Council business.

4. TIME AND PLACE OF MEETINGS

Council meetings will normally commence at 6.00pm. The place of Council meetings will be determined by the Chief Executive and notified in the summons. The time and place of Committee meetings will be determined by the Chief Executive and notified in the summons.

5. NOTICE OF AND SUMMONS TO MEETINGS

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

6. CHAIRMANSHIP OF MEETING

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

6.2 Where these rules provide for a maximum time to be devoted to an item or speech or other process, the Chairman may with the consent of the meeting extend that time if it is felt appropriate in the interests of effective conduct of Council business.

6.3 Any ruling of the Chairman shall not be challenged.

7. QUORUM

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

7.2 A motion to suspend any of those Rules set out in Article 16.02 will not be moved with or without notice unless at least two thirds of the whole number of Councillors are present.

- 7.3 Rule 7.1 above shall not apply to committees, sub-committees or Boards whose terms of reference or Procedure Rules specify the quorum applicable to a meeting of that committee, sub-committee or Board.

8. **ADVICE FROM OFFICERS**

Whenever the Head of Paid Service, the Chief Financial Officer or the Monitoring Officer considers it appropriate to give advice to the Council, they shall be at liberty to do so and the Council shall hear such advice.

9. **QUESTIONS BY MEMBERS**

On reports of the Cabinet or committees

- 9.1 A member of the Council may ask the Leader or the Chairman of a committee any question without notice upon an item of the minutes and/or any report of the Cabinet or a committee when that item is being received or under consideration by the Council.

Questions on notice at full Council

- 9.2 Subject to Rule 9.3, a member of the Council may ask:

- the Chairman;
- a member of the Cabinet; or
- the Chairman of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the District of Bromsgrove.

The member who has been asked the question may, if appropriate, refer it to another member for answer.

A question shall not be regarded as affecting the District of Bromsgrove

- (a) if it is one which relates to a national issue and would have no more effect on the District of Bromsgrove than it would on any other area; or
- (b) if it relates to actions taken by or statements made by a body or individual connected with the District of Bromsgrove, but those actions or statements are not specifically related to the District.

Notice of questions

- 9.3 A member may only ask a question under Rule 9.2 if either:
- (a) they have given at least 2 clear working days' notice of the question to the Chief Executive; or
 - (b) the question relates to urgent matters, he/she has the consent of the Chairman to whom the question is to be put, and the content of the question is given to the Chief Executive by 4.00pm on the day of the meeting.

Questions which may not be asked

- 9.5 The Chief Executive may reject a question
- (a) if it is not about a matter for which the local authority has a responsibility or which affects the District of Bromsgrove;
 - (a) is defamatory; frivolous or offensive;
 - (b) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
 - (d) does not relate to functions which are the responsibility of the full Council or the committee or sub-committee to which the question is directed; or
 - (e) the question could more appropriately be dealt with by an officer.

Reading the question at the meeting

- 9.6 The question will be read out at the meeting by the member who has asked the question or by another member on his/her behalf.

Response

- 9.7 An answer may take the form of:
- (a) a direct oral answer;
 - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Supplementary question

- 9.8 A member asking a question under Rule 9.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

Time limit for questions

- 9.9 At any meeting not more than ten minutes in total shall be devoted by the Council to the asking and answering of questions under this rule, provided that the Chairman may at his or her discretion extend the time. Any questions remaining unanswered shall (unless the member who gave notice of the question has indicated that it may be answered in writing) be dealt with at the next ordinary meeting of the Council, in the order in which they would have been dealt with at the original meeting.

10 ANNOUNCEMENTS

- 10.1 Each person entitled to make an announcement may speak for a total of five minutes.
- 10.2 Announcements must not relate to items on the agenda or confidential items.
- 10.3 In respect of the Leader's announcements only, members may ask questions by way of clarification. Up to five minutes in total may be devoted to Members' questions to the Leader.

11. MOTIONS ON NOTICE

Notice

- 11.1 Except for motions which can be moved without notice under Rule 12, written notice of every motion shall be signed by the Member submitting it in writing or by electronic means and delivered to the Monitoring Officer not later than 5pm on the fourteenth calendar day before the date of the meeting.
- 11.2 No Member shall be a signatory to more than one Notice of Motion on each agenda.
- 11.3 The Monitoring Officer will maintain a record of all Notices received

Motion set out in agenda

- 11.4 Motions will be placed on the agenda and dealt with in the order in which they were received, provided that where several Notices are considered by the Monitoring Officer to address a similar subject, they shall be grouped together.

Scope

- 11.5 Motions must be about matters for which the Council has a responsibility or which affect the District of Bromsgrove. A motion shall not be regarded as affecting the District of Bromsgrove
- (a) if it is one which relates to a national issue and would have no more effect on the District of Bromsgrove than it would on any other area; or
 - (b) if it relates to actions taken by or statements made by a body or individual connected with the District of Bromsgrove, but those actions or statements are not specifically related to the District.

Rejection of Notices of Motion

- 11.6 The Monitoring Officer may reject a Notice of Motion if the scope of the motion exceeds that in Rule 11.5 above.
- 11.7 The Monitoring Officer may reject a Notice of Motion if it is defamatory, frivolous or offensive, or substantially the same as one submitted within the previous six months.
- 11.8 The Monitoring Officer may reject a Notice of Motion if it requests the Council to make a decision which is outside the powers or responsibility of the full Council.

Deferment or Referral of Motions

- 11.9 If the motion is about a matter which, in the opinion of the Chairman on taking the advice of the Chief Executive and the Monitoring Officer, should be dealt with in conjunction with a report by an officer, it shall automatically stand deferred until such time as that report can be presented to the Council, provided that no motion shall stand deferred for more than one ordinary meeting of the Council. The Council will be informed, by way of a note attached to the agenda, of the contents of any motions standing deferred under this paragraph.
- 11.10 The Monitoring Officer will in consultation with the Member submitting the Notice of Motion, the Leader, the Chief Executive and the Chairman, determine whether the motion will be placed on the agenda for Council or whether it might more appropriately be referred to the Cabinet or other Committee for determination, or to an officer for further action.

- 11.11 If a Notice of Motion is so referred to Cabinet or to a committee, it shall be placed on the agenda for the next available meeting of that Cabinet or that committee
- 11.12 If a Notice of Motion is referred to an officer, the Monitoring Officer will by way of a note attached to the Council agenda inform the Council of the contents of any Notice of Motion referred to the Cabinet or a committee or an officer and of the timescales within which the officer will respond to the author of the Notice.
- 11.13 The Monitoring Officer will inform the member who submitted the Notice what action has been taken in pursuant of Rules 10.8 to 10. 11 above.

Time Limit for Motions on Notice

- 11.14 At any meeting the total time allowed for consideration of all Motions submitted under this Rule shall not, without the consent of the Council, exceed one hour. At the expiry of one hour (or such additional time agreed by the Council) the Chairman shall request the member speaking to conclude immediately and shall put to the vote, without further discussion, all questions necessary to dispose of the motion then under debate provided that:
- (a) if the speech to be concluded is a speech proposing a motion, the Chairman shall allow the motion to be formally seconded (without comment);
 - (b) if the speech to be concluded is a speech moving an amendment, the Chairman shall allow the amendment to be formally seconded (without comment) and the mover of the motion to exercise his/her right of reply; and
 - (c) otherwise, the Chairman shall allow the mover of the motion to exercise his/her right of reply which shall not exceed 5 minutes.

Motions not considered within the Time Limit

- 11.15 If by reason of Rule 11.14 a motion is not moved either by a member who gave the Notice or by some other member on his/her behalf, it shall be either:
- (a) treated as withdrawn and shall not be moved without fresh notice. Any Notice which is deemed to be withdrawn under this paragraph shall not be subject to the six months time restriction contained in clause 10.3 above; or
 - (b) with the consent of the Council postponed to the next ordinary meeting of the Council.

12. PROCEDURAL MOTIONS WITHOUT NOTICE

The following procedural motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.

13. RULES OF DEBATE

No speeches until motion seconded

- 13.1 Until the mover has moved a proposal and explained the purpose of it and the proposal has been seconded no other member may speak on the motion.

Right to require motion or amendment in writing

- 13.2 Unless Notice of the Motion has already been given, the Chairman may require any procedural motion or any amendment to be written down and handed to him/her before it is discussed.

13.3 Secunder's speech

When seconding a motion or amendment, a member may reserve his/her speech until later in the debate.

13.4 Content and length of speeches

- (a) Speeches must be directed to the question under discussion or to a personal explanation or point of order.
- (b) No speech may exceed 5 minutes without the consent of the Council.

13.5 When a member may speak again

A member who has spoken on a motion (including the mover and seconder) may not speak again whilst it is the subject of debate, except:

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

13.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words;so long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

13.7 Alteration of motion

- (a) Before a motion has been moved, a member may not alter a motion of which he/she has given notice except with the consent of the meeting.
- (b) Once a motion has been moved and seconded the mover of the motion may alter a motion which he/she has moved without notice with the consent of both the seconder and the meeting.
- (c) A procedural motion without notice which has been moved and seconded may be altered by the mover of the motion with the consent of the seconder and of the meeting.
- (d) Only alterations which could be made as an amendment may be made.

13.8 Withdrawal of motion

A member may withdraw a Motion which he/she has moved. No member may speak on the Motion after it has been withdrawn.

13.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the amendment has the right of reply. The mover of the original motion has the right of reply at the close of the debate on the amendment, but neither may otherwise speak on it.

13.10 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4.

13.11 Closure Motions

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

13.12 Point of order

A member may raise a point of order at any time. The Chairman will hear him/her immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final and will not be open to discussion.

13.13 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member at the same meeting which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final and will not be open to discussion.

14. PREVIOUS DECISIONS AND MOTIONS

Motion to rescind a previous decision

- 14.1 A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the Notice of Motion is signed by at least 7 members.
- 14.2 A motion or amendment in similar terms to one that has been rejected at a meeting of the Council in the past six months cannot be moved unless the Notice of Motion or amendment is signed by at least 7 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

15. URGENT ITEMS

Where there is a need to consider items of urgent business which are not specified in the summons to meeting, the member wishing to raise the same shall before the commencement of the meeting discuss the matter with the Chairman, the Chief Executive and the Monitoring Officer and the Leader and their collective decision as to whether to consider the item shall be conclusive.

16. VOTING

Majority

- 16.1 Except as provided in Rule 16.2 or where the Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.
- 16.2 Changes to the Constitution shall be decided by a majority of at least two-thirds of the whole number of members of the Council.

Chairman's casting vote

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

Show of hands

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

Recorded vote

- 16.5 If any member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote must be made before the Chairman calls for a show of hands.
- 16.6 in the interests of the efficient conduct of the meeting the Chairman shall decide how such a demand shall be administered. The ruling of the chairman shall be final and not subject to debate or discussion.

16.7 Right to require individual vote to be recorded

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

16.8 Voting on appointments

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

17. MINUTES

17.1 Signing the minutes

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

17.2 No requirement to sign minutes of previous meeting at extraordinary meeting

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

17.3 Form of minutes

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

18. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 19 (Disturbance by Public).

19. MEMBERS' CONDUCT

19.1 Standing to speak

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

19.2 Chairman standing

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

19.3 Member not to be heard further

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

19.4 Member to leave the meeting

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

19.5 General disturbance

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

20. DISTURBANCE BY PUBLIC

20.1 Removal of member of the public

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

20.2 Clearance of part of meeting room

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

21 PRESENTATION OF PETITIONS BY MEMBERS

Petitions may be presented by any member of the Council, but shall not be accompanied by any speech or comment, and every petition shall, without discussion, stand referred to the Cabinet or to the committee within whose terms of reference it falls, which shall be determined by the Chairman of the Council.

22. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

Suspension

- 22.1 All of these Council Rules of Procedure except Rule 16.7 and 17.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension shall last until such time as the meeting agrees to reinstate the suspended rule(s), or the end of the meeting, whichever is the earlier.

Amendment

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

23. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the preceding Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet. Only Rules ?, ?, ? (but not Rule?) apply to meetings of committees and sub-committees. Rules 24 – 26 shall apply only to meetings of committees and sub-committees.

24. ELECTION OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES

24.1 Election of Chairman and Vice-Chairman following Annual Meeting of the Council

Every Committee will, at its first meeting following the Annual Meeting of the Council, before proceeding to any other business, elect a Chairman and Vice-Chairman for the year, in whose absence from a particular meeting, a Chairman for that meeting may be appointed.

24.2 Vacancy in Office of Chairman or Vice-Chairman of a Committee

In the event of a vacancy arising in the office of Chairman or Vice-Chairman of a committee, the committee will at its next meeting following the declaration of the vacancy appoint a member to fill the vacancy for the remainder of the municipal year.

25 SPECIAL MEETINGS OF COMMITTEES

The Chairman of a committee or the Chairman of the Council may summon a special meeting of the committee at any time. A special meeting shall also be summoned on the requisition in writing of a quarter of the members of the committee. The summons shall set out the business to be considered at the

special meeting, and no other business than that set out shall be considered at that meeting.

26. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES

26.1 Substitution

When a member of the Council is unable to attend a particular meeting of a committee or sub-committee, he/she may appoint another member to attend the meeting as his/her substitute.

Members may not arrange for substitutes to attend in their place at:-

Performance Management Board

Scrutiny Steering Board

Audit Board

Cabinet

Standards Committee (with the exception of the Parish Member as provided for in Article 10.2 b)

26.2 Powers and Duties

Substitute members will have all the powers and duties of any ordinary member of the committee.

26.3 Substitution

Substitute members may attend meetings in that capacity only:

- (a) where the ordinary member will be absent for the whole of the meeting; and
- (b) after notifying the Head of Legal & Democratic Services before or at the commencement of the meeting of the intended substitution.

27. CALCULATION OF TIME

"Working day" shall not include a Saturday, Sunday, bank holiday, public holiday or other day on which the Council House is closed.

"Clear day" shall not include the date on which notice is given, or the date of the meeting.

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CABINET PROCEDURE RULES

1. Time and Place of Meeting

- 1.1 The Cabinet will meet at least 10 times per year at times to be agreed by the Leader.
- 1.2 The place of Cabinet meetings will be determined by the Chief Executive and notified in the agenda.

2. Notice of and Agenda for Meetings

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules in Part 5 of this Constitution. At least five clear days before a meeting the Chief Executive will send an agenda by post to every member of the Cabinet. The agenda will give the date, time and place of each meeting. The agenda will specify the business to be transacted and will be accompanied by such reports as are available.

3. Who May Attend

- 3.1 Councillors who are not members of the Cabinet may attend meetings of the Cabinet including any part of such a meeting from which the public is excluded in accordance with the Access to Information Rules in Part 5 of this Constitution but shall not (subject to paragraph 3.2 below) be entitled to speak at such meetings unless invited to do so by the Chairman of the meeting.
- 3.2 If the Cabinet is to consider a motion referred to it by the Council the proposer and seconder of that motion (if they are not members of the Cabinet) shall have the right to attend and explain the reasons for the motion.
- 3.3 If the Cabinet is to consider a matter referred to it under paragraph 9.5 below the Councillor proposing the item for consideration will be entitled to attend and address the Cabinet.

4. Exclusion of the Public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 5 of this Constitution or Rule 12 below.

5. Chairmanship

The Leader will preside at the meeting. In his/her absence the Deputy Leader will preside. If both are absent those present will appoint a member of the Cabinet who is present to preside.

6. Quorum

6.1 The quorum for a meeting of the Cabinet will be 4.

6.2 The quorum for a meeting of a Cabinet committee shall be 2.

7. Advice from Officers

7.1 The Leader may invite officers to give advice at a meeting of the Cabinet or any Cabinet committee.

7.2 Whenever the Chief Executive, the or the Monitoring Officer considers it appropriate to give advice to the Cabinet they shall be at liberty to do so and the Cabinet shall hear such advice.

8. Business to be Conducted

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

- a. consideration of the minutes of the last meeting;
- b. declarations of interest;
- c. matters referred to the Cabinet (whether by the Scrutiny Steering Board or the Council) for reconsideration by the Cabinet in accordance with the Budget and Policy Framework Rules or the Scrutiny Procedure Rules set out in Parts 6 and 8 of this Constitution);
- d. consideration of minutes and/or reports from the Scrutiny Steering Board;

- e. consideration of minutes and/or reports from the Audit Board;
- f. consideration of minutes and/or reports from the Performance Management Board;
- g. when appropriate, consideration of the Leader's report from his/her quarterly meeting with the Chairmen of the Scrutiny Steering Board, Audit Board and Performance Management Board;
- h. consideration of reports from the Leader and/or Portfolio Holders of any decisions taken by them individually pursuant to Article 7.6 of the Constitution; and
- i. matters set out in the agenda for the meeting in accordance with paragraph 9 below.

9. Items for Consideration by the Cabinet

- 9.1 The Leader may put on the agenda of any Cabinet meeting any matter which he/she wishes whether or not it relates to a Cabinet function. The Chief Executive will comply with the Leader's requests in this respect.
- 9.2 Any member of the Cabinet may require the Chief Executive to place an item on the agenda of the next available Cabinet meeting for consideration.
- 9.3 The Council may require the Chief Executive to place on the agenda of the next available Cabinet meeting an item for consideration.
- 9.4 The Scrutiny Steering Board may require the Chief Executive to place on the agenda of the next available Cabinet meeting an item for consideration.
- 9.5 The Performance Management Board may require the Chief Executive to place on the agenda of the next available Cabinet meeting an item for consideration.
- 9.6 The Audit Board may require the Chief Executive to place on the agenda of the next available Cabinet meeting an item for consideration.
- 9.7 A Councillor (who is not a member of the Cabinet) may request the Leader to place an item on the agenda of the next available meeting of the Cabinet for consideration and the Leader will decide whether the item should be placed on the agenda. In exercising his discretion the Leader should not act unreasonably and, if refused, reasons for his decision must

be given in writing to the Councillor concerned. The Notice of Meeting will give the name of the Councillor who requested the consideration of the item.

- 9.8 The Monitoring Officer and/or Section 151 Officer may include an item for consideration on the agenda of a meeting of the Cabinet and may require the proper officer to call such a meeting in pursuance of their statutory duties.
- 9.9 If any two of the Chief Executive, the Section 151 Officer and the Monitoring Officer are of the opinion that a meeting of the Cabinet needs to consider a matter that requires a decision they may jointly include an item on the agenda of the next available meeting of the Cabinet. If necessary, they may also require that a meeting of the Cabinet be specially convened for consideration of the matter.
- 9.10 The Chief Executive may place on the agenda of the next available meeting of the Cabinet an item to consider a report of a Chief Officer of the Council.

10. Urgent Items

When there is a need to consider items of urgent business which are not on the formal agenda the Councillor wishing to raise the same shall before the start of the meeting discuss the matter with the Leader, the Monitoring Officer and the Chief Executive, and their collective decision shall be conclusive.

11. Voting

- 11.1 Any matter will be decided by a simple majority of those present in the room at the time the question was put.
- 11.2 If there are equal numbers of votes for and against, the Chairman of the meeting will have a second or casting vote.
- 11.3 Each item of business requiring a decision by the Cabinet will be moved and seconded before the vote is taken.

12. Disturbance by the Public

If a member of the public interrupts proceedings the Chairman of the meeting may warn the person concerned. If he/she continues to interrupt

the Chairman of the meeting may order his/her removal from the meeting room.

13. Minutes

The Chairman of each meeting will sign the minutes of the proceedings as the next suitable meeting.

14. Publication of Cabinet Decisions

14.1 A decision made by the Cabinet, or a key decision made by an officer with delegated authority from the Cabinet or under joint arrangements, shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 3 working days of being made. All Councillors will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

14.2 That notice (which may take the form of the minutes of a meeting of the Cabinet) will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the Chairman of the Scrutiny Steering Board or three members of the Scrutiny Steering Board objects to it and calls it in.

15. Exclusion of the Call-In Process

15.1 The call-in procedure set out in the Scrutiny Procedure Rules in Part 8 of this Constitution shall not apply where the decision being taken by the Cabinet, or a key decision made by an officer with delegated authority from the Cabinet, or under joint arrangements, is urgent.

15.2 A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests.

15.3 The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Scrutiny Steering Board must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman of the Scrutiny Steering Board, the Vice-Chairman's consent shall be required. In

the absence of both, the Chief Executive or his/her nominee's consent shall be required.

- 15.4 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

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SCRUTINY PROCEDURE RULES

1. Arrangements for Scrutiny

- 1.1 The Council will appoint a Scrutiny Steering Board as set out in Article 6 of this Constitution.
- 1.2 The Scrutiny Steering Board will comprise 7 Councillors. All Councillors except members of the Cabinet and members of the Audit Board may be members of the Scrutiny Steering Board.
- 1.3 The Scrutiny Steering Board may appoint such Task Groups as it considers appropriate to enable it to perform the overview and scrutiny functions on behalf of the Council. Task Groups will operate in accordance with the Task Group Procedure Rules appended to these Scrutiny Procedure Rules.

2. Co-optees

- 2.1 The Scrutiny Steering Board shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees of the Scrutiny Steering Board.
- 2.2 The Scrutiny Steering Board shall be entitled to appoint a number of people as non-voting co-optees of any Task Group.

3. Meetings of the Scrutiny Steering Board

- 3.1 There shall be at least 6 ordinary meetings of the Scrutiny Steering Board in each year.
- 3.2 Extraordinary meetings may be called from time to time as and when appropriate.
- 3.3 An extraordinary meeting of the Scrutiny Steering Board may be called by the Chairman of the Scrutiny Steering Board, by any 3 members of the Scrutiny Steering Board or by the Chief Executive if he/she considers it necessary or appropriate.
- 3.4 Members of the Scrutiny Steering Board who cannot attend a particular meeting may not arrange for substitutes to attend.

4. Quorum

The quorum for a meeting of the Scrutiny Steering Board shall be four.

5. Participation in Meetings

No member may be involved in scrutinising a decision in which he/she has been directly involved. If any member of a Scrutiny Steering Board finds that a decision in which he/she has been directly involved is to be scrutinised, he/she shall declare the fact to the Scrutiny Steering Board and take no part in the discussion and voting in the part of the meeting which relates to that decision.

6. Chairman

The Scrutiny Steering Board will appoint one of its members as Chairman at its first meeting following the Annual Council Meeting.

7. Work Programme

7.1 The Scrutiny Steering Board will be responsible for setting its own work programme and in doing so shall take into account of:

- a. the views of members of the Scrutiny Steering Board who are not members of the largest political group on the Council;
- b. the forward plan
- c. suggestions of matters for scrutiny made by the Cabinet; and
- d. suggestions of matters for scrutiny made by the Leader arising from his/her quarterly meeting with the Chairman of the Scrutiny Steering Board, Audit Board and Performance Management Board in accordance with paragraph 7.2 below.

7.2 The Leader shall meet quarterly with the Chairman of the Scrutiny Steering Board, Audit Board and Performance Management Board with appropriate officers in attendance to review and, where appropriate, co-ordinate their respective work programmes.

8. Procedure at Scrutiny Steering Board meetings

The Scrutiny Steering Board shall at each meeting consider the following business:

- a. consideration of the minutes of the last meeting;
- b. declarations of interest (including whipping declarations);
- c. consideration of any matter referred to the Scrutiny Steering Board for a decision in relation to call in of a decision;
- d. responses of the Cabinet to reports of the Scrutiny Steering Board;
- e. the forward plan;
- f. progress on on-going scrutiny exercises (if appropriate)
- g. reports from the quarterly meetings between the Leader and Chairmen of the Scrutiny Steering Boards, Audit Board and Performance Management Board (if appropriate); and
- h. matters set out on the agenda for the meeting in accordance with paragraph 9 below.

9. Agenda items

- 9.1 Any member of the Scrutiny Steering Board shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the Scrutiny Steering Board to be included on the agenda for the next available meeting of the Scrutiny Steering Board. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.
- 9.2 Where a matter is referred to the Scrutiny Steering Board by the Council (including a matter referred by the Monitoring Officer under Council Procedure Rule 11.10), it shall be considered at either the first or second ordinary meeting of the Scrutiny Steering Board following the referral.
- 9.3 The Scrutiny Steering Board shall also respond, as soon as its work programme permits, to requests to review particular areas of Council activity from the Council, the Cabinet or the Leader (arising from his/her quarterly meeting with the Chairmen of the Scrutiny Steering Board, Audit Board and Performance Management Board).

10. Rights of Scrutiny Steering Board members to documents

- 10.1 In addition to their rights as Councillors, members of the Scrutiny Steering Board have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in part 5 of the Constitution.
- 10.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Steering Board as appropriate depending on the particular matter under consideration.

11. Policy review and development

- 11.1 The role of the Scrutiny Steering Board in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Part 6 of the Constitution.
- 11.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Scrutiny Steering Board may make proposals to Cabinet for developments in so far as they relate to matters within its terms of reference.
- 11.3 The Scrutiny Steering Board, and any Task Group established by it, may:
- a. hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process;
 - b. conduct site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations;
 - c. ask witnesses to attend to address them on any matter under consideration;
 - d. pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that the budget set by the Council each year for such purposes is not exceeded.

12. Members and officers giving account

- 12.1 The Scrutiny Steering Board or a Task Group established by it may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing

documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:

- a. any particular decision or series of decisions;
- b. the extent to which the actions taken implement Council policy; and/or
- c. his/her performance

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

- 12.2 If any Councillor or officer is required to attend meetings of the Scrutiny Steering Board or its Task Groups under this provision, the Councillor or officer will be given reasonable notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Scrutiny Steering Board or Task Group. Where the account to be given to the Scrutiny Steering Board will require the production of a report, then the Councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation
- 12.3 If the Councillor or officer is unable to attend on the required date, the Scrutiny Steering Board or Task Group shall in consultation with the Councillor or officer arrange an alternative date for attendance.

13. Attendance by others

- 13.1 The Scrutiny Steering Board or a Task Group may invite people other than those people referred to in paragraph 12 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. The person invited will be given reasonable notice and the notice will state the nature of the item on which he/she is invited to attend and whether any papers are requested.
- 13.2 If the Scrutiny Steering Board is to consider a motion referred to it by the Council meeting, the proposer and seconder of the motion shall (if they are not members of the Scrutiny Steering Board) have the right to attend the relevant meeting and to explain the reasons for their motion, although they may not propose, second or vote on recommendations by the Scrutiny Steering Board which arise from that motion.

- 13.3 If the Scrutiny Steering Board or a Task Group invites a person to address a meeting or to give evidence, the following principles will be observed:
- a. the investigation will be conducted fairly and all members of the Scrutiny Steering Board will be given the opportunity to ask questions of attendees, and to contribute and speak;
 - b. those assisting the Scrutiny Steering Board by giving evidence will be treated with respect and courtesy; and
 - c. the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

14. Reports from Scrutiny Steering Board

- 14.1 Once it has formed recommendations on proposals for development, the Scrutiny Steering Board will make its report and findings public and will submit a formal report to the Chief Executive for consideration by the Cabinet.
- 14.2 If the Scrutiny Steering Board cannot agree on one single final report to the Council or Cabinet as appropriate, then no more than one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- 14.3 The Cabinet shall consider the report of the Scrutiny Steering Board within two months of it being submitted to the Chief Executive and shall issue a formal response to the report.

15. Consideration of Scrutiny Steering Board Reports by the Cabinet

- 15.1 The agenda for Cabinet meetings shall include an item to consider minutes and/or reports from the Scrutiny Steering Board and reports of the Scrutiny Steering Board referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda) within two months of the Scrutiny Steering Board completing its report/recommendations.
- 15.2 Once a report has been considered by the Cabinet, and any questions or issues raised by the Cabinet have been resolved, the Scrutiny Steering Board will disband any Task Group appointed in connection with the preparation of that report.

16. Review of Scrutiny Steering Board Reports

The Scrutiny Steering Board will review implementation of its recommendations in any report not sooner than 12 months after consideration of its report by the Cabinet. The Scrutiny Steering Board may appoint a Task Group or reconvene the Task Group which carried out the original investigation or any member of that Task Group to undertake this review on its behalf.

17. Call-in

- 17.1 Call-in should only be used in exceptional circumstances when members of the Scrutiny Steering Board have evidence which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 13 (Decision Making).
- 17.2 When a decision is made by the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 3 working days of being made. All members of the Council will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- 17.3 That notice (which may take the form of the minutes of a meeting of the Cabinet) will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the Chairman of the Scrutiny Steering Board or three members of the Scrutiny Steering Board objects to it and calls it in.
- 17.4 During that period, the Chief Executive shall call in a decision for scrutiny by the Scrutiny Steering Board if so requested by the Chairman of the Scrutiny Steering Board or any three members of the Scrutiny Steering Board, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the Board on such date as he/she may determine, where possible after consultation with the Chairman of the Scrutiny Steering Board, and in any case within 10 working days of the decision to call in.
- 17.5 If, having considered the decision, the Scrutiny Steering Board is still concerned about it, then it may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they

- shall then reconsider within a further 10 working days, amending the decision or not, before adopting a final decision.
- 17.6 If, following an objection to the decision, the Scrutiny Steering Board does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Scrutiny Steering meeting, or the expiry of that further 10 working day period, whichever is the earlier.
- 17.7 If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no power to make decisions in respect of a Cabinet decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet, a meeting will be convened to reconsider within 5 working days of the Council request.
- 17.8 If the Council does not meet, or if it does but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- 17.9 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Chief Executive or his/her nominees' consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 17.10 The operation of the provisions relating to call-in and urgency shall be monitored annually by the Scrutiny Steering Board, and a report submitted to Council with proposals for review if necessary.

18. The party whip

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

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TASK GROUPS PROCEDURE NOTES

1. Appointment of Chairman

The Chairman of the Task Group will be appointed by the Scrutiny Steering Board and will normally be a member of the Scrutiny Steering Board. However, the Scrutiny Steering Board may, if it considers it appropriate, appoint as Chairman of a Task Group a Councillor who is not a member of the Scrutiny Steering Board who has undergone appropriate chairmanship training.

2. Appointment to and Membership of Task Groups

2.1 The Scrutiny Steering Board will arrange for written notice of the establishment of a Task Group, together with a general description of the nature of the work to be undertaken by the Task Group, to be given to;

- group leaders; and
- all Councillors who are not members of the Cabinet

2.2 A Councillor interested in joining a Task Group shall complete and return a form explaining why he/she is interested in becoming a member of the Task Group and explaining any particular skills, experience or expertise he/she could bring to the Task Group.

2.3 Members of the Cabinet cannot become members of Task Groups.

2.4 The Scrutiny Steering Board will consider and agree the membership of the Task Group at its next available meeting. If the Chairman of the Task Group is not a member of the Scrutiny Steering Board, the Chairman of the Task Group will be consulted before membership of the Task Group is considered and agreed. The size of each Task Group may vary but as a general rule Task Groups should have a minimum of three members and no more than seven.

2.5 Task Group members who cannot attend a meeting of a Task Group cannot appoint a substitute member.

3. Co-opted members

3.1 The Scrutiny Steering Board may co-opt members who are not Councillors to the Task Group.

3.2 Co-opted members have no voting rights.

4. Proportional allocation of seats

Task Groups are not covered by the requirement for seats to be allocated on the basis of political group proportionality.

5. Terms of reference

5.1 The Chairman of the Task Group will, in consultation with officers, carry out an initial scoping exercise for the Task Group which will include proposals for the Task Group's terms of reference.

5.2 The scoping exercise including the proposed terms of reference will be considered and agreed by the Scrutiny Steering Board at its next available meeting or at an extraordinary meeting convened for this purpose.

5.3 The Scrutiny Steering Board will consider any request from the Task Group for modification of its terms of reference at any time during the course of the investigation.

6. Working

6.1 A Task Group should carry out its investigation in accordance with the Scrutiny Procedure Rules.

6.2 A Task Group does not have any powers to take any decisions. It should consider the issues it has been asked to investigate and submit a report to the Scrutiny Steering Board which will then decide whether or not to make any recommendations to the Cabinet.

7. Timescales

Task Groups will normally be expected to conclude their investigation within four months of the date of the first meeting. Task Groups will not be disbanded until the report of the Scrutiny Steering Board has been considered by the Cabinet and any questions or issues raised by the Cabinet have been resolved.

8. Monitoring

Task Groups will provide the Scrutiny Steering Board with regular updates on the work of the Task Group. In considering those regular updates the Scrutiny Steering Board may suggest areas of work or issues for consideration or investigation by the Task Group.

9. Final report

9.1 The Scrutiny Steering Board will consider in detail the final report of the Task Group and the Task Group will respond to any requests by the Scrutiny Steering Board to substantiate and justify any proposals it brings forward.

9.2 Members of the Task Group who disagree with the majority report of the Task Group may produce one minority report, which may put forward alternative proposals. This will then be considered alongside the report of the Task Group by the Scrutiny Steering Board. The Scrutiny Steering Board will then decide which recommendations it wishes to support.

9.3 The Chairman of a Task Group shall be responsible for ensuring that the recommendations in the final report of the Task Group fairly and accurately reflect the findings of the Task Group.

10. Agenda, Minutes of and Public Access to Task Group Meetings

10.1 Agendas for Task Group meetings are usually only circulated to members of the Task Group.

10.2 Members of the Scrutiny Steering Board are entitled to attend and participate in meetings of the Task Group at the discretion of the Chairman of the Task Group but do have no voting rights at Task Group meetings. The Chairman of the Task Group will balance demand for such participation against the need to maintain the small size of the Task Group.

10.3 The public has no right to attend Task Group meetings, nor a right of access to the agendas and minutes (beyond those rights provided by the Freedom of Information Act).

PERFORMANCE MANAGEMENT BOARD PROCEDURE RULES

1. Role of the Performance Management Board

- 1.1 The Council has established a Performance Management Board.
- 1.2 The Performance Management Board shall work in partnership with the Cabinet and officers to ensure good stewardship of the Council's resources and deliver better outcomes for the people of the District.
- 1.3 The ultimate responsibility for performance management rests with the Portfolio Holders with responsibility for performance management and the Cabinet.
- 1.4 The Performance Management Board does not have the power to make decisions with regard to performance but has a pivotal role in examining performance issues in more detail.

2. Terms of Reference

- 2.1 The terms of reference of the Performance Management Board are to have overall responsibility for monitoring and driving performance improvement of the Council.
- 2.2 In particular the Performance Management Board will:
 - a. be responsible for Business Planning and Performance Management and to ensure that the process is an integral part of the Council's short and medium-term financial strategy.
 - b. monitor progress in achieving the Council's:
 - (i) Corporate Plan priorities and objectives;
 - (ii) Performance Plan targets;
 - (iii) Financial targets and performance against budget.
 - c. identify unsatisfactory progress or performance and make recommendations on remedial action to Executive Cabinet.
 - d. consider and monitor implementation of the findings of any Inspection reports

3. Composition

- 3.1 The Performance Management Board will comprise 7 Councillors. All Councillors except members of the Cabinet may be members of the Performance Management Board.
- 3.2 The relevant Portfolio Holder is expected to attend any meeting of the Performance management Board when an item on the agenda relates to matters within his/her areas of responsibility. He/she may participate in the meeting for that item only but may not vote.

4. Co-optees

- 4.1 The Performance Management Board shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees of the Performance Management Board.
- 4.2 The Performance Management Board shall be entitled to appoint a number of people as non-voting co-optees.

5. Chairman

The Performance Management Board will appoint one of its members as Chairman at its first meeting following the Annual Council Meeting.

6. Meetings of the Performance Management Board

- 6.1 There shall be at least 10 ordinary meetings of the Performance Management Board in each year.
- 6.2 Extraordinary meetings may be called from time to time as and when appropriate.
- 6.3 A meeting of the Performance Management Board may be called by the Chairman of the Performance Management Board, by any 3 members of the Performance Management Board or by the Chief Executive if he/she considers it necessary or appropriate.
- 6.4 Members of the Performance Management Board who cannot attend a particular meeting may not arrange for substitutes to attend.

7. Quorum

The quorum for a meeting of the Performance Management Board shall be four.

8. Attendance of Officers at Meetings

8.1 The Chief Executive and either the Assistant Chief Executive or one of the Corporate Directors is expected to attend every meeting of the Performance Management Board.

8.2 The relevant Head of Service is expected to attend a meeting of the Performance Management Board during the consideration of any item on the agenda which relates to matters within his/her responsibility.

9. Participation in Meetings

No member may be involved in the consideration of a decision in which he/she has been directly involved. If any member of the Performance Management Board finds that a decision in which he/she has been directly involved is to be considered, he/she shall declare the fact to the Performance Management Board and take no part in the discussion and voting in the part of the meeting which relates to that decision.

10. Work Programme

10.1 The Performance Management Board will be responsible for setting its own work programme and in doing so shall take into account of:

- a. the views of members of the Performance Management Board who are not members of the largest political group on the Council;
- b. suggestions of matters for consideration made by the Cabinet;
- c. suggestions of matters for consideration made by the Leader arising from his/her quarterly meeting with the Chairmen of the Scrutiny Steering Board, Audit Board and Performance Management Board in accordance with paragraph 10.4 below;
- d. suggestions of matters for consideration made by the Council; and
- e. the professional advice of officers

- 10.2 The partnership between the Performance Management Board and officers will need to have due regard to the capacity of officers to deliver the agreed work programme.
- 10.3 Inclusion of matters in the work programme will be dependant on the following:-
- a. The Cabinet is responsible for setting the objectives, priorities and performance targets of the Council. The Performance Management Board is responsible for examining and monitoring the progress of these and making recommendations to the Cabinet on required corrective action. Performance issues form a key part of any debate on future objectives, priorities and targets, so the Performance Management Board should have an opportunity to put forward its views to Cabinet on any debate on the strategic direction of the Council;
 - b. The Performance Management Board is responsible for examining and monitoring progress and performance across the Council. Where an issue needs to be examined in greater detail the Performance Management Board will recommend to the Cabinet that it is referred to the Scrutiny Steering Board;
 - c. Service Business Plans will be approved by Portfolio Holders and the Cabinet with the Corporate Management Team responsible for implementation. Heads of Service will be required to provide progress reports to the Performance Management Board on their Service Business Plans. The Performance Management Board will examine Service Business Plans, after they have been provisionally agreed by Portfolio Holders and prior to their final agreement at Cabinet, so that the Performance Management Board can make recommendations to Cabinet on the appropriateness of any Service Business Plan;
 - d. The Performance Management Board will have responsibility for examining and monitoring progress in respect of the Council's Improvement Plan each month, making recommendations to the Portfolio Holder and the Leader in advance of each meeting with the Government Monitoring Board. When Voluntary Engagement ends, the Performance Management Board will be responsible for examining and monitoring the progress of any Improvement Plan or corporate programme of projects agreed by the Cabinet;
 - e. The Performance Management Board will have no responsibility for audit functions which will be considered by the Audit Board;

- f. The Performance Management Board will be responsible for driving implementation of any recommendations arising from Value for Money and Use of Resources assessments.
- 10.4 The Leader shall meet quarterly with the Chairmen of the Scrutiny Steering Board, Audit Board and Performance Management Board with appropriate officers in attendance to review and, where appropriate, co-ordinate their respective work programmes.

11. Procedure at Performance Management Board meetings

The Performance Management Board shall at each meeting consider the following business:

- a. consideration of the minutes of the last meeting;
- b. declarations of interest;
- c. responses of the Cabinet to reports of the Performance Management Board; and
- d. matters set out on the agenda for the meeting in accordance with paragraph 12 below.

12. Agenda items

12.1 The majority of agenda items will be on a regular cycle of reporting in accordance with the agreed work programme. The work programme will be reviewed annually, but can be amended through the year by the Performance Management Board if required.

12.2 Additional agenda items (other than the work programme) may include:

- a. more detailed reports from officers on a particular performance issue; and/or
- b. more regular reporting of specific performance indicators which are of concern to the Performance Management Board.

In both instances, the Performance Management Board will work in partnership with officers to agree these additional agenda items.

12.3 Where a matter is referred to the Performance Management Board by the Council (including a matter referred by the Monitoring Officer under

Council Procedure Rule 11.10), it shall be considered at either the first or second ordinary meeting of the Performance Management Board following the referral.

- 12.4 The Performance Management Board shall also respond, as soon as its work programme permits, to requests from the Cabinet to review particular areas of Council activity. Where it does so, the Performance Management Board shall report its findings and any recommendations back to the Cabinet. The Cabinet shall consider the report of the Performance Management Board within two months of receiving it.

13. Investigations and Enquiries

- 13.1 The Performance Management Board may
- a. hold enquiries and investigate the available options for the future direction of Internal Audit and may appoint advisers and assessors to assist them in this process;
 - b. conduct site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform the Performance Management Board in its deliberations;
 - c. invite witnesses to attend to address the Performance Management Board on any matter under consideration.;
 - d. pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that any budget set by the Council each year for such purposes is not exceeded.

14. Members and officers giving account

- 14.1 The Performance Management Board may review performance of the Council's departments. As well as reviewing documentation, in fulfilling its terms of reference, it may require any member of the Cabinet, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:
- a. any particular decision or series of decisions;
 - b. the extent to which the actions taken implement Council policy; and/or
 - c. his/her performance

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

- 14.2 If any Councillor or officer is required to attend meetings of the Performance Management Board under this provision, the Councillor or officer will be notified in writing and will be given reasonable notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Performance Management Board. Where the account to be given to the Performance Management Board will require the production of a report, then the Councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 14.3 If the Councillor or officer is unable to attend on the required date, the Performance Management Board shall in consultation with the Councillor or officer arrange an alternative date for attendance.

15. Attendance by others

- 15.1 The Performance Management Board may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. The person invited will be given reasonable notice and the notice will state the nature of the item on which he/she is invited to attend and whether any papers are requested.
- 15.2 If the Performance Management Board is to consider a motion referred to it by the Council meeting, the proposer and seconder of the motion shall (if they are not members of the Performance Management Board) have the right to attend the relevant meeting and to explain the reasons for their motion, although they may not propose, second or vote on recommendations by the Board which arise from that motion.
- 15.3 If the Performance Management Board invites a person to address a meeting or to give evidence, the following principles will be observed:
- a. the investigation will be conducted fairly and all members of the Performance Management Board will be given the opportunity to ask questions of attendees, and to contribute and speak;
 - b. those assisting the Performance Management Board by giving evidence will be treated with respect and courtesy; and

- c. the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

16. Reports from Performance Management Board

- 16.1 Once it has formed recommendations on proposals for development, the Performance Management Board will make its findings public and report to the Cabinet.
- 16.2 The Cabinet shall consider the report of the Performance Management Board within two months of it being submitted.
- 16.3 Each report will clearly identify the proposed corrective action recommended by the Performance management Board.
- 16.4 In respect of performance issues requiring urgent corrective action the relevant Head of Service will seek approval from the relevant Corporate Director and Portfolio Holder for an agreed course of action which will be reported to the next meeting of the Cabinet.

17. Consideration of Performance Management Board Reports by the Cabinet

The agenda for Cabinet meetings shall include an item at which minutes and reports of the Performance Management Board will be considered. The minutes and/or reports of the Performance Management Board referred to the Cabinet and regular reports arising from the agreed work programme for the year shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda).

18. The party whip

A party whip must not be applied at Performance Management Board Meetings.

19. Finance.

The Performance Management Board may exercise overall responsibility for any finances made available to it.

AUDIT BOARD PROCEDURE RULES

1. Role of the Audit Board

- 1.1 The Council has established an Audit Board.
- 1.2 The Audit Board shall work in partnership with the Cabinet and officers to ensure good stewardship of the Council's resources and deliver better outcomes for the people of the District.
- 1.3 The ultimate responsibility for audit rests with the Portfolio Holder with responsibility for finance and the Section 151 Officer. Therefore the Audit Board can make informed recommendations but it is not the role of the Audit Board to be a substitute for management of Internal Audit.
- 1.4 The Audit Board does not have the power to make decisions with regard to Internal Audit or to direct officers with regard to Internal Audit.

2. Terms of Reference

- 2.1 The terms of reference of the Audit Board are as follows:
 - a. The Audit Board is charged with monitoring the good stewardship of the Authority's resources through the work of the Internal Audit function.
 - b. The Audit Board will support the profile, status and authority of the Internal Audit function and will demonstrate its independence.
 - c. The Audit Board will contribute towards making the Authority, its committees and departments more responsive to the Internal Audit function.
 - d. The Audit Board is charged with the responsibility for promoting internal control by the systematic appraisal of the Authority's internal control mechanisms, by the development of an anti-fraud culture and by the review of financial procedures.
 - e. The Audit Board is charged with the responsibility for focusing audit resources, by agreeing the audit plans and monitoring delivery of the Internal Audit function.
 - f. The Audit Board will monitor both internal and external audit performance by ensuring auditor/officer collaboration within the agreed

timescales, by securing the timely preparation and response to audit reports, by ensuring the implementation of audit recommendations and by monitoring the finalisation of the annual accounts.

- g. The Audit Board will receive and consider a summary of internal audit work undertaken since the last meeting, plus the current status of this work.
- h. The Audit Board will monitor compliance with the Authority's standards, codes of practice and policies through the work of the Internal Audit function.
- i. The Audit Board will monitor compliance with relevant legislative requirements through the work of the Internal Audit function.
- j. The Audit Board will ensure that it acts within the policies and strategies of the Authority.

2.2 Within those terms of reference, the Audit Board will:

- a. agree the annual and strategic audit plans;
- b. review Internal Audit's progress against the audit plan and consider Internal Audit performance measures;
- c. receive and consider a summary of work undertaken by Internal Audit since the last meeting, plus current status;
- d. receive and consider executive summaries of financial process/procedures;
- e. receive and consider executive summaries of Value For Money reports;
- f. receive and consider executive summaries of contract audit reports;
- g. receive and consider executive summaries of any special investigations undertaken by Internal Audit.
- h. receive and consider a chronological summary of Internal Audit reports awaiting departmental response and address any evident problems.
- i. monitor the proportion of key recommendations actioned since the previous meeting.

- j. consider all external audit reports including the Annual Audit Letter.

3. Composition

- 3.1 The Audit Board will comprise 7 Councillors. All Councillors except members of the Cabinet and members of the Scrutiny Steering Board may be members of the Audit Board.
- 3.2 The Portfolio Holder with responsibility for finance shall be expected to attend each meeting of the Audit Board. He/she may participate in the meeting but may not vote.

4. Co-optees

- 4.1 The Audit Board shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees of the Audit Board.
- 4.2 The Audit Board shall be entitled to appoint a number of people as non-voting co-optees.

5. Chairman

The Audit Board will appoint one of its members as Chairman at its first meeting following the Annual Council Meeting.

6. Meetings of the Audit Board

- 6.1 There shall be at least 4 ordinary meetings of the Audit Board in each year.
- 6.2 Extraordinary meetings may be called from time to time as and when appropriate.
- 6.3 A meeting of the Audit Board may be called by the Chairman of the Audit Board, by any 3 members of the Audit Board or by the Chief Executive if he/she considers it necessary or appropriate.
- 6.4 Members of the Audit Board who cannot attend a particular meeting may not arrange for substitutes to attend.

7. Quorum

The quorum for a meeting of the Audit Board shall be four.

8. Attendance of officers at meetings

8.1 The Section 151 Officer or his/her deputy shall be expected to attend each meeting of the Audit Board.

8.2 The Audit Services Manager shall be expected to attend each meeting of the Audit Board.

9. Participation in Meetings

No member may be involved in the consideration of a decision in which he/she has been directly involved. If any member of the Audit Board finds that a decision in which he/she has been directly involved is to be considered, he/she shall declare the fact to the Audit Board and take no part in the discussion and voting in the part of the meeting which relates to that decision.

10. Work Programme

10.1 The Audit Board will be responsible for setting its own work programme and in doing so shall take into account of:

- a. the views of members of the Audit Board who are not members of the largest political group on the Council;
- b. suggestions of matters for consideration made by the Cabinet;
- c. suggestions of matters for consideration made by the Council; and
- d. suggestions of matters for consideration made by the Leader arising from his/her quarterly meeting with the Chairmen of the Scrutiny Steering Board, Audit Board and Performance Management Board in accordance with paragraph 10.2 below.

10.2 The Leader shall meet quarterly with the Chairmen of the Scrutiny Steering Board, Audit Board and Performance Management Board with appropriate officers in attendance to review and, where appropriate, co-ordinate their respective work programmes.

11. Procedure at Audit Board meetings

The Audit Board shall at each meeting consider the following business:

- a. consideration of the minutes of the last meeting;
- b. declarations of interest;
- c. responses of the Cabinet to reports of the Audit Board; and
- d. matters set out on the agenda for the meeting in accordance with paragraph 12 below.

12. Agenda items

- 12.1 Any member of the Audit Board shall be entitled to give notice to the Section 151 Officer that he/she wishes an item relevant to the functions of the Audit Board to be included on the agenda for the next available meeting of the Audit Board. On receipt of such a request the Section 151 Officer will ensure that it is included on the next available agenda.
- 12.2 Where a matter is referred to the Audit Board by the Council (including a matter referred by the Monitoring Officer under Council Procedure Rule 11.10), it shall be considered at either the first or second ordinary meeting of the Audit Board following the referral.
- 12.3 The Audit Board shall also respond, as soon as its work programme permits, to requests from the Council or the Cabinet to review particular areas of Council activity. The Audit Board shall report its findings and any recommendations back to Council or Cabinet (as appropriate).

13. Investigations and Enquiries

The Audit Board may

- a. hold enquiries and investigate the available options for the future direction of Internal Audit and may appoint advisers and assessors to assist them in this process;
- b. conduct site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform the Audit Board in its deliberations;

- c. invite witnesses to attend to address the Audit Board on any matter under consideration;
- d. pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that any budget set by the Council each year for such purposes is not exceeded.

14. Members and officers giving account

14.1 The Audit Board may review internal control mechanisms and systems that exist in any Council department. As well as reviewing documentation, in fulfilling its terms of reference, it may require any member of the Cabinet, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:

- a. any particular decision or series of decisions;
- b. the extent to which the actions taken implement Council policy; and/or
- c. his/her performance

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

14.2 If any Councillor or officer is required to attend meetings of the Audit Board under this provision, the Councillor or officer will be given reasonable notice in writing of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Audit Board. Where the account to be given to the Audit Board will require the production of a report, then the Councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation

14.3 If the Councillor or officer is unable to attend on the required date, the Audit Board shall in consultation with the Councillor or officer arrange an alternative date for attendance.

15. Attendance by others

15.1 The Audit Board may invite people other than those people referred to in paragraph 14 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. The person invited will be given

reasonable notice and the notice will state the nature of the item on which he/she is invited to attend and whether any papers are requested.

- 15.2 If the Audit Board is to consider a motion referred to it by the Council meeting, the proposer and seconder of the motion shall (if they are not members of the Audit Board) have the right to attend the relevant meeting and to explain the reasons for their motion, although they may not propose, second or vote on recommendations by the Board which arise from that motion.
- 15.3 If the Audit Board invites a person to address a meeting or to give evidence, the following principles will be observed:
- a. the investigation will be conducted fairly and all members of the Audit Board will be given the opportunity to ask questions of attendees, and to contribute and speak;
 - b. those assisting the Audit Board by giving evidence will be treated with respect and courtesy; and
 - c. the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

16. Reports from Audit Board

- 16.1 Once it has formed recommendations on proposals for development, the Audit Board will make its findings public and will report to the Cabinet.
- 16.2 The Audit Board may report directly to full Council where the Section 151 Officer and/or Audit Services Manager advises the Audit Board that it is appropriate to do so.
- 16.3 If the Audit Board cannot agree on one single final report to the Council or Cabinet as appropriate, then no more than one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- 16.4 The Council or the Cabinet shall consider the report of the Audit Board within two months of it being submitted.

17. Consideration of Audit Board Reports by the Cabinet

The agenda for Cabinet meetings shall include an item at which minutes and/or reports of the Audit Board will be considered. The minutes and/or

reports of the Audit Board referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda).

18. The party whip

The party whip must not be applied at Audit Board meetings.

19. Finance.

The Audit Board may exercise overall responsibility for any finances made available to it.

DRAFT

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. Definitions

In these Rules:

"Cabinet" and "Leader" have the same meaning as "executive" and "executive leader" in Part II of the Local Government Act 2000; and "plan or strategy" and "working day" have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

2. The framework for Cabinet decisions

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

3. Process for developing the Framework

The process by which the Budget and Policy Framework shall be developed is:

- (a) The Cabinet will publicise, by including in the Forward Plan, a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms or will form part of the Budget and Policy Framework, and its arrangements for consultation after publication of those initial proposals. The Chairman of the Scrutiny Steering Board will also be notified. The consultation period shall in each instance be not less than 4 weeks.
- (b) At the end of that period, the Cabinet will then draw up a draft plan or strategy having regard to the responses to that consultation. If the Scrutiny Steering Board wishes to respond to the Cabinet in that consultation process then it may do so. As the Scrutiny Steering Board has responsibility for fixing its own work programme, it is open to the Scrutiny Steering Board to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from the Scrutiny Steering Board into account in drawing up the draft plan or strategy for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.
- (c) Once the Cabinet has approved the draft plan or strategy, the proper officer will refer them at the earliest opportunity to the Council for decision.
- (d) In reaching a decision, the Council may:

- (i) adopt the Cabinet's draft plan or strategy, in which case, the Council may make a decision which has immediate effect; or
 - (ii) agree minor amendments to the Cabinet's draft plan or strategy, and in which case the Council may make a decision which has immediate effect.
- (e) Where the Cabinet has submitted a draft plan or strategy to the Council for its consideration and following consideration of that draft plan or strategy, the Council has significant objections to it, the Council must take the action set out in paragraph (f).
- (f) Before the Council
 - (i) amends the draft plan or strategy; or
 - (ii) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
 - (iii) adopts (with or without modification) the plan or strategy,

it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him/her instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.
- (g) Where the Council gives instructions in accordance with paragraph (f), it must specify a period of at least 5 working days, beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet, within which the Leader may
 - (i) submit a revision of the draft plan or strategy as amended by the Cabinet (the "revised draft plan or strategy"), with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or
 - (ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- (h) Where the period specified by the Council, referred to in paragraph (g), has expired, the Council must when
 - (i) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
 - (ii) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy

(whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or

(iii) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the authority's objections and the Cabinet's reasons for that disagreement, which the Leader has submitted to the Council, or informed the Council of, within the period specified.

(i) Subject to Paragraph (m) below, where, before 8th February in any financial year, the Cabinet submits to the Council for consideration in relation to the following financial year:

- (i) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992;
- (ii) estimates of other amounts to be used for the purposes of such a calculation;
- (iii) estimates of such a calculation; or
- (iv) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in paragraph (j).

(j) Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph (i) (i), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.

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

- (i) submit a revision of the estimates or amounts as amended by the Cabinet ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the

Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or

- (ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- (l) When the period specified by the Council, referred to in paragraph (k), has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph (i) (i), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account -
 - (i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (ii) the Cabinet's reasons for those amendments;
 - (iii) any disagreement that the Cabinet has with any of the Council's objections; and
 - (iv) the Cabinet's reasons for that disagreement,

which the Leader submitted to the Council, or informed the Council of, within the period specified.

- (m) Paragraphs (i) to (l) shall not apply in relation to -
 - (i) calculations or substitute calculations which the Council is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
 - (ii) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.
- (n) In approving the Budget and Policy Framework, the Council will also specify the extent of virement within the Budget and degree of in-year changes to the Policy Framework which may be undertaken by the Cabinet, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the Budget and Policy and Framework are reserved to the Council.

4. Decisions outside the Budget or Policy Framework

- (a) Subject to the provisions of paragraph 6 (virement) the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers or joint arrangements discharging Cabinet functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the

Budget approved by full Council, then that decision may only be taken by the Council, subject to paragraph 5 below.

- (b) If the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Section 151 Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget. If the advice of either of those officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 5 (urgent decisions outside the Budget and Policy Framework) shall apply.

5. Urgent decisions outside the Budget or Policy Framework

- (a) The Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - i) if it is not practical to convene a quorate meeting of the full Council; and
 - ii) if the Chairman of the Scrutiny Steering Board agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the Scrutiny Steering Board's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the Scrutiny Steering Board, the consent of the Chairman of the Council, and in the absence of both the Vice-Chairman of the Council, will be sufficient.

- (b) 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.

6. Virement

- (a) In approving its revenue budget each year, the Council will decide the headings (services) into which the Budget is to be divided, and will allocate an amount for expenditure under each heading.

- (b) Steps taken by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet, officers or joint arrangements discharging Cabinet functions to implement Council policy shall not exceed those amounts allocated to each budget head. However, the Cabinet shall be entitled to vire across budget heads up to a maximum, and within a limit per individual virement specified each year by the Council under Rule 3 (n). Beyond those limits, approval to any virement across budget heads shall require the approval of the full Council.

7. In-year changes to Policy Framework

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers or joint arrangements discharging Cabinet functions must be in line with it. No changes to any policy and strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:

- (a) which will result in the closure or discontinuance of a service or part of service to meet a Budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

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

- (a) Where the Scrutiny Steering Board is of the opinion that a Cabinet decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then it shall seek advice from the Monitoring Officer and/or Section 151 Officer.
- (b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report 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 and to prepare a report to Council in the event that the Monitoring Officer or the Section 151 Officer conclude that the decision was a departure, and to the Scrutiny Steering Board if the Monitoring Officer or the Section 151 Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Section 151 Officer is that the decision is or would be contrary to the

Policy Framework or contrary to or not wholly in accordance with the Budget, the Scrutiny Steering Board may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 working days of the request by the Scrutiny Steering Board. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Section 151 Officer. The Council may either:

- i) endorse a decision or proposal of the Cabinet decision-taker as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- ii) amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- iii) where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing Framework or Budget to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer/Section 151 Officer.

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PROCEDURES FOR AUDITING OF THE COUNCIL

1. Local Authorities are subject to both internal and external audit.

2. Internal Audit

2.1 The requirement for an Internal Audit function for local authorities is implied by Section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs”.

2.2 Regulation 6 of the Accounts and Audit Regulations 2006 more specifically requires that “a relevant body shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper practices in relation to internal control”.

2.3 Internal audit can be defined as an “independent, objective assurance and consulting activity designed to add value and improve an organisation's operations. It helps an organisation accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes”.

2.4 The Council's Audit Services Manager reports direct to the Council's Section 151 Officer, the Head of Financial Services. However, the Audit Services Manager can also report direct to the Chief Executive, if required. Information and contact details regarding the Council's Internal Audit section can be obtained via the Council's website.

3. External Audit

3.1 The Audit Commission is a government body, which has the right to approve and select providers of the external audit function. Government legislation (Audit Commission Act 1998) refers to accounts and audit, and section 2 states that all accounts:

- shall be made up each year to 31st March or such other date as the Secretary of State may generally or in any special case direct; and
- shall be audited in accordance with this Act by an auditor or auditors appointed by the Commission.

- 3.2 Section 4 of the Act (Code of audit practice) details that:
- 3.3 The Commission shall prepare, and keep under review, a code of audit practice prescribing the way in which auditors are to carry out their functions under this Act.
- 3.4 Section 5 of the Act (General duties of auditors) states that:
- 3.5 In auditing accounts required to be audited in accordance with this Act, an auditor shall by examination of the accounts and otherwise satisfy himself:
- that they are prepared in accordance with regulations under section 27;
 - that they comply with the requirements of all other statutory provisions applicable to the accounts;
 - that proper practices have been observed in the compilation of the accounts;
 - that the body whose accounts are being audited has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources; and
 - that that body, if required to publish information in pursuance of a direction under section 44 (performance information), has made such arrangements for collecting and recording the information and for publishing it as are required for the performance of its duties under that section.
- 3.6 The auditor shall comply with the code of audit practice applicable to the accounts being audited as that code is for the time being in force.
- 3.7 The auditor shall consider whether, in the public interest, he should make a report on any matter coming to his notice. An audit management letter summarising the outcome of the annual audit is submitted to the Council for consideration.
- 3.8 The Council's external auditors are appointed by the Audit Commission. Information and contact details regarding the Council's current external auditors can be obtained from Financial Services.

MANAGEMENT ARRANGEMENTS

Introduction

The Local Government Act 2000 (Constitutions) (England) Direction 2000 requires that a Local Authority's Constitution must include a description of the management structure of the authority. Bromsgrove District Council's management structure consists of a Chief Executive, supported by Directors and Heads of Service. A description of their responsibilities follows:-

Kevin Dicks

Chief Executive

The Council's Head of Paid Service with overall responsibility for all Departments.

Vacant

Corporate Director (Resources)

Responsibility for the following Departments:

- Organisational Development and Human Resources
- Legal and Democratic Services
- Financial Services
- E-Government and Customer Services

Note: As this post is vacant these posts are currently the responsibility of the Chief Executive

Phil Street

Corporate Director (Services)

Responsibility for the following Departments:

- Culture and Community Services,
- Planning and Environment Services,
- Street Scene and Waste Management

Hugh Bennett

Assistant Chief Executive

Responsibility for:

- Work with Members and Chief Executive to develop Corporate Plan linked to Community Plan
- LSP & other strategic partnerships, including health improvement partnerships, supporting people programme, strategy for older people, Local Area Agreements, LPSA etc.
- Development and delivery of corporate strategies, interpretation of Government Policy
- Consultation and community engagement, understanding and addressing the needs of the community, customer and citizen
- Customer comments, complaints and service review in relation to customer feedback
- Performance management, EFQM and other quality standards.
- Management reviews, continuous improvement agenda, production of Council Results
- Inspections, delivery and achievement of Improvement Plan, CPA
- External reputation, media, PR, marketing and promotion
- Community programmes linked to policies of social inclusion, diversity and active communities
- Special projects/innovation, research analysis, and funding opportunities

John Godwin **Acting Head of Culture & Community Services**

Responsibility for:

- Community Cohesion & Community Safety
- CCTV & Lifeline Operation & Development
- Health Education/Interventions
- Arts Development
- Sports & Recreation Development
- Children & Young People, Play
- Older People
- Parks, Open Spaces
- Cemeteries
- Voluntary Sector & Community Networks, Grant Aid
- Tourism Development
- Museum
- Leisure/Sports Centres/Dual Use Facilities

Deborah Poole **Head of E-Government & Customer Services**

Responsibility for:

- I.C.T.
- E Government
- E Commerce
- Website
- Printing & Reprographics
- Customer Service Centre
- Business Process Re-engineering (BPR)

Jayne Pickering **Head of Financial Services**

The Council's Section 151 (Chief Financial) Officer with responsibility for:

- Accounts & Financial Management & Advice
- Corporate Income & Debt Management
- Procurement
- Revenues & Benefits
- Audit (additional reporting Line to Corporate Director),
- Risk Management

Claire Felton **Head of Legal & Democratic Services and Monitoring Officer**

Responsibility for:

- Professional Legal Advice & Services
- Election & Electoral Services, Periodic Electoral Review
- Civic Support - Democratic Services & Member Support
- Democratic Services & Member Support
- Corporate Administration/ Central Post Opening & Reception
- Knowledge Management
- Probity & Standards
- Advice to Parishes
- Freedom of Information, Data Protection, Records Management
- Property, Assets & Facilities Management, Building Maintenance
- Equalities and Diversity

Joanne Pitman

Head of Organisational Development & Human Resources

Responsibility for:

- Human Resources & Welfare
- Organisational Development
- Training & Development
- Health & safety
- Workforce Planning
- Succession Planning
- Payroll
- Member Development

Dave Hammond

Head of Planning & Environment Services

Responsibility for:

- Planning & Local Development Framework
- Development Control
- Building Control
- Licenses (all)
- Enforcement
- Land Charges
- Environmental Health/Protection/Enforcement
- Public Health & safety
- Food Safety
- Emergency Planning
- Conservation
- Improvement Grants
- Travellers
- Agenda 21 & Sustainable Development
- Economic Development
- Housing Strategy and Enabling Role
- Travellers
- Economic Development

Michael Bell

Head of Street Scene & Waste Management Services

Responsibility for:

- Car Parks/Shopmobility
- Community Transport/Bus Passes/Concessionary Fares
- Street Scene
- Street Cleansing
- Grounds Maintenance
- Highways
- Cesspools/Sewers
- Public Conveniences
- Refuse & Recycling
- Waste Management, Policy, Promotion, Management
- Fly Tipping, Bill Posting
- Abandoned Vehicles
- Pest & Dog Controls
- Engineering Design
- Street Naming & Numbering

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