

# Section 3

## Rules of Procedure

<b>RULES</b>
<a href="#">Council Procedure Rules</a>
<a href="#">Access to Information Procedure Rules</a>
<a href="#">Budget and Policy Framework Procedure Rules</a>
<a href="#">Executive Procedure Rules</a>
<a href="#">Overview &amp; Scrutiny Procedure Rules</a>

# COUNCIL PROCEDURE RULES

	Rule	Page
1.	<a href="#">Annual Meeting of the Council</a>	3
2.	<a href="#">Ordinary Meetings</a>	4
3.	<a href="#">Extraordinary Meetings</a>	5
4.	<a href="#">Appointment of substitute members of committees and sub-committees</a>	5
5.	<a href="#">Time and place of meetings</a>	6
6.	<a href="#">Notice of and summons to meetings</a>	6
7.	<a href="#">Chair of meeting and appointment of Chairman of committees</a>	7
8.	<a href="#">Quorum</a>	7
9.	<a href="#">Duration of meeting</a>	7
10.	<a href="#">Questions by the public and presentation of petitions and deputations</a>	8
11.	<a href="#">Questions by members</a>	10
12.	<a href="#">Motions on notice</a>	12
13.	<a href="#">Motions and amendments without notice</a>	13
14.	<a href="#">Rules of debate</a>	14
15.	<a href="#">State of the City of Carlisle debate</a>	18
16.	<a href="#">Previous decisions and motions</a>	18
17.	<a href="#">Voting</a>	19
18.	<a href="#">Minutes</a>	19
19.	<a href="#">Record of attendance</a>	20
20.	<a href="#">Exclusion of public</a>	20
21.	<a href="#">Members' conduct</a>	20
22.	<a href="#">Disturbance by public</a>	21
23.	<a href="#">Recording of meetings</a>	21
24.	<a href="#">Declarations of Interest</a>	21
25.	<a href="#">Suspension and amendment of Council Procedure Rules</a>	23
26.	<a href="#">Application to committees and sub-committees</a>	23

27	Virtual Meetings	23
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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 as is approved by the Council. The annual meeting will:

- (i) elect a person to preside if the chairman of Council is not present;
- (ii) elect the chairman of Council;
- (iii) elect the vice chairman of Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the chairman and/or head of the paid service;
- (vi) elect the leader (in the year in which the current leader's term of office expires);
- (vii) appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Table 1 of this Constitution);
- (viii) appoint the chairs and vice chairs of the overview and scrutiny committees, Standards Committee and the Licensing Committee.
- (ix) 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 Section 2(a) of this Constitution);
- (x) approve a programme of ordinary meetings of the Council for the year; and
- (xi) 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 meeting will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee and outside body; and
- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive.

## **2. ORDINARY MEETINGS**

2.1 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council. Ordinary meetings will:

- (i) elect a person to preside if the chairman and vice chairman are not present;
- (ii) deal with any business required by statute to be done before any other business;
- (iii) approve as a correct record and sign the minutes of the last meeting of the Council;
- (iv) receive any declarations of interest from members;
- (v) to deal with any business required by statute to be done;
- (vi) receive any announcements from the chairman, leader, members of the executive or the head of paid service;
- (vii) receive questions from, and provide answers to, the public and receive petitions and deputations pursuant to Rule 10;
- (viii) deal with any business from the last Council meeting;
- (ix) receive a report from the leader if there are any changes to executive appointments;
- (x) receive questions from members of the Council on notice pursuant to Rule 11.2;
- (xi) receive reports and minutes from the executive, the Council's committees, sub-committees, panels and working groups and reports from officers and receive questions and answers on any of those minutes and reports;
- (xii) receive reports about and receive questions and answers on the business of joint arrangements (if any) and external organisations;
- (xiii) consider motions;
- (xiv) consider any other business specified in the summons to the meeting, including consideration of proposals from the executive in relation to the Council's budget and policy framework and reports of the overview and scrutiny committees for debate and
- (xv) deal with such other business as may be brought forward by the chairman as a matter of urgency.

2.2 Business falling under items (i), (ii) or (iii) of paragraph 2.1 shall not be displaced, but subject thereto the foregoing order of business may be varied:

- (i) by the Chairman at his/her discretion or
- (ii) by a resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

### **3. EXTRAORDINARY MEETINGS**

#### **3.1 Calling extraordinary meetings of the Council**

Those listed below may request the Corporate Director of Governance and Regulatory Services to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the chairman of the Council;
- (iii) the monitoring officer; or
- (iv) any five members of the Council if they have signed a requisition presented to the chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **3.2 Business**

The summons to the special meeting of the Council shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at that meeting.

#### **3.3 Calling extraordinary meetings of committees, sub-committees, panels and working groups**

The chairman of a committee, sub-committee, panel or working group or the chairman of the Council may call a special meeting of a committee, sub-committee panel or working group at any time. A special meeting shall also be called on the requisition of a quarter of the whole number of the relevant body delivered in writing to the Corporate Director of Governance and Regulatory Services but in no case shall less than three members requisition a special meeting. The summons to the special meeting shall set out the business to be considered thereat, and no business other than that set out in the summons shall be considered at the meeting.

### **4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES, SUB-COMMITTEES, PANELS AND WORKING GROUPS**

#### **4.1 Allocation**

As well as allocating seats on committees, sub-committees, panels or working groups, the Council or the body making the allocation will allocate seats in the same manner for substitute members.

#### **4.2 Number**

For each committee, sub-committee, panel or working group, the Council or the body making the appointment will appoint the same number of substitutes in

respect of each political group as that group holds ordinary seats on that committee, sub-committee, panel or working group, up to a maximum of three for each political group.

#### **4.3 Powers and duties**

Substitute members will have all the powers and duties of any ordinary member of the relevant body to which they are appointed but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

#### **4.4 Substitution**

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting; and
- (iii) after notifying the Corporate Director of Governance and Regulatory Services prior to the commencement of the meeting of the intended substitution.

### **5. TIME AND PLACE OF MEETINGS**

#### **5.1 Council Meetings**

Unless the Council decides otherwise, the Annual Meeting of the Council shall be held at 11.00 a.m. and other meetings of the Council for the transaction of general business shall be held at 6.45 p.m. in the Council Chamber at the Civic Centre, Carlisle.

#### **5.2 Committees, sub-committees, panels and working groups**

A calendar showing the date and time of ordinary meetings of committees, sub-committees, panels and working groups shall be prepared by the Corporate Director of Governance and Regulatory Services and approved by the Council before the commencement of the Council year and the calendar will then be distributed to all Members. The place of meetings will be determined by the Corporate Director of Governance and Regulatory Services.

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

The Corporate Director of Governance and Regulatory Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Corporate Director of Governance and Regulatory Services will send a summons signed by him or her by post or email to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each

meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **7. CHAIR OF MEETING AND APPOINTMENT OF CHAIRMAN OF COMMITTEES, SUB-COMMITTEES, PANELS AND WORKING GROUPS**

- 7.1 The person presiding at the meeting may exercise any power or duty of the chairman. Where these rules apply to committee, sub-committee, panel or working group meetings, references to the chairman also include the chairman of committees, sub-committees, panels and working groups. The ruling of the chairman on the construction or application of any of these Council Procedure Rules or upon any proceedings of the meeting shall not be challenged at any meeting.
- 7.2 Every committee, sub-committee, panel or working group (except for the overview and scrutiny panels, Standards Committee and the Licensing Committee whose chairmen and vice-chairmen shall be elected at the Annual Council) shall at its first meeting after appointment before proceeding to any other business elect a chairman and may at any time elect a vice-chairman. In the absence from a meeting of the chairman (and vice-chairman if elected) the chairman for that meeting shall be appointed before the business of the meeting is proceeded with.
- 7.3 If a committee, sub-committee, panel or working group fails to elect a chairman or vice-chairman as provided for under Rule 7.2 above, then the Council may make such an appointment from among the voting members of the relevant committee, sub-committee, panel or working group.

## **8. QUORUM**

The quorum of a meeting will be one quarter of the whole number of members provided that in no case shall the quorum of a committee, sub-committee, panel or working group be less than two members. During any meeting if the chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **9. DURATION OF MEETING**

Unless the majority of members present vote for the meeting to continue, any meeting that has lasted for 3 hours 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.



## **10. QUESTIONS BY THE PUBLIC AND PRESENTATION OF PETITIONS AND DEPUTATIONS**

### **10.1 General**

Members of the public may ask questions of the Leader of the Council or any other member of the Executive at meetings of the Executive or at ordinary meetings of the Council and questions of the chairman of any committee, sub-committee, panel or working group at meetings of that body.

### **10.2 Order of questions**

Questions will be asked in the order notice of them was received, except that the chairman or person presiding at the meeting may group together similar questions.

### **10.3 Notice of questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Corporate Director of Governance and Regulatory Services no later than midday 11 clear days before the day of the meeting. Each question must give the name and address of the questioner and must, if the questioner wishes the question to be answered by a specific named member, name that member of the Council to whom it is to be put. If the questioner does not name a specific member, then the question will be answered by the leader or such member of the executive whom he/she nominates in respect of any matter for which the executive is responsible, and by the chairman of a relevant committee, sub-committee, panel or working group in respect of that body's functions.

### **10.4 Number of questions**

At any one meeting no person may submit more than 2 questions and no more than 2 such questions may be asked on behalf of one organisation.

### **10.5 Scope of questions**

The Corporate Director of Governance and Regulatory Services may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the district;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council, or the relevant committee, sub-committee, panel or working group in the past six months; or

- requires the disclosure of confidential or exempt information.

#### **10.6 Record of questions**

The Corporate Director of Governance and Regulatory Services will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all members of the relevant body at which they will be asked and will be made available to the public attending the meeting.

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

The chairman will invite the questioner to put the question. If a questioner who has submitted a written question is unable to be present, they may ask the chairman to put the question on their behalf. The chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

#### **10.8 Supplemental question**

A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to his or her original question.

A supplementary question must arise directly out of the original question or the reply. The chairman may reject a supplementary question on any of the grounds in Rule 10.5 above.

#### **10.9 Written answers**

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

#### **10.10 Reference of question to the executive or a committee**

Unless the chairman decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the executive or the appropriate committee, sub-committee, panel or working group. Once seconded, such a motion will be voted on without discussion.

#### **10.11 Deputations and Petitions**

- (a) Deputations may be received at ordinary meetings of the Council and at meetings of the executive, committees, sub-committees, panels and working

groups immediately following questions by the public. The nature and object of the deputation and the names of members shall be delivered in writing to the Corporate Director of Governance and Regulatory Services at least 14 days before the relevant meeting. A member of the deputation may speak on the issue for up to five minutes. The issue raised by the deputation must relate to a matter which falls within the powers and duties of the Council, or the relevant body as determined by the Corporate Director of Governance and Regulatory Services or which affects the district.

- (b) Petitions will be dealt with in accordance with the Council's approved Scheme for Submissions of Petitions.
- (c) Except where the matter raised by a deputation or petition appears as a separate item on the agenda of the relevant meeting, there shall be no discussion at the meeting on any matter raised by a deputation or petition, but any member may move that the matter be referred to the next meeting of the executive or the appropriate committee, sub-committee, panel or working group which shall be immediately put to the vote.
- (d) A subject or related matter which has been raised at a meeting of the Council or other relevant body cannot be raised at the next subsequent meeting of that body.
- (e) Deputations and petitions scheduled to be heard at a particular meeting shall be dealt with in order of receipt and in the event of there being insufficient time to hear them all, opportunity shall be given for them to be heard at a subsequent meeting.

## **11. QUESTIONS BY MEMBERS**

### **11.1 On reports and minutes of meetings of the executive, committees, sub-committees, panels and working groups**

A member of the Council may ask the leader, the relevant member of the executive or the chairman of a committee, sub-committee, panel or working group any question without notice upon an item of the report of or upon the minutes of meetings of the relevant body when that item is being received or under consideration by the Council.

### **11.2 Questions on notice at full Council**

Subject to Rule 11.4, a member of the Council may ask:

- the chairman;
- the leader or any other member of the executive;

- the chairman of any committee, sub-committee, panel or working group  
a question on any matter in relation to which the Council has powers or duties or which affects the district.

### **11.3 Questions on notice at committees, sub-committees, panels and working groups**

Subject to Rule 11.4, a member of a committee, sub-committee, panel or working group may ask the chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the district and which falls within the terms of reference of that body.

### **11.4 Notice of questions**

A member may only ask a question under Rule 11.2 or 11.3 if either:

- (a) they have given notice of the question in writing or by electronic mail to the Corporate Director of Governance and Regulatory Services no later than midday at least 11 clear days before the day of the meeting; or
- (b) the question relates to urgent matters, they have the consent of the chairman of the Council in respect of any question to be asked at a full Council meeting and the chairman of the relevant committee, sub-committee, panel or working group in respect of any question to be asked at that meeting and the content of the question is given to the Corporate Director of Governance and Regulatory Services by 9.30 a.m. on the day of the meeting.

### **11.5 Response**

An answer may take the form of:

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

### **11.6 Supplementary question**

A member asking a question under Rule 11.2 or 11.3 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.

## **12. MOTIONS ON NOTICE**

## **12.1 Notice**

Except for motions to remove the leader under Rule 12.2 and motions which can be moved without notice under Rule 13, written notice of every motion, signed by the member or members of the Council, must be delivered to the Corporate Director of Governance and Regulatory Services not later than midday 11 clear days before the date of the meeting. These will be entered in a book open to public inspection.

## **12.2 Notice to remove the Leader**

Written notice, signed by twelve councillors calling for the removal of the leader and the appointment of another named councillor as leader, must be delivered to the Corporate Director of Governance and Regulatory Services not later than ten days before the date of the meeting. This will be entered in a book open to public inspection.

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

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

## **12.4 Scope**

Motions must be about matters for which the Council has a responsibility or which affect the district.

## **12.5 Scrutiny of Motion**

If it shall appear to the Corporate Director of Governance and Regulatory Services that a motion of which he/she has received notice is not in order, or has been delayed in the post, or is framed in improper or unbecoming language, he/she shall take the direction of the chairman upon whether and in what form it shall be placed upon the Agenda paper and the decision of the chairman, after consultation if possible with the givers of the notice, shall be final.

## **12.6 Motion not Moved**

If a motion thus set out in the summons be not moved by a member who gave notice thereof or by some other member on his/her behalf it shall, unless postponed by consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

# **13. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE**

## **13.1 The following motions and amendments 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 the executive, committees, sub-committees, panels, working groups or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 3 hours in duration.
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

13.2 The chairman, with or without notice, may propose a resolution upon any matter which he/she may deem a matter of urgency and which is within the functions or powers of the Council.

## **14. RULES OF DEBATE**

### **14.1 No speeches until motion seconded**

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

### **14.2 Right to require motions and amendments in writing**

A motion or amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Rule 12, it shall, if required by the Chairman, be put into writing and handed to the Chairman before it is further discussed or put to the meeting.

#### **14.3 Seconded's speech**

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

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

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 10 minutes without the consent of the chairman.

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

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

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

#### **14.6 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,as 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 provided that the Chairman may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### **14.7 Alteration of motion**

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

#### **14.8 Withdrawal of motion**

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

#### **14.9 Right of reply**

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

#### **14.10 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 postpone consideration of the motion;
- (d) to proceed to the next business;
- (e) that the question be now put;
- (f) to adjourn a debate;
- (g) to adjourn a meeting;
- (h) that the meeting continue beyond 3 hours in duration;
- (i) to exclude the public and press in accordance with the Access to Information Rules; and
- (j) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4.

#### **14.11 Closure motions**

- (a) A member who has not spoken on the subject under discussion 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 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 and then put the original 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.

- (e) A second motion "That the Council proceed to the next business", "That the debate be now adjourned" or "That the Council does now adjourn" shall not be made within 15 minutes unless it be moved by the Chairman.

#### **14.12 Point of order**

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

#### **14.13 Personal explanation**

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

#### **14.14 Motions affecting persons employed by the Council**

If any member wishes to raise a question at a meeting of the Council concerning the appointment, promotion, dismissal, salary, superannuation or conditions of service or concerning the conduct of any person employed by the Council, he or she shall without specifying the name or department of the person concerned, inform the chairman of his/her wish to raise such a question and such question shall not be the subject of discussion until the Council has decided upon the motion of the chairman put without debate whether or not the power of exclusion under Section 100A of the Local Government Act 1972 shall be exercised.

#### **14.15 Irrelevance**

The chairman shall call a member to order for irrelevance or repetition and may direct such member if speaking to discontinue his or her speech and the member shall thereupon be silent and resume his or her seat.

### **15. STATE OF THE CITY OF CARLISLE DEBATE**

#### **15.1 Calling of debate**

The leader will call a state of the City of Carlisle debate annually on a date and in a form to be agreed with the chairman.

#### **15.2 Form of debate**

The leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of the City of Carlisle debate.

### **15.3 Chairing of debate**

The debate will be chaired by the chairman.

### **15.4 Results of debate**

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the leader in proposing the budget and policy framework to the Council for the coming year.

## **16. PREVIOUS DECISIONS AND MOTIONS**

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

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

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

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

- 16.3 Rules 16.1 and 16.2 shall not apply to motions moved in pursuance of a recommendation of the executive or any committee, sub-committee, panel or working group.

## **17. VOTING**

### **17.1 Majority**

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

### **17.2 Chairman's casting vote**

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

### **17.3 Show of hands**

Unless a recorded vote is demanded under Rules 17.4, the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **17.4 Recorded vote**

If before the vote is taken at least one fourth of members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

### **17.5 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.

### **17.6 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.

## **18. MINUTES**

### **18.1 Signing the minutes**

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

### **18.2 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.

### **18.3 Form of minutes**

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

## **19. RECORD OF ATTENDANCE**

The attendance of members at meetings of the Council shall be recorded in such a manner as the Council may from time to time determine.

## **20. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Section 3 of this Constitution or Rule 22 (Disturbance by Public).

## **21. MEMBERS' CONDUCT**

### **21.1 Standing to speak**

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

### **21.2 Chairman standing**

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

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

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

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

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

### **21.5 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.

## **22. DISTURBANCE BY PUBLIC**

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

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

## **22.2 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.

## **23. RECORDING OF MEETINGS**

23.1 While any meeting is open to the public, any person present is permitted to report the proceedings by:

- i. filming, photographing or making an audio recording of the proceedings at the meeting;
- ii. using any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later;
- iii. reporting or providing commentary on proceedings at the meeting orally (but not whilst present in the meeting) or in writing, so that the report or commentary is available to other persons as the meeting takes place or later; or
- iv. using any communication method, including the internet, to publish, post or otherwise share the report.

23.2 The right to report is subject to the chairman's power to deal with disturbance at the meeting. The meeting should not be disrupted by, for example, reporting activities, flash photography or intrusive equipment.

23.3 Any person recording a meeting is requested to focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. No recording should take place of children, vulnerable persons or other members of the public who actively object to being filmed.

## **24. DECLARATIONS OF INTEREST**

24.1 Subject to Rule 24.2, if a Member has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, then the Members should declare that interest to the meeting and should leave the room whilst any discussion or vote takes place.

24.2 If a dispensation has been granted to a Member in relation to a disclosable pecuniary interest then subject to the terms of the dispensation the Member may be relieved from the above restrictions but will still be required to declare the interest to the meeting.

24.3 Where a Member has a disclosable pecuniary interest in any business of the Council, he/she may attend a Meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the Meeting for the same purpose, whether under a statutory right or otherwise. Once any such

representations etc have been made, the Member should leave the room whilst any discussion or vote takes place.

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

### **25.1 Suspension**

All of these Council Rules of Procedure except Rule 17.5 and 18.2 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 can only be for the duration of the meeting.

### **25.2 Amendment**

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

## **26. APPLICATION TO COMMITTEES, SUB-COMMITTEES, PANELS AND WORKING GROUPS**

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

The Rules also apply to meetings of committees, sub-committees, panels and working groups where the context so permits, with the exception of Rules 1, 2, 3.1, 12, 15, 16 and 21.1 which apply exclusively to Council meetings. The Rules do not apply to meetings of the executive unless specifically stated and meetings of the executive are governed by the Executive Procedure Rules.

## **27. Virtual Meetings – Rules and Protocol**

### **Attendance**

1. To attend any virtual, electronic or digital meeting, a Member must be able at that time:
  - a. to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other members in attendance,
  - b. to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
  - c. to be so heard and, where practicable, be seen by any other members of the public attending the meeting

## **Protocol for the Meeting**

2. Members should connect to the Meeting shortly before the allotted commencement time and check that their connection is operational.
3. Members should ensure that their microphone is muted other than when they are entitled to speak.
4. The Council's Procedure Rules will apply as practicable<sup>1</sup> subject to the following amendments:
5. Members are only entitled to speak at the invitation of the Chair other than to:
  - a. move a Motion or Amendment without Notice (CPR 13);
  - b. second a Motion (CPR 14.1);
  - c. move a Motion which may be moved during a debate (CPR 14.1);
  - d. move a closure Motion (CPR 14.11)
  - e. point of order (CPR 14.12)
  - f. personal explanation (CPR 14.13)
6. In any debate, the Chair of the Meeting will ask each Member in attendance, in turn, whether they wish to say anything as part of the debate. If a Member wishes to speak then this is the point at which they will so speak.
7. Once each Member has either spoken or indicated that they do not wish to speak then the relevant matter will be put to the vote.
8. Each vote will be either:
  - a. a Roll Call vote and whilst the minutes will record the decision of the meeting, the names of the members for, against or abstaining will not be recorded unless CPR 17.4 or 17.5 apply. (Recorded Votes/ Recorded Votes at Budget meetings); OR
  - b. if the Chair decides that any particular matter may reasonably be agreed with the consent of the Meeting then the Chair will advise that unless any Member present indicates that they do not agree with the proposal within a suitable, reasonable pause (of no less than ten seconds), the Meeting will be deemed to have agreed the matter by consent. If any Member indicates that they do not agree

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<sup>1</sup> For example, the requirements for Members to stand (CPR 21.1 and 21.2) will not apply.



with the proposal then a Roll Call vote will be taken. Members should only speak during the pause if they do not agree with the proposal.

### **Members with a Disclosable Pecuniary Interest in a Matter**

9. Any Member with a Disclosable Pecuniary Interest in any particular matter must disconnect from the Meeting for that particular item. The Meeting will pause for up to ten minutes for the said Member to reconnect once the matter has been dealt with.

### **Confidential or Exempt Items or Issues**

10. When confidential, or “exempt” issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration. The Chair and Members should ensure that there are no members of the public at remote locations able to hear or see the proceedings during such meetings. Any Remote Member should confirm, prior to participating in any confidential and/or exempt item of business, that they are in a secure private location and that no one else is able to hear the proceedings from the device being used by that Remote Member and that no recording is being made. Any member in remote attendance who failed to disclose that there were in fact persons present who were not so entitled will be in breach of their Code of Conduct responsibilities.

### **Connection Problems**

11. If, during the course of a Meeting, it becomes apparent that a Member is no longer in attendance, the Meeting will be paused for a period of up to ten minutes to re-establish their attendance.
12. After the ten minute period, if it has not been possible to re-establish the attendance of the particular Member:
  - a. If the Meeting remains quorate, the Meeting continues.
  - b. If the Meeting is inquorate, it will be adjourned until a suitable alternative time.
13. In circumstances when a Member rejoins part way through a re-commenced matter in a quorate Meeting and have missed part of the debate:

- a. For licensing, regulatory, development control or other quasi judicial matters, they should not participate in the vote.
- b. For other matters, Members must take a view as to whether they are sufficiently informed to properly cast their vote.

**Public/Other Participants**

- 14. For those meeting which require some public or other participation, at the relevant item, the Meeting will be paused until such time as those other involved persons are able to so participate.
- 15. If a technical matter prevents the relevant participant from attending then the Chair will make a decision as to whether they are able to put forward the person's contribution (e.g. a question, or a submission to the Development Control Committee) or if the matter should be deferred until another suitable time.

## **Access to Information Procedure Rules**

### **1. SCOPE**

These rules apply to all meetings of the Council, overview and scrutiny committees, area committees (if any), the Standards Committee and regulatory committees and public meetings of the executive (together called meetings).

### **2. ADDITIONAL RIGHTS TO INFORMATION**

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

### **3. RIGHTS TO ATTEND MEETINGS**

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

### **4. NOTICE OF MEETINGS**

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Ground Floor, Civic Centre, Carlisle, CA3 8QG.

### **5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

The Council will make copies of the agenda and reports open to the public available for inspection on the Ground Floor, Civic Centre, Carlisle, CA3 8QG and/or on-line at [www.carlisle.gov.uk](http://www.carlisle.gov.uk) at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.

### **6. SUPPLY OF COPIES**

The Council will supply copies of:

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

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

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

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

## **8. BACKGROUND PAPERS**

### **8.1 List of background papers**

The Corporate Director of Governance and Regulatory Services will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

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

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

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

## **9. SUMMARY OF THE PUBLIC'S RIGHTS**

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public on the Eighth Floor, Civic Centre, Carlisle, CA3 8QG.

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

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

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

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

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

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

### **10.3 Meaning of confidential information**

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

### **10.4 Meaning of exempt information**

Exempt information means information falling within the following categories numbered 1-7 in the descriptions of exempt information set out below, (subject to the qualifications set out in paragraphs 8-10 below).

## **DESCRIPTIONS OF EXEMPT INFORMATION**

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

6. Information which reveals that the authority proposes :
  - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

### **QUALIFICATIONS**

8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under :
  - (a) the Companies Act 1985;
  - (b) the Friendly Societies Act 1974;
  - (c) the Friendly Societies Act 1992;
  - (d) the Industrial and Provident Societies Acts 1965 to 1978;
  - (e) the Building Societies Act 1986; or
  - (f) the Charities Act 1993.
9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulations 3 of the Town and Country Planning General Regulations 1992.
10. Information which :
  - (a) falls within any of paragraphs 1 to 7 above; and
  - (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

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

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

If the Corporate Director of Governance and Regulatory Services thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not

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

## **12. APPLICATION OF RULES TO THE EXECUTIVE**

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

If the executive or its committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.03 of this Constitution. This requirement does not include meetings, whose sole purpose is for officers to brief members.

## **13. PROCEDURE BEFORE TAKING KEY DECISIONS**

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

- (a) a notice (called here a forward plan) has been published in connection with the matter in question;
- (b) at least 5 clear days have elapsed since the publication of the forward plan; and
- (c) where the decision is to be taken at a meeting of the executive or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

## **14. THE FORWARD PLAN**

### **14.1 Period of forward plan**

Forward plans will be prepared by the leader to cover a period of twenty eight days before the decision is taken. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

### **14.2 Contents of forward plan**

The forward plan will contain matters which the leader has reason to believe will be subject of a key decision to be taken by the executive, a committee of the executive, individual members of the executive, officers, area committees or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

(a) that a key decision is to be made on behalf of the relevant local authority;

(b) the matter in respect of which the decision is to be made;

(c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;

(d) the date on which, or the period within which, the decision is to be made;

(e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;

(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

(g) that other documents relevant to those matters may be submitted to the decision maker; and

(h) the procedure for requesting details of those documents (if any) as they become available.

The forward plan must be published at least 28 clear days before a key decision is made and must be available for inspection by the public at the Council's offices and on its website.

Exempt information need not be included in a forward plan and confidential information cannot be included.

## **15. GENERAL EXCEPTION**

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



- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the next period to which the next forward plan relates;
- (b) the proper officer has informed the chair of a relevant overview and scrutiny committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the proper officer has made copies of that notice available to the public at the offices of the Council; and
- (d) at least 5 clear days have elapsed since the proper officer complied with (b) and (c).

Where such a decision is taken collectively, it must be taken in public unless it relates to either confidential or exempt information as defined in Rule 10.

## **16. SPECIAL URGENCY**

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of a relevant overview and scrutiny committee that the taking of the decision cannot be reasonably deferred. If there is no chair of a relevant overview and scrutiny committee, or if the chair of each relevant overview and scrutiny committee is unable to act, then the agreement of the chairman of the Council, or in his/her absence the vice chairman will suffice.

## **17. REPORT TO COUNCIL**

### **17.1 When an overview and scrutiny committee can require a report**

If an overview and scrutiny committee thinks that a key decision has been taken which was not:

- (a) included in the forward plan; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with a relevant overview and scrutiny committee chair, or the chairman/vice chairman of the Council under Rule 16; the committee may require the executive to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the proper officer, who shall require such a report on behalf of the committee when so requested by the chairman or any 5 members. Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant overview and scrutiny committee.

### **17.2 Executive's report to Council**

The executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the leader is of the opinion that it was not a key decision the reasons for that opinion.

**17.3 Quarterly reports on special urgency decisions**

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

**18. RECORD OF DECISIONS**

After any meeting of the executive or any of its committees, whether held in public or private, the Corporate Director of Governance and Regulatory Services or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

**19. EXECUTIVE MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS**

The executive will decide whether meetings relating to matters which are not key decisions will be held in public or private. However, in considering whether to hold a meeting in public, the executive will have regard to the principles of efficiency, transparency and accountability and the presumption in favour of openness referred to in Article 13 of this Constitution and the presumption will be that all meetings of the executive will be held in public unless confidential or exempt information is being considered.

**20. NOTICE OF PRIVATE MEETING OF THE EXECUTIVE**

Members of the executive or its committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

**21. ATTENDANCE AT PRIVATE MEETINGS OF THE EXECUTIVE**

- (a) All members of the executive will be served notice of all private meetings of committees of the executive, whether or not they are members of that committee.

- (b) All members of the executive are entitled to attend a private meeting of any committee of the executive. All those in attendance are entitled to speak, but only members of the committee may vote.

### **OVERVIEW AND SCRUTINY COMMITTEE MEMBERS**

- (a) Notice of private meetings of the executive and its committees will be served on the chairs of all overview and scrutiny committees and sub-committees, at the same time as notice is served on members of the executive. Where an overview and scrutiny committee does not have a chair, the notice will be served on all the members of that committee.
- (b) Where a matter under consideration at a private meeting of the executive, or a committee of it, is within the remit of an overview and scrutiny committee/ sub-committee, the chair of that committee or in his/her absence the vice chair may attend that private meeting with the consent of the person presiding, and speak.

### **OFFICERS**

- (a) The head of the paid service, the chief financial officer and the monitoring officer, and their nominees are entitled to attend any meeting of the executive and its committees. The executive may not meet unless the Corporate Director of Governance and Regulatory Services has been given reasonable notice that a meeting is to take place.
- (b) A private executive meeting may only take place in the presence of the Corporate Director of Governance and Regulatory Services or his/her nominee with responsibility for recording and publicising the decisions.

In all of the above examples, the provisions of Rule 18 (recording and publicising decisions) will apply.

## **22. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE**

### **22.1 Reports intended to be taken into account**

Where an individual member of the executive receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least 5 clear days after receipt of that report.

### **22.2 Provision of copies of reports to overview and scrutiny committees**

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chair of every relevant overview and scrutiny committee as soon as reasonably practicable, and make it publicly available at the same time.

### **22.3 Record of individual decision**

As soon as reasonably practicable after an executive decision has been taken by an individual member of the executive or a key decision has been taken by an officer, he/she will prepare, or instruct the Corporate Director of Governance and Regulatory Services to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the executive. This does not require the disclosure of exempt or confidential information or advice from a political or mayor's assistant.

## **23. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS**

### **23.1 Rights to copies**

Subject to Rule 23.2 below, an overview and scrutiny committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the executive or its committees and which contains material relating to

- (a) any business transacted at a public or private meeting of the executive or its committees; or
- (b) any decision taken by an individual member of the executive.

### **23.2 Limit on rights**

An overview and scrutiny committee will not be entitled to:

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

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

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

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

- (a) it contains exempt information falling within paragraphs 1 to 6, 9, 11, 12 and 14 of the categories of exempt information; or
- (b) it contains the advice of a political adviser.

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

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

#### **24.3 Nature of rights**

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

# Budget and Policy Framework Procedure Rules

## 1. The framework for executive 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 executive to implement it.

## 2. Process for developing the framework

The process by which the budget and policy framework shall be developed is:

- (a) The executive will publicise by including in the forward plan and by such other means as it considers appropriate a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The chairs of overview and scrutiny committees 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 executive will then draw up firm proposals having regard to the responses to that consultation. If a relevant overview and scrutiny committee wishes to respond to the executive in that consultation process then it may do so. As the overview and scrutiny committees have responsibility for fixing their own work programme, it is open to the overview and scrutiny committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The executive will take any response from an overview and scrutiny committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the executive's response.
- (c) Once the executive has approved the firm proposals, they shall be referred at the earliest opportunity to the Council for decision.
- (d) Where the Executive has referred a draft plan or strategy as defined in paragraph 2 of the Local Authorities (Standing Orders) (England) Regulations 2001 ("plan or strategy") to the Council for its consideration and, if following consideration of that draft plan or strategy, the Council has no objections to it, the Council may make a decision which has immediate effect. Otherwise, if the Council has any objections to it, the Council must take the action set out in paragraph (e) below. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.

- (e) Before the Council:
  - i) amends the draft plan or strategy;
  - 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 executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.
- (f) Where the Council gives instructions in accordance with paragraph (e) above, 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 executive within which the leader may:
  - i) submit a revision of the draft plan or strategy as amended by the executive (the "revised draft plan or strategy"), with the executive's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration; or
  - ii) inform the Council of any disagreement that the executive has with any of the Council's objections and the executive's reasons for any such disagreement.
- (g) When the period mentioned in paragraph (f) above 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 executive's reasons for those amendments, any disagreement that the executive has with any of the Council's objections and the executive's reasons for that disagreement, which the leader submitted to the Council, or informed the Council of, within the period specified.
- (h) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately;

- (i) Where, before 8 February in any financial year, the Executive submits to the Council for its 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 if the Council has no objections to them the Council may make a decision having immediate effect. Otherwise if the Council has any objections to them, it must take the action set out in paragraph (j) below. In either case the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (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) above, 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 executive's estimates or amounts and must give to him/her instructions requiring the executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council'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 executive within which the leader may:
  - i) submit a revision of the estimates or amounts as amended by the executive ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the executive'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 executive has with any of the Council's objections and the executive's reasons for any such disagreement.
- (l) When the period mentioned in paragraph (k) above has expired, the Council must take into account :



- i) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- ii) the executive's reasons for those amendments;
- iii) any disagreement that the executive has with any of the Council's objections; and
- iv) the executive's reasons for that disagreement,  
which the executive leader submitted to the Council, or informed the Council of, within the period specified.
- (m) The decision will then be made public in accordance with Article 4 and shall be implemented immediately.
- (n) Paragraphs (i) to (l) shall not apply in relation to the following duties in relation to the Council Tax:
  - i) calculations or substitute calculations which the Council is required to make in accordance with Section 52I, 52J 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.
- (o) 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 executive, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.
- (p) Immediately after any vote is taken at a budget decision meeting of an authority there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.
- (q) In paragraph (p) —
  - (a) "*budget decision*" means a meeting of the relevant body at which it—
    - (i) makes a calculation (whether originally or by way of substitute) in accordance with any of [sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ](#) of the [Local Government Finance Act 1992](#) <sup>2</sup>; or
    - (ii) issues a precept under [Chapter 4 of Part 1](#) of that Act,
 and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting;

(b) references to a vote are references to a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

### **3. Decisions outside the budget or policy framework**

- (a) Subject to the provisions of paragraph 5 (virement) the executive, committees of the executive, individual members of the executive and any officers, area committees or joint arrangements discharging executive functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the 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 4 below.
- (b) If the executive, committees of the executive, individual members of the executive and any officers, area committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the monitoring officer and/or the chief financial 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 4 (urgent decisions outside the budget and policy framework) shall apply.

### **4. Urgent decisions outside the budget or policy framework**

- (a) The executive, a committee of the executive, an individual member of the executive or officers, area committees or joint arrangements discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
  - i) if it is not practical to convene a quorate meeting of the full Council; and
  - ii) if the chair of a relevant overview and scrutiny committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the chair of the relevant overview and scrutiny committees' consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chair of a relevant overview and scrutiny committee the consent of the mayor, and in the absence of both the deputy mayor, 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.

## **5. Virement**

- (a) The Council shall have the budget heads as set out in the Council's Financial Procedure Rules contained in Section 4 of this Constitution
- (b) Steps taken by the executive, a committee of the executive, an individual member of the executive or officers, area committees or joint arrangements discharging executive functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads in accordance with Rules set out in the Council's Financial Procedure Rules contained in Section 4 of this Constitution. Beyond that limit, approval to any virement across budget heads shall require the approval of the full Council.

## **6. In-year changes to policy framework**

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

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

## **7. Call-in of decisions outside the budget or policy framework**

- (a) Where an overview and scrutiny committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the monitoring officer and/or chief financial officer.
- (b) In respect of functions which are the responsibility of the executive, the monitoring officer's report and/or chief financial officer's report shall be to the executive with a copy to every member of the Council. Regardless of whether the

decision is delegated or not, the executive 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 chief finance officer conclude that the decision was a departure, and to the overview and scrutiny committee if the monitoring officer or the chief finance 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 chief financial officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the overview and scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 days of the request by the overview and scrutiny committee. At the meeting it will receive a report of the decision or proposals and the advice of the monitoring officer and/or the chief financial officer. The Council may either:

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

Or,

- ii) amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way;

Or

- 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 to accommodate it, require the executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Financial Officer.

# **Executive Procedure Rules**

## **1. How does the executive operate?**

### **1.1 Who may make executive decisions?**

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

- i) the executive as a whole;
- ii) a committee of the executive;
- iii) an individual member of the executive;
- iv) an officer;
- v) an area committee;
- vi) joint arrangements; or
- vii) another local authority.

### **1.2 Delegation by the leader**

At the annual meeting of the Council, the leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation at Section 2 to this Constitution. The document presented by the leader will contain the following information about executive functions in relation to the coming year:

- i) the names, addresses and wards of the people appointed to the executive by the leader;
- ii) the extent of any authority delegated to executive members individually, including details of the limitation on their authority, and this may include the nomination of a deputy leader to undertake the functions of the leader when he/she is absent or otherwise unavailable to act for any reason.
- iii) the terms of reference and constitution of such executive committees as the leader appoints and the names of executive members appointed to them;
- iv) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those executive members appointed to any joint committee for the coming year; and

- v) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

### **1.3 Sub-delegation of executive functions**

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

### **1.4 The Council's scheme of delegation and executive functions**

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

### **1.5 Conflicts of Interest**

- (a) Where the leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 7 of this Constitution.
- (b) If every member of the executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 7 of this Constitution.

- (c) If the exercise of an executive function has been delegated to a committee of the executive, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Section 7 of this Constitution.

#### **1.6 Executive meetings – when and where?**

The executive will meet at least 13 times per year at times to be agreed by the leader. The leader may call additional meetings at his/her discretion. The executive shall meet at the Council's main offices or another location to be agreed by the leader.

#### **1.7 Public or private meetings of the executive?**

Whether a meeting of the executive will be held in public or in private will be decided in accordance with the Access to Information Rules in Section 3 of this Constitution and the principles of decision making in Article 13.

#### **1.8 Quorum**

The quorum for a meeting of the executive, or a committee of it, shall be one quarter of the total number of members of the executive (including the leader), or 3 including the leader, whichever is the larger, but the leader need not be present at such a meeting for there to be a quorum.

#### **1.9 How are decisions to be taken by the executive?**

- (a) Executive decisions which have been delegated to the executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Section 3 of the Constitution.
- (b) Any matter will be decided by a simple majority of those members of the executive voting and present in the room at the time the question was put.
- (c) If there are equal numbers of votes for and against, the person presiding will have a second or casting vote. There will be no restriction on how the person presiding chooses to exercise a casting vote.
- (d) The person presiding will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.
- (e) Where any member of the executive 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.
- (f) Where executive decisions are delegated to a committee of the executive, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the executive as a whole.

## **2. HOW ARE EXECUTIVE MEETINGS CONDUCTED?**

### **2.1 Who presides?**

If the leader is present he/she will preside. In his/her absence, then the deputy leader, if one has been nominated, will preside. If the leader and (if one has been nominated) the deputy leader are absent then a person appointed to do so by those present shall preside.

### **2.2 Who may attend?**

Attendance at public and private meetings of the executive will be as set out in the Access to Information Rules in Section 3 of this Constitution.

### **2.3 What business?**

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

- i) consideration of the minutes of the last meeting;
- ii) declarations of interest, if any;
- iii) matters referred to the executive (whether by an overview and scrutiny committee or by the Council) for reconsideration by the executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- iv) consideration of reports from overview and scrutiny committees; and
- v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

### **2.4 Consultation**

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

### **2.5 Who can put items on the executive agenda?**

- (a) The leader will decide upon the schedule for the meetings of the executive. He/she may put on the agenda of any executive meeting any matter which



he/she wishes, whether or not authority has been delegated to the executive, a committee of it or any member or officer in respect of that matter. The proper officer will comply with the leader's requests in this respect.

- (b) The proper officer will make sure that an item is placed on the agenda of the next available meeting of the executive where a relevant overview and scrutiny committee or the full Council have resolved that an item be considered by the executive.
- (c) Any member of the Council may ask the leader to put an item on the agenda of an executive meeting for consideration, and if the leader agrees the item will be considered at the next available meeting of the executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting, whether or not it is a public meeting.
- (d) The monitoring officer and/or the chief financial officer and/or the head of paid service may include an item for consideration on the agenda of an executive meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, chief financial officer and monitoring officer are of the opinion that a meeting of the executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an executive meeting. If there is no meeting of the executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

## **2.6 Recording of Meetings**

- (a) While any meeting is open to the public, any person present is permitted to report the proceedings by:
  - i. filming, photographing or making an audio recording of the proceedings at the meeting;
  - ii. using any other means for enabling persons not present to see or hear proceedings at the meeting as it takes place or later;
  - iii. reporting or providing commentary on proceedings at the meeting orally (but not whilst present in the meeting) or in writing, so that the report or commentary is available to other persons as the meeting takes place or later; or
  - iv. using any communication method, including the internet, to publish, post or otherwise share the report.

- (b) The right to report is subject to the person presiding's power to deal with disturbance at the meeting. The meeting should not be disrupted by, for example, reporting activities, flash photography or intrusive equipment.
- (c) Any person recording a meeting is requested to focus on recording councillors, officers and the public who are directly involved in the conduct of the meeting. No recording should take place of children, vulnerable persons or other members of the public who actively object to being filmed.

# Overview and Scrutiny Procedure Rules

## 1. What will be the number and arrangements for overview and scrutiny committees?

The Council will have the overview and scrutiny committees (which will be called Scrutiny Panels) with the terms of reference and functions set out in Article 6 and whose scope is more particularly described in the Table to these Rules and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub-committees. Overview and Scrutiny committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.

## 2. Membership of overview and scrutiny committees

All councillors except members of the executive may be members of an overview and scrutiny committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved. Each overview and scrutiny committee shall comprise eight Members and shall be politically balanced.

## 3. Co-optees

Each overview and scrutiny committee or sub-committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

## 4. Meetings of the overview and scrutiny committees

There shall be at least one ordinary meeting of each overview and scrutiny committee every six weeks. In addition, extraordinary meetings of the overview and scrutiny committees may be called from time to time as and when appropriate. Any overview and scrutiny committee acting as the Council's Crime and Disorder Committee under the Police and Justice Act 2006 shall meet no less than once every twelve months (or otherwise as legislation may require) to discharge the Council's functions and responsibilities under the said Act. An overview and scrutiny committee meeting may be called by the chair of the relevant overview and scrutiny committee, or by the proper officer if he/she considers it necessary or appropriate.

## 5. Quorum

The quorum for an overview and scrutiny committee shall be as set out for committees in the Council Procedure Rules in Section 3 of this Constitution.

## 6. Who chairs overview and scrutiny committee meetings?

Chairs and vice chairs of overview and scrutiny committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee, and subject to this requirement, will be appointed at the Annual Council meeting. The Council requires that each of the two largest political groups has one overview and scrutiny chair and one vice-chair (on separate committees where possible) to be decided in discussion by the leaders of the two largest political groups and, in the absence of agreement, then the Council will decide the appointments in such manner as it determines. The remaining Chair and Vice-Chair appointments to be decided by the Council in such manner as it determines.

## **7. Work programme**

The overview and scrutiny committees/sub-committees will, subject to any requests from the Council, be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that committee who are not members of the largest political group on the Council.

## **8. Agenda items**

Any member of an overview and scrutiny committee or sub-committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the proper officer will ensure that it is included on the next available agenda.

Any six members of the Council who are not members of an overview and scrutiny committee may give written notice to the proper officer that they wish an item to be included on the agenda of a relevant overview and scrutiny committee. If the proper officer receives such a notification, then he/she will include the item on the first available agenda of the relevant overview and scrutiny committee for consideration by the committee.

Any member of the Council who is not a member of an overview and scrutiny committee may give written notice to the proper officer that he/she wishes an item in respect of any "local government matter" (as defined in section 21A of the Local Government Act 2000) relevant to the Committee's functions to be included on the agenda of a relevant overview and scrutiny committee. If the proper officer receives such a notification, then he/she will include the item on the first available agenda of the relevant overview and scrutiny committee for consideration by the committee who shall deal with the matter in accordance with section 21A of the said Act.

Any member of the Council who is not a member of the authority's crime and disorder committee may give written notice to the proper officer that he/she wishes an item in respect of any "local crime and disorder matter" (as defined in section 19 of the Police and Justice Act 2006) to be included on the agenda of the crime and disorder committee. If the proper officer receives such a notification then he/she will include the item on the first available agenda of the committee for consideration by the committee who shall deal with the matter in accordance with the said Act or any relevant regulations or guidance. This will include making a report or recommendations to the Council with respect to any local crime and disorder matter which might be raised by a member of the Council in accordance with these provisions.

The overview and scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and if they consider it appropriate the executive to review particular areas of Council activity. Where they do so, the overview and scrutiny committees shall report their findings and any recommendations back to the executive and/or Council. The Council and/or the executive shall consider the report of an overview and scrutiny committee within one month of receiving it.

## **9. Policy review and development**

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

## **10. Reports from overview and scrutiny committees**

- (a) Once they have formed recommendations on proposals for development, the overview and scrutiny committees will prepare a formal report and submit it to the proper officer for consideration by the executive (if the proposals are consistent

with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

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

**11. Making sure that overview and scrutiny reports are considered by the executive**

- (a) Once an overview and scrutiny committee has completed its deliberations on any matter it will forward a copy of its final report to the proper officer who will allocate it to either or both the executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework.
- (i) If the proper officer refers the matter to Council, he/she will also serve a copy on the leader with notice that the matter is to be referred to Council. The executive will have 4 weeks in which to respond to the overview and scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from an overview and scrutiny committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the executive to the overview and scrutiny proposals.
- (ii) If the Proper Officer refers the matter to the Executive it shall be included on the agenda of the next available meeting of the executive unless the matter which is the subject of the report is scheduled to be considered by the executive within a period of 4 weeks from the date the report was adopted by the overview and scrutiny committee. In such cases, the report of the overview and scrutiny committee shall be considered by the executive when that matter is scheduled to be considered by the Executive. If for any reason the executive does not consider the overview and scrutiny report within 4 weeks then the matter will be referred to Council for review, and the proper officer will call a Council meeting to consider the report and make a recommendation to the executive.
- (b) Where an overview and scrutiny committee or sub-committee prepares a report for consideration by the executive in relation to a matter where the leader has delegated decision making power to another individual member of the executive, then the overview and scrutiny committee will submit a copy of their report to that individual for consideration. At the time of doing so, the overview and scrutiny

committee shall serve a copy on the proper officer and the leader. If the member with delegated decision making power does not accept the recommendations of the overview and scrutiny committee then he/she must then refer the matter to the next available meeting of the executive for debate before exercising his/her decision making power and responding to the report in writing to the overview and scrutiny committee. The executive member to whom the decision making power has been delegated will respond to the overview and scrutiny committee within 4 weeks of receiving it. A copy of his/her written response to it shall be sent to the proper officer and he/she will attend a future meeting to respond.

## **12. Rights of overview and scrutiny committee members to documents**

- (a) In addition to their rights as councillors, members of overview and scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Section 3 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the executive and overview and scrutiny committees as appropriate depending on the particular matter under consideration.

## **13. Members and officers giving account**

- (a) Any overview and scrutiny committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the executive, the head of paid service and/or any senior officer as defined below to attend before it to explain in relation to matters within their remit:
  - i) any particular decision or series of decisions;
  - ii) the extent to which the actions taken implement Council policy; and/or
  - iii) their performance.

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

For the purposes of this paragraph 13(a) the expression "senior officer" means any officer who is employed by the Council at not below Principal Officer level and shall not normally be below the level of Director unless he/she has a particular expertise or knowledge which is of assistance to the overview and scrutiny committee or sub-committee.

- (b) Where any member or officer is required to attend an overview and scrutiny committee under this provision, the chair of that committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving at least 5 clear working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance.

#### **14. Attendance by others**

An overview and scrutiny committee may invite people other than those people referred to in paragraph 13 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.

#### **15. Call-in**

- (a) When a decision is made by the executive, an individual member of the executive or a committee of the executive, or a key decision is made by an officer with delegated authority from the executive, or an area committee 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 2 working days of being made. Chairs of all overview and scrutiny committees will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (b) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 clear working days after the publication of the decision, unless an overview and scrutiny committee objects to it and calls it in.
- (c) During that period, the proper officer shall call-in a decision for scrutiny by the committee if so requested by the chair or any three members (including substitute members) of the committee, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the committee on such date as he/she may determine, where possible after consultation with the chair of the committee, and in any case within 10 clear working days of the decision to call-in unless it is



agreed by all relevant parties that the decision which has been called in may be scrutinised at the next scheduled meeting of the overview and scrutiny committee.

- (d) If, having considered the decision, the overview and scrutiny committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 7 clear working days, amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the overview and scrutiny committee does not meet in the period set out in paragraph (c) above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the overview and scrutiny meeting, or the expiry of that further 7 clear working day period, whichever is the earlier.
- (f) 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, 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 executive as a whole or a committee of it, a meeting will be convened to reconsider within 7 clear working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 7 clear working days of the Council request.
- (g) 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.
- (h) Where an executive decision has been taken by an area committee, then the right of call-in shall extend to any three members of another area committee if they are of the opinion that the decision made but not implemented will have an adverse effect on the area to which their committee relates. In such cases, those

three members may request the proper officer to call-in the decision. He/she shall call a meeting of the relevant overview and scrutiny committee on such a date as he/she may determine, where possible after consultation with the chairman of the committee, and in any case within seven clear working days of the decision to

call-in. All other provisions relating to call in shall apply as if the call in had been exercised by members of a relevant overview and scrutiny committee.

### **Call-In and Urgency**

- (i) The call-in procedure set out above shall not apply where the decision being taken by the executive 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-chair's consent shall be required. In the absence of both, the head of paid service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (j) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

### **16. The party whip**

"The Party Whip" means *Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner.*

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

### **17. Procedure at overview and scrutiny committee meetings**

- (a) Overview and scrutiny committees and sub-committees shall consider the following business:
  - i) minutes of the last meeting;
  - ii) declarations of interest (including whipping declarations);

- iii) consideration of any matter referred to the committee for a decision in relation to call in of a decision;
  - iv) responses of the executive to report of the overview and scrutiny committee; and
  - v) the business otherwise set out on the agenda for the meeting.
- (b) Where the overview and scrutiny committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
- i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
  - iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public.

**18. Matters within the remit of more than one overview and scrutiny committee**

Where an overview and scrutiny committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another overview and scrutiny committee, then the committee conducting the review shall invite the chair of the other committee (or his/her nominee) to attend its meetings when the matter is being reviewed.

## Table 1

### Terms of reference for Overview and Scrutiny Committees

#### 1. HEALTH AND WELLBEING SCRUTINY PANEL

##### 1.1 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Community Activities and in particular, but not limited to:

The relationship of the Council with its citizens; the corporate plan objectives of supporting diverse communities and reducing crime and the fear of crime; community involvement; neighbourhood working; regeneration and social inclusion, including Government, Equality, Neighbourhood Renewal/Regeneration, Consultation, Area Based Plans, Crime and Disorder.

##### 1.2 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Health and Wellbeing and in particular, but not limited to:

The development of personal, environmental and physical wellbeing of local people and the Council's key objectives to promote healthy lifestyles; the wellbeing and fulfilment of personal potential; Cultural Strategy, Environmental Protection/Health Policy and Bereavement Policy.

##### 1.3 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Culture and Recreation including, but not limited to:

The development of cultural activity; the objective within the Carlisle Vision to promote healthy life styles; the wellbeing and fulfilment of personal potential; and Cultural Strategy.

##### 1.4 To act as the Council's crime and disorder committee and to fulfil all the functions and responsibilities and have all the powers of a Crime and Disorder Committee under the provisions of section 19 of the Police and Justice Act 2006 and any relevant regulations or guidance.

### Health and Wellbeing Scrutiny Panel Remit

- |                         |   |
|-------------------------|---|
| • Advice Agencies       | • Carlisle Partnership – Including Community Plan |
| • Allotments            | • CCTV  |
| • Bereavement Services  | • CDRP (Safer Communities)                        |
| • Carlisle and Eden CSP |   |

- Children's and Young People's Agenda/Partnership
- Civic Relationships
- Communicable diseases
- Community Centres/Associations
- Community Cohesion, Engagement and Communication
- Community Consultation
- Community Development
- Community Participation and Volunteering
- Community Safety
- Council Communication
- Countryside
- Crematoria
- Crime and Disorder
- Cultural Strategy
- Culture and Arts Development
- Disabled Access
- Disabled Facilities Grants
- Dog Wardens
- Emergency Planning
- Environment Agenda
- Environmental Health
- Environmental Protection
- Events
- Fair Trade
- Food Standards
- Grants for Leisure
- Greenspaces
- Health and Safety (External)
- Health and Wellbeing Board
- Health development
- Health Improvement
- Health/Wellbeing Partnerships
- Healthy City Forum
- Homeless/Hostels/Homeless Prevention
- Housing Client and Enabling
- Housing Conditions
- Housing Management
- Housing Support and Advice (not delivery)
- Land Drainage (operational)
- Leisure and Cultural Partnerships/Contracts including Green Spaces
- Neighbourhood Services, waste & recycling
- Neighbourhoods and Rural Support
- Outdoor recreation
- Parks
- Pest Control
- Play Areas (Development)
- Play Areas (Operational)
- Pools
- Private Sector Housing including Enforcement
- Public Conveniences

- Public Health Alliance
- Public Health Complaints
- Recycling
- Refuse Collection
- Schools Engagement
- Shopmobility
- Sport and Leisure
- Sports development
- Strategic Partnerships
- Street Cleaning
- Street Lighting
- Streetscene
- Supported Housing Services
- Tullie House Trust
- Young People's Activities
- Youth Council Links

## **2. BUSINESS AND TRANSFORMATION SCRUTINY PANEL**

### **2.1 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Corporate Resources and in particular, but not limited to:**

The management, organisation and performance of the Authority relating to the Council's corporate objective of being perceived as relevant and of value to the local community and region; Council strategies including Communications.

### **2.2 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Finance and in particular, but not limited to:**

The policies relating to and the management of the Council's financial resources both internal and external. It relates to the Council's corporate objective to spend the community's money wisely and Council's strategies including the Asset Management Plan and Financial Strategies.

### **2.3 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Best Value and in particular, but not limited to:**

The policy and implementation of the Council's response to Best Value legislation. It relates to the Council's corporate objectives to achieve "Best Value" Services and includes Best Value Performance Plan, Programme of Fundamental Performance Reviews and the Council's Policies on performance management.

#### **Business and Transformation Scrutiny Panel Remit**

- Accountancy and Strategic Finance
- Agile Working Plans/Handhelds
- Asset Management Plan
- Budget Development and Management
- Budget Framework
- Building Maintenance & Support Services
- Capital Strategy
- Car parking (income)
- Cash Collection
- Commercial Strategy
- Consultation Strategy
- Corporate Complaints
- Corporate Management
- Corporate Plan and Performance Management
- Corporate Planning Development – Corporate Plan. Service Planning
- Corporate Reporting/Systems Development/Open Data and Public Communication

- Corporate Support Services
- Customer care
- Customer Contact Services
- Customer Training
- Data Capture and Ownership
- Data Management and Information Training
- Data Protection
- Data Security
- Democratic Services
- Efficiency Plans
- Electoral Registration
- Equality and Diversity Policy
- Ethical Standards Policy
- Financial Monitoring and Performance Management
- Freedom of Information
- Health and Safety (Staff)
- Human Resources
- ICT
- Implementation of wider D&IS Strategy – Cloud Migration, Delivery
- Income Generation from Existing Services
- Income Management
- Insurance
- Internal Audit
- Investment Strategy
- IT Systems Development
- Regulation of Investigatory Powers
- Keepers/Civic Suite
- Land Charges
- Legal Services
- Licensing and Regulatory
- Marketing Strategy
- Mayoral/Civic
- Medium Term Financial Plan
- Member Services
- Member training and development
- Organisation Development – Culture, Competencies and Skill Development
- Organisational Development (Staff and Members)
- Overall Strategy/Policy
- Payments
- Payroll
- Performance Management Framework and Reporting Standards, Systems
- Performance Management Reporting (finance)
- Policy and Performance Management
- Potential New Ventures
- Press and Public Relations
- Procurement
- Property / Estates and Facilities Management
- Renewed Asset Business Plans
- Reports for Members/Public
- Revenues and Benefits
- Risk Management



- Service Delivery Innovation Activities
- Service Reviews
- Service Standards
- Shared Service Monitoring
- Smarter Services Delivery
- Strategic Financial Planning Group
- Sundry Debtors
- Systems and Process Training
- Technology Training
- Training Plan
- Transformation Programme
- Treasury Management
- Treasury Management Strategy Statement
- Web, Phone, Face 2 Face Customers Service Development
- Workforce Development Strategies

### **3. ECONOMIC GROWTH SCRUTINY PANEL**

#### **3.1 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Economic Development and Regeneration and in particular, but not limited to:**

The City Vision objective of promoting the economic wellbeing of the area, Economic Development and related Marketing and Promotion, Tourism and External Relations.

#### **3.2 To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Infrastructure Environment and Transport and in particular, but not limited to:**

The infrastructure and transport of the area and its sustainability; the promotion and improvement of the environment in a sustainable way; the Transport Plan; Waste Management; Local Plan and Sustainability (Local Agenda 21).

### **Economic Growth Panel Remit**

- Building Control
- Business Support and Sector Development
- Business Support Services
- Car Parking (visitor economy)
- Carlisle Economic Partnerships
- City Centre Management
- Civic Pride Policy
- Conservation
- Development Control
- Economic Development and Strategy
- Empty Property Schemes
- Enterprise Centre
- Events
- External Funding
- External Liaison with Education and Skills Providers
- Highways Partnership
- Historic Carlisle
- Housing Delivery (market, starter, affordable)
- Housing Partnerships
- Housing Strategy and Support
- Infrastructure Development
- Inward Investment
- Land Drainage
- LEP
- Local Plans
- Movement Strategy
- Planning Policy
- Private Sector relationships in Cumbria Chamber
- Promoting the Place – Carlisle Story
- Property (Strategic)
- Regeneration Projects
- Relationships with Environment Agencies/DEFRA
- Rural/Urban Policy
- Strategic Transport and Infrastructure
- Sub Regional/Regional/National Relationships
- Tourism Action Plan
- Tourism Development
- Tourism Management and Development

- Town Twinning