

SUMMARY OF PROPOSED NEW AMENDMENTS TO THE CONSTITUTION

Part 1 – Summary and Explanation

Paragraph Number	Summary of Proposed New Change
1.1 (3)	Update index of Articles. Insert new Article 9 ‘Policy and Project Advisory Board’.
1.4 (5)	Insert new para. ‘A Policy and Project Advisory Board supports the Cabinet and the Council in the development of policies and projects that will help to deliver Council Plan Priorities’
1.4 (6), and 1.5	Delete references to Policy and Review Panels and replace with references to the Overview and Scrutiny Committee
1.8	Paragraphs on Management Structure to be updated once arrangements are confirmed
Decision Making Diagram	Attached as Appendix 1 to the main Report
List of Definitions	Delete references to Policy and Review Panels and replace with references to the Overview and Scrutiny Committee

Part 2 – Articles of the Constitution

Article	Summary of Proposed New Change
1 – The Constitution	No Changes
2 – Councillors and Role Descriptions	Delete references to Policy and Review Panels and replace with references to the Overview and Scrutiny Committee Add new role descriptions: <ul style="list-style-type: none"> • Chairman of Overview and Scrutiny Committee • Vice-Chairmen of the Overview and Scrutiny Committee (2) • Chairman of Policy and Project Advisory Board • Vice-Chairmen of Policy and Project Advisory Board (2) Copy of role descriptions with track-changes attached (Annex 1)
3 – Residents and the Council	Delete references to Policy and Review Panels and replace with references to the Overview and Scrutiny Committee
4 – The Full Council	Minor update to reflect proposed new Policy and Project Advisory Board
5 – Chairing the Council	Minor update to reflect proposed new Policy and Project Advisory Board
6 – The Overview and Scrutiny Committee	Updates to terms of reference, and composition arrangements Copy attached with track-changes (Annex 2)
7 – The Cabinet	No change
8 – Committees of the Council	No change

9 – Policy and Project Advisory Board	Proposed new Article 9 attached (Annex 3)
10 – Area Committees	No change
11 – Joint Arrangements	No change
12 - Officers	Paragraphs related to Senior Management roles to be updated once arrangements are confirmed
13 – Decision Making	Delete references to Policy and Review Panels and replace with references to the Overview and Scrutiny Committee
14 – Finance, Contacts and Legal Matters	No change (subject to updates on senior management roles)
15 – Review and Revision of the Constitution	No change (subject to updates on senior management roles)
16 – Suspension and Publication of the Constitution	No change (subject to updates on senior management roles)
Schedule 1 – Description of Executive Arrangements	Update to include reference to new Policy and Project Advisory Board

Part 3 – Responsibility for Functions

Document Section	Summary of Proposed New Change
Responsibility for Functions – background and general provisions	Paras 10 & 12 – delete references to Panels and replace with Overview and Scrutiny Committee.
Section A	A separate review of the Scheme of Delegation is currently planned and will reflect senior management restructuring Cabinet Portfolio titles and responsibilities to be updated – further to confirmation from the Leader
Sections B & C	Subject to updates on senior management roles

Part 4 – Council Procedure Rules

Document	Summary of Proposed New Change
1. Standing Orders for the Regulation of Business incorporating scheme for annual reports of the policy and review panels	Updates to Membership of the Decision Making Structure, inclusion of references to the Policy and Project Advisory Board, and updates to align speaking arrangements with the current scheme for relevant bodies Copy attached with track changes (Annex 4)
2. Access to Information Procedure Rules	Updates to reflect provisions in the Openness of Local Government Bodies Regulations 2014 Copy attached with track changes (Annex 5)
3. Public Speaking Procedure Rules	Para 1.2 – delete references to Panels and insert reference to Overview and Scrutiny Committee and Policy and Project Advisory Board Add new Para 5.1 ‘A speaker will be allowed a maximum of 10 minutes to address the meeting. However, if there are multiple speakers who wish to address the meeting on the same issue, arrangements will be made to facilitate a joint case’

4. Cabinet Procedure Rules	Paras 2.3. 2.4 and 2.5 – delete references to Panels and insert reference to Overview and Scrutiny Committee and Policy and Project Advisory Board
5. Overview and Scrutiny Procedure Rules	Copy of revised Procedure Rules attached showing track-changes (Annex 6)
6. Licensing sub-committee hearings protocol and procedure rules	No change
7. Standards hearings procedure rules	No change
8. Budget and policy framework	<p>Para 1 - Insert reference to the role of the Policy and Project Advisory Board 'the Policy and Project Advisory Board will assist and advise the Cabinet in the formulation, development and delivery of the Policy Framework (set out in Article) and of the policies and priorities that will help to deliver the Council Plan'</p> <p>Para 2 - add reference to Policy and Project Advisory Board as being part of consultation process in addition to the Overview and Scrutiny Committee.</p> <p>All references to Panels are deleted and replaced with reference to the Overview and Scrutiny Committee.</p>
9. Financial Procedure Rules	May be subject to updates on senior management roles
10. Contract Standing Orders	
11. Officer Employment Procedure Rules	
12. Petitions Scheme	

Part 5 – Codes and Protocols

Document	Summary of Proposed New Change
	No significant changes to codes and protocols arising from the changes to Overview and Scrutiny arrangements

Part 6 – Members Allowances Scheme

Document	Summary of Proposed New Change
	Changes to the Members Allowances Scheme to be implemented further to recommendations by the Independent Remuneration Panel which will be meeting on 23rd/24th April 2018

ARTICLE 2 – COUNCILLORS AND ROLE DESCRIPTIONS

2.1 COMPOSITION AND ELIGIBILITY

(1) Composition

The Council comprises 39 Members, otherwise called councillors. Three councillors will be elected by the voters for each of the thirteen wards in accordance with a scheme approved by the Secretary of State.

(2) Eligibility

Only registered voters of the Borough or those living or working there (at the time when nominations are made for candidates for election) will be eligible to hold the office of councillor, in accordance with Section 79 of the Local Government Act 1972.

2.2 ELECTION AND TERMS OF OFFICE

The ordinary election of councillors will be held on the first Thursday in May three years out of every four. Each year of the three, one councillor will be elected in each ward. Generally, the terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the ordinary election of councillors four years later.

2.3 ROLES AND FUNCTIONS OF COUNCILLORS

(1) Key Roles and Duties for All Councillors

Councillors have a range of key roles and duties. All elected councillors have a responsibility for the good governance of the local authority, to act as community leaders and to be a link and point of mediation between the local authority and the community.

The key roles of councillors will be to:

- collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- contribute to the effective governance of the Borough and of their wards by promoting well being;
- contribute to the effective management of the Council through scrutiny and monitoring of services to the local community;

- act as community leaders
- represent their communities and bring their views into the Council's decision-making process, i.e. the advocate of and for their communities;
- deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- respond to residents' enquiries and representations fairly and impartially;
- balance different interests identified within the ward and represent it as a whole;
- be involved in decision-making;
- be available to represent the Council on other bodies;
- maintain the highest standards of conduct and ethics.

Rights and Duties:

- Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;
- Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it. ("Confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution).

(2) **Leader of the Council**

The key roles of the Leader will be to:

- provide overall political leadership for the Council in relation to the co-ordination and delivery of Council policies, strategies and services, and to assume specific responsibilities for those major areas of policy as set out in Part 3.
- lead the Cabinet in its work to develop the policy framework and budget and to deliver services to the local community;
- lead the process of developing partnerships both inside and outside of the Borough, with stakeholders, citizens and other interested organisations;

- contribute actively to the preparation, monitoring and review of the Council's policies, budget, strategy and service delivery.

The main responsibilities of the Leader will be to:

- provide leadership to the Council and its political administration;
- act as principal spokesman for the Council and the administration;
- assume prime responsibility to the local community for the decisions and work of the Cabinet;
- act as the focus for the interface with officers, in particular the Chief Executive and Corporate Leadership Team;
- lead the development of the Council's strategic and corporate planning process to secure the duty of continuous improvement to services and improvements to the environmental, social and economic wellbeing of the Borough;
- have prime responsibility for presenting the Cabinet's proposals to the Council and to the local community;
- take overall responsibility for the Cabinet's participation in scrutiny and performance review of services and to allocate Cabinet Members for attendance at such meetings as may be required;
- manage and chair meetings of the Cabinet and provide the political lead in proposing the policy framework, budget and direction of the Council;
- ensure that the work of the Cabinet and portfolio holders is co-ordinated and is in accordance with the Council's policy framework and the needs and aspirations of the local community;
- ensure that working relationships between the Cabinet and councillors, officers and the local community are effective and professional;
- carry out any other matter required by the Council.

(3) **Deputy Leader of the Council**

The key role of the Deputy Leader will be to deputise for the Leader of the Council as and when necessary and to provide support in the political leadership of the Council. The main roles and responsibilities of the Deputy Leader will be to:

- chair the Cabinet in the absence of the Leader;

- support the Leader in all aspects of his or her work, particularly in relation to providing the political direction on strategic issues;
- provide the political lead in particular corporate initiatives and strategies and assume specific responsibility for one of the Cabinet portfolios.
- ensure that effective communication mechanisms exist with non executive councillors and ensure that their views are taken into account by the Cabinet;
- provide support to portfolio holders as and when required and carry out their duties on those occasions when they are absent.

(4) **Cabinet Members**

The key roles and responsibilities of Cabinet Members will be to:

- assume responsibility for a portfolio of services and functions of the Council delegated to the Cabinet;
- through the Cabinet, contribute to the development and implementation of the Council's policies, budget, strategies and service delivery and to take the lead as necessary at Cabinet meetings on items within the portfolio;
- take decisions on specific issues within the portfolio where permitted in the Scheme of Delegation and this Constitution;
- work within the portfolio to:
 - act as spokesperson inside and outside the Council
 - liaise with Heads of Services and service managers
 - ensure that he/she has a clear understanding and knowledge of the portfolio
 - ensure that appropriate methods of consultation and communication methods are in place
 - participate in performance and process reviews of the services as agreed with the Overview and Scrutiny Committee~~the appropriate policy and review panel~~
 - attend the Overview and Scrutiny Committee and Policy and Project Advisory Board as and when required.
- be accountable to the Overview and Scrutiny Committee~~appropriate policy and review panel~~, the Council and the local community for the portfolio.

(5) Chairmen of Committees

The key roles and responsibilities of Chairmen of Committees are to:

- chair meetings of the Committee and provide leadership in its functions and working arrangements;
- where set out in the Scheme of Delegation, act as consultee in decisions delegated by the Committee;
- ensure that the work of the Committee is co-ordinated with other decision making bodies and is in accordance within the policy framework;
- be responsible for presenting the Committee's proposals and decisions to the Council and the community;
- secure effective working relations between the Committee and the officers and the local community; and
- participate in relevant training and development events

(6) Chairman of the Overview and Scrutiny Committee Policy and Review Panels

The key roles and responsibilities of the Chairman of the Overview and Scrutiny Committee a Policy and Review Panel will be are to:

- lead the Overview and Scrutiny process effectively
- chair meetings of the Overview and Scrutiny Committee Panel and provide leadership and strategic direction in its working arrangements;
- develop the Committee's Panel's internal and external influence;
- be fully aware of the Cabinet Work Programme so that the Committee is able to consider relevant issues and carry out pre-decision scrutiny.
- be the formal link between the Cabinet and the Cabinet and ensure that any issues referred to the Committee by the Cabinet or Council are properly considered
- in conjunction with the Lead Officer, lead the development of the Committee's Panel's work programme, and the co-ordination of the Committee's Task and Finish Groups. Ensure progress is monitored and that tasks are progressing satisfactorily.
- ~~ensure that issues selected for in-depth review further corporate objectives~~

- ensure that clear terms of reference and timescales are set for Task and Finish Groups appointed by the Committee
- attend and chair mid-cycle meetings
- present the Committee's Panel's reports and recommendations to the Council, Cabinet or other decision making body in respect of any work carried out by the Panel;
- develop and promote the role and impact of the Committee's Panel through effective working relationships with the Cabinet, other councillors and officers and the local community;
- develop stakeholder and partner involvement in the Panel's Committee's work;
- ensure that he/she has knowledge and understanding of the Council's responsibilities and processes related to the areas of work covered by the Panel Committee;
- ensure that mechanisms to support the Panel are working effectively and that the requirements of the Panel are met
- participate in relevant training and development events; and
- act as a consultee in urgent key decisions being considered by the Cabinet which have not been included in the Cabinet Work Programme;

(7) Vice-Chairmen of the Overview and Scrutiny Committee

The key roles and responsibilities of the Vice-Chairmen of the Overview and Scrutiny Committee are to:

- assist the Chairman in leading the Overview and Scrutiny process effectively
- deputise for the Chairman in his/her absence
- assist the Chairman in leading the development, management and monitoring of the Committee's work programme and the co-ordination of Task and Finish Groups appointed by the Committee
- be fully aware of the Cabinet Work Programme so that the Committee is able to consider relevant issues and carry out pre-decision scrutiny

- attend 'mid-cycle' meetings with the Chairman, representatives from the Committee and senior officers to assist agenda planning and enable discussion to inform effective scrutiny
- chair Task and Finish Groups appointed by the Overview and Scrutiny Committee
- assist the Chairman of the Overview and Scrutiny Committee to ensure that clear terms of reference and timescales are set for Task and Finish Groups
- present reports of Task and Finish Groups to the Overview and Scrutiny Committee
- support the Chairman in preparing and presenting reports from the Overview and Scrutiny Committee to the Council and the Cabinet
- assist the Chairman to develop and promote the role and impact of the Committee through effective working relationships with the Cabinet, other councillors, officers and the local community.
- participate in relevant training and development events; and
- ensure that he/she has knowledge and understanding of the Council's responsibilities and processes related to work areas which are the subject of reviews by Task and Finish Groups

(7)(8) Chairman of Policy and Project Advisory Board

The key roles and responsibilities of the Chairman of the Policy and Project Advisory Board are to:

- lead the work of the Policy and Project Advisory Board
- chair meetings of the Policy and Project Advisory Board
- Advise the Cabinet and Overview and Scrutiny Committee on the work of the Policy and Project Advisory Board as required
- in conjunction with the Lead Officer, lead the delivery of the Board's work programme, and the co-ordination of the Board's Project Working Groups. Ensure progress is monitored and that tasks are progressing satisfactorily.
- ensure that clear terms of reference and timescales are set for each Working Group appointed by the Board
- attend mid-cycle meetings with senior officers and keep up to date on key issues in respect of council priorities, policies and projects

- ensure that proposals for new or revised priorities or policies are well informed and that Council policies are widely understood and promoted positively
- present Board reports and recommendations to the Cabinet, Overview and Scrutiny Committee and Council
- participate in relevant training and development events
- ensure that he/she has knowledge and understanding of the Council's responsibilities and processes related to the work covered by the Board; and
- promote the role of the Board through effective working relationships with the Cabinet, other councillors, officers and the local community.

~~(8)~~(9) **Vice-Chairmen of Policy and Project Advisory Board**

The key roles and responsibilities of the Vice-Chairmen of the Policy and Advisory Board are to:

- assist the Chairman in leading the work of the Policy and Project Advisory Board
- deputise for the Chairman in his/her absence
- chair working groups appointed by the Board
- ensure working groups appointed by the Board have clear terms of reference and timescales
- lead on projects which are part of the Board's programme of work
- present reports to the Board on behalf of working groups or projects he/she is leading
- assist the Chairman in leading the development, management and monitoring of the Board's work programme and the co-ordination of Task and Finish Groups appointed by the Board
- attend mid-cycle meetings with senior officers and keep up to date on key issues in respect of council priorities, policies and projects

- participate in relevant training and development events
- ensure that he/she has knowledge and understanding of the Council's responsibilities and processes related to work areas which are the subject of working groups or special projects
- promote the role of the Board through effective working relationships with the Cabinet, other councillors, officers and the local community

2.4 **CONDUCT**

Councillors will at all times observe the Code of Conduct for Members and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.5 **ALLOWANCES**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

ARTICLE 6 – THE OVERVIEW AND SCRUTINY COMMITTEE POLICY AND REVIEW PANELS

6.1 TERMS OF REFERENCE POLICY AND REVIEW PANELS

The Council will appoint an Overview and Scrutiny Committee Policy and Review Panels to discharge the functions conferred by Section 21 of the Local Government Act, 2000, or regulations under Section 32 of the Local Government Act 2000. This Committee is also the Council's designated crime and disorder committee under Section 19 of the Police and Justice Act 2006. ~~in relation to all the matters falling within its powers and duties as set out below:~~

Policy and Review Panel	Scope of Responsibility
Leisure and Youth	<p>The provision, planning and management of all issues in the Borough relating to:</p> <ul style="list-style-type: none"> — sport and recreation (including leisure facilities contracts) — education and lifelong learning — parks and open spaces — tourism and heritage — young people — childcare and play — arts and entertainment — Rushmoor in Bloom — Town Twinning
Corporate Services	<p>The provision, planning and management of all issues within the Council's internal administration relating to:</p> <ul style="list-style-type: none"> — support services within the Council — issues relating to human resources strategies and policies — matters relating to financial administration — management of corporate property portfolio — services to Members — audit matters

	<ul style="list-style-type: none"> — corporate performance issues - communications
Community	<p>The provision, planning and management of all issues in the Borough relating to:</p> <ul style="list-style-type: none"> — statutory housing responsibilities — health issues — care in the community — housing association liaison
Environment	<p>The provision, planning and management of all issues in the Borough relating to:</p> <ul style="list-style-type: none"> — parking management — waste management (including service contracts) — street cleansing (including service contracts) — public space and street scene — strategic transportation issues — planning policy (including Local Development Framework) — economic development/regeneration, including markets — cemeteries and crematoria — public conveniences — policy around travellers — the built and natural environment — development control — building control
Borough Services (covering Safety and Regulation and Concessions and Community Support)	<p>The provision, planning and management of all issues in the Borough relating to:</p> <ul style="list-style-type: none"> — community strategies — community safety — grants to voluntary organisations — liaison with community groups — community projects fund — democratic renewal and community involvement — environmental health powers related to regulatory issues, licensing, food, health and safety — caravan sites — funding major voluntary organisations — electoral issues — benefits — access - concessionary fares

The general ~~Within their~~ terms of reference of the Overview and Scrutiny Committee are; ~~Policy and Review Panels can:~~

- to perform all overview and scrutiny functions on behalf of the Council;
- to appoint such formal sub-committees and informal task and finish groups as it considers necessary to assist it in discharging its functions;
- to prepare and approve the overview and scrutiny work programme so as to ensure that the Committee's time is effectively and efficiently utilised;
- to undertake investigations into such matters relating to the Council's functions and powers as:
 - (1) may be referred by the Council, Committees, the Cabinet, or the Leader; or
 - (2) the Committee may consider appropriate; or
 - (3) have been referred to the Committee pursuant to the "call-in" procedure set out in the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution. (These can be decisions taken by the Cabinet, a Cabinet Member, key decisions taken by an officer or under joint arrangements).
- to monitor and review the performance of the Council and services against relevant performance indicators and adopted plans;
- to review and/or scrutinise decisions proposed to be made (pre-decision scrutiny) or actions taken in connection with the discharge of any of the Council's functions;
- to review existing policy and strategy with a view to securing continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness;
- to make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions;
- to review and/or scrutinise ~~consider~~ any matter affecting the area or its inhabitants;
- to discuss initiatives put forward for consideration by individual members of the Committee and any relevant 'call-for-action' in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution; and

- to consider petitions referred to the Overview and Scrutiny Committee in accordance with provisions set out in the Petition Scheme set out in Part 4 of this Constitution.
- ~~review policy and strategy through responding to requests from the Council and the Cabinet and initiate proposals for new and changed policies and services;~~
- ~~exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Cabinet and or any joint committee;~~
- ~~undertake responsibility for performance and process reviews and services and functions; and~~
- ~~determine requests by four or more councillors to “call in” a decision pursuant to the Council’s call in procedure; these can be any decisions by the Cabinet or a Cabinet Member, key decisions taken by an officer or under joint arrangements (details are set out in the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution).~~

6.3 SPECIFIC FUNCTIONS ~~OF POLICY AND REVIEW PANELS~~

(1) Scrutiny

~~—The Overview and Scrutiny Committee may: Policy and Review Panels may:~~

- review and scrutinise the decisions made by the Cabinet and officers both in relation to individual decisions and decisions on on-going issues;
- question Cabinet Members and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects; or in relation to the portfolios of the Leader or of lead councillors.
- make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to report on their activities and performance;
- ~~question and gather evidence from any person (with their consent) and require information from partner organisations; and~~
- use innovative ways to scrutinise matters of concern; the issue being investigated should be matched to the most appropriate process.

(2) Performance Management and Review

~~—The Overview and Scrutiny Committee Policy and Review Panels~~ will make arrangements to:

- review and scrutinise the performance of the Council in relation to its policy and budgetary objectives, performance targets and/or particular service areas;
- undertake performance reviews of the Council's functions as appropriate and prepare the appropriate reports for the Cabinet and the Council;
- monitor and review the outcomes of performance and process reviews and make further recommendations where necessary; and
- consider the policy implications arising from reviews for other functions and services.

(3) Policy ~~Development and~~ Review

~~The Overview and Scrutiny Committee may: Policy and Review Panels may:~~

- ~~• assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy and budget issues;~~
- conduct research and community and other consultations in carrying out review of existing policies and strategies. ~~the analysis of policy issues and possible options;~~
- ~~• consider and implement mechanisms to encourage and enhance community participation in the development of policy options;~~
- question Cabinet Members, Committee Chairmen and chief officers about their views on issues and proposals affecting the area; and
- liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(4) Finance

~~The Overview and Scrutiny Committee Each Policy and Review Panel~~ may exercise overall responsibility for any finances made available to it and may request a budget.

(5) Annual Report

~~The Overview and Scrutiny Committee Each Policy and Review Panel~~ shall report annually to the full Council on the outcomes of its work for the year.

6.4 PROCEEDINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE POLICY AND REVIEW PANELS

~~The Overview and Scrutiny Committee Policy and Review Panels~~ will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of the Constitution. Committee –Panel meetings will normally be open to the public.

6.5 COMPOSITION

The arrangements with respect to the composition of the Overview and Scrutiny Committee Policy and Review Panels will be as follows:

- ~~The Committee Each Panel~~ will have a maximum of eleven nine Members and, in accordance with the provisions of the Local Government and Housing Act 1989, will reflect the political balance of the Council.
- The Committee may appoint up to two Vice-Chairmen, to focus on different areas of responsibility, for example internal corporate matters, and external community and environmental issues. Role descriptions for the vice-chairmen of the Overview and Scrutiny Committee are set out in Article 2 of the Constitution.
- ~~The Committee Each Panel~~ will be able to co-opt external representatives or appoint advisers as it sees fit in a non-voting capacity.
- No member of the Cabinet will normally be entitled to sit on the Committeea Panel. Where the Committee a Panel or other body appointed by it is undertaking a review, the appropriate Member of the Cabinet will be entitled to be present attend as a non-voting Member.

Membership of both the Overview and Scrutiny Committee and the Policy and Project Advisory Board does not inevitably create a conflict of interest.

6.6 TASK AND FINISH GROUPS

~~The Overview and Scrutiny Committee A Policy and Review Panel or decision making body~~ will have responsibility for establishing such Task and Finish Groups as it considers necessary to assist it in discharging its functions. The details of the area of responsibility and working arrangements of for each Task and Finish Group will be determined by the Committee appointing body.

All Members, whether or not they are members of the Overview and Scrutiny Committee, may be appointed to a Task and Finish Group. However, no Member may be involved in scrutinising a decision in which he or she has been involved directly.

WORKING ARRANGEMENTS – MID CYCLE MEETINGS

6.7 The Chairman and Vice-Chairmen of the Overview and Scrutiny Committee, together with cross-party representatives will meet regularly at mid-cycle meetings to develop, manage and update the Committee’s work programme, plan agendas, and co-ordinate task and finish groups.

ARTICLE 9 – POLICY AND PROJECT ADVISORY BOARD

9.1 ROLE

The Council will appoint a Policy and Project Advisory Board to act as source of policy and project advice to the Cabinet and the Council. The main role of the Board is to advise the Cabinet about the formulation and development of policies and projects that will help deliver Council Plan priorities. The Board will be advisory in nature, and will not have any substantive decision-making powers delegated to it.

9.2 TERMS OF REFERENCE

The general terms of reference of the Policy and Project Advisory Board are:

- to assist and advise the Cabinet in the development of Policy Framework issues
- to undertake research, consultation and reviews for the purpose of advising the Cabinet on the delivery of priorities in the Council Plan (usually through the task and finish groups)
- to advise the Cabinet at an early stage in respect of the formulation and development of policies and projects that will help to deliver Council Plan priorities
- to assist in the development of Cabinet decisions
- to assist and advise the Cabinet on budget preparation
- to develop and maintain a work programme ensuring that there is efficient use of time

The powers of the Policy and Project Board are:

- to require the Leader and/or lead councillors and senior officers to attend meetings to answer questions
- to question and gather evidence from any person (with their consent)
- to co-opt expert individuals on a non-voting basis to assist the Board's work
- to set up task and finish groups to look at specific issues relating to the delivery of the Council Plan or other significant priorities in order to inform decision making by the Cabinet.

9.3 COMPOSITION

The arrangements with respect to the composition of the Policy and Project Advisory Board will be as follows:

- The Board will have a maximum of eleven non-executive councillors, and in accordance with the provisions of the Local Government Housing Act 1989, will reflect the political balance of the Council.
- The Board will be able to appoint up to two Vice-Chairmen to lead on specific projects and to chair task and finish groups.
- Cabinet Members will be expected to attend the Board, and task and finish groups appointed by the Board, as appropriate to contribute on matters that relate to their portfolio.
- The Board will be able to co-opt external representatives or appoint advisers as it sees fit in a non-voting capacity.

Membership of both the Policy and Project Advisory Board and the Overview and Scrutiny Committee does not inevitably create a conflict of interest. As a rule, councillors should not be involved on scrutinising a decision in which they have been involved directly, but the Board is advisory and it remains the responsibility of the Cabinet to formally take and implement decisions.

9.4 MEETINGS

The Policy and Project Advisory Board shall have six scheduled meetings annually.

All meetings of the Policy and Project Advisory Board shall be open to the public to attend except where the item under discussion is considered exempt under Schedule 12A and Section 1001 of the Local Government Act 1972 or is confidential under Section 100A of the Local Government Act 1972.

The Chairman will preside at meetings of the Board. In the absence of the Chairman, a Vice-Chairman will take the chair.

9.5 QUORUM

The quorum for the Policy and Project Advisory Board shall be six voting members of the Board (at least one half of the whole number of voting Members).

9.6 TASK AND FINISH GROUPS

The Policy and Project Advisory Board will have responsibility for establishing such Task and Finish Group as it considers necessary to assist it in discharging its functions. The terms of reference and working arrangements for each Task and Finish Group will be determined by the Board.

The Vice-Chairmen of the Policy and Project Advisory Board will chair task and finish groups and lead specific projects.

All Members, whether or not they are members of the Board, may be appointed to a Task and Finish Group.

9.7 WORKING ARRANGEMENTS – MID CYCLE MEETINGS

The Chairman and Vice-Chairmen of the Policy and Project Advisory, together with cross-party representatives will meet regularly at mid-cycle meetings to develop, manage and update the Board's work programme, plan agendas, and co-ordinate task and finish groups.

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. Rescission 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 ~~policy and review panel~~ 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 Democratic Services 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 Head of Democratic Services 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 Head of Democratic Services, determines otherwise.

Extraordinary Meetings

- (4) An Extraordinary Meeting may be called by the Head of Democratic Services 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 Democratic Services will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Head of Democratic Services will send a summons signed by him or her to every Member of the Council or leave it at the Member's usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

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 Review Panels (including committee chairmen and vice-chairmen) as appropriate; and
 - (g) 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 Head of Democratic Services 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 27 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
Licensing and General Purposes Committee	11
<u>Overview and Scrutiny Committee</u>	<u>11</u>
<u>Policy and Project Advisory Board</u>	<u>11</u>
Borough Services Policy and Review Panel	9
Community Policy and Review Panel	9
Corporate Services Policy and Review Panel	9
Environment Policy and Review Panel	9
Leisure and Youth Policy and Review Panel	9

- (2) The Council shall appoint standing deputies to the Development Management Committee, in accordance with the provisions for the appointment of standing deputies contained in Appendix 1 to these Standing Orders.
- (3) The military authorities may nominate a representative to serve on the Development Management Committee as a co-opted Member to assist in the consideration of the business of the Committee, but shall not be entitled to vote thereon. The Council shall make the appointment at the Annual Meeting or such other full Council meeting as appropriate.
- (4) The Member of the Cabinet with responsibility for matters relating to planning policy (the Environment portfolio) 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.
- (5) The Overview and Scrutiny Committee and the Policy and Project Advisory Board ~~A Policy and Review Panel~~ may appoint such non-voting Members and advisers as ~~it~~ they considers fit.

Vacancies in Membership

- (6) If any Member shall be absent from three consecutive meetings of a Committee or the Policy and Project Advisory Board ~~Policy and Review Panel~~, he or she shall cease to be a Member thereof, unless he or she shall, in the opinion of the Committee or Board ~~Policy and Review Panel~~, show reasonable grounds for his or her absence there from.
- (7) On a vacancy arising on the Licensing and General Purposes Committee or the Development Management ~~in a~~ Committee, the Head of Democratic Services shall give notice thereof in the summons calling the next Council meeting, so as to enable the Council to fill such vacancy.
- (8) On a vacancy arising on the Overview and Scrutiny Committee or the Policy and Project Advisory Board ~~in a Policy and Review Panel~~, 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 ~~Panel~~. Where the vacancy is not part of the allocation of a political group, it shall be filled by the Council.

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 Democratic Services shall seek nominations from Members and give notice 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 Licensing and General Purposes 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 ~~Chairmen and Vice-Chairmen of Policy and Review Panels shall be appointed at the~~ first meeting of the appropriate Committee/Board Panel in each Municipal Year.

On a vacancy arising, the appropriate Committee or Board Policy and Review Panel will be asked to fill the vacancy at its next meeting. In the absence from a meeting of the Chairman and Vice-~~Chairman~~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) consider motions in the order in which notice has been received;
- (j) receive and consider matters for decision submitted by relevant bodies;
- (k) consider matters for debate raised by the relevant bodies;
- (l) answer questions for the Cabinet in accordance with the agreed procedure;
- (m) receive Reports submitted by the Cabinet, Licensing and General Purposes Committee and Development Management Committee and Committees;
- (n) other business, if any, specified in the Summons; and
- (o) receive Reports submitted by the Overview and Scrutiny Committee and the Policy and Project Advisory Board. Policy and Review Panels.

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 Licensing and General Purposes 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)(m)) 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 Head of Democratic Services, ask the Mayor, the Chairman of the Licensing and General Purposes 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 Head of Democratic Services 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 fifty 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
~~Policy and Review Panels~~**

- (7) A Member of the Council may ask the Chairman of the Overview and Scrutiny Committee ~~a Policy and Review Panel~~ any question on a matter relating to the Committee's Panel's responsibilities during consideration of the Annual Report of the Overview and Scrutiny Committee Panels 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, at the office of the Head of Democratic Services by whom it shall be dated.

Inclusion of Motions in Summons

- (2) The Head of Democratic Services 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 in writing withdrawn it or indicated that he or she proposes to move it at a later meeting.

Motions not moved considered withdrawn

- (3) 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.

Motions referred to a Relevant Body

- (4) 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. The recommendations, upon a motion, shall then be

considered by the Cabinet or a Committee, as appropriate, prior to being resubmitted to the Council as a recommendation.

Motions Submitted

- (5) 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.
- (6) Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the Borough directly. ~~(underlined is proposed to be removed)~~

Length and Content of Motions

- (7) No motion, other than a motion which may be moved without notice under Standing Order 12, shall exceed 100 words in length including any document appended thereto.
- (8) 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.

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 had 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, 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 Committee ~~or a Policy and Review Panel etc.~~ 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 Democratic Services 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 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 question 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 Press 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~~ considered at the next Ordinary Meeting of the Council, allowing at least ten working days' notice. The petition organiser shall be given the opportunity to present their petition to the Council ~~at the beginning of the debate~~ 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 ~~or a relevant body~~, 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 Head of Democratic Services; and then only by leave of the Council ~~or the relevant body concerned~~.

Reception of Deputations to the Council

- (2) No deputation shall consist of more than five persons. ~~In the case of a deputation received by the Council, t~~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. ~~When a deputation is received by a relevant body only one person may make the address and such address shall not exceed ten minutes; except that, following the address and at the discretion of the Chairman, any member of the deputation may reply to questions put by Members.~~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 Head of Democratic Services 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 Democratic Services 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 Democratic Services 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 Solicitor to the Council.

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, Director or the Solicitor to the Council 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 Solicitor to the Council or the Head of Democratic Services 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 Head of Democratic Services 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 Head of Democratic Services 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.
- (5) In the case of the Cabinet, the Quorum shall be five voting Members.

Voting

- (6) 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

- (7) 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

- (8) 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.

- (9) Members of the Council attending, as members of the public, meetings of the Cabinet, Committees or Policy and Project Advisory Board or Policy and Review Panels of which they are not Members, shall be entitled to remain, during the consideration of business where the press and public are excluded.
- (10) 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

- (11) Members of the public may address or ask questions of the Cabinet, Committees or Policy and Project Advisory Board Policy and Review Panels in accordance with the Public Speaking Procedure Rules in Part 4 of this Constitution.

SUB-COMMITTEES

Consent of Council required

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 Ordinary 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 Head of Democratic Services upon delivery to him of the Member's Declaration of Acceptance of Office on the Member being first elected to the Council.

ACCESS TO INFORMATION PROCEDURE RULES

1. INTRODUCTION AND SCOPE

1.1 The Council's Access to Information Procedure Rules can be regarded as a written summary of the public rights in relation to;

- Notice of council meetings;
- Attendance at council meetings;
- Inspection of documents;
- Information about decisions planned to be made by the Council;
- Records of decisions that have been made by the Council; and
- Access to recorded information held by the Council under the Freedom of Information Act.

1.2 These rules also set out the additional rights of access to documents by elected Members of the Council.

1.3 Part 1 of this document applies to all meetings of the full Council, the Cabinet, Committees and Policy and Project Advisory Board ~~Policy and Review Panels~~, which are open to the public.

1.4 Part 2 of this document sets out the additional provisions that relate to Cabinet decision making, including key decisions.

1.5 Part 3 sets out the types of decisions recorded by officers.

1.6 Part 4 sets out additional provisions that relate to Members' access to documents and Part 5 outlines the general rights of access to information under the Freedom of Information Act 2000.

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

PART 1 – SUMMARY OF PUBLIC RIGHTS RELATED TO COUNCIL MEETINGS

2. Access to documents

2.1 Documents related to council meetings will normally be published on the Council's website and are available for inspection in Democratic Services at the Council Offices, Farnborough Road, Farnborough (Telephone (01252) 398398) between the hours of 8.30 am and 5.00 pm (4.30 pm Fridays) on weekdays (not Saturdays).

- 2.2 By Act of Parliament, or Statutory Instrument, or pursuant to the Standing Orders of either House of Parliament, documents may be required to be deposited with an appointed officer. A person interested in any such document may inspect it. Requests should be made to the Head of Democratic Services.

3. **Rights to attend and report Meetings**

- 3.1 Members of the public may attend all meetings subject to the exceptions set out in paragraph 9 below.

- 3.2 The Council will provide reasonable facilities for any member of the public to report on the proceedings of all meetings that are open to the public. Members of the public are permitted to film, audio record, take photographs and use social media provided that those activities do not disrupt the conduct of the meeting.

4. **Notice of Meetings**

- 4.1 The Council will give at least five working days' notice (excluding weekends and bank holidays) of any meetings by posting details at the Council Offices, Farnborough Road, Farnborough (the designated office). In addition, notice of meetings will be published on the Council's website.

5. **Access to Agenda and Reports before the Meeting**

- 5.1 The Council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time when the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Head of Democratic Services shall make each such report available to the public as soon as the report is completed and sent to Members of the Council. Copies of agendas and reports will also be available to view on the Council's website.

6. **Supply of Copies**

- 6.1 The Council will supply copies of:

- any agenda and reports which are open to public inspection;
- any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- if the Head of Democratic Services thinks fit, copies of any other documents supplied to councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

- 6.2 No fee is charged for inspecting any of the documents referred to in this statement. A fee may be charged by the Council for any copies or extracts from a document at its standard rate, which is reviewed periodically.
- 6.3 Minutes will be available when finalised and printed, even if they have not yet been formally approved at a subsequent meeting.
- 6.4 A reasonable number of copies of agenda and reports must be made available for the public present at a meeting. Agendas and reports must also be available on request to the media, ~~and are also deposited at public libraries.~~

7. Access to Minutes and Agendas after the Meeting

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

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

8. Background papers listed in Reports

- 8.1 The report author will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

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

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 9) and in respect of executive reports containing the advice of a political adviser.

8.2 Public inspection of background papers

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

9. Exclusion of public access to Meetings

Confidential information – requirement to exclude public

- 9.1 The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed. Confidential information means information given to the Council by a Government Department on terms that forbid its public disclosure or information which cannot be disclosed publicly by Court Order.

Exempt information – discretion to exclude public

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

Exempt information means information falling within the following categories (subject to any condition):

Category	Conditions/Interpretation
1. Information relating to any individual	This means any individual person and relates back to the Data Protection Act 1998.
2. Information which is likely to reveal the identity of an individual	This also relates to the Data Protection Act.
3. Information relating to the financial or business affairs of any particular person (including the Authority holding that information)	<p>The 'financial or business affairs' include past, present and contemplated activities.</p> <p>Information within paragraph 3 is not exempt if it is required to be registered under the Companies Act 1985, the Friendly Society Acts 1974 and 1992, the Industrial and Provident Societies Act 1965 – 1978, the Building Societies Act 1986 or the Charities Act 1993 as such information will be in the public domain in any event.</p>

<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>‘Employee’ means a person employed under a contract of service with the Council and would therefore include a consultant or a temporary member of staff employed through an agency or a company.</p> <p>‘Labour relations matters’ means any matters which may be the subject of a trade dispute within the meaning of Section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 or any dispute about such a trade dispute.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>	
<p>6. Information which reveals that the authority proposes –</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment</p>	<p>Information is exempt only if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	

- 9.3 Information which falls within any of the paragraphs 1 to 7 above is exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- 9.4 The regulations also specifically provide that Information is not exempt if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.

Exclusion of Access by the Public to Reports

- 9.5 If, in the opinion of the Head of Democratic Services, certain reports relate to items during which, in accordance with Rule 9, the meeting is likely to be closed to members of the public, the Council may exclude access by the public to the relevant documents. Such reports will be marked “not for publication” together with the category of information likely to be disclosed.

PART 2 – ADDITIONAL PROVISIONS RELATED TO EXECUTIVE (CABINET) DECISION MAKING

The following provisions are in addition to the rules set out in Part 1.

10. Cabinet Work Programme

- 10.1 The Head of Democratic Services shall publish a Work Programme for the Cabinet, which will be available at the Council Offices and published on the Council’s website. The Work Programme will include future executive matters to be decided by the Cabinet including notice of items to be considered in private and notice of key decisions (see below).

11. Notice of Items to be considered in Private

- 11.1 The Council will give 28 days notice of any Cabinet meeting, or part of a Cabinet Meeting, at which a report(s) will be considered in private. The notice will be published as part of the Cabinet’s work programme, which will be published on the Council’s website and will be available at the Council Offices. The notice will set out the title or topic of the Report(s) to be considered in private and the reasons for the public to be excluded.
- 11.2 Further notice of any matters to be considered in private will be given at least five clear days before the meeting, as part of the Cabinet agenda. The notice will include the reasons for the public to be excluded, and details of any representations received about why the meeting should be open to the public, and a statement of response to any such representations.

12. Notice of Key Decisions (see Constitution Article 13.3)

- 12.1 The Council will give 28 days’ notice of any Key Decisions to be taken by the Cabinet, a Cabinet sub-committee, Member of the Cabinet or Officer under delegation arrangements. The Notice will be published as part of the

Cabinet's work programme, which will be published on the Council's website and will be available at the Council Offices.

- 12.2 The Notice will include details of the decision to be made, name or title of the decision making body or person, date of decision or period which it will be made, documents submitted to the decision making for consideration, address of where copies of documents can be obtained and information that other documents may be submitted to the decision maker and the procedure for requesting copies of them.

13. Notice requirements in respect of decisions by Individual Members of the Cabinet

- 13.1 Where an individual Member of the Cabinet receives a report which he or she intends to take into account in making any decision, then he or she will not make the decision until at least five clear days after receipt of that report.

- 13.2 On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chairman of the Overview and Scrutiny Committee ~~every relevant Policy and Review Panel~~ as soon as reasonably practicable, and make it publicly available at the same time.

14. Notice of Cabinet Meetings to be published on the Council's website

Notice of Cabinet meetings, and every report for Cabinet decision, will be published on the Council's website at least five clear days before the meeting, or where the meeting is convened at shorter notice, at the time that the meeting is convened. Background Papers listed at the end of Cabinet reports shall be published on the Council's website five clear working days before the meeting.

15. Records of Cabinet Decisions made at meetings

The Head of Democratic Services shall produce a written record of all executive decisions, including key decisions, made at a Cabinet meeting or any Cabinet Sub-Committee. The record shall include a statement of the reasons for each decision, details of any alternative options considered and rejected and any interests declared or dispensations granted. The Head of Democratic Services shall determine the form of the record, but this can be the minutes of the meeting.

16. Publication of Records of Decisions made at Cabinet Meetings

All decision notices related to Cabinet Meetings shall be available for public inspection at the Council's offices and published on the Council's website as soon as reasonably practicable, and normally within three days of a decision being made.

17. Retention of Records of Executive Decisions including Key Decisions

A copy of any report or part report relevant to a key decision will be open to inspection by the public for six years from the date the decision was made. Documents containing confidential or exempt information or the advice of a political adviser need not be disclosed. If a document is not disclosed because it contains exempt information, the Head of Democratic Services will prepare a statement. The statement will describe the category of exempt information and will be open to inspection for six years from the date of the meeting.

18. **General Exception and Special Urgency**

In the case that a key decision, or matter to be considered in private, is urgent and cannot reasonably be deferred, provisions are in place to enable the decision to be taken, subject to certain conditions. A schedule of the permitted arrangements for general exception and special urgency is set out in Appendix 1 to these rules.

PART 3 – RECORDS OF DECISIONS MADE BY AN INDIVIDUAL MEMBER OR OFFICER

19. **Records of Executive Decisions made by individual Cabinet Members**

A written record shall be produced of any executive decisions, including key decisions, made by individual Cabinet Members, which will be published on the Council's website. For each decision, the record shall cover the date made, reasons for the decision, details of any alternative options considered and rejected and any interests declared or dispensations granted.

20. **Records of ~~Executive~~ Decisions made by Officers**

~~The Council will publish~~ A written records shall be produced of certain any executive decisions made by an officers which is under delegated powers. Decisions on the following matters will be published on the Council's website, as soon as reasonably practicable, after the decision is made.

Executive decisions:

- Key decisions
- Decisions delegated to an officer(s) at a Cabinet Meeting
- Decisions delegated to an officer in consultation with a Cabinet Member (Scheme of delegation or authorised at Cabinet)
- ~~Any d~~Decisions that affect a significant number of people and/or whether or not it is in the Cabinet Scheme of Delegation where there is a reasonable expectation of wide public interest in the matter being decided; or
- Matters which are the subject of urgent action outside the Scheme of Delegation

Non-Executive decisions:

- Decisions which would have been taken by Council/a Committee but have been delegated to the officer under a specific express provision
- Decisions which grant permissions or licenses (including planning/building control/listed buildings)
- Decisions which incur significant expenditure

However, this shall not include:

- Decisions that merely bring into effect a previous decision that has already been made in principle, either in the agreed Council Budget or otherwise by the Council, Cabinet or Committees
- Decisions where whole or part of the record contains confidential or exempt information

21. For each decision, the record shall include the date of the decision, details of the decision including the reasons and, where appropriate, details of any alternative options considered and rejected and any interests declared or dispensations granted.

PART 4 – ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS BY MEMBERS

22. **Material Relating to Business Transacted at a Private Meeting of the Cabinet**

All Members will be entitled to inspect any document relating to business previously transacted at a private meeting of the Cabinet, which is in the possession or under the control of the Cabinet or its committees, unless it contains exempt information. ~~falling within paragraphs 1,2,4,5 and 7 of the categories of exempt information~~

However, documents will be available if the information falls within paragraphs (3) and (6) of paragraph 9.2 above, except to the extent that the information relates to any terms proposed, or to be proposed, by or to the authority in the course of negotiations for a contract.

23. **Material Relating to Key Decisions**

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its committees which relates to any key decision unless Access to Information Rule 22 above applies.

24. **Rights to Access Documents – Overview and Scrutiny Committee Policy and Review Panels**

Subject to Access to Information Rule 25 below, Members of the Overview and Scrutiny Committee ~~Policy and Review Panels~~ will be entitled to copies of any document which is in the possession or control of the Cabinet, or any committee of the Cabinet, and;

- (a) contains material relating to any business transacted at a meeting of the Cabinet or its committees; or
- (c) Relates to any decision taken by an individual Member of the Cabinet, or officer in accordance with executive arrangements; or
- (d) contains exempt or confidential information when it is relevant to an action or decision they are reviewing or scrutinising, or intend to scrutinise; when officers are aware of the existence of relevant exempt or confidential documents they will be required to advise the overview and scrutiny committee ~~Panels~~ of their existence.

The Overview and Scrutiny Committee ~~Panel with responsibility for crime and disorder matters~~ has a right to request information, relevant to the exercise of its functions, from the responsible authorities. The identification of individuals, except where essential, or information that would prejudice the operation(s) of the responsible authorities is not included in this provision.

25. Limit on Rights

The Overview and Scrutiny Committee ~~Policy and Review Panels~~ will not be entitled to any document that is in draft form.

26. When the Overview and Scrutiny Committee ~~a Policy and Review Panel~~ can require a report

If the Overview and Scrutiny Committee ~~a Policy and Review Panel~~ thinks that a key decision has been taken which was not treated as being a key decision, the Committee ~~Panel~~ may require the Cabinet to submit a report to the Council within such reasonable time as the Committee ~~Panel~~ specifies. This report must include details of the decision, and the reasons for the opinion that the decision was not a key decision. The power to require a report rests with the Overview and Scrutiny Committee ~~Panel~~, but is also delegated to the appropriate Lead Officer ~~of a Policy and Review Panel~~ who shall require such a report on behalf of the Committee ~~Panel~~ when so requested by the chairman or any five Members. Alternatively, the requirement may be raised by resolution passed at a meeting of the Committee ~~relevant Policy and Review Panel~~.

27. Nature of Rights

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

28. Cabinet's report to Council

Where the Cabinet is required to prepare a report for submission to the Council, it shall be made to the next available meeting. However, if the next meeting of the Council is within fourteen days of receipt of the written notice, or the resolution of the Overview and Scrutiny Committee Panel, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision and, if the Leader of the Council is of the opinion that it was not a key decision, the reasons for that opinion.

29. **Reports on special urgency decisions**

The Leader of the Council will report on the executive decisions taken in the circumstances set out in Access to Information Rule 18 (special urgency) through the Cabinet's Reports to Council.

30. **Attendance at Private Meetings**

All Members of the Cabinet will be served notice of all private meetings of committees of the Cabinet, whether or not they are Members of that committee.

Members other than Cabinet Members will not be entitled to attend private meetings of the Cabinet and its committees, unless invited to do so by the Leader of the Council or the chairman of the appropriate committee.

The Head of Paid Service, the Chief Financial Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Cabinet and its committees. The Cabinet may not meet unless the Head of Democratic Services has been given reasonable notice that a meeting is to take place and the appropriate notice served.

PART 5 – GENERAL RIGHTS OF ACCESS TO INFORMATION – THE FREEDOM OF INFORMATION ACT 2000

31. **Rushmoor's Publication Scheme**

The Freedom of Information Act gives a general right of access to all types of recorded information held by the Council. Any person who makes a request to the Council for information must be informed whether the Council holds that information, and subject to exemptions, must be supplied with that information.

The Council's Publication Scheme details most of the Council's published material and can be accessed on the Council's website at www.rushmoor.gov.uk.

The Scheme is a guide to the information routinely published by the Council. It is not a list of the actual publications, since this will change as new material is published but rather it is a description of the classes or types of information

published. It does not include information that the Council holds, but which is produced by third parties.

With a few exceptions, all of the Council's publications can be downloaded from the Rushmoor website. They are also available in hard copy from the Council's offices. If you have difficulty in finding what you are looking for the Freedom of Information Officer may be contacted at:

Rushmoor Borough Council
Council Offices
Farnborough Road, Farnborough
Hants GU14 7JU
Tel 01252 398603

32. **Requests for Information not Included in the Publication Scheme**

Requests for information under the Freedom of Information Act, which have not already been published in the Scheme, must be made in writing (including email) and sent to the Council's Freedom of Information Officer. The Council may charge for providing the information requested.

33. **Information not to be published under the Scheme**

A great deal of the information that the Council holds is personal and private to individuals (which includes our employees or former employees) and will not be published. The individual concerned, however, may be able to obtain that information from the Council's Data Protection Officer by making a separate application under the Data Protection Act.

Further guidance on information that is exempt from publication is included, by class of information, within the Publication Scheme. Examples include:

- Work in progress (draft reports, for example) need not be disclosed
- Information subject to a data-sharing protocol
- commercially sensitive information which, if released, would not be in the public interest.

34. **Byelaws**

A copy of any byelaws made by the Council are open to inspection by the public, and any person may purchase a copy. Requests relating to the Council's byelaws should be made to the Solicitor to the Council.

APPENDIX

ARRANGEMENTS FOR URGENCY AND EXCEPTIONS

The following table sets out the provisions for dealing with exceptions and urgent matters, where it has not been possible to meet the expected normal timescales for notice and publication of agendas and reports.

	Circumstance	Provisions
1.	As a matter of urgency, a decision is required before the Cabinet or a Committee next meets and the matter in question has not been delegated.	<p><u>For non-key decisions:</u></p> <p>The Chief Executive, or appropriate Director or Head of Service, shall have power to act in consultation with the Leader of the Council and appropriate Cabinet Member or appropriate Chairman.</p> <p>The decision taken and the reason for the urgency shall be reported to the next meeting of the Cabinet or the appropriate Committee.</p> <p><u>For key decisions:</u></p> <p><u>The Chief Executive, or appropriate Director or Head of Service, shall have power to act in consultation with the Leader of the Council and appropriate Cabinet Member, AND the provisions in either paragraph 2 or 3 below must be applied depending on the timescales for the decision.</u></p> <p>The decision taken and the reason for the urgency shall be reported to the next meeting of the Cabinet.</p>
2.	A key decision must be decided by the Cabinet, <u>a Cabinet Member or Officer</u> within 28 days - but allowing five clear working days' notice.	<p>1. The decision may only be made when the Chairman of the Overview and Scrutiny Committee has been informed by notice, in writing, of the matter about which the decision is to be made, and the reasons why 28 days' notice cannot be given.</p>

		<ol style="list-style-type: none"> 2. Notice of the key decision to be made must be published on the website, and giving reasons why 28 days' notice could not be given. 3. <u>A Record of the Decision to be published on the website as soon as reasonably practicable, after the decision is made. This may be via the Decision Record of the Cabinet Meeting or by a Decision Record form as appropriate.</u>
<ol style="list-style-type: none"> 3. 	<p>A key decision must be decided by the Cabinet, <u>a Cabinet Member or Officer</u> urgently with less than five clear working days' notice</p>	<ol style="list-style-type: none"> 1. The decision may only be made with the agreement of the Chairman of the Overview and Scrutiny Committee that the meeting/matter is urgent and cannot reasonably be deferred. If the Committee Chairman is unable to act, the Mayor's agreement must be sought, and if he/she is unable to act, the deputy Mayor's approval should be sought. 2. Following agreement, a notice must be published on the website with the reasons why the meeting is urgent and cannot reasonably be deferred. 3. <u>A Record of the Decision to be published on the website as soon as reasonably practicable, after the decision is made. This may be via the Decision Record of the Cabinet Meeting or by a Decision Record form as appropriate.</u>

4.	A matter must be decided urgently by the Cabinet, in private , within 28 days and cannot reasonably be deferred.	<p>1. The meeting can only be held in private with the agreement of the Chairman of the Overview and Scrutiny Committee that the meeting/matter is urgent and cannot reasonably be deferred. If the Committee Chairman is unable to act, the Mayor's agreement must be sought, and if he/she is unable to act, the deputy Mayor's approval should be sought.</p> <p>2. Following agreement, a notice must be published on the website with the reasons why the meeting is urgent and cannot reasonably be deferred.</p>
5.	Any Urgent Business to be raised at a Cabinet or Committee Meeting (but excluding key decisions or matters to be decided by the Cabinet in private).	<p>Urgent matters proposed to be raised at a meeting should be notified to the Head of Democratic and Customer Services no later than noon on the day of the meeting.</p> <p>For an urgent item to be added to the agenda, the Chairman's approval must be sought, and the reason for the urgency must be recorded in the minutes of the meeting.</p>

NOTES:**(1) Civil Emergencies**

The Chief Executive has powers under section 138 of the Local Government Act 1972 in the event of a civil emergency or disaster and may authorise another officer to exercise these powers on his/her behalf

(2) Key Decisions

Key decisions are 'executive decisions', which are likely to:

- Result in the Council incurring expenditure or making savings which are significant in as much as they will have a material effect on the level of Council tax or balances or contingencies in relation to the Council's overall budget¹;

- Be significant in terms of its effects on communities living or working on an area comprising two or more wards within the Borough

¹approximately £100,000 or more

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. ARRANGEMENTS FOR OVERVIEW AND SCRUTINY

The Council will appoint ~~one the~~ Overview and Scrutiny Committee ~~Policy and Review Panels as described in set out in~~ Article 6 to undertake the overview and scrutiny function. The Committee Panels may appoint sub-~~committees groups~~ which will also be subject to these Procedure Rules. Informal Task and Finish Groups may also be appointed for a fixed period on the expiry of which they shall cease to exist.

- (a) The Council will have one Overview and Scrutiny Committee, with a maximum of eleven Members of the Council ~~five Policy and Review Panels,~~ which will perform all overview and scrutiny functions on behalf of the Council. ~~Each will consist of a maximum of nine Members of the Council.~~
- (b) The general functions of the Overview and Scrutiny Committee will ~~each of the Policy and Review Panels will~~ be to:
 - (i) prepare and approve a programme setting out the Committee's Panel's work and to ensure its time is effectively and efficiently utilised;
 - (ii) undertake investigations into such matters that may be referred by the Cabinet, Committees and/or the full Council.
 - (iii) have the powers of overview and scrutiny in relation to executive decisions made but not implemented as set out in Section 21(3) of the Local Government Act, 2000;
 - (iv) review existing policies of the Council to secure continuous improvement in the way in which the Council's functions are exercised and to make recommendations to the Cabinet and/or the full Council for future options;
 - (v) monitor the Council's performance against the Corporate Performance Plan and monitor and review performance indicators;
 - (vi) ~~consider any relevant local government matter raised by any member~~ review and/or scrutinise any matter affecting the area or its inhabitants;

- (vii) appoint such task and finish groups and working groups as ~~they~~ considered ed appropriate to fulfil its ~~their~~ overview and scrutiny functions;
- (viii) report annually to the full Council on its work;
- (iv) put in place a system to ensure that referrals from the Committee Panel to the Cabinet either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in this Constitution; and
- (x) make decisions about the order in which reports should be referred to the Cabinet when it appears that the numbers of reports will interfere with the efficient running of Council business.
- (xi) review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions and to make reports or recommendations to the Council with respect to the discharge of those functions (Section 19 of the Police and Justice Act 2006)

- (c) ~~The Panel with responsibility for Crime and Disorder Matters will exercise the following functions, as required by Section 19 of the Police and Justice Act 2006:~~

~~to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions; and~~

~~To make reports or recommendations to the Council with respect to the discharge of those functions~~

2. WHO MAY SIT ON THE OVERVIEW AND SCRUTINY COMMITTEE? A POLICY AND REVIEW PANEL?

All councillors, except Members of the Cabinet, may be members of the Overview and Scrutiny Committee ~~Policy and Review Panels~~. However, no Member may be involved in scrutinising a decision in which he or she has been involved directly.

3. CO-OPTED MEMBERS

The Overview and Scrutiny Committee, or any of its sub-committees or task and finish groups, ~~Policy and Review Panels~~ shall be entitled to appoint non-voting co-opted members and advisers and may ~~as they think fit. The Panel with responsibility for Crime and Disorder Matters~~ may co-opt additional members from the responsible authorities when looking at crime and disorder issues. Co-optees may be appointed as

standing co-optees, or special interest co-optees to assist with scrutiny of a particular matter.

The Overview and Scrutiny Committee Panel shall not co-opt any person to scrutinise a decision where that person was wholly or partly responsible for the matter. The number of co-optees shall not exceed the number of permanent Committee Panel Members.

4. **MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE POLICY AND REVIEW PANELS**

There shall normally be seven six scheduled meetings of the Overview and Scrutiny Committee each Policy and Review Panel in each year. Additional meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee Policy and Review Panel meeting may be called by the chairman, by one-third of the voting Members of the Committee Panel (but not less than three Members) or by the Head of Democratic Services if he or she considers it necessary or appropriate.

The Committee Panel with responsibility for Crime and Disorder Matters shall meet to review or scrutinise matters in connection with the discharge by the responsible authorities of their crime and disorder functions at least once in a twelve-month period

5. **QUORUM**

The quorum for the Overview and Scrutiny Committee shall be six voting members of the Committee. Policy and Review Panels shall be as set out in Council Procedure Rule 26 (4) in Part 4 of this Constitution (at least one half of the whole number of voting Members).

6. **WHO CHAIRS OVERVIEW AND SCRUTINY MEETINGS POLICY AND REVIEW PANEL MEETINGS?**

The Chairman and Vice-Chairmen of the Overview and Scrutiny Committee shall be drawn from among those councillors serving on the Committee. The Chairman shall be appointed at the Annual Meeting of the Council for the ensuing year.

On a vacancy arising, the Committee 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. Each Policy and Review Panel shall appoint its Chairman and Vice-Chairman, from amongst the councillors sitting on the Panel, as it considers appropriate. The appointments shall be made at the Panels' first meeting of the Municipal Year.

7. VICE-CHAIRMEN

The Committee may appoint up to two Vice-Chairmen to focus on different areas of responsibility, for example internal corporate matters, and external community and environmental issues.

The Vice-Chairmen shall be appointed at the Committee's first meeting of the Municipal Year

Role Descriptions for the Vice-Chairmen of the Overview and Scrutiny Committee are set out in Article 2 of the Constitution, 'Councillors and Role Descriptions'

7.8. WORK PROGRAMME

(a) The Overview and Scrutiny Committee Policy and Review Panels will be responsible for setting its their own work programme and in doing so it they shall take into account the wishes of councillors Panel Members who are not Members of the largest political group on the Council.

(b) When identifying and discussing issues to be included in the Committee's work programme, the Committee should refer to the Cabinet's Work Programme and identify issues for scrutiny in advance of the Cabinet making its decision.

The overall work programme should take account of:

- whether the proposed work furthers corporate priorities
- whether the proposed work furthers continuous improvement in services
- the likelihood of something significant or valuable coming from the work
- the importance of the issue for users and the public generally
- whether there is evidence of user/general public dissatisfaction with the service
- Issues raised through Audit or Inspections
- Whether there is a high level of budgetary commitment to the service

9. TASK AND FINISH GROUPS

All Councillors may be members of task and finish groups appointed by the Committee to carry out specific areas of scrutiny. However, no Member may be involved in scrutinising a decision in which he or she has been involved directly.

10. AGENDA ITEMS AND COUNCILLOR CALLS FOR ACTION

- (a) Any Member of ~~the Overview and Scrutiny Committee a Policy and Review Panel~~ shall be entitled to give notice to the Head of Democratic Services that he or she wishes an item relevant to the functions of the ~~Committee Panel~~ to be included on the agenda for the next available meeting. On receipt of such a request, the Head of Democratic Services will advise the Chairman and ensure that it is included for discussion at the next mid-cycle meeting of the ~~Committee Panel~~, with a view to it being included on the next available agenda.
- (b) Any Member of the Council who is not a Member of the ~~Overview and Scrutiny Committee appropriate Policy and Review Panel~~ shall be entitled to refer to ~~the Committee a Panel~~ for discussion any 'local government matter' which is relevant to ~~the functions and the~~ terms of reference of ~~the Committee. that Panel~~. The Member shall give written notice to the Head of Democratic Services that he or she wishes an item to be included, and on receipt of such a request, the Head of Democratic Services will ensure that it is included for discussion at the next mid-cycle meeting of the ~~Committee Panel~~, with a view to it being included on the first available agenda.
- (c) A 'local government matter' is defined as one which relates to the discharge of any function of the authority, affects all or part of the ward for which the member is elected, or any person who lives or works in that area, and which is not an 'excluded' matter. An excluded matter is one relating to a planning or licensing decision, one which relates to an individual or entity where there is already a right to review or appeal, or one which is vexatious, discriminatory or not reasonable.

The ~~Committee Panel~~ may have regard to any representations by the Member on why it would be appropriate for the ~~Committee Panel~~ to exercise any of its powers in relation to the matter. If the ~~Committee Panel~~ decides not to do anything, it must notify the Member setting out the reasons. If it does decide to act, any report and subsequent response should be sent to the member who has placed the matter on the agenda. There is an expectation that the member who has placed the matter on the ~~Committee Panel~~ agenda will normally attend the meeting to present their case.

- (d) ~~The Overview and Scrutiny Committee Policy and Review Panels~~ shall also respond, as soon as ~~its their~~ work programmes permits, to requests from the Council and the Cabinet to review particular areas of Council activity. Where ~~it they~~ does so, the

~~Committee Policy and Review Panels~~ shall report ~~its~~ their findings and any recommendations back to the Cabinet and/or Council, who shall consider the report of the Overview and Scrutiny Committee Policy and Review Panel within one month of receiving it or the next available meeting, whichever is the longer.

11. **POLICY REVIEW ~~AND DEVELOPMENT~~**

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

12. **REPORTS FROM THE OVERVIEW AND SCRUTINY COMMITTEE** **ING ARRANGEMENTS**

- (a) Once ~~it has~~ they have formed recommendations, ~~on policy development, the Overview and Scrutiny Committee Policy and Review Panels~~ will prepare a formal report and submit it to the Head of Democratic Services for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), ~~or to the~~ and the Council (as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework)).
- (b) If ~~the Overview and Scrutiny Committee a Policy and Review Panel~~ cannot agree on one single final report to the Council or the Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Cabinet (and the Council) with the majority report.

- (c) The Cabinet or the Council shall consider the report of an Overview and Scrutiny Committee within one month or at the next available meeting (whichever is the later) of the report being submitted to the Head of Democratic Services.
- (d) When a report is made ~~the Panel~~ dealing with Crime and Disorder matters ~~– makes a report to the Council~~ in connection with the Committee's ~~its~~ statutory role in paragraph 1 above, a copy shall be provided to each of the responsible authorities.

13. **MAKING SURE THAT REPORTS BY THE OVERVIEW AND SCRUTINY COMMITTEE POLICY AND REVIEW PANELS ARE CONSIDERED BY THE CABINET**

- (a) Once the Overview and Scrutiny Committee ~~a Policy and Review Panel~~ has prepared a report, the Head of Democratic Services will allocate it to the Cabinet for consideration and the Council if the contents of the report would have implications for the Council's budget and policy framework. If the Head of Democratic Services refers the matter to the Council, he or she will serve a copy on the Cabinet with notice that the matter is to be referred to the Council. The Cabinet will have four weeks in which to respond to the Committee's ~~Policy and Review Panel's~~ report and the Council shall not consider it within that period. When the Council does meet to consider any referral from the Overview and Scrutiny Committee ~~a Policy and Review Panel~~ on a matter which would impact on the budget and policy framework, it shall also consider the response of the Cabinet.
- (b) The Overview and Scrutiny Committee ~~Policy and Review Panels~~ will in any event have access to the Cabinet's forward work programme plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee ~~a Policy and Review Panel~~, following consideration of possible policy/service developments, the Overview and Scrutiny Committee ~~a Panel~~ will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

14. **RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE POLICY AND REVIEW PANEL MEMBERS TO DOCUMENTS**

- (a) In addition to their rights as councillors, Members of the Overview and Scrutiny Committee ~~Policy and Review Panels~~ have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committee Policy and Review Panels as appropriate depending on the particular matter under consideration.

15. MEMBERS AND OFFICERS GIVING ACCOUNT

- (a) The Overview and Scrutiny Committee Policy and Review Panels may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, they may require any Member of the Cabinet, the Head of Paid Service and/or any senior officer to attend before them to explain:
- (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance.

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

- (b) Where any Member or officer is required to attend an Overview and Scrutiny Committee Policy and Review Panel under this provision, the Chairman of the Committee Panel will inform the Head of Democratic Services. The Head of Democratic Services shall inform the Member or officer giving at least three working days' notice of the meeting at which he or she is required to attend, although, in normal circumstances, he or she will be expected to attend the next scheduled meeting of the Committee Panel. The notice will state the nature of the item on which he or she is required to give account and whether any papers are required to be produced for the Committee Panel. Where the account to be given to the Committee Panel will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of the documentation.
- (c) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Committee Policy and Review Panel shall, in consultation with the Member or officer, arrange an alternative date for attendance or for a substitute to attend in his or her place.

16. ATTENDANCE BY OTHERS

The Overview and Scrutiny Committee Policy and Review Panels may invite people other than those people referred to in paragraph 13 above

to attend a meeting in order to discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

~~When dealing with The Policy and Review Panel with responsibility for~~ crime and disorder matters, ~~the Committee~~ may require the attendance ~~before it~~ of a representative of a responsible authority in order to provide information or answer questions, provided at least two weeks notice is given.

17. PETITIONS

Where a petition is submitted to the Council in accordance with the Council's Petitions Scheme, and has at least 500 eligible signatures, the petition organiser shall be entitled to require a senior officer to attend a meeting of ~~the Overview and Scrutiny Committee a Policy and Review Panel~~ to answer questions and address the subject matter of the petition. (Petitions with 1000 eligible signatures or more shall be considered by the full Council in the first instance. However, if such a petition specifies that it wishes a senior officer to give evidence at a public meeting, then this shall usually take place at ~~the Overview and Scrutiny Committee a Policy and Review Panel~~).

The final decision on which senior officer should attend shall rest with the ~~Committee Policy and Review Panel~~, and shall be dealt with in accordance with the provisions in Para. 13 'Members and Officers giving Account'. ~~Committee Panel~~ members shall ask the questions at the meeting, but the petition organiser shall be able to suggest questions by contacting the Head of Democratic Services, or Meeting Administrator, no later than two working days before the meeting.

18. CALL-IN

- (a) Call-in should be used only in exceptional circumstances. These circumstances are as follows:
 - (i) Any four or more non-executive Members will have the right within five working days of the publication of the decision to call in any Cabinet decision to ~~the Overview and Scrutiny Committee a Policy and Review Panel~~ subject to giving reasons, such as it is:
 - contrary to policy; or
 - contrary to budget; or
 - based on incorrect or inadequate or inaccurate information
 - (ii) 25% of the Members of the Council will have the right within five working days of the publication of the decision

to call in any executive decision direct to full Council if they consider it to be

- contrary to the policy framework
 - contrary to the agreed budget
- (b) When an executive decision is made by the Cabinet, a Cabinet committee, a Cabinet Member or under joint arrangements or a key decision is made by an officer with delegated authority from the Cabinet, a record of that decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within three days of it being made. All Members will be sent copies of the records of all such decisions within the same timescale by the Head of Democratic Services. The record will bear the date on which it is published.
- (c) Subject to the urgency provisions in paragraph (j) below, any executive decision of the type referred to in paragraph (b) above will come into force and may be implemented following the expiry of five working days from the date of publication of the record of the decision UNLESS before the expiry of that period the decision is called in to the Overview and Scrutiny Committee ~~appropriate Policy and Review Panel~~ in accordance with these rules. A decision which has been called-in will not come into force until the Overview and Scrutiny Committee ~~appropriate Policy and Review Panel~~ has had the opportunity to decide whether the matter should be reconsidered.
- (d) Members will notify the Head of Democratic Services of any executive decision that they wish to call-in in writing. The Head of Democratic Services shall refer any decision which is called-in to the Overview and Scrutiny Committee ~~appropriate Policy and Review Panel~~ in accordance with these Rules and shall notify the decision-taker of the request for call-in.
- (e) The Overview and Scrutiny Committee ~~Policy and Review Panel~~ will consider any decision that has been called in to the Committee ~~Panel~~ within ten working days of the Head of Democratic Services being notified of the request (whether pursuant to paragraph (a) above or by the Committee ~~Panel~~ itself).
- (f) If, having considered a decision that has been called in, the Overview and Scrutiny Committee ~~Policy and Review Panel~~ is still concerned about it, then it may refer it back to the decision taker for reconsideration, setting out in writing the nature of its concerns. If referred to the decision taker, that person or body shall then reconsider the decision within a further 15 working

days, or at its next scheduled meeting (whichever is the later) amending the decision or not, before adopting a final decision.

- (g) If, having considered a decision that has been called in, the Overview and Scrutiny Committee ~~Policy and Review Panel~~ does not refer the matter back to the decision taker nor onwards to full Council the decision shall take effect on the next working day after the Committee Panel meeting.
- (h) If the matter is referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision shall take effect on the next working day after the Council meeting. However, if the Council does object, it has no authority to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision taker, together with the Council's views on the decision. That decision taker shall choose whether to amend the decision or not before reaching a final decision and implementing it.

19. CALL-IN AND URGENCY

The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision shall state, whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor and the Chairman of the Overview and Scrutiny Committee in consultation with the appropriate officers ~~appropriate Policy and Review Panel~~ must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of either postholder, the Deputy Mayor and relevant Vice-Chairman's consent shall be required. In the absence of the required combination of individual Members, the Head of Paid Service or his or her nominee's consent shall be required.

20. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE POLICY AND REVIEW PANEL MEETINGS

- (a) The Overview and Scrutiny Committee ~~Policy and Review Panels~~ shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) consideration of any decisions "called in" to the Committee Panel;

- (iii) review of the work programme and, as appropriate, the Cabinet's Work Programme Forward Plan;
 - (iv) responses of the Cabinet to reports of the Committee Panel; and
 - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where ~~the Overview and Scrutiny Committee a Policy and Review Panel~~ conducts investigations (e.g. with a view to policy development), the Committee Panel may also ask people to attend to give evidence at ~~Panel~~ meetings which are to be conducted in accordance with the following principles:
- (i) the investigation will be conducted fairly and all Members of the Committee Panel given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) those assisting the Committee Panel by giving evidence are treated with respect and courtesy; and
 - (iii) the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Committee Panel shall prepare a report, for submission to the Cabinet and the Council (if appropriate) and shall make its report and findings public.

~~19. MATTERS WITHIN THE REMIT OF MORE THAN ONE POLICY AND REVIEW PANEL~~

~~Where a Policy and Review Panel conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Policy and Review Panel:~~

- ~~(a) the Panel conducting the review shall invite the Chairman of the other Panel (or his or her nominee) to attend its meetings when the matter is being reviewed; and~~
- ~~(b) before submitting its findings to the Cabinet and the Council (if appropriate) for consideration, the report of the reviewing Policy and Review Panel shall be considered by the other Panel for comment.~~

21. ANNUAL REPORT TO COUNCIL

At the end of the Municipal Year, the Overview and Scrutiny Committee is asked to report to the full Council on the key outcomes from its work over the previous year. In particular to focus on where the Committee has:

- Held the Cabinet to account
- Contributed to continuous improvement in services through performance monitoring and review
- Carried out external scrutiny

22. MID CYCLE MEETINGS

'Mid-Cycle Meetings' will meet between scheduled meetings of the Overview and Scrutiny Committees to plan agendas for meetings of the Committee and manage the Committee's work programme.

The Membership of Mid-Cycle will comprise the Chairman and Vice-Chairman of the Overview and Scrutiny Committee together with cross party representatives. Cabinet Members can be invited to mid-cycle meetings to discuss items in the work programme and issues for scrutiny.
