

30TH JANUARY, 2023

REPORT NO. DEM2302

UPDATES TO THE CONSTITUTION

1. INTRODUCTION

- 1.1 The Council's Constitution sets out how the Council operates, how decisions are made, and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.
- 1.2 The Council has a responsibility to monitor its Constitution, and to ensure that it is kept up to date. The last major review of the document was carried out in 2019/20 and since then several updates have been made, including a revised Code of Conduct for Councillors, new provisions to strengthen the Corporate Governance, Audit and Standards Committee, changes to the criteria for the selection of the Mayor and Deputy Mayor and updates to reflect changes to staffing structures and responsibilities within the organisation.
- 1.3 Further to the monitoring responsibility, this report proposes updates to the following parts of the Constitution for recommendation to Council:
- Standing Orders for the Regulation of Business (**Appendix 1**)
 - Scheme for the Appointment of Standing Deputies (**Appendix 2**)
- 1.4 This report also confirms that at its meeting on 18th January, 2023, the Development Management Committee considered and recommended proposed updates to the Scheme for Public Speaking at Development Management Committee (**Appendix 3**), proposals for Standing Deputies (as set out in Appendix 2) and a minor update to its Terms of Reference.
- 1.5 The proposals that are referenced in paragraphs 1.3 and 1.4 above, were considered and supported by the Constitution Working Group at its meeting in December 2022. The Constitution Working Group is appointed by this Committee and was attended by councillors P.J. Cullum, Sue Carter, Christine Guinness and S. Trusler.
- 1.6 This Report also sets out for monitoring purposes, a schedule which summarises the updates which have been made to the Constitution since the last report to the Council in May 2020 (**Appendix 4**). This includes:

- Changes that have been made following Council/Committee approval
- Changes arising from revised staffing structures and role responsibilities as directed by the Chief Executive
- Minor clerical updates to correct or clarify provisions under delegated powers

1.7 A complete copy of the Constitution, showing track changes made to the document in relation to the most recent staffing changes is available to view on the Members SharePoint site, with the link to be shared separately with Members.

2. **SUMMARY OF PROPOSED NEW UPDATES**

2.1 At its meeting in December 2022, the Constitution Working Group considered and recommended proposals in relation to the following matters which had been raised for discussion:

- (1) Arrangements for dealing with Notices of Motion with financial implications outside of the approved budget
- (2) The number of Standing Deputies appointed to committees
- (3) Public speaking at Development Management Committee

Notices of Motion

2.2 Currently, Standing Orders do not prescribe arrangements for dealing with Notices of Motion for Council Meetings which, if agreed, would have financial implications outside of the approved budget. Further to research, some Councils in the local area have Standing Orders which specify their process in such circumstances. Under existing Standing Orders, this may be dealt with by requiring the Motion to be reworded before it is accepted, or the matter can be referred without discussion to a relevant body. To help put in place clearer procedures, it is proposed that an update be made to Standing Orders to determine that Notices of Motion submitted under SO 9(1) containing proposals which would increase capital and/or financial expenditure outside of the approved budget must first be referred to the Cabinet or other appropriate body prior to consideration by the Council. In addition, for clarity, Notices of Motion should not seek to take a decision on executive matters, other than to make a recommendation. A copy of the proposed amendment is attached in SO 9(7) and 9(8) in **Appendix 1**.

Standing Deputies

- 2.3 The Scheme for Standing Deputies is a part of Standing Orders and applies to the Development Management Committee, Corporate Governance Audit and Standards Committee, Overview and Scrutiny Committee and Policy and Project Advisory Board. It currently allows for the attendance of one named substitute member per political group when an appointed Member cannot be present at a meeting.
- 2.4 It is proposed that the scheme be amended to allow the attendance of up to **two nominated substitutes per political group** in future. This will help to increase resilience for cover, and ensure quorum, on occasions when more than one Member from a political group is unable to attend a meeting. Research on provisions at other authorities in the local area shows that most authorities have a more generous provision for standing deputies than Rushmoor's current scheme.
- 2.5 A copy of the proposed amendments to the scheme for Standing Deputies showing track changes is attached at **Appendix 2**.

Scheme for Public Speaking at Development Management Committee

- 2.6 The Development Management Committee has considered proposals for change to the Scheme for Public Speaking at Development Management Committee, which are also recommended for approval by Council. These are changes to enable greater public participation and can be summarised as follows:
- (i) to increase the number of public speakers on planning applications at Committee to allow two people to speak against the applications and two people to speak for the application
 - (ii) to put in place provisions to allow a greater number of public speakers in the case of major planning applications where there is expected to be high level of public interest and the decision is expected to have a significant impact on the Borough as a whole.
- 2.7 A copy of the proposed amendments to the Scheme for Public Speaking at the Development Management Committee is attached at **Appendix 3**. Additional comments raised by DMC will be reported verbally to the meeting.

3. SCHEDULE OF UPDATES MADE SINCE LAST MAJOR REVIEW

- 3.1 **Appendix 4** to the report contains a schedule which summarises all the updates that have been made to the Constitution since the last major review and the report to Council in May 2020. This includes all the updates made to

reflect the changes that have been made to the senior staffing structure, job titles and officer responsibilities as determined by the Chief Executive.

- 3.2 As part of this, amendments have been made throughout the document, and in Standing Orders, to reflect the change to responsibilities following the departure of the Head of Democracy and Community.

4. **CONCLUSIONS**

- 4.1 The Council has a responsibility to monitor its Constitution and it is timely to update the document to ensure that the provisions continue to facilitate council business and meet the needs of the organisation. The updates also incorporate recent changes to the senior staffing structure to ensure formal responsibilities are up to date and clear.

- 4.2 The Committee is invited to consider the proposals described in section 2 of the report above.

5. **RECOMMENDATIONS**

- 5.1 Subject to any amendments agreed by the Committee, it is recommended to the Council that a revised and updated Constitution be adopted.

The revisions to comprise: -

- (1) All proposed new amendments to the Constitution as set out in Appendices 1, 2 and 3; and
- (2) All previously agreed amendments and updates to the Constitution since the last major review in May 2020 as described in the schedule in Appendix 4

The Committee is recommended to agree that any further minor amendments required to finalise the report to Council be agreed by the Executive Director and Corporate Manager – Democracy in consultation with the Chairman of the Corporate Governance, Audit and Standards Committee.

CORPORATE MANAGER - DEMOCRACY

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STANDING ORDERS FOR THE REGULATION OF BUSINESS

INTRODUCTION

The Council Procedure Rules (known as Standing Orders) set out the rules of debate and procedure for the conduct of meetings of the Council, including where necessary their application to committees, sub-committees and other bodies.

The Standing Orders are:

1. Meetings of the Council
2. Order of Business – Annual Meeting
3. Appointment of Relevant Bodies
4. The Cabinet and Other Bodies
5. Election of Chairmen and Vice-Chairmen
6. Order of Business – Ordinary Meetings
7. Minutes
8. Questions
9. Notices of Motion
10. Reports of Relevant Bodies
11. Voting
12. Motions and Amendments which may be moved without notice
13. Rules of Debate for Council Meetings
14. Quorum
15. Closure and Adjournment of Meetings
16. Motions Affecting Persons Employed by the Council
17. Disorderly Conduct
18. Disturbance by Members of the Public
19. Recission of Preceding Resolution
20. Confidentiality of Certain Business

21. Petitions
22. Deputations and Memorials
23. Interpretation of Standing Orders
24. Sealing of Documents
25. Authentication of Documents for Legal Proceedings
26. Standing Orders to Apply to Relevant Bodies
27. Meetings of Relevant Bodies
28. Sub-Committees
29. Variation and Revocation of Standing Orders
30. Suspension of Standing Orders
31. Standing Orders to be given to Members

Where the term “relevant body” is mentioned under the Standing Orders it relates to the Cabinet, committees, sub-committees or Policy and Project Advisory Board and this item shall be construed as appropriate.

The Council Procedure Rules contain some mandatory standing orders and other standing orders to reflect local custom and practice. Mandatory standing orders are also reflected in the other Procedure Rules set out in this Constitution.

Members and officers shall comply with these Standing Orders at all times.

MEETINGS OF THE COUNCIL

Annual Meeting

1. (1) 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 out-going councillors. The meeting shall normally be held on a Tuesday as near as possible to 20th day of May in each year, unless the Mayor, in consultation with the Chief Executive ~~and Head of Democracy and Community~~ determines otherwise.

Ordinary Meetings

- (2) In addition to the Annual Meeting of the Council and any meetings convened by the Mayor or by Members of the Council, meetings for the transaction of general business shall be set out in a calendar by the ~~Corporate Manager – Democracy~~ Head of Democracy and Community to ensure the effective transaction of business.

Time of Meetings

- (3) Meetings of the Council shall be held at seven o'clock in the evening, unless the Mayor, in consultation with the Chief Executive ~~Head of Democracy and Community~~ determines otherwise.

Extraordinary Meetings

- (4) An Extraordinary Meeting may be called by the Chief Executive ~~Head of Democracy and Community~~ at the request of:
 - (a) the Council by resolution
 - (b) the Mayor
 - (c) any five Members of the Council by notice which has been signed by those Members and specifies the business proposed to be transacted.

Notice of and Summons to Meetings

- (5) ~~The Head of Democracy and Community will give nPublic notice of meetings will be given to the public of the time and place of any meeting~~ in accordance with the Access to Information Rules. At least five clear working days before a meeting, ~~the Head of Democracy and Community will send~~ a summons signed from the Chief Executive will be sent by him or her to every Member of the Council. 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.

ORDER OF BUSINESS – ANNUAL MEETING

2. (1) The order of business of the Annual Meeting of the Council shall normally be to:
 - (a) elect the Mayor and Deputy Mayor of the Borough;
 - (b) approve the minutes of the last meeting;
 - (c) receive any announcements from the Mayor and/or the Chief Executive;
 - (d) appoint the Leader of the Council;
 - (e) note the appointment of the Deputy Leader and other Members appointed to the Cabinet by the Leader;
 - (f) appoint to the Committees and the Policy and Project Advisory Board as appropriate;
 - (g) appoint the Chairman and Vice-Chairman of the Development Management Committee and Corporate Governance, Audit and Standards Committee, and the Chairman of the Overview and Scrutiny Committee and the Policy and Project Advisory Board; and
 - (h) consider any other business set out in the summons.

APPOINTMENT OF RELEVANT BODIES

3. (1) The Council shall at the Annual Meeting appoint the relevant bodies specified in Standing Order 4 and shall determine the composition of the voting Members of each relevant body, and may at any time appoint such other relevant bodies as are necessary to carry out the work of the Council but, subject to any statutory provision in that behalf:
 - (a) shall not give effect to the appointment of any Member of a relevant body so as to hold office later than the next Annual Meeting of the Council;
 - (b) may at any time dissolve a relevant body; and
 - (c) may suspend a Member from membership of a relevant body for a specified period.
- (2) Where the Members of the Council are divided into political groups, the Council shall, at the Annual Meeting and at such other times as appropriate, review the allocation of seats on relevant bodies between the political groups.

- (3) The ~~Corporate Manager – Democracy Head of Democracy and Community~~ shall set out in a report to the Council the allocation of seats to political groups in accordance with the requirements of the Local Government and Housing Act, 1989 and the Local Government Act, 2000, upon which the Council shall determine the allocation of seats accordingly.
- (4) Subject to Standing Orders 3 (2) and (3) and Standing Order 4 (7), the Council shall make appointments to relevant bodies so as to give effect to the wishes of the political groups as appropriate.
- (5) The arrangements to secure political balance and the provisions set out in Standing Orders 3, 4 and 28 shall be undertaken in accordance with the provisions of the Local Government and Housing Act, 1989 or any subsequent amending legislation, and Regulations made thereunder from time to time by the Secretary of State.
- (6) For the purpose of these Standing Orders, the term 'political group' means two or more Councillors who wish to be treated as a political group for the purposes of the provisions of the Local Government and Housing Act, 1989 or any subsequent amending legislation, and regulations made thereunder from time to time by the Secretary of State.

THE CABINET AND OTHER BODIES

Membership

4. (1) The decision-making structure of the Council shall consist of the bodies set out below, together with a Leader and Cabinet. The Council shall appoint the Members of each of the relevant bodies, which shall not exceed the number of Members specified below:

Relevant Body	Maximum Number of Voting Members
Development Management Committee	11
Corporate Governance, Audit and Standards and Committee	11
Overview and Scrutiny Committee	11
Policy and Project Advisory Board	11

- (2) The Council shall appoint standing deputies to the Development Management Committee, Corporate Governance, Audit and Standards Committee, Overview and Scrutiny Committee and Policy and Project Advisory Board, in accordance with the provisions for the appointment of standing deputies contained in Appendix 1 to these Standing Orders.

- (3) The Member of the Cabinet with responsibility for matters relating to planning policy shall be an ex officio Member of the Development Management Committee PROVIDED that the Member shall only be entitled to vote if appointed with full voting rights in accordance with the political balance arrangements.
- (4) The Overview and Scrutiny Committee and the Policy and Project Advisory Board may appoint such non-voting Members and advisers as they consider fit.

Vacancies in Membership

- (5) If any Member shall be absent from three consecutive meetings of a Committee or the Policy and Project Advisory Board, he or she shall cease to be a Member thereof, unless he or she shall, in the opinion of the Committee or Board, show reasonable grounds for his or her absence.
- (6) On a vacancy arising on the Corporate Governance, Audit and Standards Committee or the Development Management Committee, the ~~Corporate Manager – Democracy Head of Democracy and Community~~ shall give notice thereof in the summons calling the next Council meeting, so as to enable the Council to fill such vacancy.
- (7) On a vacancy arising on the Overview and Scrutiny Committee or the Policy and Project Advisory Board, such vacancy shall be filled by the appropriate Leader of a Political Group where it falls within that Group. In all cases the appointment shall be reported on the agenda of the following meeting of the body. Where the vacancy is not part of the allocation of a political group, it shall be filled by the ~~Corporate Manager – Democracy Head of Democracy and Community~~.

APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

Appointment of Leader of the Council

5. (1) The Leader of the Council shall be appointed at the Annual Meeting of the Council. On a vacancy arising, or at the end of the Municipal Year, ~~the Head of Democracy and Community nominations~~ shall ~~seek nominations be sought~~ from Members and ~~give~~ notice ~~given~~ in the summons calling the next Council meeting so as to enable the Council to fill such vacancy. The Leader of the Council shall Chair meetings of the Cabinet and references to Chairman in these Standing Orders shall be construed accordingly.

Appointment of Chairmen and Vice-Chairmen

- (2) Chairmen and Vice-Chairmen of the Development Management and Corporate Governance, Standards and Audit Committees shall

be appointed at the Annual Meeting of the Council for the ensuing year.

Chairmen of the Overview and Scrutiny Committee and the Policy and Project Advisory Board shall also be appointed at the Annual Council Meeting.

Vice-Chairmen of the Overview and Scrutiny Committee and the Policy and Project Advisory Board shall be appointed at the first meeting of the appropriate Committee/Board in each Municipal Year.

On a vacancy arising, the appropriate Committee or Board will be asked to fill the vacancy at its next meeting. In the absence from a meeting of the Chairman and Vice-Chairmen, a Chairman for that meeting shall be appointed.

Chairman of Meeting

- (3) Any power or duty of the Mayor or a chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

ORDER OF BUSINESS – ORDINARY MEETINGS

6. (1) The order of business at every meeting of the Council shall normally be to:
 - (a) choose a person to preside if the Mayor and Deputy Mayor are absent;
 - (b) deal with any business required by statute to be done before any other business;
 - (c) approve as a correct record and sign the Minutes of the last meeting of the Council. No motion or discussion shall be allowed on the Minutes except as to their accuracy and any objection on that ground must be made by motion;
 - (d) deal with any business expressly required by statute to be done;
 - (e) receive any Mayor's announcements;
 - (f) dispose of business (if any) remaining from the last meeting;
 - (g) answer questions asked under Standing Order 8;
 - (h) authorise the sealing of documents;
 - (i) receive any petitions submitted under Standing Order 21;

- (j) consider motions in the order in which notice has been received;
- (k) receive and consider matters for decision submitted by relevant bodies;
- (l) consider matters for debate raised by the relevant bodies;
- (m) answer questions for the Cabinet in accordance with the agreed procedure;
- (n) receive Reports submitted by the Cabinet, Corporate Governance, Audit and Standards Committee and Development Management Committee and answer questions asked under Standing Order 8 (2);
- (o) other business, if any, specified in the Summons; and
- (p) receive Reports submitted by the Overview and Scrutiny Committee and the Policy and Project Advisory Board.

Variation of Order of Business

- (2) Business falling under Items (a), (b) or (c) of Standing Order 6 (1), shall not be displaced, but, subject thereto, the foregoing order of business may be varied by:
 - (a) the Mayor at his or her discretion; or
 - (b) resolution passed on a motion (which need not be in writing) duly moved and seconded, which shall be moved and put without discussion.

Mayor-Elect and Deputy Mayor-Elect

- (3) The Corporate Governance, Audit and Standards Committee shall recommend to the Council a Mayor-Elect and a Deputy Mayor-Elect at least one month before the end of the Municipal Year.

MINUTES

Approval of Minutes

- 7. (1) The Mayor shall put the question that the Minutes before the meeting be approved as a correct record.

Minutes not to be discussed

- (2) No discussion shall take place upon the Minutes, except upon their accuracy, and any question of the accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Mayor shall sign the Minutes.

Extraordinary Meetings

- (3) The Council shall approve as a correct record the Minutes of the proceedings of an Extraordinary Meeting of the Council called under Standing Order 1(4) at the next following Ordinary Meeting of the Council and they shall be signed by the Mayor.

QUESTIONS BY MEMBERS

Questions for the Cabinet

8. (1) A Member of the Council may ask a Cabinet Member any question upon any matter dealt with under the executive arrangements, in accordance with the procedure contained in Appendix 2 to these Standing Orders.

Questions relating to Reports

- (2) A Member of the Council may ask a Committee Chairman or a Cabinet Member any question upon an item in the Report of a relevant body (Standing Order 6(1)(n)) when that item is under consideration by the Council.

Questions relating to other matters

- (3) A Member of the Council may:
 - (a) if ten clear working days' notice in writing has been given to the Corporate Manager – Democracy, Head of Democracy and Community, ask the Mayor, the Chairman of the Corporate Governance, Audit and Standards Committee, the Chairman of the Development Management Committee or a Cabinet Member any question on any matter in relation to which the Council has powers or duties or which affects the Borough, PROVIDED that the number of questions permitted to be asked shall be limited to three for each political group or Member, in the case that the Member is not part of a political group.

Urgent Questions

- (b) with the permission of the Mayor, put to him or her or a Chairman or Cabinet Member any question relating to urgent business, of which such notice has not been given; but a copy of any such question shall, if possible, be delivered to the Corporate Manager – Democracy, Head of Democracy

~~and Community~~ not later than five o'clock in the afternoon of the day of the meeting.

Length of Questions

- (4) No question asked under 3 (a) or (b) above shall exceed 100 words in length including any document appended thereto.

Answers not to be discussed

- (5) No speech or discussion shall, without the consent of the Council, be allowed on any question so put, or on any answer thereto.

Forms of Answer

- (6) An answer may take the form of:-
- (a) a direct oral answer; or
 - (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
 - (c) where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council; or
 - (d) a reference to the fact that the question relates to a confidential matter and as such can only be answered when the Council has resolved to exclude the public.

Questions to the Chairman of the Overview and Scrutiny Committee

- (7) A Member of the Council may ask the Chairman of the Overview and Scrutiny Committee any question on a matter relating to the Committee's responsibilities during consideration of the Annual Report of the Overview and Scrutiny Committee to the Council, in accordance with the procedure contained in Appendix 3 to these Standing Orders.

NOTICES OF MOTION

Notice to be in writing

9. (1) Notice of every motion, other than a motion which under Standing Order 12 may be moved without notice, shall be given in writing or sent electronically including the name of the Member or Members of the Council giving the notice, and delivered, at least ten clear days before the meeting to which it relates, to the Corporate Manager – Democracy ~~Head of Democracy and Community~~.

Inclusion of Motions in Summons

- (2) The Corporate Manager – Democracy Head of Democracy and Community shall set out in the Summons for the appropriate meeting of the Council, the motions of which notice has been duly given in the order in which they have been received, unless the Member giving notice of the motion shall have withdrawn it or indicated that he or she proposes to move it at a later meeting.
- (3) The number of new motions permitted to be considered at each meeting of the Council shall be limited to one per political group or one per Member, in the case that a Member is not part of a political group. (Previously SO 9 (6))
- (4) Each Motion shall be considered by the Chief Executive ~~and Head of Democracy and Community~~ prior to inclusion on an agenda to ensure that the provisions of these Standing Orders and any other legislation and/or guidance, have been met. (Previously SO 9 (10))

Motions Submitted – Length and Content

- (5) No motion, other than a motion which may be moved without notice under Standing Order 12, shall exceed 200 words in length including any document appended thereto. (Previously SO 9 (8))
- (6) A Motion should be expressed in positive terms to either adopt a certain course of action, carry out some act or to declare a particular view. (Previously SO 9 (9))
- ~~(7)~~ Every motion shall be relevant to some matter in relation to which the Council has powers or duties, and shall not seek to take a decision in respect of a matter which is the responsibility of the Cabinet or other statutory body, other than to make a recommendation.
- ~~(7)~~(8) Motions containing proposals which would increase capital and/or revenue expenditure outside the approved budget must first be referred to the Cabinet or other appropriate body prior to consideration by the Council.

Motions not moved considered withdrawn

- (9) If a motion thus set out in the Summons be not moved either by a Member who gave notice thereof or by another Member on his or her behalf it shall, unless postponed by consent of the Council, as appropriate, be treated as withdrawn and shall not be moved without fresh notice. (Previously SO 9 (3))

Motions referred to a Relevant Body

(10) Where a motion has been included in the Summons and moved and seconded, the Mayor may direct that it be referred to the relevant body and not further debated at that meeting of the Council. (Previously SO 9 (4))

(11) A motion considered by a relevant body shall be submitted with a recommendation for decision to the Cabinet or a Committee or, if appropriate, to the Council. (Previously SO 9 (5))

REPORTS OF RELEVANT BODIES

Submission and Form of Reports

10. (1) As soon as is practicable following a meeting of a relevant body, it shall submit a Report to the Council. Relevant bodies shall, as appropriate:
- (a) submit proposals containing recommendations which require approval by the Council;
 - (b) submit Reports which relate to matters of information or to decisions taken; and
 - (c) submit items for debate on which the Council's views are sought.

Transfer of Matters Contained in Reports

- (2) At a meeting of the Council, any Member, immediately following the relevant page of a Report of the Cabinet or Committee being called over, may move that an item contained in the Report be discussed at the meeting and, upon being seconded, any such motion shall be put to the meeting without discussion, PROVIDED that the proposer may, when putting his motion, indicate briefly his or her reasons for so moving and the Chairman or Cabinet Member may respond thereto.

Reports not to be discussed

- (3) No discussion (other than a question asked or answered in accordance with Standing Order 8) shall take place upon any matter contained or referred to in a Report of a relevant body submitted under Standing Order 10(1)(b) above.

VOTING

Majority

11. (1) 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 is put. The mode of voting at meetings of the Council shall be by show of hands or, if there is no dissent, by the affirmation of the meeting.

Mayor to have casting vote

- (2) In the event of an equality of votes, the Mayor, or in the case of a relevant body, the Chairman, shall have a casting vote, whether or not he or she has already voted. If the Mayor or Chairman declines to give a casting vote the proposition shall not be carried.

Right to have vote recorded

- (3) Where any Member requests it, immediately after the vote is taken, his or her vote will be so recorded in the minutes to show whether he or she voted for or against the question or abstained from voting.

Recorded Votes

- (4) On the requisition of any Member of the Council made before the vote is taken, the voting on any question shall be recorded so as to show whether each Member present gave his or her vote for or against that question or abstained from voting.
- (5) A recorded vote shall be taken on any decision relating to the budget or council tax.

Appointments

- (6) Where there are more than two persons nominated for any position to be filled by the Council or relevant body, and of the votes given there is not an overall majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken and so on until a majority of votes is given in favour of one person.

MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

12. The following motions and amendments may be moved without notice:-
 - (a) appointment of a Chairman of the meeting at which the motion is made;
 - (b) motions relating to the accuracy of the Minutes;
 - (c) that an item of business specified in the Summons has precedence;
 - (d) remission to a relevant body;

- (e) appointment of a relevant body or members thereof, occasioned by an item mentioned in the Summons to the meeting;
- (f) adoption of Recommendations of the relevant bodies or Officers and any consequent resolutions;
- (g) that leave be given to withdraw a motion;
- (h) extending the time limit for speeches;
- (i) amendments to motions;
- (j) that the Council proceed to the next business;
- (k) that the question be now put;
- (l) that the debate be now adjourned;
- (m) that the Council do now adjourn;
- (n) authorising the sealing of documents;
- (o) suspending Standing Orders, in accordance with Standing Order 29;
- (p) motion under Section 100A of the Local Government Act, 1972 to exclude the public;
- (q) that a Member named under Standing Order 17 be not further heard or do leave the meeting;
- (r) inviting a Member to remain where he or she has a pecuniary interest;
- (s) giving consent of the Council where the consent of the Council is required by these Standing Orders;
- (t) continuing the sitting under Standing Order 15(1);
- (u) to debate a matter contained in the Report of a relevant body in accordance with Standing Order 10(2).

RULES OF DEBATE FOR COUNCIL MEETINGS

Form of Motions and Amendments

13. (1) 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 Standing Order 9 it shall, if required by the Mayor, be put into writing and handed to the Mayor before it is further discussed or put to the Meeting.

Secunder's Speech

- (2) A Member when seconding a motion or amendment may, if he or she then declares his or her intention to do so, reserve his or her speech until a later period of the debate.

Members to stand while speaking and form of reference to other Members

- (3) A Member when speaking shall stand and address the Mayor. If two or more Members rise, the Mayor shall call on one to speak; the other or others shall then sit. While a Member is speaking the other Members shall remain seated, unless rising to a point of order or in personal explanation. Members should be referred to by their titles of "Mayor", "Deputy Mayor", "Chairman" or "Councillor" as appropriate.

Content and length of speeches

- (4) A Member shall direct his or her speech to the question under discussion or to a personal explanation or to a point of order. No speech shall exceed five minutes except by consent of the Council.

When a Member may speak again

- (5) A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:-
 - (a) to speak once on an amendment moved by another Member;
 - (b) if the motion has been amended since he or she last spoke, to move a further amendment;
 - (c) if his or 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 or she spoke was carried;
 - (d) in exercise of a right of reply given by paragraph (11) or (13) of this Standing Order;
 - (e) on a point of order;
 - (f) by way of personal explanation.

Form of Amendments to Motions

- (6) (a) An amendment shall be relevant to the motion and shall either:-
 - (i) refer a subject of debate to a relevant body for consideration or re-consideration;

- (ii) leave out words;
- (iii) leave out words and insert or add others; or
- (iv) insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Council.

- (b) Subject to Standing Order 13(6)(a), any amendment to a recommendation on a Notice of Motion shall incorporate a specific reference to the Notice of Motion submitted for consideration.

Amendments to be disposed of singly

- (7) Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of PROVIDED that the Mayor 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.

Subsequent Amendments

- (8) If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

Alteration of Motion

- (9) With the consent of the Council, a Member may:
 - (a) alter a motion of which he or she has given notice; or
 - (b) with the further consent of his seconder, alter a motion which he or she has moved;

if (in either case) the alteration is one which could be made as an amendment thereto.

Withdrawal of Motions and Amendments

- (10) A motion or amendment may be withdrawn by the mover with the consent of his or her seconder and of the Council, which shall be signified without discussion, and no Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

Right of Reply

- (11) The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on his or her amendment.

Motions which may be moved during debate

- (12) When a motion is under debate no other motion shall be moved except the following:
- (a) to amend the motion;
 - (b) to adjourn the meeting;
 - (c) to adjourn the debate;
 - (d) to proceed to the next business;
 - (e) that the question be now put;
 - (f) that a Member be not further heard;
 - (g) by the Mayor under Standing Order 17(2) that a Member do leave the meeting;
 - (h) a motion under Section 100A of the Local Government Act, 1972 to exclude the public.

Motions for adjournment, closure etc.

- (13) A Member may move without comment at the conclusion of a speech of another Member, "That the Council proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Council do now adjourn", on the seconding of which the Mayor shall proceed as follows:
- (a) on a motion to proceed to the next business: unless in his or her opinion the matter before the meeting has been insufficiently discussed, he or she shall first give the mover of the original motion a right of reply, and then put to the vote the motion to proceed to next business;
 - (b) on a motion that the question be now put: unless in his or her opinion the matter before the meeting has been insufficiently discussed, he or she shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his or her right of

reply under paragraph (11) of this Standing Order before putting his or her motion to the vote; and

- (c) on a motion to adjourn the debate or the meeting: if in his or her opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion he or she shall put the adjournment motion to the vote without giving the mover of the original motion his or her right of reply on that occasion.

Points of order or personal explanations

- (14) A Member may rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of a Standing Order or statutory provision and the Member shall specify the Standing Order or statutory provision and the way which he or she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him or her which may appear to have been misunderstood in the present debate.

Ruling of Mayor to be final

- (15) The ruling of the Mayor on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

Members not to impute unworthy motives

- (16) No Member shall impute to another Member dishonest or unworthy motives, or use offensive or unbecoming words, or be guilty of tedious repetition.

Protest not to be entered on Minutes

- (17) No protest or expression of dissent, other than as a record of votes, shall be entered upon the Minutes of the Council.

Respect for Chair

- (18) Whenever the Mayor rises during a debate a Member then standing shall resume his or her seat and the Council shall be silent.

QUORUM

- 14. (1) Subject to the provisions of Paragraph 45 of Schedule 12 of the Local Government Act, 1972, no business shall be transacted at a meeting of the Council unless at least one-third of the whole number of Members of the Council are present.
- (2) If during any meeting of the Council the Mayor, after counting the number of Members present, declares that there is not a quorum present the meeting shall stand adjourned.

CLOSURE AND ADJOURNMENT OF MEETINGS

15. (1) No opposed business (i.e. business which any Member wishes to debate) shall be taken at an Ordinary Meeting of the Council after eleven o'clock in the evening, except the business then under consideration and as hereinafter provided. At the conclusion of the business then under consideration, the Mayor shall call over the business remaining to be transacted and any opposed business, including the remainder of a Report of the relevant body if then under discussion, shall stand adjourned unless the Council resolve, on a motion which shall be put without debate, to continue the sitting either for a particular item or items on the agenda or for all the remaining business.
- (2) When a meeting is adjourned pursuant to any provision contained in these Standing Orders (except in accordance with Standing Orders 17 (2) or (3)) then the consideration of all business not transacted shall be adjourned to a day and time to be fixed by the Mayor or, if he or she does not fix a day and time, to the next Ordinary Meeting of the Council. Notice of an adjourned meeting shall be given to each Member ~~by the Head of Democracy and Community~~ and such notice shall specify the business remaining to be transacted, but it shall not be necessary to send with such notice a further copy of any minutes and/or reports already circulated.

MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL

16. If any question arises at a meeting of the Council, or of a relevant body, as to the appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council, such question shall not be the subject of discussion until the Council or relevant body, as the case may be, has decided whether or not the power of exclusion of the public under Section 100A of the Local Government Act, 1972 shall be exercised.

DISORDERLY CONDUCT

Naming a Member

17. (1) If at a meeting any Member of the Council, in the opinion of the Mayor notified to the Council, misconduct himself or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other Member may move "That the Member named be not further heard", and the motion if seconded shall be put and determined without discussion.

Removal of disorderly Member

- (2) If the Member named continues his or her misconduct after a motion under Standing Order 17 (1) has been carried the Mayor shall:

EITHER move "That the Member named do leave the Meeting" (in which case the motion shall be put and determined without seconding or discussion);

OR adjourn the meeting of the Council for such a period as the Mayor shall consider expedient.

Adjournment in case of disorder

- (3) In the event of general disturbance, which in the opinion of the Mayor renders the due and orderly dispatch of business impossible, the Mayor in addition to any other power vested in him or her may, without the question being put, adjourn the meeting of the Council for such period as considered expedient.

DISTURBANCE BY MEMBERS OF THE PUBLIC

18. If a member of the public interrupts the proceedings at any meeting the Mayor shall warn him or her. If he or she continues the interruption the Mayor shall order his or her removal from the Council Chamber. In case of general disturbance in any part of the Chamber open to the public the Mayor shall order that part to be cleared.

RESCISSION OF PRECEDING RESOLUTION

Motion to rescind a previous decision

19. (1) A motion or amendment to rescind a decision made at a meeting of the Council within the previous six months cannot be moved unless the notice of motion is signed by at least six Members.

Motion similar to one previously rejected

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

Recommendation of Relevant Body

- (3) Standing Orders 19 (1) and (2) shall not apply to motions moved in pursuance of a recommendation of a relevant body.

CONFIDENTIALITY OF CERTAIN BUSINESS

20. Where a relevant body shall have resolved to exclude the public from a meeting pursuant to Section 100A(2) or (4) of the Local Government Act, 1972, a Member of the Council who attends the meeting shall not, without permission of the relevant body, disclose any matter dealt with or discussed in the absence of the public until the matter has been reported to the Council and is not subject to any stipulation that the matter shall continue to be regarded as exempt or confidential; or until the matter has been communicated to the media by or with the authority of the relevant body.

PETITIONS

21. Where a petition is submitted to the Council in accordance with the Council's Petitions Scheme, and has at least 1000 eligible signatures, the subject matter of the petition shall be reported to the next Ordinary Meeting of the Council, allowing at least ten working days' notice. The petition organiser shall be given the opportunity to present the petition to the Council and a maximum of ten minutes shall be permitted for this. Members of the Council shall not be permitted to ask questions of the petition organiser. The Council will then consider its response to the petition.

DEPUTATIONS AND MEMORIALS

Deputations to the Council

22. (1) A deputation may be received by the Council, according to the wishes expressed by the deputation; but no such deputation shall be received unless five clear days' notice of the intended deputation and of its objects shall have been received by the Corporate Manager – Democracy Head of Democracy and Community and then only by leave of the Council.

Reception of Deputations

- (2) Two persons may address the Council, but the first speaker's address shall not exceed ten minutes and the second speaker's address shall not exceed five minutes. The duration of any address shall include the time taken to read a memorial which may be presented by the deputation. Following the address, Members of the Council shall not be permitted to ask questions of the deputation, except at the discretion of the Chairman.

The Scheme for Public Speaking at meetings of relevant bodies is contained in Part 4 of the Council's Constitution.

Memorials

- (3) A copy of a memorial which a deputation wishes to present to the Council or to a relevant body, shall be delivered to the Corporate Manager – Democracy ~~Head of Democracy and Community~~ at least five clear days prior to the meeting at which the deputation desires to be received. The purpose of any such memorial shall be circulated ~~by the Head of Democracy and Community~~ to the Members of the Council or the relevant body concerned, unless the Mayor or, as the case may be, Chairman directs otherwise.

Urgent Memorials

- (4) A memorial on any subject which the Mayor may deem to be urgent shall be brought before the next meeting of the Council or a relevant body, whichever may first be sitting; or he or she may, if he or she deems it necessary, direct the Head of Democracy and Community to Summon a Special Meeting, either of the Council or of a relevant body to deal with the matter.

INTERPRETATION OF STANDING ORDERS

23. The ruling of the Mayor or, as appropriate, the Chairman of a relevant body as to the construction or application of any of these Standing Orders, or as to any proceedings of the Council or a relevant body, shall not be challenged.

SEALING OF DOCUMENTS

Custody of Seal

24. (1) The Common Seal of the Council shall be kept in a safe place in the custody of the Corporate Manager - Legal Services.

Authorised use of Seal

- (2) The Common Seal of the Council shall be affixed to any document authorised by a resolution of the Council, the Cabinet or a Committee to which the Council have delegated their powers in this behalf or through powers and duties delegated in the Council's Constitution.

Attestation of Seal

- (3) The Seal shall be attested by either the Chief Executive, Executive Directors, Assistant Chief Executive or the Corporate Manager – Legal Services and an entry of every sealing of a document shall be made and consecutively numbered in a book kept for the purpose and shall be signed by a person who has attested the Seal.

AUTHENTICATION OF DOCUMENTS FOR LEGAL PROCEEDINGS

25. Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by the Corporate Manager – Legal Services or the Monitoring Officer ~~– or the Head of Democracy and Community~~ where appropriate unless any enactment otherwise requires or authorises, or the Council give the necessary authority to some other person for the purpose of such proceedings.

STANDING ORDERS TO APPLY TO RELEVANT BODIES

26. The Standing Order of the Council headed “Rules of Debate” (except those parts which relate to standing and to speaking more than once) shall, with any necessary modification, apply to meetings of relevant bodies.

MEETINGS OF RELEVANT BODIES

Convening of Meetings

27. (1) A relevant body shall hold meetings at such times as may be required and may adjourn such meetings as may be thought proper. Special meetings of a relevant body shall be summoned by the Corporate Manager – Democracy Head of Democracy and Community at the request of the Chairman or any three Members of the relevant body.

Discussion of additional items

- (2) No additional item of business not already included on the agenda for a meeting of a relevant body shall be raised unless the Chairman is satisfied that the matter is one of urgency. Urgent matters which Members propose to raise shall be notified to the Chairman or to the Corporate Manager – Democracy Head of Democracy and Community not later than noon on the day of the meeting (unless relating to an emergency arising after that time).

Minutes

- (3) Minutes of the proceedings of a relevant body shall be recorded in a Minute Book kept for that purpose and shall be signed by the Chairman at the same or following meeting.

Quorum

- (4) Except where authorised by Statute or ordered by the Council, business shall not be transacted at a meeting of a relevant body unless at least one half of the whole number of voting Members are present.

Voting

- (5) Voting at a meeting of a relevant body shall be by a show of hands PROVIDED that immediately after the vote is taken any Member may require that his or her vote for the question or against the question or whether he or she abstained from voting shall be recorded in the Minutes.

Mover of Motion may attend meeting

- (6) A Member of the Council who has moved a motion which has been referred to a relevant body shall have notice of the meeting at which it is proposed to consider the motion. He or she shall have the right to attend the meeting and if he or she attends shall have an opportunity to explain the motion.

Attendance of Members

- (7) No Member of the Council shall attend a meeting of a relevant body, except as a member of the public, unless:-
- (a) he or she is a Member of the relevant body; or
 - (b) he or she is entitled to be present at such meeting by virtue of any provisions contained in these Standing Orders; or
 - (c) he or she is invited by the relevant body to be present at such meeting.

but that any Member of the Council shall have the right to ask the relevant body to address the meeting on an item of business included on the agenda.

- (8) Members of the Council attending, as members of the public, meetings of the Cabinet, Committees or Policy and Project Advisory Board of which they are not Members, shall be entitled to remain, during the consideration of business where the press and public are excluded.
- (9) When the Cabinet is holding informal discussions on future policy issues, other Members of the Council shall not be entitled to be present unless invited.

Public Participation

- (10) Members of the public may address or ask questions of relevant bodies in accordance with the Public Speaking Procedure Rules in Part 4 of this Constitution.

SUB-COMMITTEES APPOINTED BY COMMITTEES

Arrangements

28. (1) Any Sub-Committees established by a Committee shall be appointed in accordance with the political balance arrangements agreed by the Council and the Committee shall give effect to the appointments proposed by the appropriate political groups.

Chairman to be Ex Officio Member

- (2) The Chairman of a Committee shall be an ex officio Member of every Sub-Committee appointed by that Committee, unless he or she signifies to the Committee that he or she does not wish to serve PROVIDED that he or she may not vote at a meeting of a Sub-Committee of which he or she is not a voting Member.

Co-opted Members

- (3) A Sub-Committee may appoint such non-voting Members and advisers as it considers fit.

VARIATION AND REVOCATION OF STANDING ORDERS

Motions to amend Standing Orders

29. (1) Any motion to add to, vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next Meeting of the Council.

SUSPENSION OF STANDING ORDERS

30. (1) Subject to Paragraph (2) of this Standing Order, any of the preceding Standing Orders may be suspended so far as regards any business at the meeting where its suspension is moved.
- (2) A motion to suspend Standing Orders shall not be moved without notice (i.e. under Standing Order 12) unless there shall be present at least one-half of the whole number of the Members of the Council.

STANDING ORDERS TO BE GIVEN TO MEMBERS

31. A copy of these Standing Orders and of such statutory provisions as regulate the proceedings and business of the Council, shall be made available to each Member of the Council by the Corporate Manager – Democracy Head of Democracy and Community upon delivery to him or her of the Member's Declaration of Acceptance of Office on the Member being first elected to the Council.

SCHEME FOR QUESTIONS TO THE CABINET AT FULL COUNCIL

OVERVIEW

The purpose of the Scheme for Cabinet Questions at full Council is to enable any Member of the Council to ask a Member of the Cabinet a question on any item dealt with under the executive arrangements. Questions can relate to any function not dealt with elsewhere in the decision-making structure (e.g. committees) or which affects the Borough.

A period of 15 minutes will be allocated for questions to Cabinet Members

PROCESS

Questions must be tabled in accordance with the process set out below.

Members asking questions will be able to ask a maximum of one supplementary question relating to the same subject.

- (1) Members may submit questions up until 4.00 p.m. on the day before the Council meeting to the Corporate Manager – Democracy Head of Democracy and Community in the following form:
 - a full question identifying the Cabinet Member who will be asked
 - questions should be submitted in writing (including e-mail)
- (2) Members may submit more than one question but a second or subsequent question will be permitted once those Members submitting questions have had a chance to ask their first question.
- (3) The Corporate Manager – Democracy Head of Democracy and Community will prepare a list of tabled questions/topic areas in the order in which they have been received.
- (4) The appropriate Cabinet Member(s) will be advised of the subject area/question that will be asked at the meeting.
- (5) In consultation with the Mayor, the tabled questions will be put into their final order (taking account of any Member who has submitted more than one question)
- (6) At the meeting, the Mayor will conduct the question session in the usual way, allowing a supplementary question where appropriate.
- (7) The 15 minutes session will only be extended if there are tabled questions still to be dealt with and at the discretion of the Mayor. There will be no supplementary questions in such circumstances.
- (8) The Mayor's ruling in respect of the conduct of questions to the Cabinet will be final.

SCHEME FOR THE ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE TO COUNCIL

OVERVIEW

The main features of the procedure are:

- The Chairman of the Overview and Scrutiny Committee, or nominated spokesperson, shall introduce the Annual Report of the Overview and Scrutiny Committee to the Council (a maximum of 5 minutes for the presentation shall be permitted).
- A period of 15 minutes will be allocated for questions on the Report. Questions must be tabled in accordance with the process set out below.
- Members asking questions will be able to ask a maximum of one supplementary question relating to the same subject.

PROCESS FOR QUESTION TIME

Any Member of the Council may ask a question on an item included in the Annual Report, subject to written notice.

The process for question time shall be as follows:

- (1) Members will be able to submit questions up until 4.00 p.m. on the day before the Council meeting to the Corporate Manager – Democracy ~~Head of Democracy and Community~~ in the following form:
 - a full question which identifies the item to which the question relates
 - questions should be submitted in writing (including e-mail)
- (2) Members may submit more than one question but a second or subsequent question will only be permitted once other Members submitting questions have had a chance to ask their first question.
- (3) The Chairman or nominated spokesperson will be advised in advance of the question that will be asked at the meeting.
- (4) In consultation with the Mayor, the tabled questions will be put into their final order (taking account of any Member who has submitted more than one question).
- (5) At the meeting the Mayor will conduct the question session in the usual way, allowing a supplementary question where appropriate.
- (6) The Mayor's ruling in respect of the conduct of questions will be final.

SCHEME FOR THE APPOINTMENT OF STANDING DEPUTIES

1. Introduction

The Scheme for Standing Deputies applies to the Development Management Committee, Corporate Governance, Audit and Standards Committee, Overview and Scrutiny Committee and the Policy and Project Advisory Board. It allows for the attendance of ~~a~~ standing deputy~~y~~ies where a regularly appointed Member cannot be present

2. Scheme

The arrangements for the Scheme for Standing Deputies are as follows:

- (1) Each political group, which is allocated seats on the Development Management Committee, Corporate Governance, Audit and Standards Committee, Overview and Scrutiny Committee and Policy and Project Advisory Board may nominate ~~two~~ ~~one~~ standing deputy~~y~~ies to attend the Committee on occasions when an appointed Member cannot be present. The appointment of standing deputies will usually take place at the Annual Meeting of the Council when the committee membership is decided.
- (2) Members appointed as standing deputies are in the same position in terms of responsibilities and duties as any other member of the committee, for example, in relation to the declaration of any interests they might have, and will be able to exercise full voting rights.
- (3) Standing deputies may attend meetings in that capacity only where the ordinary councillor will be absent for the whole of the meeting and must declare at the beginning of the meeting which councillor they are substituting for.
- (4) If a standing deputy is present at a meeting at which the Member whom he or she is replacing turns up during the course of proceedings, the original member should be required to withdraw from participation at the meeting.
- (5) A standing deputy shall be advised of a Member's absence either directly by the Member who is unable to attend, or by the Committee Administrator on notification of an advance apology by 5pm on the day of the meeting at the latest.

- (6) The names of those councillors appointed as standing deputies shall be published on agendas alongside the ordinary committee membership.

EXTRACT FROM THE PUBLIC SPEAKING PROCEDURE RULES

SCHEME FOR PUBLIC SPEAKING AT DEVELOPMENT MANAGEMENT COMMITTEE

6. Requirement to give Advance Notice

- 6.1 Those who wish to speak to the Development Management Committee on a planning application, must register by contacting the Head of Democracy and Community or the meeting administrator in writing by email or post no earlier than five working days before the Committee meeting (usually from 9am on the Wednesday, a week preceding the meeting) and no later than 5pm on the last working day before the relevant meeting (usually the Tuesday immediately before the meeting).

7. Content of Advance Notice

- 7.1 The meeting administrator must be informed of:

- The application on which it is proposed to speak
- The full name, address and telephone number of the proposed speaker
- Whether the speaker is in favour or against the application
- Whether the speaker represents anyone else
- Whether the speaker wishes their details to be passed on to any other caller with a similar view.

- 7.2 A member of the public will only be able to speak once this information is properly registered. Speaking to a Planning Officer or telephoning the Council will not be sufficient to register a wish to speak to the Committee. All requests to speak must be made in writing direct to the Meeting Administrator.

8. Eligibility to Speak

- 8.1 The procedure allows for ~~one person only~~ two people to speak against the recommendation and ~~one only~~ two people in support (an exception is set out in para 8.2). ~~To qualify to speak, the person~~ Speakers must have already submitted written comments on the planning application and these must have been received by the Council by the publicised closing date for comments. Requests to speak will be dealt with on a “first come, first served” basis. Therefore, if someone has already asked to speak, and someone else wishes to do likewise, they will not be able to do so. Provided that ~~the persons~~ s registered to speak gives their consent, further requests to speak will be passed on, to facilitate a joint case to be made in appropriate circumstances.

- 8.2 In the case of a major planning application (as determined by the Chairman of the Development Management Committee in consultation with the Head of Planning or Executive Director) where there is expected to be a high level of public interest and the decision is expected to have a significant impact on the Borough as whole, a maximum of seven public speakers may speak against the recommendation and a maximum of seven public speakers in support. Speakers must have already submitted written comments on the planning application, and these must have been received by the Council by the publicised closing date for comments.

8.3 In the case of a major planning application (as set out in para. 8.2 above), the Chairman of the Development Management Committee in consultation with the Head of Planning or Executive Director is delegated authority to decide the appropriate number of speakers up to the maximum (seven), and to determine which speakers are chosen from amongst those who have applied where there are more than the agreed maximum, to ensure a representative range of views are presented. There should be overall balance in the time allocated to those speaking for and those speaking against the application.

8.4 A person will only be allowed to speak if the planning application to which they refer is scheduled to be determined at that particular meeting of the Development Management Committee. The opportunity to speak does not apply to any other matters that might be on the Committee agenda.

8.5 With the exception of planning applicants or their agents, all requests to speak will only be accepted from local government electors for the Borough of Rushmoor and *bona fide* representatives of groups and organisations working or represented locally and recognised as such by the Council.

8.6 A person who is eligible to speak to the Development Management Committee may nominate in writing a representative to speak on their behalf when registering their request to speak. However, the nominated representative must only speak to expand and explain the eligible speaker's previously submitted written objections or representations.

9. **At the Meeting**

9.1 Speakers will be advised to read the officer's report on the application before deciding to make representations to the Committee, so that they understand what is being proposed. The report is available on the Council's website and at the Council Offices at least five clear working days before the meeting. It is also recommended that the speaker checks with the meeting administrator before the Committee meeting as to whether any late amendments to the application have been made.

9.2 Once registered, speakers must make themselves known to one of the meeting administrators at least fifteen minutes before the start of the meeting so that their attendance can be recorded. Meetings usually start at 7pm. Speakers arriving late after the meeting has started will not be allowed to speak.

9.3 **Each person speaking to the Committee will be allowed a maximum period of three minutes in which to speak.** The speaker may not ask questions nor will they be questioned, unless the Chairman considers that there are matters which are not raised in the officer's report. If the speaker represents others, apart from their household, they will need to bring with them documentary evidence that these people have agreed to representations being made on their behalf. This may take the form of a signed letter or other similar authorisation. This must be given to the meeting administrator before the meeting starts.

9.4 The three-minute time limit will not be exceeded, and all speakers must stop when requested to do so by the Chairman.

- 9.5 No material, including plans, photographs, letters or statements can be handed to the Committee Members at, or just before, the Committee meeting. All requests to hand out or circulate material will be **refused** in accordance with the Council's adopted policy on "Late Representations".
- 9.6 Public speaking will take place as each individual planning application is presented for determination. The order of speaking at the Committee is as follows:
- The Planning Officer will present the application and add any further relevant information.
 - The Chairman will call the registered person expressing objections to the planning application to come forward to speak for a maximum of three minutes. The person will then return to the public gallery.
 - The Chairman will then call the registered person expressing support for the planning application to come forward to speak for a maximum of three minutes. The person will return to the public gallery.
 - The Planning Officer will comment on any factual matters raised by either speaker.
 - Members of the Development Management Committee will then debate the application and ask questions of officers in the usual way and reach a decision without further direct public involvement.
- 9.7 If the application is deferred without discussion then no public speaking will take place. If a decision on the application upon which speakers have made representations is deferred after discussion and debate, the speakers will not have an automatic right to speak at the next Development Management Committee meeting at which it is considered. Instead the speaker must register again.
- 9.8 In the event of any dispute over these procedures, the Chairman's decision is final.

SUMMARY OF UPDATES MADE TO THE CONSTITUTION – SINCE MAY 2020

PART 2 – THE CONSTITUTION AND HOW THE COUNCIL OPERATES

Section/Paragraph	Update	Decision maker	Date
Throughout Part 2	Delete all references to Licensing and General Purposes Committee, and replace with Corporate Governance and Audit Committee	Council	22/4/21
	Delete references to Head of Democracy and Community and replace with Corporate Manager – Democracy	Admin Update	January 2023
Para 1.5 – Changes to Constitution	Delete ‘The Council has been given temporary powers to hold remote meetings....’ Insert in its place ‘Should the Council be given permanent powers to hold remote meetings...’	Admin Update	May 2021
Para 2.3 – Duties of Councillors	Add reference to the Information Security Policy in place of the AUP	Admin Update	May 2021
Para 3.9 – Virtual Meetings	Insert replacement wording to reflect current position ‘Some meetings are held remotely as ‘virtual meetings’ which are accompanied by a live webcast for public viewing..’	Admin Update	May 2021
Para 3.15 – Council’s Staff and Management	Delete references to CLT – insert references to CMT (corporate management team) and Assistant CX. Add reference to ELT (executive leadership team)	Admin Update Admin Update	October 2020 December 2022
Para 3.18 – Authentication of Documents	Add Assistant CX to list of officers empowered to witness sealing or authenticate documents	Admin update	November 2021

PART 3 - RESPONSIBILITY FOR FUNCTIONS

Section/Paragraph	Update	Decision maker	Date
<p>Section 1 - Introduction to Responsibility for Functions</p> <ul style="list-style-type: none"> • Para 1.4 – Authorised Officers • Para 1.4 – General Requirements for Delegation • Para 1.5 and 1.6 – General Powers for Exec Directors and HOS/Consulting 	<p>Insert reference to Assistant CX (new post)</p> <p>Add clarification that consultation by officers should include ward members (as appropriate) as is convention.</p> <p>Insert reference to the new Exec Decision Making Guidance Document for officers:</p> <p>‘Additional guidance on using delegation powers under the scheme of delegation for Executive Matters is available in the Council’s ‘Executive Decision-Making Guidance for Officers’ document’</p> <p>Insert reference to Assistant CX (new post), and update reference from CLT to CMT (corporate management team)</p>	<p>Admin update</p> <p>Admin update</p> <p>Admin update</p> <p>Admin update</p>	<p>October 2020</p> <p>October 2020</p> <p>October 2020</p> <p>October 2020</p>

Section/Paragraph	Update	Decision maker	Date
<p>Section 3 - Scheme of Delegation for Executive Matters)</p> <ul style="list-style-type: none"> • Para 3.5 (Matters reserved to Cabinet) • Appendix 1 – Cabinet Portfolio Responsibilities • Appendix 2 – Service Responsibilities 	<p>Add new (10) ‘single debts to be written off greater than £10k’ – this is to mirror the existing provision already in the Financial Procedure Rules</p> <p>Responsibility for Risk Management moved from Corporate Services Portfolio to the Democracy, Strategy and Partnerships Portfolio</p> <p>Add new Service Responsibilities for Assistant Chief Executive:</p> <ul style="list-style-type: none"> • Policy, Strategy and Performance moved from Democracy, Strategy and Partnerships • Emergency Planning and Covid 19 • Business continuity and Corporate Risk Management <p>Head of Democracy, Strategy and Partnerships updated to Head of Democracy and Community</p> <p>Remove post of Head of Customer Experience – with Customer Services moving to Head of IT, Projects and Facilities</p> <p>Responsibility for Princes Hall moved from Economy, Planning and Strategic Housing to Operational Services</p> <p>Adjustment – ‘Interim’ Head of Property, Estates and Technical Services</p>	<p>Admin Update</p> <p>Leader Decision – Admin update</p> <p>CX Decision – Admin update</p>	<p>October 2020</p> <p>Autumn 2021</p> <p>October 2020</p> <p>Feb 2022</p>

Section/Paragraph	Update	Decision maker	Date
	<p>Updated Service Responsibilities Document to reflect the new Executive Head Roles as described in the Chief Executive's Report to Cabinet November 2023</p>	Cabinet/CX Decision	Dec 2023
<p>Section 4 – Council Responsibilities (Non-Executive Matters)</p> <ul style="list-style-type: none"> • Para 4.5.2 (taxi licensing arrangements) • Para 4.9 - Other Council Responsibilities 	<p>Delete all references to Licensing and General Purposes Committee and replace with Corporate Governance, Audit and Standards Committee</p> <p>Update all references to Head of Economy, Planning and Strategic Housing to Head of Property and Growth</p> <p>Update all references to Head of Operational Services to Executive Head of Operations</p> <p>Insert provision that where the Head of Operational Services is minded to refuse or revoke a licence for a private taxi hire operator or a hackney carriage and/or private hire driver, the matter be referred to a taxi licensing hearing for decision. However, with an exemption that delegation to Head of Operations remains where it is deemed urgent or necessary for an expedient decision.</p> <p>Update the following responsibilities arising from changes to staff and designations:</p> <p>(Copy of revised schedule attached – Annex 1)</p>	<p>Council</p> <p>CX/Cabinet Decision – Admin Update</p> <p>CX/Cabinet Decision – Admin Update</p> <p>CGAS Committee</p> <p>CX Decision To be confirmed through Constitution update</p>	<p>22/4/21</p> <p>Jan 2023</p> <p>Jan 2023</p> <p>27/7/21</p> <p>Jan 2023</p>

Section/Paragraph	Update	Decision maker	Date
Section 5 – Role of the Council (Council Functions)	Delete all references to Licensing and General Purposes Committee and replace with Corporate Governance, Audit and Standards Committee	Council	22/4/21
Section 6 – Roles and Responsibilities of Council Decision Making Bodies <ul style="list-style-type: none"> • Throughout Section 6 • Para 6.2 – Corporate Governance, Audit and Standards Committee • Add New Para 6.4A - Licensing Sub-Committee (Taxis) • Para 6.5 – Development Management Committee 	Replace references to L&GP and replace with CGAS Insert new information into Terms of Reference: <ul style="list-style-type: none"> - Provision for up to 3 Independent, non-voting co-opted Members - New Statement of Purpose Licensing Sub-Committee (Taxis) <ul style="list-style-type: none"> - Membership of 3 Members drawn from CGAS on a rotational basis appointed by Head of Democracy and Community (3) – councillor requests to be sent in writing to the Head of Economy, Planning and Strategic Housing (not Chairman of the Committee) to mirror requirement in the scheme of delegation in Section 4.	Council CGAS Committee Admin update to correct clerical error	22/4/21 27/7/21 May 2021
Section 7 – Terms of Reference of the Overview and Scrutiny Committee	Replace references to Head of Democracy and Community with Corporate Manager – Democracy	Admin Update	Jan 2023
Section 8 – Terms of Reference of the Policy and Project Advisory Board	Replace references to Head of Democracy and Community with Corporate Manager – Democracy	Admin Update	Jan 2023

Section/Paragraph	Update	Decision maker	Date
Section 9 – Governance Arrangements for RDP and RHL	Updates: <ul style="list-style-type: none"> - Membership of RDP Board (CX, ED, Property and Major Projects Portfolio Holder) - RDP Investment Team representatives (replace Exec Head of Regen and Property with Interim Head of Development) - RDP - Council's shareholder representative changed to Exec Director and Monitoring Officer 	CGAS and RDP Board CGAS	May 2021
Section 10 – Councillor Role Descriptions	Insert new Role Descriptions: <ul style="list-style-type: none"> - Chairman of the Corporate Governance, Audit and Standards Committee - Committee Member (CGAS) - Independent Member (Audit) 	Council	22/4/21
Section 12 – Proper Officers	(Copy of revised schedule attached – Annex 2)	Admin update CX Decision to be confirmed through Constitution Update	October 2020

PART 4 – PROCEDURE RULES

Section/Paragraph	Update	Decision maker	Date
Standing Orders for the Regulation of Business	REVISED DOCUMENT WITH PROPOSALS SET OUT AT APPENDIX 1 & 2 TO REPORT		
Public Speaking Procedure Rules related to Development Management Committee	<p>PROPOSED NEW PROVISIONS SET OUT IN APPENDIX 3 TO REPORT</p> <p>Add sentence to clarify intention that eligible speakers may nominate a representative to speak on their behalf as long as the representative only speaks to clarify and expand the eligible speaker’s originally submitted representations.</p>	Admin Update to clarify	25/6/22
Licensing Sub-Committee (Taxis) Hearings Protocol and Procedure	Insert new Protocol into the Constitution, as Section 6A.	CGAS Committee	27/7/21

Replace references to ‘Head of Democracy and Community’ with ‘Corporate Manager – Democracy’ in the following Procedure Rule documents:

- Access to Information Procedure Rules
- Cabinet Procedure Rules
- Overview and Scrutiny Procedure Rules
- Licensing Hearings
- Standards Hearings
- Petitions Scheme

PART 5 – CODES AND PROTOCOLS

Section/Paragraph	Update	Decision maker	Date
Code of Conduct for Councillors	New Code of Conduct for Members inserted to mirror the national code.	Council	22/4/21
	Minor updates to Appendix in Code of Conduct	CGAS Committee	22/11/21
Selection of Mayor and Deputy Mayor	Updates made to loosen the criteria for selection of the Deputy Mayor and Mayor	Council	8/12/22
Information Security Policy	Insert latest Document	Admin Update	May 2021

PART 6 – MEMBERS ALLOWANCES SCHEME

Section/Paragraph	Update	Decision maker	Date
Schedule of Rates	New Schedule of Rates from May 2022	Council	23/6/22
Rates and Allowance Scheme	Update to Allowances and Scheme	Council	23/6/22

SECTION 4: COUNCIL RESPONSIBILITIES (NON-EXECUTIVE MATTERS)**EXTRACT****4.9 Other Council Responsibilities**

Other matters which are not to be the responsibility of the Cabinet and Leader are set out in the table below. This incorporates 'Local Choice Functions' which the Council has decided shall be non-executive matters.

This list is anything else that must be non-executive. Matters that are delegated to the Licensing, Audit and General Purposes Committee or Development Management Committee will appear in their Terms of Reference in Section 6.

	Responsibility	Legislation	Carried out by
1.	Power to make Standing Orders	Local Government Act 1972, Section 106 and paragraph 42 of Schedule 12	Council
2.	Power to make standing orders as to contracts	Local Government Act 1972, Section 135	Council
3.	Power to appoint staff and determine their terms and conditions	Local Government and Housing Act 1989 and Regulations	In accordance with the provisions set out in the Officer Employment Rules in Part 4
4.	Duty to designate Head of Paid Service and provide resources	Local Government and Housing Act, Section 4	Council (recommendation made by CGAS)
5.	Duty to designate Monitoring Officer and Section 151 Chief Finance Officer	Local Government and Housing Act, Section 5	Council (recommendation made by CGAS)
6.	Duty to provide staff and resources to a person nominated by the Monitoring Officer	Local Government Act 2000, Section 82	Council

7.	Power to appoint proper officers	Local Government Act 1972, Section 270 (3)	Chief Executive
8.	Duty to make arrangements for proper administration of financial affairs	Local Government Act 1972, Section 151	Section 151 Chief Finance Officer
9	Duty to approve the Authority's Statement of Accounts	The Accounts and Audit Regulations 1996	Corporate Governance, Audit and Standards Committee
10.	Functions related to pensions	Regulations under Section 7,12 or 24 of the Superannuation Act 1972	Corporate Governance, Audit and Standards Committee
11.	Power to change the name of the Borough	Local Government Act 1972, Section 74	Council
12.	Power to confer the title of honorary alderman or to admit an honorary freeman	Local Government Act 1972, Section 249	Council
13.	Powers and functions relating to community governance reviews, including power to undertake a review, as listed in Paragraph E of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000	Local Government and Public Involvement in Health Act 2007.	Council
14.	Power to make payments or provide benefits in cases of maladministration, etc.	Local Government Act 2000, Section 92	Chief Executive or Section 151 Officer

15.	The making, amendment, revocation or re-enactment of any byelaws	Any statutory provision	Council
16.	The promotion, opposition to or amendment of local or personal Bills	Local Government Act 1972, Section 239	Council
17.	Appointment of Elected Members to vacancies on Outside Bodies arising during the Municipal Year		Head of Democracy and Community Corporate Manager - Democracy

Elections

	Responsibility	Legislation	Carried out by
18.	Duty to appoint an electoral registration officer and returning officer for local government elections	Representation of the People Act 1983, Section 8(2) and 35	Council
19.	Powers to provide the officers the electoral registration officer needs	Representation of the People Act 1983, Section 52(4)	Head of Paid Service
20.	Duty to divide constituency into polling districts	Representation of the People Act 1983, Section 18	Council
21.	Power to divide electoral divisions into polling districts at local government elections	Representation of the People Act 1983, Section 31	Council
22.	Powers in respect of holding elections	Representation of the People Act 1983, Section 39(4)	Returning Officer

23.	Power to pay electoral registration officer's expenses (<u>Chief Executive is Registration Officer</u>)	Representation of the People Act 1983, Section 54	<u>Monitoring Officer</u> <u>Head of Democracy and Community</u>
24.	Duty to declare vacancy in office	Local Government Act 1972, Section 86	Returning Officer
25.	Duty to give notice of a casual vacancy	Local Government Act 1972, Section 87	Returning Officer
26.	Power to make proposals for pilot schemes for local elections	Representation of the People Act 2000, Section 10	Corporate Governance, Audit and Standards Committee
27.	Duty to consult on change of scheme for elections <u>e.g. whole council elections</u>	Local Government and Public Involvement in Health Act 2007, Sections 33(2), 38(2) and 40(2)	<u>Chief Executive</u> <u>Head of Democracy and Community</u>
28.	Duties relating to certain publicity in relation to <u>change of scheme for elections electoral matters</u>	Local Government and Public Involvement in Health Act 2007, Sections 35, 41 and 52	<u>Chief Executive</u> <u>Head of Democracy and Community</u>
29.	<u>Duties relating to notice to Electoral Commission (sec 53 relates to parish councils and the section 55-57 related to EC has been repealed)</u>	<u>Local Government and Public Involvement in Health Act 2007, Section 53</u>	<u>Head of Democracy and Community</u>
30.	Functions relating to <u>consultation and notification processes in relation to changing the e-of name of an electoral area</u>	Local Government and Public Involvement in Health Act 2007, Section 59	<u>Chief Executive</u> <u>Head of Democracy and Community</u>

Regulatory Matters:

	Responsibility	Legislation	Carried out by
31.	To exercise powers to protect the rights of the public to use and enjoy highways	Section 130 of the Highways Act 1980	Head of Property, Estates and Technical Services <u>Executive</u> Head of Operations at Services
32.	Powers to grant permission for provision of objects, services, amenities, recreation and refreshment facilities on the highway and related powers	Part VIIA of the Highways Act 1980	<u>Executive</u> Head of Operations at Services Head of Property, Estates and Technical Services
33.	To exercise powers adopted by the Council under the Hampshire Act 1983	s.4 (relating to the registration of hairdressers and barbers and premises occupied by them) s.8 (relating to the control of stray dogs) s.9 (relating to the seizure of horses).	<u>Executive</u> Head of Operations at Services
34.	Appointments and authorisations of officers	Food Safety Act 1990, Health and Safety at Work Act, 1974	<u>Executive</u> Head of Operations at Services
35.	Power to issue a closing order to takeaway food shop	Local Government (Miscellaneous Provisions) Act 1989	<u>Executive</u> Head of Operations at Services
36.	Powers to protect important hedgerows	The Hedgerows Regulations 1997	<u>Executive</u> Head of Property and Growth Economy, Planning and Strategic Housing

ANNEX 1

37.	Power to transfer non-executive functions to another local authority, or decision to accept such a delegation from another local authority	Local Government Act 1972	Council
38.	Power to make an order identifying a place as designated public place for the purpose of police powers in relation to alcohol consumption	Criminal Justice and Police Act 2001	Corporate Governance, Audit and Standards Committee

SECTION 12: PROPER OFFICERS**1. APPOINTMENT OF PROPER OFFICERS**

Proper officers are designated by the Council for the functions listed below as required by various statutory provisions.

2. PROPER OFFICER RESPONSIBILITIES

“Proper Officer” means the officer designated below by the Council for the purpose of this Scheme, or in the absence of such designation, the arrangements in relation to “authorised officers” in Part 3, Section 1.4 shall apply.

LEGISLATION	RESPONSIBILITY	PROPER OFFICER
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Public Health Act 1936

Section 85(2)	Serving a notice requiring action to deal with verminous articles	<u>Executive</u> Head of Operational Services
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Local Government Act 1972

Section 83	To witness and receive declarations of acceptance of office by the Mayor, Deputy Mayor and Councillors.	Chief Executive
Section 84	To accept written notice of resignations from persons holding office as Mayor, Deputy Mayor or Councillor.	Chief Executive
Section 88 (2)	Convening meetings of the Council to fill casual vacancy in office of Mayor.	<u>Head of Democracy and Community</u> <u>Chief Executive</u>
Section 89 (1)(b)	Receipt of notice from electors requiring election to fill casual vacancy on Council.	Chief Executive
Section 100 (B)(2)	Exclusion from public inspection of those reports (or parts) likely to be taken in absence of public.	<u>Head of Democracy, and Community</u> <u>Corporate Manager -</u> <u>Democracy</u>

Section 100 (B)(7)(c)	Making available to the Press other documents already supplied to Members.	Head of Democracy and Community Corporate Manager – Democracy
Section 100 (C)(2)	To make a written summary in lieu of confidential minutes.	Head of Democracy and Community Corporate Manager - Democracy
Section 100 (D)(1)(a)	Listing background papers to a report	Authorised Officer responsible for the report
Section 100 (D)(5)(a)	To Identify background papers on which a report is based which have been relied on in preparing the report.	Authorised Officer responsible for the report
Section 100 (F)(2)	To identify documents not open to inspection by councillors under Section 100 (F)(1).	Corporate Manager – Legal Services
Section 115 (2)	Person to whom all officers shall pay monies received by them and due to the local authority.	Executive Head of Finance
Section 146 (1)(a)	Statutory declarations in relation to securities on change of name of authority.	Executive Head of Finance
Section 151	To be responsible for the proper administration of the financial affairs of the Council.	Executive Head of Finance
Section 191	To receive notices from Ordnance Survey in relation to ascertaining or locating Local Authority boundaries.	Head of IT, Digital, Customer and Projects and Facilities
Section 223	Authorisation (appearance by persons in legal proceedings)	Corporate Manager – Legal Services
Section 225 (1)	To receive and give receipt for any document required to be formally deposited.	Chief Executive
Section 228	To make arrangements for the Inspection of documents and minutes	Head of Democracy and Community Corporate Manager - Democracy

Section 229 (5)	To certify photographic copies of documents for use in legal proceedings.	Corporate Manager – Legal Services <u>or</u> <u>Monitoring Officer</u>
Section 234 (1) & (2)	<p>To sign formal notices, orders or other documents made or issued by the Council other than those under seal and other than those specifically delegated to another officer:</p> <p>Any document relating to electoral registration or any Parliamentary or Local Election.</p> <p>All documents or categories of document for which provision is not made in relation to any other officer.</p> <p>Any document authorising the payment or receipt of any sum of money.</p> <p>The granting or refusal of planning permission, and any other documents or notice relating to building control or planning.</p> <p>Any document relating to housing, including notices pursuant to relevant statutory provisions.</p> <p>Any document relating to environmental or public health including notices pursuant to relevant statutory provisions.</p> <p>Any document relating to a matter which is, or is likely to be, legally contentious or any statutory notice (including enforcement or stop notices) where specific provision is not made elsewhere in this scheme.</p>	<p>Chief Executive</p> <p>Corporate Manager – Legal Services</p> <p>Executive Head of Finance</p> <p>Corporate Planning Manager or Head of <u>Property and Growth Economy, Planning & Strategic Housing</u></p> <p><u>Head of Economy, Planning & Strategic Housing and Executive Head of</u> Head of <u>Operations</u> <u>at</u> <u>services</u></p> <p><u>Executive</u> Head of <u>Operational</u> <u>Services</u></p> <p>Corporate Manager – Legal Services</p>

	Any document of a category not specifically referred to above.	The Authorised Officer responsible for the service in question, or in default thereof, the Corporate Manager – Legal Services
Section 236 (10)	To send copies of all byelaws made by the Council to the County Council.	Corporate Manager – Legal Services
Section 238	To certify a printed copies of Council byelaws.	Corporate Manager – Legal Services
Schedule 6 para. 1	Deputy to electoral registration officer.	Head of Democracy and Community <u>to be confirmed</u>
Schedule 12 para. 4(2)(b)	To issue and serve summons to meetings of the Council.	Head of Democracy and Community <u>Chief Executive</u>
Schedule 12, para. 4(3)	To receive formal notification from councillors requesting that a summons be sent to an alternative address.	Head of Democracy and Community <u>Corporate Manager - Democracy</u>
Schedule 14, Para. 25(7)	Certification of copy resolutions under Para. 25 of Schedule 14 of the Local Government Act, 1972.	Head of Democracy and Community <u>Corporate Manager - Democracy</u>

Local Government (Miscellaneous Provisions) Act 1976

Section 41	To certify copy resolutions, orders, reports, minutes, records of executive decisions and copy instruments appointing officers to perform certain functions	Head of Democracy and Community <u>Corporate Manager - Democracy</u>
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Representation of the People Act 1983

Section 8	To act as Registration Officer for the registration of Parliamentary and Local Government Electors.	Chief Executive
Section 28	To act as Acting Returning Officer at Parliamentary Elections.	Chief Executive
Section 35	To act as Returning Officer for the election of Councillors of the Borough.	Chief Executive

Building Act 1984

Section 61	To authorise access to any works being carried out to repair, reconstruct or alter a drain	<u>Executive Head of Property and Growth</u> <u>Head of Economy, Planning & Strategic Housing</u>
Section 78	To take emergency action in relation to dangerous buildings and structures.	<u>Executive Head of Property and Growth</u> <u>Head of Economy, Planning & Strategic Housing</u>

Local Government Finance Act, 1988

Sections 114, 115 and 115A	Responsibility for Chief Financial Officer Reports.	Executive Head of Finance
Sections 116	Notification to auditor of date, time and place of meeting to consider Section 114 report and of decision of such meeting.	Chief Executive

Local Government and Housing Act, 1989

Section 2(4)	Keeping the list of politically restricted posts	Corporate Manager - People
Section 4	Head of Paid Service	Chief Executive

Section 5	Monitoring Officer	Executive Director
Section 15 to 17	Allocating seats on committees	Head of Democracy and Community Corporate Manager - Democracy
Section 18	To implement a scheme of councillors' allowances	Head of Democracy and Community Corporate Manager – Democracy

Local Government (Committees and Political Groups) Regulations 1990

All Sections	Dealing with membership of political groups, political balance on committees and nominations by political groups	Head of Democracy and Community Corporate Manager – Democracy
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Food Safety Act 1990

Section 5	All functions required of an authorised officer	Executive Head of Operations Head of Operational Services
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Party Wall etc. Act 1996

Section 10 (8)	To select a third surveyor, if required, during a neighbour dispute about building projects.	Executive Head of Property and Growth Head of Economy, Planning & Strategic Housing
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Crime and Disorder Act 1998

	To ensure compliance with the provisions of the Crime and Disorder Act in relation to the prevention of crime and disorder.	Chief Executive
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Local Government Act 2000

Section 81	Establish and maintain a Register of Interests.	Monitoring Officer
Chapter 4	Dealing with changing governance arrangements	<u>Monitoring Officer and Corporate Manager – Democracy Head of Democracy and Community</u>
Section 99 & 100	Councillors allowances and having regard to all relevant regulations including the Local Authorities (Members Allowances) (England) Regulations 2003	<u>Corporate Manager – Democracy Head of Democracy and Community</u>

The Local Authorities (Referendums) (Petitions and Directions) Regulations 2000

Regulation 34	Publishing the verification number of local government electors for the purpose of petitions under the Local Government Act 2000.	<u>Corporate Manager - Democracy Head of Democracy and Community</u>
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Freedom of Information Act 2000

36	Application of exemption from disclosure.	Corporate Manager – Legal Services
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Local Authorities (Model Code of Conduct) (England) Order 2001

Schedule 1 Paragraph 17	Establish and maintain a Register of Gifts and Hospitality received by Members.	Corporate Manager – Legal Services
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Local Authorities (Standing Orders) (England) Regulations 2001

Schedule 1 (Part II)	Giving notice of appointments and dismissals of officers to the Cabinet in accordance with the Regulations	Corporate Manager - People
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Schedule 3	Provisions relating to disciplinary action	Corporate Manager - People
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Regulation of Investigatory Powers Act (RIPA) 2000

27, 28 and 29	<p>Designation of officers empowered to grant authorisation for the carrying out of directed surveillance and authorise the use of covert human intelligent sources under Sections 27, 28 and 29 of the Act.</p> <p>Officers empowered to authorise surveillance are specified in Appendix B to the Council's Corporate Surveillance Policy.</p>	Corporate Manager – Legal Services
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Proceeds of Crime Act 2002

	To meet the Council's obligations in relation to the Proceeds of Crime Act	Executive Head of Finance
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Anti-Social Behaviour Act 2003

Section 30	Approval for Dispersal Orders	Chief Executive
Section 40	Closure of Noisy Premises	<u>Executive Head of Operations</u> <u>Head of Operational Services</u>

Localism Act 2011 – Assets of Community Value

Section 87	Maintaining the list of Assets of Community Value, notifying owners and occupiers of listings and receipts of notices and publicising the possible sale of an asset	Corporate Manager – Legal Services
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Section 90	Decision on whether or not to include a property or land on the list of Assets of Community Value	<u>Head of Democracy and Community</u> <u>Corporate Manager – Legal Services</u>
	Review of a decision to register a property or land on the list of Assets of Community Value or for compensation	Chief Executive

Local Authorities (Executive Arrangements) Meetings and Access to Information (England) Regulations 2012

Regulation 2 and 15	To identify as background papers those documents which disclose any facts or matters on which a report or an important part of a report is based and were relied on to a material extent in preparing the report To compile a list of background papers to a report	Any Executive Director or Head of Service
Regulation 7	Access to agenda and connected reports for public meetings of the executive	<u>Head of Democracy and Community</u> <u>Corporate Manager – Democracy</u>
Regulation 9-11	Publicity and procedure in connection with key decisions	<u>Head of Democracy and Community</u>
Regulation 12	Recording of executive decisions made at meetings	<u>Head of Democracy and Community</u>
Regulation 13	Recording of executive decisions made by individuals	<u>Head of Democracy and Community</u>
Regulation 14	Inspection of documents following executive decisions	<u>Head of Democracy and Community</u>

Regulation 20	To determine whether any document or part of a document contains or may contain confidential or exempt information	Corporate Manager – Legal Services
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