

Part 2 Rules of Procedure

COUNCIL AND COMMITTEE PROCEDURE RULES

[\(Return to Contents Page\)](#)

For the purposes of Article 1 of this Constitution these Council Procedure Rules are Standing Orders of the Council.

1. [Annual Meeting of Full Council](#)
2. [Ordinary Meetings of Full Council](#)
3. [Extraordinary Meetings](#)
4. [Time and Place of Meetings and Items on an Agenda](#)
5. [Notice and Agenda for Meetings](#)
6. [Chairing the Meeting](#)
7. [Quorum](#)
8. [Duration of the Meeting](#)
9. [Public Participation Time](#)
10. [Petitions and Deputations](#)
11. [Not Used](#)
12. [Reports from the Leader and Portfolio Holders](#)
13. [Members' Questions](#)
14. [Member Requests for Consideration at Full Council](#)
15. [Annual Budget](#)
16. [Motions Without Notice](#)
17. [Rules of Debate](#)
18. [Rescission of Previous Decisions and Motions](#)
19. [Voting](#)
20. [Minutes](#)
21. [Record of Attendance](#)
22. [Exclusion of Public](#)
23. [Members' Conduct](#)
24. [Disturbance by Public](#)
25. [Appointment of and Disciplinary Action Against Officers](#)
26. [Interpretation of Council Procedure](#)
27. [Suspension and Amendment of Council Procedure Rules](#)
28. [Application of Rules to Committees and Sub-Committees](#)
29. [Appointment of Committees and Sub-Committees](#)
30. [Election of Chairman/Vice-Chairman of Committees/Sub-Committees](#)
31. [Special Meeting of a Committee/Sub-Committee](#)
32. [Quorum of a Committee/Sub-Committee](#)
33. [Attendance of Members at a Committee/Sub-Committee](#)
34. [Order of Business of a Committee/Sub-Committee](#)
35. [Referral of a Question, Statement, Petition, Deputation or Motion to a Committee or Sub-Committee](#)

36 [Submission of Questions at Committees/Sub-Committees](#)
PART 1 – MEETINGS OF THE FULL COUNCIL

1. **ANNUAL MEETING OF FULL COUNCIL** ([back to procedure rules contents](#))

1.1 **Date of Annual Meeting**

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

1.2 **Business**

The Annual Meeting of the Full Council will:

- (a) elect a person to preside if the Chairman and Vice-Chairman are not present;
 - (b) elect the Chairman of Council;
 - (c) elect the Vice-chairman of Council;
 - (d) receive any declarations of interest from Members;
 - (e) approve the minutes of the last meeting as a correct record and to authorise the Chairman to sign them;
 - (f) elect the Leader;
 - (g) receive any announcements from the Chairman of Council and/or Head of Paid Service;
 - (h) note the appointment of the Deputy Leader and any Portfolio Holders made by the Leader;
 - (i) appoint at least one Overview [Committee](#) and [one](#) Scrutiny Committee, a Licensing Committee, a Health and Wellbeing Board and such other Committees or Boards as the Full Council considers appropriate to deal with matters within its control, their size, terms of reference and powers;
- (a) decide the allocation of seats on Committees to political groups in accordance with the rules on political balance;
 - (b) receive nominations from political groups for Members to serve on committees or any outside body and to make appointments to each committee or outside body, except where the Full Council has delegated the appointment or is exercisable only by the Leader;
 - (c) appoint the Chairman and Vice-Chairman of relevant committees;

- (l) make any other appointments as may be necessary;
- (m) approve a programme of ordinary meetings of the Full Council and its Committees for the year;
- (n) receive and reply to any question and/or statement from the public;
- (o) receive and reply to any petition and/or deputation from the public;
- (p) deal with any questions by Members;
- (q) consider any notice of motion;
- (r) receive, consider and reply to any report or recommendations formally submitted by any Overview Committee and/or Scrutiny Committee or any other Committee or Board;
- (s) consider item(s) that in the opinion of the Chairman of Council should be considered at the meeting as a matter of urgency; and
- (t) consider any other business set out in the notice convening the meeting.

2. **ORDINARY MEETINGS OF FULL COUNCIL** ([back to procedure rules contents](#))

2.1 **Date of ordinary meetings**

Five ordinary meetings of the Full Council will take place on dates agreed by the Full Council at its Annual Meeting provided that the Chairman in consultation with the Head of Paid Service may if s/he considers that it is appropriate to do so, direct that the meeting shall be cancelled or held on another date.

2.2 **Business**

Ordinary meetings of the Full Council will:

- (a) elect a person to preside if the Chairman of Council and Vice-Chairman of Council are not present;
- (b) receive any declarations of interest from Members;
- (c) approve the minutes of the last meeting as a correct record and to authorise the Chairman to sign them;
- (d) receive any announcements from the Chairman of Council or Head of Paid Service;
- (e) receive any report from the Leader and Portfolio Holders and receive any reply from the Leader and Portfolio Holders to Members' questions;

- (f) receive and reply to any question and/or statement from the public;
- (g) receive and reply to any petition and/or deputation from the public;
- (h) receive, consider and reply to any report or recommendations formally submitted by any Overview Committee and Scrutiny Committee, other Committee or Board;
- (i) deal with any business from the last Council meeting;
- (j) deal with any Valid Member Questions;
- (k) consider any notices of motion;
- (l) consider any item(s) that in the opinion of the Chairman of Council should be considered at the meeting as a matter of urgency; and
- (m) consider any other business specified in the notice convening the meeting.

3 **EXTRAORDINARY MEETINGS** ([back to procedure rules contents](#))

3.1 **Calling extraordinary meetings**

The following may request the Proper Officer to call an extraordinary meeting of the Full Council:

- (a) the Full Council by resolution;
- (b) the Chairman of Council;
- (c) the Head of Paid Service;
- (d) the Monitoring Officer; or
- (e) any five Members if they have signed a requisition presented to the Chairman and the Chairman has refused to call a meeting or has failed to call a meeting with seven days of the presentation of the requisition.

3.2 **Business of extraordinary meetings of the Full Council**

Unless the Chairman is of the opinion that an item should be considered as a matter of urgency, Full Council will only consider the business which is specified in the notice of the extraordinary meeting. Petitions, questions, deputations and statements will be accepted only if they relate to the business for which the extraordinary meeting has been arranged.

4 **TIME AND PLACE OF MEETINGS AND ITEMS ON AN AGENDA**

[\(back to procedure rules contents\)](#)

4.1 **Time and place of meetings**

The first Annual Meeting of the Full Council will take place at South Walks House, Dorchester at 10:00am unless the Head of Paid Service decides otherwise. The time and place of subsequent meetings of the Full Council will be decided by the Full Council at its Annual Meeting and notified in the agenda for the meeting.

4.2 **Items on an agenda**

- (a) Unless the law otherwise requires, items will be included on an agenda:
- (i) at the request or at the direction of the Chairman;
 - (ii) as required by these Council Procedure Rules, the Petition Scheme or any other provision of the Constitution;
 - (iii) as required by resolution of the Full Council and/or by way of a requisition;
 - (iv) at the request of the Head of Paid Service subject to prior consultation with the Chairman;
 - (ii) at the request of the Monitoring Officer or Section 151 Officer subject to prior consultation with the Chairman (unless unavailable or absent);
 - (iii) in accordance with a requirement of the Overview and Scrutiny Committee to consider and reply to a report or recommendation;
 - (iv) to consider any recommendation or referral from a Committee or Sub-Committee of the Full Council;
 - (v) to consider any Officer report identified by any Officer (nominated by the Head of Paid Service for such a purpose) as appropriate to go to Full Council and/ or which refers to any matter which the Constitution or law requires to be considered by Full Council; and/or
 - (vi) in the case of an extraordinary meeting of Full Council to address the requirements for which the extraordinary meeting has been called.
- (b) The Head of Paid Service (or any other person as the Head of Paid Service may nominate) with the agreement of the Chairman shall decide the appropriate meeting of the Full Council to which an item should be considered and the order of all such items.

4.3 **Acting in absence**

In the event of the Chairman of Council being absent or unavailable at any time when there is a need to make any decision/performance any action identified in these Council Procedure Rules contained in this Constitution as being decided or performed by the Chairman of Council then for the avoidance of doubt unless the procedure rules identify otherwise that decision/action can be performed by the Vice-Chairman of Council or if both are absent or unavailable then by such other Member as the Head of Paid Service may at his absolute discretion determine (if any).

5 **NOTICE AND AGENDA FOR MEETINGS** ([back to procedure rules contents](#))

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the [Access to Information Rules](#). Normally at least five clear working days before a meeting, the Proper Officer will send (or where a Member has given an email address, e-mail) a copy of the agenda to every Member. The agenda will be authenticated in such manner as the Proper Officer considers appropriate, give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

6 **CHAIRING THE MEETING** ([back to procedure rules contents](#))

The person presiding at a meeting of Council may exercise any power or duty of the Chairman.

7 **QUORUM** ([back to procedure rules contents](#))

7.1 **Full Council**

The minimum number of Members required to be present or quorum for a meeting of the Full Council is 21.

7.2 **Absence of a quorum**

If during any meeting, the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. No further business will be considered. Any remaining business will be considered at a time and date fixed by the Chairman. If the Chairman does not fix a date, any remaining business will be considered at the next ordinary meeting.

8. **DURATION OF THE MEETING** ([back to procedure rules contents](#))

8.1 **Time limit**

If the business of the meeting has not been concluded within three hours the Chairman will interrupt the meeting and if appropriate call for a vote to be taken immediately on the item under discussion. A vote to either extend

the meeting for a further specific period or to adjourn will then be taken on the item in the usual way without any further discussion.

8.2 Agenda items not dealt with

Any unresolved agenda items will be adjourned to a date decided by the Proper Officer in consultation with the Chairman.

9. PUBLIC PARTICIPATION TIME [\(back to procedure rules contents\)](#)

9.1 General

As part of every ordinary meeting of the Full Council a period of time will be set aside for any member of the public living or working within the Council's area; and any appointed representative of any organisation operating within the Council's area to:

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- (a) ask a question of the Leader or Portfolio Holder
- (b) make a statement; or
- (c) present a petition.

In the case of an extraordinary meeting of the Full Council, if in the opinion of the Chairman a question, statement or petition specifically is about the matter for which the extraordinary meeting has been called, the Chairman may allow such question, statement or petition to be made.

9.2 Time for public questions, statements and petitions

- (a) A period of 30 minutes will be set aside at each meeting of the Full Council to receive and reply to any questions and receive statements from members of the public or appointed representatives.
- (b) A further period of up to 15 minutes will be set aside for the Full Council to receive and to reply to any petitions from members of the public or appointed representatives.
- (c) The Chairman may increase any of the periods for the asking of questions, the making of statements or receiving petitions if in the Chairman's opinion, the importance of the issue raised merits it and to do so would not have an adverse impact on the efficient running of the meeting.

9.3 Number and duration of questions/statements

- (a) At any one meeting of the Full Council no person or organisation may ask/make more than two questions and/or statements in total during public participation time. Sub-divided questions will count towards this total.
- (b) No more than three minutes shall be allowed for any one question or statement to be asked/read. A question may include a short pre-ambule to set the context of the question which can be read out within the 3 minute period.

9.4 Notice of questions/statements

A question may only be asked or a statement read if notice has been given in writing or by email to the Proper Officer at least three clear working days before the Full Council meeting. Each question/statement must include:

- (a) The name and address of the person wanting to ask the question/read the statement;
- (b) The title of the Member to whom the person would prefer it to be directed (if any). A statement may be expressed to be a statement for the Full Council as a whole; and
- (c) The complete text of the question or the statement.

Paras 9.5 and 9.6 no change

9.7 Order of questions/statements

Questions from Town and Parish Councils will be read in the order in which notice of them was received followed by questions from residents/organisations in the order in which they were received.

Statements will be read out following questions in the order in which notice of them was received from Town and Parish Councils followed by residents/organisations.

Where more than one question/statement is submitted by a person/on behalf of an organisation, the questions/statements will be dealt with in such order as the Chairman considers appropriate. The Chairman may also decide to group together similar questions or similar statements.

Paras 9.8 and 9.9 no change

9.10 Replying to a question

- (a) A reply to any question shall take such form as the Member replying considers appropriate, including:
 - (i) An oral reply;
 - (ii) Where the desired information is in a publication of the Full Council or other published work, a reference to that publication;
 - (iii) A referral of the matter to a Committee or Sub-committee for consideration;
or
 - (iv) Where an oral reply cannot be conveniently be given, a written reply to the person asking the question.
- (b) No reply is required to be given to any question/statement if the Member who is to reply considers it appropriate not to reply.

9.11 Supplementary question

Where a reply has been given to a question no supplementary questions will be permitted.

9.12 Inability to present a question/statement

- (a) If the person asking the question or making the statement is unable to attend the meeting, the Chairman may indicate that a written reply will be given to the question or that the question/statement will not be dealt with and/or read out.
- (b) Any question which cannot be dealt with during public participation time, whether because of lack of time, non-attendance of the Member who was to reply (if any) or otherwise, will be dealt with by the sending of a written reply within a reasonable timescale.
- (c) Where a written reply is given to a question the Proper Officer will arrange for the question and reply to be copied to all Members.
- (d) Written responses will not be provided for statements.

~~9.1~~ **General**

~~As part of every ordinary meeting of the Full Council a period of time will be set aside for any member of the public living or working within the Council's area; and any appointed representative of any organisation operating within the Council's area to:~~

- ~~(a) ask a question of the Leader or Portfolio Holder;~~
- ~~(b) make a statement; or~~
- ~~(c) present a petition.~~

~~In the case of an extraordinary meeting of the Full Council, if in the opinion of the Chairman a question, statement or petition specifically is about the matter for which the extraordinary meeting has been called, the Chairman may allow such question, statement or petition to be made.~~

~~9.2~~ **Time for public questions, statements and petitions**

- ~~(a) A period of 15 minutes will be set aside at each meeting of the Full Council to receive and reply to any questions or statements from members of the public or appointed representatives.~~
- ~~(b) A further period of up to 15 minutes will be set aside for the Full Council to receive and to reply to any petitions from members of the public or appointed representatives.~~
- ~~(c) The Chairman may increase any of the periods for the asking of questions, the making of statements or receiving petitions if in the Chairman's opinion, the importance of the issue raised merits it and~~

~~to do so would not have an adverse impact on the efficient running of the meeting.~~

~~9.3 — Number and duration of questions/statements~~

- ~~(a) — At any one meeting of the Full Council no person or organisation may ask/make more than two questions and/or statements in total during public participation time. Sub-divided questions will count towards this total.~~
- ~~(b) — No more than three minutes shall be allowed for any one question or statement to be asked/read.~~

~~9.4 — Notice of questions/statements~~

~~A question may only be asked or a statement read if notice has been given in writing or by email to the Proper Officer at least three clear working days before the Full Council meeting. Each question/statement must include:~~

- ~~(a) — the name and address of the person wanting to ask the question/read the statement;~~
- ~~(b) — the title of the Member to whom the person would prefer it to be directed (if any). A statement may be expressed to be a statement to the Full Council as a whole; and~~
- ~~(c) — the text of the question or the statement.~~

9.5 Scope of questions/statements

- (a) The Chairman in consultation with the Proper Officer may reject any question/statement if s/he considers that it:
 - (i) is not about a matter for which the Council has a responsibility and/or which affects its area;
 - (ii) is defamatory, frivolous or offensive;
 - (iii) is substantially the same or is about a subject which is substantially the same as a question, statement, petition or deputation that has been asked/received at a meeting of the Full Council in the past six months;
 - (iv) has already been answered or dealt with through other mechanisms or procedures such as the Council's complaints procedure or the Local Government Ombudsman;
 - (v) requires the disclosure of confidential or exempt information;
 - (vi) is about any planning or licensing matter or similar such matters/any on-going investigation; and/or

- (vii) is otherwise inappropriate for such a question/statement to be asked/read out.
- (b) If the Chairman decides that a question/statement cannot be asked/made at a meeting of the Full Council, then the reason why not will be sent to the person seeking to raise it.

9.6 Identification of who will reply

- (a) The Chairman in consultation with the Proper Officer shall decide the most appropriate Member to reply to any question/statement where a reply is needed. If this differs from that identified by the person presenting the question/statement then this shall be identified before the question/statement is read.
- (b) The Proper Officer will arrange for each question/statement that is to be presented to be given to any Member who is to reply as soon as reasonably practicable following its receipt.

~~9.7 Order of questions/statements~~

~~Questions/statements will be read in the order in which notice of them was received. Where more than one question/statement is submitted by a person/on behalf of an organisation, the questions/statements will also be dealt with in such order as the Chairman considers appropriate. The Chairman may also decide to group together similar questions.~~

9.8 Asking the question/making a statement at the meeting

- (a) A copy of every question/statement to be read at Full Council will normally:
 - (i) be circulated to Members at the meeting;
 - (ii) be made available to the public attending the meeting; andeither recorded verbatim in the minutes or summarised.
- (b) The Chairman will invite the person presenting the question/statement to ask it.

9.9 Discussion and referral of questions and statements

Unless the Chairman decides otherwise, no discussion will take place on matters raised by questions and statements by the public. Any Member may suggest however that the matter might be better dealt with by the relevant Committee or Sub-Committee. If the Chairman agrees, the Chairman may direct that the matter is referred to such Committee or Sub-Committee as s/he considers appropriate.

~~9.10 Replying to a question or statement~~

- ~~(a) A reply to any question/statement shall take such form as the Member replying considers appropriate, including:~~
- ~~(i) an oral reply;~~
 - ~~(ii) where the desired information is in a publication of the Full Council or other published work, a reference to that publication;~~
 - ~~(iii) a referral of the matter to a Committee or Sub-Committee for consideration; or~~
 - ~~(iv) where an oral reply cannot conveniently be given, a written reply to the person asking the question.~~
- ~~(b) No reply is required to be given to any question/statement if the Member who is to reply considers it appropriate not to reply.~~

~~9.11 Supplementary question~~

~~Where a reply has been given to a question/statement no supplementary questions will be permitted~~

~~9.12 Inability to present a question/statement~~

- ~~(a) If the person asking the question or making the statement is unable to attend the meeting, the Chairman may indicate that a written reply will be given to the question/statement or that the question/statement will not be dealt with and/or read out.~~
- ~~(b) Any question/statement which cannot be dealt with during public participation time, whether because of lack of time, non-attendance of the Member who was to reply (if any) or otherwise, will be dealt with by the sending of a written reply within a reasonable timescale.~~
- ~~(c) Where written reply is given to a question/statement the Proper Officer will arrange for question/statement and any reply to be copied to all Members.~~

10 PETITIONS AND DEPUTATIONS ([back to procedure rules contents](#))

10.1 Petitions

- (a) Any Members of the public may submit a petition to the Council. However, the Council will not normally accept any petition that does not comply with the [Petition Scheme](#).
- (b) Petitions which are accepted for consideration will be dealt with under the [Petition Scheme](#).

10.2 Deputations

A deputation may be received at any ordinary meeting of Full Council (and any extraordinary meeting where identified above) provided:

- (a) written details containing:
 - (i) the intended subject matter/reason for the deputation;
 - (ii) the contact name, address and telephone number of one of the people intending to form part of the deputation ("the Deputation Leader");
 - (iii) any statement/explanation that the Deputation Leader wants to read out about the deputation;
 - (iv) the full names of not more than four additional persons who will accompany the Deputation Leader to the meeting; and
 - (v) the date of the ordinary meeting of Full Council which it would be preferred to attend,have been received by the Proper Officer, and
- (b) the subject matter/reasons for the deputation is about a matter for which the Council is responsible or which affects the area of the Council.

10.3 Time for deputations

A period of 15 minutes will be set aside at each Full Council meeting to receive any deputations.

10.4 Number of deputations

At any one meeting of Full Council no person or organisation may present or participate in more than one deputation.

10.5 Scope of deputation

- (a) The Chairman in consultation with the Proper Officer may reject any deputation if s/he considers that it:
 - (i) is not about a matter for which the Council has a responsibility or which affects the district;
 - (ii) might be construed as defamatory, frivolous or offensive;
 - (iii) is substantially the same or is about a topic which is substantially the same as a question, statement, petition or deputation that has been asked/received at a meeting of Full Council in the past six months;

- (iv) is about a matter that has already been answered or dealt with through other mechanisms or procedures such as the Council's complaints system or the Local Government Ombudsman;
 - (v) is about confidential or exempt information;
 - (vi) is about any planning or licensing matter or similar such matters/any on-going investigation; and/or
 - (vii) is otherwise inappropriate for such a deputation to be received.
- (b) The Proper Officer will make arrangements to enable the future identification of deputations for the purposes of the provisions above.
 - (c) If the Chairman decides that a deputation cannot be received at a meeting of Full Council, then the reason why not will be sent to Deputation Leader.

10.6 Identification of who will reply to a deputation

- (a) The Chairman in consultation with the Proper Officer shall decide the most appropriate person to reply to any deputation (if any). If this differs from that identified by the Deputation Leader then this shall be identified before the deputation is received.
- (b) The Proper Officer will arrange for details of the deputation to be given to the Member who is to reply as soon as reasonably practicable following receipt of the notice.

10.7 Order of deputations

Deputations will be received in the order in which notice of them was received. The Chairman may also decide to group together similar deputations.

10.8 Identification as to where a deputation will be presented

Where the Chairman in consultation with the Proper Officer considers that a deputation is about a matter within the terms of reference of the Executive or a Committee then the Proper Officer may arrange for the deputation to be included on the next suitable agenda of the Executive or Committee.

10.9 Meeting to consider deputation

Unless the details of a deputation have been given to the Proper Officer at least 10 working days before the date of the next ordinary meeting of Full Council, a deputation will normally be considered at the ordinary meeting following the request.

10.10 Presenting a deputation at the meeting

- (a) The Chairman will invite the Deputation Leader to read out any statement/explanation given as part of the details of the deputation or a summary of it. If the Deputation Leader who has submitted the deputation is unable to be present, the Chairman may invite another person on the deputation to read it out.
- (b) A statement/explanation read out about a deputation shall not exceed five minutes unless the Chairman expressly allows.

10.11 Discussion about a deputation

Unless the Chairman decides otherwise, no discussion will take place about any deputation presented pursuant to these procedure rules.

10.12 Replying to a deputation

Any person identified as being the person who will reply to a deputation may reply in such matter as s/he considers appropriate.

10.13 Inability for deputation to be presented

- (a) Any deputation which cannot be dealt with at a meeting of Full Council, which cannot be dealt with during public participation time, whether because of lack of time, non-attendance of the Member who was to reply (if any) or otherwise, will normally be dealt with by the sending a written reply within a reasonable timescale.
- (b) Where a written reply is given to a deputation the Proper Officer will arrange for any reply to be copied to all the Members.

11 NOT USED

MEMBERS' QUESTIONS AND REQUESTS

12 REPORTS FROM THE LEADER AND PORTFOLIO HOLDERS

[\(back to procedure rules contents\)](#)

12.1 Receiving reports from the Leader and Portfolio Holders

Every ordinary meeting of Full Council may normally receive a report, usually in writing with oral updates, but may simply be oral, from:

- (a) the Leader on matters affecting the Council which may be verbal or written; and
- (b) each Portfolio Holder on matters relating to their portfolios.

12.2 Presentation of report

- (a) The Proper Officer will make arrangements for a copy of any report to be included on the agenda.
- (b) Where the report has been included on the agenda, there shall not be a requirement for the report to be read out by the Leader/Portfolio Holder at the meeting.

12.3 Asking and replying to questions

- (a) Members may ask questions on any oral or written report given by the Leader or Portfolio Holder provided that in the opinion of the Chairman the questions relate to the report.
- (b) The total number of questions that may be asked of the Leader and Portfolio Holders and the subjects allowed are at the discretion of the Chairman, but each member will normally not be allowed to ask more than one question and one supplemental question on a report.
- (c) The Leader or Portfolio Holder may reply to any question as s/he sees fit including:
 - (i) giving an oral answer; or
 - (ii) indicating that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members.

13 MEMBERS' QUESTIONS [\(back to procedure rules contents\)](#)

13.1 General

Any Member may ask:

- (a) the Leader;
- (b) the Chairman;
- (c) a Portfolio Holder; or
- (d) the Chairman of any Committee;

a Valid Member Question at a meeting (other than an extraordinary meeting) of the Full Council on any matter about which the Council has powers or duties or which affects the district and in either case is within their area of responsibility of the person to who the question is asked.

13.2 Valid Member Question and number of Valid Member Questions allowed

- (a) A Valid Member Question is a single question, not broken down into multiple parts, of which written notice has been given to the Proper Officer in writing not less than three clear working days before the

Full Council meeting and which in the opinion of the Chairman does not:

- (i) relate to the personal affairs or conduct of any individual Member or Officer; and/or
 - (ii) contain defamatory, inappropriate or inflammatory language.
- (b) A question may be a Valid Member Question if written notice has not been given in accordance with paragraph (a) if in the opinion of the Chairman the question is about an urgent matter and the question was put in writing and given to the Proper Officer as soon as reasonably practicable before the meeting.
- (c) Unless the Chairman agrees, a Member may only ask two Valid Member Questions at a meeting of the Full Council.
- (d) The Proper Officer will arrange for a copy of each Valid Member Question to be given to the Member who is to reply to it as soon as reasonably practicable.

13.3 Asking and replying to a Valid Member Question

- (a) Every Valid Member Question shall be read out either by the Member who submitted it or any other Member who has been asked to read it out on behalf of the submitting Member. No Valid Member Question will take longer than two minutes to read out and the Chairman will stop the Member asking the question when that time has lapsed.
- (b) The Member who has been asked a Valid Member Question may:
- (i) decline to answer it;
 - (ii) provide a direct oral answer;
 - (iii) indicate that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members; or
 - (iv) where the answer is in a Council publication or other published work, give a reference to that publication.
- (c) The Member who has asked a Valid Member Question, may ask one supplementary question relating to the reply s/he has received. The Member who has been asked a supplementary question may:
- (i) decline to answer it;
 - (ii) provide a direct oral answer;

- (iii) indicate that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members; or
 - (iv) where the answer is in a Council publication or other published work, give a reference to that publication.
- (d) No further supplemental questions may then be asked.

14 **MEMBER REQUESTS FOR CONSIDERATION AT FULL COUNCIL** ([back to procedure rules contents](#))

14.1 **Making a Request**

Any eight Members may request that an issue or subject is considered at a meeting of Full Council by way of a Valid Notice of Motion. If having made a Valid Notice of Motion, the Member identified as the Proposer may withdraw the Valid Notice of Motion at any time.

14.2 **Valid Notice of Motion and number of Valid Notices of Motion allowed**

- (a) A Valid Notice of Motion is a proposal of which written notice has been given to the Proper Officer not less than 10 clear working days before the Full Council meeting and which in the opinion of the Proper Officer in consultation with the Chairman:
 - (i) is about a topic or issue related to the responsibilities of the Full Council or which directly affects the Council or the district,
 - (ii) is clearly identifiable as a notice of motion;
 - (iii) identifies which of the Members is to be the Proposer and which is to be the Secunder; and
 - (iv) is signed by the Members submitting it (unless submitted by e-mail) and the date it was submitted to the Proper Officer; but
 - (v) does not relate to the personal affairs or conduct of any individual Member or Officer; nor
 - (vi) contain defamatory, inappropriate or inflammatory language.
- (b) A notice of motion may be a Valid Notice of Motion despite written notice not having been given in accordance with paragraph (a) if in the opinion of the Chairman the notice of motion is about an urgent matter and the notice of motion was put in writing and given to the Proper Officer as soon as reasonably practicable before the meeting.

- (c) Any Member may only propose, second or be a supporter of one Valid Notice of Motion on the agenda for any one meeting of the Full Council.

14.3 Where Valid Notice of Motion is to be considered

- (a) Subject to paragraph (b), a Valid Notice of Motion will normally be considered at the next ordinary meeting of Full Council. The Valid Notice of Motion may be considered at a later ordinary meeting if the Members who submitted it prefer and the Chairman of Council considers this appropriate.
- (b) ~~(b) Where the Proper Officer considers that a Valid Notice of Motion is about a matter within the terms of reference of a Committee or other Council body then subject to prior discussion with the Chairman of Council s/he may arrange for the Valid Notice of Motion to be submitted to Full Council to be proposed and read out by the mover of the motion, seconded and referred, without discussion to the Committee or body considered most appropriate to consider it. Where the Proper Officer considers that a Valid Notice of Motion is about a matter within the terms of reference of a Committee or other Council body then subject to prior discussion with the Chairman of Council s/he may arrange for the Valid Notice of Motion not to be included on an agenda of a meeting of Full Council but included on the next suitable agenda of the Committee or body considered most appropriate to consider it.~~
- (c) Valid Notices of Motion will be listed on the relevant agenda in the order they have been received unless the Chairman considers a different order is appropriate

14.4 Presenting a Valid Notice of Motion

The Member identified in the Valid Notice of Motion as the Proposer or one of the other signatories on his/her behalf will read out Valid Notice of Motion and propose it. In the absence of the Proposer or if the Proposer declines to read it then the Valid Notice of Motion shall be dealt with as the Chairman considers appropriate.

14.5 Consideration of a notice of motion

- (a) If a Valid Notice of Motion is not at the time it is presented to a meeting of the Full Council:
 - (i) moved either by the Proposer of it or by one of the other signatories on his/her behalf; and
 - (ii) seconded,

then unless postponed by consent of the Chairman, it shall be treated as withdrawn and may not be moved without a new notice.

- (b) A Valid Notice of Motion shall not be debated unless it is both moved and seconded. If it is both moved and seconded then the normal rules of debate as set out below shall apply.

14.6 Valid Notice of Motion referred to a Committee

- (a) A Committee to which a Valid Notice of Motion has been referred shall report on it to the next suitable meeting of Full Council. The Committee's report shall be presented by the Committee's Chairman during that part of the Full Council meeting set aside to consider Valid Notices of Motions.
- (b) When the Committee Chairman has presented the Committee's report, the Valid Notice of Motion shall be read to the meeting. If the Valid Notice of Motion is not proposed and seconded it shall fall and shall not be considered further without the submission of a new notice of motion.
- (c) If the Committee decided that a different motion to the Valid Notice of Motion should be considered by Full Council then:
 - (i) if the Valid Notice of Motion is proposed and seconded the Committee Chairman shall propose the alternative motion as an amendment. If that is proposed and seconded it shall be debated and voted upon in accordance with the rules of debate below; or
 - (ii) if the Valid Notice of Motion is not proposed and seconded then the Committee Chairman shall move the alternative motion identified by the Committee. Such a motion may be moved without notice. If seconded it shall be debated and voted upon in accordance with the rules of debate below.
- (d) Any amendment to either motion if it has been moved and seconded shall be debated and voted upon in accordance with the rules of debate below.

15 ANNUAL BUDGET ([back to procedure rules contents](#))

A Member wishing to move an amendment to any recommendation from the Executive on the annual budget must give written notice to the Proper Officer not less than two clear working days before the meeting at which the budget or review of charges are being considered setting out details of the amendment and putting forward alternative proposals to ensure a balanced budget.

16 MOTIONS WITHOUT NOTICE ([back to procedure rules contents](#))

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;

- (b) about the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the agenda for the meeting;
- (f) to receive reports and/or propose motions/amendments relating to recommendations (whether verbal or written) of the Executive, any Joint Committee, Committee, Sub-Committee, or Officer and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now asked;
- (k) to adjourn a debate;
- (l) to extend or adjourn a meeting;
- (m) to suspend a procedure rule subject to any limitation as provided for in the Constitution;
- (n) to exclude the public and press as provided for in the Access to Information Rules;
- (o) to not hear further a Member named by the Chairman or to exclude a Member from the meeting in both cases as provided for in these procedure rules;
- (n) by the Chairman of a Committee to identify an alternative motion to that considered by the Committee in reply to a notice of motion (Member issue) referred to it pursuant to the provisions of these procedure rules above;
- (o) to provide a reply to a question/statement/deputation or petition from a member of the public to such extent as these Council Procedure Rules or any Petition Scheme allow; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

17 **RULES OF DEBATE** ([back to procedure rules contents](#))

17.1 **No discussion until motion seconded**

Subject to the rights relating to the proposer in the Proposer's and Seconder's speech rule below, a motion or amendment shall not be discussed unless it has been proposed and seconded.

17.2 **Right to require motion in writing**

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

17.3 **Proposer's and Seconder's speech**

- (a) The proposer of a motion or an amendment shall have the right to speak immediately after making the proposal or may opt to exercise that right at a later stage in any debate (such right to be in addition to the proposer's right to speak before a vote is taken).
- (b) The seconder of a motion or amendment shall have the right to speak:
 - (i) immediately after seconding a motion or amendment; or
 - (ii) may opt to reserve his/her speech until later in the debate.

17.4 **Content and length of speeches**

- (a) Speeches must be directed to the matter under discussion or to a personal explanation or point of order.
- (b) No speech may exceed three minutes without the consent of the Chairman of Council except for the Proposer and the relevant member of the Executive who may each speak for up to five minutes.

17.5 **When a Member may speak again**

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

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

- (f) by way of personal explanation; or
- (g) with the consent of the Chairman.

17.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and add others; or
 - (iv) to add words,so long as the effect of the amendment is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments or, if there are none, put it to the vote.

17.7 Alteration of motion

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

17.8 Withdrawal of motion

Subject to Council Procedure Rule 13.1, a Member may withdraw a motion which s/he has moved with the consent of both the meeting and any seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the Proposer has asked permission to withdraw it unless permission is refused.

17.9 Right to reply

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

17.10 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to postpone consideration of the motion;
- (d) that the question be now asked;
- (e) to adjourn the debate;
- (f) to adjourn the meeting;
- (g) to exclude the public and press as provided for in the Access to Information Rules; and
- (i) to not hear further a Member named by the Chairman or to exclude a Member from the meeting.

17.11 Closure motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
 - (i) that the question be now asked;
 - (ii) to adjourn a debate; or
 - (iii) to adjourn a meeting.

- (b) If a motion that the question be now asked is seconded and the Chairman thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote. If it is passed s/he will give the Proposer of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, s/he will put the procedural motion to the vote without giving the Proposer of the original motion the right of reply.

17.12 Point of order

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

17.13 Personal explanation

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

18 RECISSION OF PREVIOUS DECISIONS AND MOTIONS

[\(back to procedure rules contents\)](#)

- 18.1 Subject to Rule 18.2, no motion to rescind a decision made within the past six months and no motion or amendment in similar terms to one that has been rejected in the past six months shall be proposed unless the notice of motion is supported by at least 24 Members. Once the motion or amendment is dealt with, a similar motion or amendment cannot be proposed for a further period of six months.
- 18.2 Rule 18.1 shall not apply:
 - (a) in respect of a decision or motion for which the Head of Paid Service or Monitoring Officer consider there are exceptional circumstances justifying reconsideration;
 - (b) in respect of any motion that may be moved without notice including for the avoidance of doubt to receive reports and/or propose motions/amendments relating to recommendations of any Committee, Sub-Committee or Officer and any resolutions following from them; or
 - (c) to give effect to a revised budgetary decision of Full Council as provided for in the Budget and Policy Framework Procedure Rules.

19 **VOTING** ([back to procedure rules contents](#))

19.1 **Majority**

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

19.2 **Chairman's casting vote**

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

19.3 **Ways of voting**

Unless a recorded vote is demanded, the Chairman will take the vote by show of hands, electronic voting or if there is no dissent, by the affirmation of the meeting.

19.4 **Recording number of votes**

The number of votes for and against a proposal shall be recorded if ten or more Members at the meeting demand it, immediately before or after the vote is taken. The Chairman of Council will announce the numerical result of the vote immediately the result is known.

19.5 **Recorded vote**

If ten or more Members present at the meeting demand it, before the vote is taken, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

19.6 **Recorded votes at budget meetings**

Recorded votes shall be taken on all decisions at a budget decision meeting on the budget and on the setting of council tax. The names of Members who cast a vote for or against the decision, or who abstain from voting shall be recorded in the minutes.

19.7 **Right to require individual vote to be recorded**

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

19.8 **Voting on appointments**

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

and a new vote taken. The process will continue until there is a majority of votes for one person.

20 **MINUTES** ([back to procedure rules contents](#))

20.1 **Signing the minutes**

Subject to Rule 20.2 the Chairman will sign the minutes of the proceedings at the next meeting of Full Council. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

20.2 **No requirement to sign minutes of previous meeting at extraordinary meeting**

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

20.3 **Form of minutes**

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

21 **RECORD OF ATTENDANCE** ([back to procedure rules contents](#))

A record of Members attending at a meeting of Full Council will be made by the Proper Officer or his/her representative attending at the meeting.

22 **EXCLUSION OF PUBLIC** ([back to procedure rules contents](#))

Members of the public and press may only be excluded from a meeting either as provided for in the Access to Information Procedure Rules or in accordance with Rule 24.

23 **MEMBERS' CONDUCT** ([back to procedure rules contents](#))

23.1 **Chairman standing**

When the Chairman indicates that s/he wishes to speak, any Member speaking at the time must stop. The meeting must be silent.

23.3 **Member not to be heard further**

If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructing business, the Chairman

may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

23.4 Member to leave the meeting

If in the opinion of the Chairman a Member continues to behave improperly at a meeting, the Chairman may move that either the Member should leave the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

23.5 General disturbance

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

24 DISTURBANCE BY PUBLIC ([back to procedure rules contents](#))

24.1 Removal of member of the public

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

24.2 Clearance of part of room

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

25 APPOINTMENT OF AND DISCIPLINARY ACTION AGAINST OFFICERS
([back to procedure rules contents](#))

Where Full Council is to appoint any Officer or is proposing or considering any disciplinary action against an Officer then such appointment proposals or consideration shall be carried out in accordance with the Officer Employment and Dismissal Procedure Rules.

26 INTERPRETATION OF COUNCIL PROCEDURE
([back to procedure rules contents](#))

The ruling of the Chairman as to any proceedings of the Full Council, shall not be challenged at any meeting.

27 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES
([back to procedure rules contents](#))

27.1 Suspension

Any of these procedure rules except any rule except Rules 19.6, 19.7, and 20.2, may be suspended by a notice of motion or without notice as provided for in Article 16 of this Constitution.

27.2 Amendment to the Council Procedure Rules

Any motion to add to, vary or revoke these procedure rules will, when proposed and seconded, stand adjourned without discussion to the next meeting of the Audit and Governance Committee unless such addition, variation or revocation is contained in a report seeking to formally alter the terms of the Constitution.

PART 2 - MEETINGS OF COMMITTEES AND SUB-COMMITTEES

28 APPLICATION OF RULES TO COMMITTEES AND SUB-COMMITTEES ([back to procedure rules contents](#))

28.1 All of the Council Procedure Rules in Part 1 apply to meetings of Full Council.

28.2 Rule 4 (but in Rule 4.1 there will be general principle that meetings will be held locally where it is practicable to do so); Rules 5–7.2 (excluding Rule 7.1), 8-10 ([for Rule 8 and Rule 9 but petitions only if referred from Full Council](#)), 13, 16-27 (excluding Rule 17.5; and in Rule 19.5 a recorded vote may be requested by three members of a Committee) (speaking only once) shall as far as practicable together with Rules 29 – 36 apply to meetings of committees and sub-committees (unless expressly specified otherwise in their terms of reference). References to “the Chairman” shall be deemed to be references to the Chairman of the relevant Committee.

29 APPOINTMENT OF COMMITTEES AND SUB-COMMITTEES ([back to procedure rules contents](#))

- (a) The Full Council shall, at its Annual Meeting, appoint such Committees and Sub-Committees as it is required to appoint by or under statute or it considers expedient for the performance of its functions.
- (b) All Members and co-opted persons shall be appointed to Committees and Sub-Committees by name.

30 ELECTION OF CHAIRMAN/VICE-CHAIRMAN OF COMMITTEES/SUB-COMMITTEES ([back to procedure rules contents](#))

- (a) The Annual Meeting of Full Council will elect the Chairman and Vice-Chairman of each Committee to the extent as provided for in the articles of the Constitution or if no provision exists then the Annual Meeting shall make the election in any event. No Member shall at one and the same time be Chairman of more than one Committee and Vice-Chairman of more than one other Committee except with the consent of the Full Council.

- (b) Unless the Constitution otherwise provides or a meeting of Full Council decides otherwise the election of such Chairman and Vice-Chairman shall be for the period up to the first meeting of the Committee following the next Annual Meeting of Full Council.
- (c) In the absence of a Chairman and Vice-Chairman at a Committee or Sub-Committee the remaining Members present may move and elect a Member of that body to preside at that meeting.

31 **SPECIAL MEETING OF A COMMITTEE/SUB-COMMITTEE**

[\(back to procedure rules contents\)](#)

- (a) A special meeting of a Committee or Sub-Committee (as the case may be) may be called:
 - (i) by the Chairman of Council;
 - (ii) by the Chairman of that Committee or Sub-Committee (as the case may be);
 - (iii) on the requisition of a quarter of the whole number of the Committee or Sub-Committee, delivered in writing to the Proper Officer, but in no case shall less than five Members requisition a special meeting;
 - (iv) by the Head of Paid Service; and/or
 - (v) by the Monitoring Officer or Section 151 Officer where either are of the opinion that a meeting needs to be called to consider a matter that requires a decision.
- (b) The agenda of the special meeting shall set out the business to be considered, and subject to any matters of urgency approved by the Chairman no business other than that set out in the agenda shall be considered at that meeting.

32 **QUORUM OF A COMMITTEE/SUB-COMMITTEE**

[\(back to procedure rules contents\)](#)

The quorum of:

- (a) any Committee shall be as provided for in the Articles of the Constitution or in the absence of such provision shall be one quarter of the membership of that Committee or three Members (whichever is the greater);
- (b) any Sub-Committee shall be decided as provided for in the Articles of the Constitution or in the absence of such provision then as decided by the Sub-Committee itself at its first meeting provided that in under no circumstance should a quorum be less than three Members.

33 **ATTENDANCE OF MEMBERS AT A COMMITTEE/SUB-COMMITTEE**

[\(back to procedure rules contents\)](#)

- (a) Subject as provided for below a Member not appointed to a Committee or Sub-Committee may only speak at the invitation of the Chairman of that Committee or Sub-Committee.
- (b) Any Member not appointed to a Committee or Sub-Committee attending a meeting of that Committee or Sub-Committee (as the case may be) shall sit separately from the main body of the Committee or Sub-Committee.

34 **ORDER OF BUSINESS OF A COMMITTEE/SUB-COMMITTEE**

[\(back to procedure rules contents\)](#)

- (a) Subject to any other provisions in the Constitution or as otherwise decided by the Chairman of a relevant Committee/Sub-Committee (as the case may be) the following will normally be the order of business at a Committee/Sub-Committee:
 - (i) elect a person to preside if the Chairman and Vice-Chairman are not present;
 - (ii) receive any declarations of interest from Members;
 - (iii) approve the minutes of the last meeting;
 - (iv) receive any questions, statements, petitions, deputations or motions referred to the Committee/Sub-Committee in accordance with the provisions of these Council Procedure Rules/Petition Scheme;
 - (vi) consider any item of urgency approved by the Chairman for consideration;
 - (vii) receive any matter referred to it for consideration by Full Council;
 - (viii) receive any report or recommendations from a Committee or Sub-Committee (as the case may be) and reply to matter(s) arising about it;
 - (ix) receive and reply to any report or recommendations formally submitted by the Overview and Scrutiny Committee pursuant to its legislative powers in this respect (if any); and
 - (xi) consider any other business set out in the agenda of the meeting.
- (b) The Executive Procedure Rules – Part 2 of the Constitution set out to the normal order of business of the Executive.

35 **REFERRAL OF A QUESTION, STATEMENT, PETITION, DEPUTATION
OR MOTION TO A COMMITTEE OR SUB-COMMITTEE**

[\(back to procedure rules contents\)](#)

35.1 **General**

- (a) Where a matter is referred to a Committee or Sub-Committee under these procedure rules/Petition Scheme then that Committee or Sub-Committee shall deal with such matter in accordance with the provisions of these procedure rules/Petition Scheme as if it was being considered by an ordinary meeting of Full Council unless there are express provisions in these rules and Petition Scheme as to how a Committee or Sub-Committee (as the case may be) should deal with such a referral in which event those rules should take precedence.
- (b) For the avoidance of doubt nothing in this Rule shall prevent a Committee or Sub-Committee suspending any rule in accordance with the provisions of the procedure rules and Article 16 – Suspension, Interpretation and Publication of the Constitution.

35.2 **Attending and speaking about a referred matter**

Where a matter to which Rule 35 applies is referred to a Committee or Sub-Committee of the Council, then if the matter was submitted:

- (a) by a member of the public or an organisation then any such person/representative of the organisation shall be given the same right to speak as would have been made available as if the matter was being presented to an ordinary meeting of Full Council; or
- (b) by a Member, then that Member may attend that meeting and shall be given the same right to speak as would have been made available as if the matter was being presented to an ordinary meeting of Full Council, provided that the Member shall not be entitled:
 - (i) to move any motion relating to the matter, but may instead ask any Member of the Committee or Sub-Committee to move it, in which case any such Member may at his/her absolute discretion choose to move it or not; or
 - (ii) to vote on any motion at that Committee or Sub-Committee,unless in either case the Member is also an appointed Member of the Committee or Sub-Committee to which the referral has been made.

36 **SUBMISSION OF QUESTIONS AT COMMITTEES/SUB-COMMITTEES**

[\(back to procedure rules contents\)](#)

36.1 Submitting a question

Subject as provided for in this Rule 35 a Member appointed to a Committee or Sub-Committee (including quasi-judicial and joint Committees) may ask the Chairman of that Committee or Sub-Committee any question relating to the business of the Committee or Sub-Committee ("Valid Committee Question")

36.2 Valid Committee Question and number of Valid Committee Questions allowed

- (a) A Valid Committee Question is a single question related to the business of the Committee or Sub-Committee, not broken down into multiple parts, of which written notice has been given to the Proper Officer in writing not less than ~~five~~^{three} clear working days before the Committee or Sub-Committee meeting and which in the opinion of the Proper Officer does not:
 - (i) relate to the personal affairs or conduct of any individual Member or Officer; and/or
 - (ii) contain defamatory, inappropriate or inflammatory language.
- (b) A question may be a Valid Committee Question if written notice has not been given in accordance with paragraph (a) if in the Proper Officer's opinion the question is about an urgent matter and the question was put in writing and given to the Proper Officer as soon as reasonably practicable before the meeting.
- (c) Unless the Chairman agrees, a Member may only ask two Valid Committee Questions at a meeting of the Committee or Sub-Committee.
- (d) The Proper Officer will arrange for a copy of each Valid Committee Question to be given to the Chairman as soon as reasonably practicable.

36.3 Asking and replying to a Valid Committee Question

- (a) Every Valid Committee Question shall be read out either by the Member who submitted it or any other Member who has been asked to read it out on behalf of the submitting Member. No Valid Committee Question will take longer than two minutes to read out and the Chairman will stop the Member asking the question when that time has lapsed.
- (b) The Chairman may:
 - (i) decline to answer it;
 - (ii) provide a direct oral answer;

- (iii) indicate that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members; or
 - (iv) where the answer is in a Council publication or other published work, give a reference to that publication.
- (c) The Member who has asked a Valid Member Question, may ask one supplementary question relating to the reply s/he has received. The Chairman may:
- (i) decline to answer it;
 - (ii) provide a direct oral answer;
 - (iii) indicate that s/he will give an answer within seven days of the meeting, with a copy of the answer being circulated to all Members; or
 - (iv) where the answer is in a Council publication or other published work, give a reference to that publication.
- (d) No further supplemental questions may then be asked.

PETITION SCHEME
(Council Procedure Rule 10.1)
([Return to Contents Page](#))

1. Introduction

- 1.1 Anyone who lives, works or studies in the Council's area may sign or organise a petition and trigger a response. This includes anyone under the age of 18. This petition scheme explains the rules that the Council will apply to any petition it receives.

2. Petitions

- 2.1 Petitions submitted to the Council under this scheme must:
- 2.1.1 include a clear and concise statement covering the subject of the petition.
 - 2.1.2 state what lawful action the petitioners wish the Council to take;
 - 2.1.3 be signed by at least 20 people supporting the petition;
 - 2.1.4 include the name and address (in a legible format) and signature of any person supporting the petition together with their connection with the Council's area ie lives, works or studies; and
 - 2.1.5 contact details, including name, address, telephone number (and where possible, an e-mail address) of the petition organiser.
- 2.2 The petition organiser is the person the Council will contact to explain how it will respond to the petition. The contact details of the petition organiser will not be placed on the Council's website.
- 2.3 A petition template is available at * which the Council suggests is used as when complete it will ensure that all the information that is needed to consider a petition has been provided.
- 2.4 If a petition does not include all of the information required by this scheme may not be accepted by the Proper Officer. In that case, the Council will write to the petition organiser to explain the reasons why.

3. Petitions not included in this scheme

- 3.1 The Council will not take action on any petition which the Proper Officer considers to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in the acknowledgement of the petition.
- 3.2 This petition scheme does not apply to:
- 3.2.1 any petition which is not about a matter for which the Council has a responsibility or which affects its area;

- 3.2.2 any petition relating to a planning or licensing application or decision (which will be referred by the Proper Officer to the relevant officer/committee so that regard may be had to it in reaching any decision where this is appropriate in accordance with arrangements that the relevant committee has agreed);
 - 3.2.3 a statutory petition (for example requesting a referendum on having a directly elected mayor);
 - 3.2.4 is related to confidential staffing matters; or
 - 3.2.5 a petition relating to a matter where there is already an existing recourse to a review or right of appeal, such as council tax banding and non-domestic rates, where other procedures apply.
- 3.3 In addition, any petition on the same or similar topic as one that the Council has received and dealt with in the previous six months is excluded.
 - 3.4 Details of petitions affecting particular wards that have been excluded will be sent to the Members representing those wards.
4. **Guidelines for submitting a petition**
 - 4.1 Petitions can be submitted in paper format or if the Council has an e-petition portal, electronically through that portal.
 - 4.2 Paper petitions can be sent to:

The Proper Officer, Dorset Council, South Walks House, Dorchester
 - 4.3 The Council will accept e-petitions hosted by third parties (for example, Change.org), or as paper petitions information about e-signatories downloaded from third party e-petition hosts.
 - 4.4 Petitions can also be presented to a meeting of the Council if it meets the threshold. Where the threshold is met the petition organiser should contact the Proper Officer at least 10 working days before the Council meeting.
 5. **How the Council will respond to a petition**
 - 5.1 The Council will acknowledge receipt of a petition within 10 working days setting out what the Council plans to do with the petition. The acknowledgment will let the petition organiser know what the Council plans to do with the petition and when they can expect to hear from the Council again. The petition will be published on the Council's website, except in cases where this would be inappropriate. Where the subject matter of the petition affects particular wards, the Members representing those wards will be notified of the receipt of the petition.
 - 5.2 If paragraph 3.3 applies to the petition then the Council's acknowledgement will include details any previous petition on the same topic. If the Council is still

considering a petition on the same or similar topic, the acknowledgement will tell the petition organiser that the new petition has been amalgamated with the first petition.

5.3 The Council's response to a petition will depend on what a petition asks for, but may include one or more of the following:

5.3.1 taking the action requested in the petition;

5.3.2 considering the petition at a meeting of the Council or Executive;

5.3.3 holding an inquiry into the matter;

5.3.4 holding a public meeting;

5.3.5 holding a meeting with petitioners or the petition organiser;

5.3.6 undertaking research into the matter;

5.3.7 writing to the petition organiser setting out the Council's views about the request in the petition

5.3.8 referring the petition to an Overview and Scrutiny Committee or another Committee of the Council for consideration.

5.4 The Council's response may also depend on the number of people who have signed the petition. The table below sets out the thresholds:

Number of signatories	Response
20 - 49	Response from relevant director/service head (treated as standard correspondence).
50 – 4,999	Response from relevant Executive Member
5000+	Referred for debate at a meeting of the full Council

5.5 If the Council is able to do what a petition asks, the acknowledgement to the petition organiser may confirm that the Council has taken the action requested and the petition will be closed.

5.6 Where the petition is referred to the relevant Executive Member for a response, the petition organiser will be invited to make a written statement in support of the petition (if one has not already been included in the petition).

5.7 If the petition has enough signatures to be referred to trigger a debate at a meeting of the full Council, then the acknowledgment will confirm this and inform the petition organiser when and where the relevant meeting will take place. The Council will try to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

- 5.8 Where the petition is referred to the full Council, the petition organiser (or any person authorised by him/her) will, if they so wish, be given a period not exceeding three minutes to present the petition at the meeting and unless the petition is referred to the Overview and Scrutiny Committee or another Committee or sub-committee for consideration without debate; the petition will be debated by Members. Members may ask questions of the petition organiser. The petition organiser (or any person authorised by him/her) will be granted a right of reply for a further period not exceeding three minutes at the end of the debate and before a final decision or vote is taken.

ACCESS TO INFORMATION PROCEDURE RULES

For the purposes of Article 3.01 of this Constitution these rules apply to all formal meetings of the Council, its Committees and Sub-Committees, public meetings of the Executive, and where appropriate individual executive decisions.

1. SUMMARY OF THE PUBLIC'S RIGHTS

A copy of these Access to Information Procedure Rules which are a written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and made available to the public at the Council's offices.

2. ADDITIONAL RIGHTS TO INFORMATION

These Access to Information Procedure Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all public meetings subject only to the exceptions in these Access to Information Procedure Rules.

4. NOTICES OF MEETING

The Council will normally give at least five clear days' notice of any meeting by posting details of the meeting at the designated office and publishing on its website.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- 5.1. The Council will normally make copies of the agenda and reports open to the public available for inspection at the designated office of the Council at least five clear days before the meeting.
- 5.2. If an item is added to the agenda later, the revised agenda (or where reports are prepared after the agenda has been sent out), the Proper Officer shall make each such report available to the public as soon as the report is completed and sent to Members.
- 5.3. Nothing in this requires a copy of the agenda, item or report to be available for inspection by the public until a copy is available to Members.

6. SUPPLY OF COPIES

- 6.1 The Council will supply copies of:
 - (a) any agenda and reports which are open to public inspection; and

- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda

6.2 If the Proper Officer thinks fit, copies of any other documents supplied to Members in connection with an item may be supplied to any person on payment of a charge for postage and any other costs.

7. ACCESS TO DECISION MAKING PAPERS

7.1. The Council will make available for inspection by members of the public copies of the following for six years after a meeting:

- (a) the minutes of the meeting, or records of decisions taken for all formal meetings of the Council and the Executive excluding any documents which disclose exempt or confidential information;
- (b) the agenda for the meeting; and
- (c) reports relating to items when the meeting was open to the public.

7.2 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 excluding any documents which disclose exempt or confidential information.

8. BACKGROUND PAPERS

8.1. List of background papers

The officer with responsibility for the report (usually 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:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report, but do not include published works or those which disclose exempt or confidential information (as defined in Access to Information Procedure Rule 9).

9. EXCLUSION OF THE PUBLIC FROM MEETINGS

9.1. Confidential information – requirement to exclude public

The public must be excluded from meetings if 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.

9.2. **Exempt information – discretion to exclude public**

The public may be excluded from meetings if it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

9.3. **Meaning of confidential information.**

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

9.4. **Meaning of exempt information.**

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

General Note: In all categories information is not exempt if it relates to development for which the local planning authority may grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

Subject to this, and the qualification in Category 3, Information in Categories 1 to 7 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 it.

Category	Condition
1. Information relating to any individual.	<i>See General Note above.</i>
2. Information which is likely to reveal identity of an individual.	<i>See General Note above</i>
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information in Category 3 is not exempt if it is required to be registered under the Companies Act 1985, the Friendly Societies Acts 1974 and 1992, the Industrial and Provident Societies Acts 1965 to 1978, the building Societies Act 1986, or the Charities Act 1993. <i>Also see General Note above</i>
4. Information relating to any consultations or negotiations, or contemplated consultations or	"Labour relations matters" are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and

Category	Condition
negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute. <i>Also see General Note above</i>
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	<i>See General Note above</i>
6. Information which reveals that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	<i>See General Note above</i>
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	<i>See General Note above</i>

10. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Access to Information Procedure Rule 9, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

11. PROCEDURE BEFORE TAKING KEY DECISIONS

11.1. A Key Decision is an executive decision, which is likely:

- (a) to result in the Council incurring expenditure which is, or the making savings which are, significant having regard to the council's budget for the service or function to which the decision relates, or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more one or two-member wards in the area of the Council or any one or more three-member wards.

For the purpose of this definition savings or expenditure will not normally be considered to be significant if less than £500,000

- 11.2 Subject to Access to Information Procedure Rules 13 and 14, a Key Decision may not normally be taken unless:
- (a) notice of the Key Decision has been included in the Forward Plan;
 - (b) at least 28 clear days have elapsed since the publication of the Forward Plan in which the Key Decision was first included; and
 - (c) where the Key Decision is to be taken at a meeting of the Executive or an Executive Committee, notice of the meeting has been given in accordance with Access to Information Procedure Rule 4.

12. FORWARD PLAN

12.1. Advance notice of Key Decisions

Where the Executive, an Executive Committee, individual members of the Executive, Officers, or under joint arrangements intend to take a Key Decision, a Forward Plan or other document will be published at least 28 days before the Key Decisions referred to in it are to be made.

12.2. Contents of Forward Plan.

The Forward Plan or other document will normally contain matters which the Leader and/ or Head of Paid Service has reason to believe will be subject of a Key Decision to be taken by the Executive, an Executive Committee, individual members of the Executive, Officers, or under joint arrangements in the course of the discharge of an Executive function during the period covered by the plan. It will usually include the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken; the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (f) a list of the documents submitted to the decision taker for consideration in relation to the matter.

13. GENERAL EXCEPTION

13.1. If it is impracticable to comply with the Forward Plan requirements of Access to Information Procedure Rule 12 above then, subject to Access to Information Procedure Rule 14, the decision may still be taken if the Proper Officer:

- (a) is satisfied that it is appropriate for the decision to be taken in any event;
- (b) has informed the Chairman of the ~~Overview and~~ Scrutiny Committee that s/he considers most relevant to the Key Decision, or if there is no such person, each member of that committee by notice in writing, of the matter about which the decision is to be made;
- (c) has made copies of that notice available to the public at the designated office of the Council and on the Council's website; and

at least 5 clear days have elapsed since the Proper Officer complied with (b) and (c).

13.2. As soon as reasonably practicable after the Proper Officer has complied with Access to Information Procedure Rule 13.1, s/he must make available at the Council's designated office a notice setting out the reasons why compliance with Access to Information Procedure Rule 12 is impracticable; and publish that notice on the Council's website.

13.3. Where this Rule applies, Access to Information Procedure Rule 12 need not be complied with.

14. SPECIAL URGENCY

14.1. Where the date by which a Key Decision must be made, makes compliance with Access to Information Procedure Rule 13 impracticable, the Key Decision may only be made where the decision-maker has obtained agreement from:

- (a) the Chairman of the ~~Overview and~~ Scrutiny Committee that s/he considers relevant; or
- (b) If there is no such person, or if the Chairman of the relevant ~~Overview and~~ Scrutiny Committee is unable to act, the Chairman of Council, or where there is no chair of the relevant ~~Overview and~~ Scrutiny Committee or Chairman of the Council, the Vice Chairman of Council,

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

14.2. As soon as reasonably practicable after the decision-maker has obtained agreement under Access to Information Procedure Rule 14.1, the decision-maker must make available at the Council's designated office a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred; and publish that notice on the Council's website.

15. REPORT TO COUNCIL

15.1 When an Overview and Scrutiny Committee can require a report

If an ~~Overview and~~ Scrutiny Committee thinks that a decision has been taken which:

- (a) was not treated as being a Key Decision; and
- (b) a relevant Overview and Scrutiny Committee are of the opinion that the decision was a Key Decision,

that ~~Overview and~~ Scrutiny Committee may require the Executive to submit a report to the Council within such reasonable time the Committee specifies.

15.2 The Executive's report to Council

For the purposes of Access to Information Procedure Rule 15.1 the Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a Key Decision the reasons for that opinion.

15.3 Quarterly reports on special urgency decisions

In any event the Leader will submit quarterly reports to the Council on the executive decisions taken in the circumstances set out in Access to Information Procedure Rule 14 in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

16. RECORD OF DECISIONS

As soon as reasonably practicable after any meeting of the Executive or an Executive Committee, the Proper Officer or, if the Proper Officer was not present, the person presiding at the meeting, will produce a record of every decision taken at that meeting. The record will include:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;

- (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service

17. PROCEDURES PRIOR TO AN EXECUTIVE BRIEFING

- 17.1. An Executive Briefing means any meeting or part of a meeting of the Executive or an Executive Committee at which members of the public are to be excluded in accordance with Access to Information Procedure Rule 9.
- 17.2. At least 28 clear days prior to any Executive Briefing, the Proper Officer shall publish Notice of the Executive's intention to hold an Executive Briefing, together with a statement of reasons why.
- 17.3. At least five clear days prior to any Executive Briefing, the Proper Officer shall publish a further Notice on the agenda for the meeting and the Council's website confirming the Executive's intention to hold an Executive Briefing, a statement of the reasons and details of any representations received by the Council as to why the meeting should be held in public and the Executive's response to those representations.
- 17.4. Where the date by which a meeting must be held makes compliance with Access to Information Procedure Rules 17.2 and 17.3 impracticable, the Executive Briefing may still be held where the Proper Officer has obtained the agreement from:
 - (a) the chairman of the relevant ~~Overview and~~ Scrutiny Committee; or
 - (b) If there is no such person, or if the chairman of the relevant ~~Overview and~~ Scrutiny Committee is unable to act, the Chairman of Council, or where there is no chair of the relevant ~~Overview and~~ Scrutiny Committee or Chairman of the Council, the Vice Chairman,

18. NOTICE OF AN EXECUTIVE MEETING OR EXECUTIVE BRIEFING

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

19. ATTENDANCE AT AN EXECUTIVE COMMITTEE OR EXECUTIVE BRIEFING

- 19.1. All Members of the Executive will be given notice of all meetings of an Executive Committee, whether or not they are Members of that committee.
- 19.2. All Members of the Executive are entitled to attend meeting of any Executive Committee.

- 19.3. Members other than Executive Members will not be entitled to attend an Executive Briefing.
- 19.4. The Head of the Paid Service, the Chief Financial Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive, any Executive Briefing and any Executive Committee.
- 19.5. The Executive may not meet unless the Proper Officer has been given reasonable notice that a meeting is to take place.
- 19.6. An Executive Briefing meeting may only take place in the presence of the Proper Officer or his/her nominee with responsibility for recording and publicising the decisions.

20. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

20.1. Reports intended to be taken into account.

Where an individual Member of the Executive receives a report which s/he intends to take into account in making any Key Decision, then s/he will not normally make the decision until at least five clear days after receipt of that report.

20.2. Record of individual decision.

As soon as reasonably practicable after an Executive decision has been taken by an individual Member of the Executive s/he will prepare, or instruct the Proper Officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected.

21. OVERVIEW COMMITTEES' AND SCRUTINY COMMITTEES' ACCESS TO DOCUMENTS

21.1. Rights to copies

Subject to Access to Information Procedure Rule 21.3 below, Overview Committees and Scrutiny Committees (and their sub-committees) will be entitled to copies of any document which is in the possession or control of the Executive (or its committees) and which contains material relating to:

- (a) any business transacted at a public or Executive Briefing or its committees; or
- (b) any decision taken by an individual Member of the Executive; or
- (c) any decision taken by an officer of the authority exercising an Executive function.

21.2. Provision of copies

Copies of documents requested under this Rule must be supplied within 10 clear days of receipt of the request.

21.3. **Limit on rights**

An Overview [Committee](#) and [a](#) Scrutiny Committee will not be entitled to:

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

22. **ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

22.1. **Material relating to previous business**

All Members will be entitled to inspect any document which is in the possession or under the control of the Executive; and: contains material relating to any business to be transacted at a public meeting or; contains material relating to any business transacted at an Executive Briefing, any decision made by an individual member in accordance with executive arrangements, or a decision made by an officer in accordance with executive arrangements, at the times and in accordance with the timescales set out in Regulation 16 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 except where it appears to the Proper Officer the document or part contains exempt information or advice provided by a political advisor or assistant.

22.2. **Nature of rights**

These rights of a member are additional to any other right a Member may have.

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

For the purposes of Article 4 of this Constitution these Budget and Policy Framework Procedure Rules apply to the development and amendment of the plans or strategies comprising Policy Framework and of the Budget. For the purposes of these rules reference to “the Executive” shall have the same meaning as in Part 1A of the Local Government Act 2000.

1. THE STRUCTURE FOR EXECUTIVE DECISIONS

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or policy framework is in place, it will be the responsibility of the Executive to implement it. The adoption of most other policies will be dealt with in accordance with relevant executive arrangements.

2. THE PROCESS FOR DEVELOPING THE FRAMEWORK

- 2.1. Before a plan/strategy/budget that is part of the Budget and Policy Framework can to be adopted, initial proposals will be published in accordance with relevant executive arrangements. Details of any consultation process shall be included in relation to each of these matters in the forward plan. Any representations made to any consultation shall be taken into account in formulating the initial proposals. A relevant Overview ~~and Scrutiny~~ Committee will normally be notified of initial proposals and may suggest additional or alternative arrangements for consultation.
- 2.2. At the end of the consultation period, the Executive will draw up firm proposals having regard to the responses to any consultation (including any from an ~~Overview and scrutiny e~~ Committee). The Executive’s report to the Council will reflect the comments made by consultees and the Executive’s response. The Proper Officer will refer them at the earliest opportunity to the Council for decision.
- 2.3. The Council will consider the Executive’s proposals and may adopt them, amend them, refer them back to the Executive for further consideration, or subject to Council and Committee Procedure Rule 15, substitute its own proposals in their place. In considering the matter, the Council shall have before it the Executive’s proposals and any report from any relevant overview and scrutiny committee.
- 2.4. A copy of the Council’s decision will be given to the Leader. The Notice of Decision shall be dated and:
 - (a) if the Council accepts the Executive’s proposals without amendment shall state that the Council’s decision shall be effective immediately.
 - (b) if the Executive’s proposals are accepted but with amendments or are substituted by the Council’s own proposals, shall state that unless the Leader objects to the Council’s decision or submits revised proposals within five clear working days of the publication of the notice, the decision will take effect on the expiry of that period. The Leader may waive his/her right to object in writing, and if so the decision will take effect immediately.

- (c) if the Council decides to refer the matter back to the Executive for the further consideration, that decision shall take effect immediately.
- 2.5. If the Leader objects to the decision of the Council, or that s/he intends to submit revised proposals s/he shall give written notice to the Proper Officer to that effect before the date upon which the decision is to be effective. Where the Leader objects the notice must state the reasons why the Leader objects. Where a notice is received, the Proper Officer shall call a further Council meeting to reconsider its decision and the decision shall not be effective pending that meeting. The Council meeting must take place as soon as reasonably practicable following the receipt of the Leader's written objection.
- 2.6. Where the Council has referred the matter back to the Executive for further consideration, the Proper Officer shall convene a further Council meeting to reconsider the matter following the Executive's further consideration. The Council meeting must take place as soon as reasonably practicable following the receipt of the Leader's written objection or revised proposals.
- 2.7. The Council shall at the further meeting make its final decision on the proposed plan and the decision shall be implemented immediately.
- 2.8. In approving the plan/strategy/budget, the Council will also specify the extent of virement (to the extent this is relevant) and the degree of in-year changes which may be undertaken by the Executive, in accordance with Budget and Policy Framework Procedure Rules 4 and 5. Any other changes to the Budget and Policy Framework are reserved to the Council.

3. DECISIONS OUTSIDE OF THE FRAMEWORK

- 3.1. Subject to the provisions of Budget and Policy Framework Procedure Rules 4 and 5 the Executive, individual members of the Executive and any officers, area committees (if any) or joint arrangements (if any) discharging executive functions shall only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council.
- 3.2. If the Executive, individual members of the Executive and any officers, area committees (if any) or joint arrangements (if any) discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing Budget and/or Policy framework, then the decision must be referred by that body or person to the Council for decision.

4. VIREMENT

Above the limits set out in the Council's Financial Procedure Rules, any virement across budget heads shall require the approval of Full Council.

5. IN-YEAR-CHANGES TO THE FRAMEWORK

No changes to any policy and strategy which make up the Policy Framework may be made other than by the Council.

6. CALL-IN OF DECISIONS CONTRARY TO OR NOT WHOLLY IN ACCORDANCE WITH THE BUDGET AND POLICY FRAMEWORK

Without prejudice to Overview and Scrutiny Procedure Rule 12 (call-in) if a ~~n-Overview~~ [n-Overview](#) and Scrutiny Committee is of the opinion that an Executive decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then having sought advice from the Monitoring Officer and/or Chief Finance Officer, it may call-in the decision in accordance with the Overview and Scrutiny Procedure Rules.

EXECUTIVE PROCEDURE RULES

For the purposes of Article 6.05 of this Constitution these Executive Procedure Rules apply to any meetings of the Executive and to meetings of any Executive Committees. These Rules should be read in conjunction with the relevant provisions of the Council and Committee Procedure Rules.

7. MEETINGS OF THE EXECUTIVE

7.1. Dates of Meetings

- (a) Each year the Executive will decide the schedule for meetings of the Executive. The Leader may direct that a meeting shall be cancelled or held on another date.
- (b) An extraordinary meeting of the Executive may be called by the Leader or, if absent, the Deputy Leader, or by the Monitoring Officer if he/she considers it necessary or appropriate.

7.2. Business

Without prejudice to Council and Committee Procedure Rule 28 at each meeting of the Executive the following business shall, subject to the remaining provisions of these Executive Procedure Rules, be conducted:

- (a) consideration of the record of decision and record of the last meeting;
- (b) declarations of interest, if any;
- (c) receive any questions, statements, petitions, or deputations from members of the public in accordance with the provisions of the Council and Committee Procedure Rules/Petition Scheme;
- (d) receive any questions, statements, or Motions from Members including Ward Members in accordance with the provisions of the Council and Committee Procedure Rules;
- (e) a statement from the Leader, if any;
- (f) any other matters set out in the agenda that are Key Decisions (except those containing confidential or exempt information);
- (g) any decisions referred to the Executive for reconsideration;
- (h) consideration of any report and/or recommendation from any Overview and Scrutiny Committee; and

- (i) other matters set out in the agenda including review of the Forward Plan and other ongoing or outstanding matters.

8. CHAIRING MEETINGS OF THE EXECUTIVE

If the Leader is present s/he will preside. In his/her absence, then the Deputy Leader shall preside. If both the Leader and the Deputy Leader are absent, or where they agree, the Executive shall elect another member of the Executive to preside.

9. QUORUM

The quorum for a meeting of the Executive or an Executive Committee will be three (both including the Leader, if present).

10. AGENDA ITEMS

10.1. Items requested by members of the Executive

Any Executive Member may request the Proper Officer to place an item of business which is about a matter for which the Council has a responsibility or which affects the area of the Council on the agenda of the next available meeting of the Executive.

10.2. Items requested by other Members

- (a) Any Member of the Council may ask the Leader to place an item of business which is about a matter for which the Council has a responsibility or which affects the area of the Council to be placed on the agenda of the next available meeting of the Executive for consideration. The Leader, or in his/her absence Deputy Leader, has a discretion to limit the number of such items of business at the meeting of the Executive.
- (b) Where the Leader has agreed to the Member's request the Notice of the Meeting shall state the name of the Member who requested the item of business to be considered. This Member shall be invited to attend the meeting, whether or not it is a meeting in public session.

10.3. Referrals from an Overview and Scrutiny Committee or Council

Any item of business resolved by an Overview ~~Committee or a~~ Scrutiny Committee or the Council for referral to the Executive shall be placed on the agenda of the next available meeting of the Executive or as soon as practicable after that meeting

10.5. Items by the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer

10.6. The Head of Paid Service, the Monitoring Officer or the Chief Finance Officer may include one or more items of business for consideration on the agenda of a meeting of the Executive and may require a meeting to be called. If there is no

meeting of the Executive in time to deal with the matter in question, then the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer may also require that a meeting be convened at which the matter will be considered.

11. ATTENDANCE AT MEETINGS OF THE EXECUTIVE

- 11.1. The Access to Information Procedure Rules in Part 4 of this Constitution set out the rights of access of the press and public to meetings of the Executive or its committees.
- 11.2. Except for an Executive Briefing every member of the Council shall be entitled to attend meetings of the Executive or its committees unless the Executive decides otherwise.

12. SPEAKING AT MEETINGS OF THE EXECUTIVE

- 12.1. The Chairman of any Overview Committee and any- and Scrutiny Committee is entitled, at any formal public meeting of the Executive, to speak to any matter on the agenda for that meeting.
- 12.2. Other Members including Ward Members may also speak at such meetings with the agreement of the Leader or person presiding in his/her absence.
- 12.3. The mover of a Valid Member's Motion under Council and Committee Procedure Rule 13 which has been referred to the Executive for consideration may attend the meeting of the Executive when his/her motion is under consideration and to explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and he/she will be sent a copy of the relevant papers

13. KEY DECISIONS AND THE FORWARD PLAN

A Forward Plan of Key Decisions to be taken by the Executive, an Executive Committee or an individual member of the Executive, will be prepared in accordance with the Access to Information Rules set out later in this Part 4 of the Constitution.

OVERVIEW AND SCRUTINY PROCEDURE RULES

For the purposes of Article 7.06 of this Constitution these Overview and Scrutiny Procedure Rules apply to any Overview and Scrutiny Committees and sub-committees that the Council has appointed in accordance with Article 6. Procedure rules 7, 10, 12 to 15 (inclusive) do not apply to the Health Overview and Scrutiny Committee.

14. MEETINGS OF OVERVIEW COMMITTEES AND SCRUTINY COMMITTEES

14.1. Dates of Meetings

Unless Full Council has determined the number of meetings every Overview Committee and every Scrutiny Committee may determine their own cycle of meetings.

14.2. Business

Without prejudice to Council Procedure Rule 28 Overview Committee and Scrutiny Committee meetings shall consider the following business:

- (a) minutes of the last meeting;
- (b) declarations of interest (including whipping declarations);
- (c) consideration of any matter referred to the committee for a decision in relation to the call-in of a decision;
- (d) responses of the Executive to reports of the committee; and
- (e) the business otherwise set out on the agenda for the meeting.

15. QUORUM

- 15.1. Subject to Overview and Scrutiny Rule 2.2, the quorum for any Overview Committee and any ~~and~~ Scrutiny Committees or sub-committees shall be as set out in Council Procedure Rule 32.

~~15.2.~~

16. CHAIRING MEETINGS

- 16.1. The Chairman and Vice Chairman of any Overview Committee and any ~~and~~ Scrutiny Committees shall be appointed in accordance with Article 7.03.

- 16.2. In the absence of the Chairman or Vice-Chairman Council Procedure Rule 30(c) shall apply.

17. CO-OPTees, CHURCH AND PARENT REPRESENTATIVES

- 17.1. Overview Committees and Scrutiny Committees and their sub-committees can include people who are not Members. The law identifies various situations when such people can both speak and vote at such committees including in accordance with a scheme produced by the Council.

17.2. The Church and Parent Representatives may not however remain in the meeting (other than as a member of the public) when the overview and scrutiny committee or sub-committee is considering matters other than those relating to the Council's education functions.

17.3. Church and Parent Representatives have the same rights of access to information relating to the Council's education functions as Members.

18. WORK PROGRAMME

18.1. The [eOverview Committee](#) and [eScrutiny eCommittees](#) will be responsible for setting their overall work programme.

19. AGENDA ITEMS

19.1. Rights of [eOverview Committee](#) and [eScrutiny eCommittee](#) members to have matters put on the agenda of the committee

- (a) Any member of an [eoverview committee](#) ~~and/or~~ scrutiny committee shall be entitled to give written notice to the designated scrutiny officer that s/he wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee.
- (b) Where the request is received at least 10 clear working days before the date of the next scheduled meeting of the relevant [Overview and Scrutiny Committee](#), an item and copy of the request shall be included on the agenda for that meeting.
- (c) Where the request is received less than 10 clear working days before the date of the next scheduled meeting of the [relevant Overview and Scrutiny Committee](#), an item and copy of the request shall be included on the agenda dispatched for the first meeting following the next scheduled meeting after the request was received.

19.2. Rights of Members to have matters put on the agenda of an overview and scrutiny committee (including councillor call for action)

- (a) Any Member has the right to refer to an overview [committee or a](#)~~and~~ scrutiny committee of which s/he is not a member any matter which is relevant to the functions of the committee and is not a local crime and disorder matter or a matter of any description prescribed by the Secretary of State.
- (b) A Member wishing to refer a matter must give written notice to the designated scrutiny officer that s/he wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee.
- (c) Where the request is received at least 10 clear working days before the date of the next scheduled meeting of the relevant [Overview and Scrutiny](#)

Committee, an item and copy of the request shall be included on the agenda for that meeting.

- (d) Where the request is received less than 10 clear working days before the date of the next scheduled meeting of the relevant Overview and Scrutiny Committee, an item and copy of the request shall be included on the agenda dispatched for the first meeting following the next scheduled meeting after the request was received.

19.3. Requests from Council and the Leader/Executive

Full Council (by resolution) and the Leader/the Executive, may request that any matter is included on the agenda of an overview ~~committee or a~~ scrutiny committee and the relevant Overview and Scrutiny Committee shall include the request in its work programme permits.

20. REPORTS AND RECOMMENDATIONS

20.1. Except where the ~~Health Overview and~~ ~~People and Health~~ Scrutiny Committee is exercising its statutory external scrutiny functions, once a ~~n Overview and~~ Scrutiny Committee has formed proposals, it will submit a formal report, including recommendations for consideration by the Leader/Executive (if the proposals relate to an executive function and are consistent with the existing budget and policy framework), or to the Council as appropriate (for example, if the recommendation would require a departure from or a change to the agreed budget and policy framework).

20.2. The Council or Leader/Executive shall consider and respond to the report and/or recommendations of the ~~overview and scrutiny~~ committee, indicating what (if any) action is proposed within two months of the report being submitted.

20.3. Where a ~~n overview and~~ scrutiny committee submit a report for consideration by the Executive in relation to a matter where the Leader has delegated decision-making power to a Portfolio Holder, the report will be submitted to him/her for consideration. The Portfolio Holder must consider the report and respond in writing to the relevant ~~Overview and~~ Scrutiny Committee within two months of receiving it. The Portfolio Holder will also attend a future meeting of the relevant ~~Overview and~~ Scrutiny Committee to present their response if requested to do so.

21. FAILURE TO CONSIDER REPORT

In the event that Leader/Executive fails to consider and to respond to the relevant ~~Overview and Scrutiny~~ Committee within two months of the report being submitted, the Chairman of the relevant ~~Overview and Scrutiny~~ Committee shall be entitled to refer the matter to the next meeting of the full Council.

22. RIGHTS OF OVERVIEW AND SCRUTINY MEMBERS TO DOCUMENTS

Version 76
February 2020

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In addition to their rights as Members, members of an overview and scrutiny committee or sub-committee have the right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 5 of this Constitution.

23. MEMBERS AND OFFICERS GIVING ACCOUNT

- 23.1. ~~Overview and s~~Scrutiny committees may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions. As well as reviewing documentation they may require any officer or Executive Member to attend a meeting to answer questions. This will normally be confined to the Leader, any Portfolio Holder, the Head of Paid Service, and any statutory or chief officer. Attendance by officers below these will require the prior agreement of the Head of Paid Service.
- 23.2. Where a specific request has been made it is the duty of those persons to attend if so required. This requirement extends to sub-committees and task and finish groups established by an overview and scrutiny committee. In addition a standing invitation exists for the Leader/Executive to attend overview committee and scrutiny committees meetings.
- 23.3. Where the Leader, Portfolio Holder or officer is required to attend a ~~n overview and~~ scrutiny body under this Rule, the designated scrutiny officer shall inform the member or officer in writing giving sufficient notice of not less than 10 working days' notice. The notice will state the nature of the matter on which s/he is required to give an account and whether any written evidence needs to be produced for the meeting. Sufficient notice should be given to allow reasonable time to produce the written evidence.
- 23.4. The Chairman of the relevant Overview and Scrutiny Committee shall determine the reasonableness of the notice if disputed.

24. ATTENDANCE BY OTHERS AND EVIDENCE GATHERING

Overview committees and scrutiny committees may appoint advisors and invite people to attend at their meetings to provide information. Attendees at a meeting should be treated with respect and courtesy.

25. CALL-IN

- 25.1. Call-in should only be used in exceptional circumstances.
- 25.2. When a decision is made by the Leader/Executive, Portfolio Holder, or a an Executive Committee, or is made by an officer with delegated authority or under executive joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two days of being made. The Chairman of the relevant ~~Overview and~~ Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- 25.3. The decision notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, subject to the provisions of this Rule on the expiry of five clear working days after the publication of the decision.

- 25.4. If any six members of the same relevant ~~Overview and~~ Scrutiny Committee consider that a Key Decision has breached or will breach the principles for good decision-making in Article 13.02 or a decision has been made that was not treated as being a Key Decision, they may give a written call-in notice to the Monitoring Officer or in his/her absence to the Head of Paid Service. The call-in notice shall identify the decision to be called-in and the grounds for the call-in.
- 25.5. The Monitoring Officer or ~~in~~ his/her absence to the Head of Paid Service, will if satisfied that there are reasonable grounds for the proposed call-in, notify the decision-maker of the call-in within five clear working days and arrange for a meeting of the relevant ~~Overview and~~ Scrutiny Committee on such date as he/she may determine, where possible after consultation with the Chairman of the Committee, as soon as reasonably practicable after receipt of the call-in notice.
- 25.6. If, having considered the decision, the relevant ~~Overview and~~ Scrutiny Committee is concerned about it, then:
- 25.6.1. -in the case of a decision that was not treated as being a Key Decision, the Committee may require the decision-maker to submit a report to the full Council within such reasonable period as it may specify setting out the particulars of the decision, the reasons for the decision and if the decision-maker considers that the decision was not a key decision, the reasons for that opinion; or
- 25.6.2. in the case of a Key Decision the Committee may refer it back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to Full Council. If referred to the decision-maker they shall then reconsider within a further five working days, amending the decision or not, before adopting a final decision.
- 25.7. If, having considered the decision, the relevant ~~Overview and~~ Scrutiny Committee is not concerned about it, then the decision will come into force, and may then be implemented immediately
- 25.8. If the latter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with Overview and Scrutiny Procedure Rule 12.12.
- 25.9. The Council will refer any decision to which it objects back to the decision-making person or body, together with the Council's views on the decision. That decision-making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.
- 25.10. Where the decision was taken by the Executive as a whole or a committee of it, a meeting will be convened to reconsider the Council's view as soon as reasonably practicable.

- 25.11. Where the decision was made by an individual, the individual will reconsider within five working days of the Council request.
- 25.12. If the Council meets but does not refer the decision back to the decision-making body or person, the decision will become effective on the date of the Council meeting.

26. **EXCEPTIONS TO CALL-IN**

Call-in will not apply to the following decisions:

- (a) non-executive decisions, e.g. individual planning decisions;
- (b) executive decisions made by Area Committees (if any);
- (c) decisions made on any appeal;
- (d) decisions already called-in once;
- (e) non-key decisions made by officers; and
- (f) urgent decisions (subject to compliance with Overview and Scrutiny Procedure Rule 14).

27. **URGENT DECISIONS EXCLUDED FROM CALL-IN**

- 27.1. The call-in procedure set out in Overview and Scrutiny Procedure Rule 12 shall not apply where the decision being taken by the Council, Leader/Executive or officer is urgent. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in.
- 27.2. The Chairman of the relevant ~~Overview and~~ Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Chairman of another ~~Overview and~~ Scrutiny Committee; if there is no such Chairman able to act, the Chairman of the Council; or in his absence, the Vice-Chairman of Council must agree.
- 27.3. Decisions taken as a matter of urgency must be reported to the next available meeting of the council, together with the reasons for urgency.
- 27.4. For the purposes of this Rule 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.

28. **MONITORING AND REVIEW OF CALL-IN RULES**

The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council by the Proper Officer with proposals

for review if necessary.

Version 76
February 2020

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29. **THE PARTY WHIP**

If a member of an overview and scrutiny committee is subject to a party whip in respect of a matter to be considered by the committee, the Member must declare the existence of the whip and the nature of it before the commencement of deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

30. **MATTERS WITHIN THE REMIT OF MORE THAN ONE ~~OVERVIEW AND SCRUTINY COMMITTEE~~**

Where a matter for scrutiny consideration falls within the remit of more than one overview and scrutiny committees, the decision as to which committee will consider it will be resolved by agreement between the respective chairmen, and in default of agreement, by the Proper Officer.

FINANCIAL REGULATIONS

For the purposes of Article 14 of this Constitution these are the Financial Regulations for the purposes of the management of the Council's financial affairs.

31. INTRODUCTION

- 31.1. These Financial Regulations apply to every Member and officer and anyone acting on the Council's behalf. They identify the financial responsibilities of the Full Council; the Executive; Executive Committees (if any); individual members of the Executive; committees and sub-committees; the Head of Paid Service, the Monitoring Officer, the Section 151 Officer, Executive Directors and other officers.
- 31.2. In these Financial Regulations references to:
- "Executive Director" includes the Corporate Director - Legal and Democratic Services;
 - designated officers include any officer duly authorised for the purpose of these Financial Regulations; and
 - where powers have been delegated to other officers, references to a designated officer should be read as if referring to the officer with the delegated power.
- 31.3. The Section 151 Officer will review these Financial Regulations and make changes as he/she considers necessary for the efficient and effective financial management of the Council in accordance with his/her powers under Article 15.
- 31.4. The Section 151 Officer can allow exceptions to these rules where he/she believes that the interests of the Council would be best served subject to prior consultation with the Leader and/or other such Member as the Section 151 Officer considers appropriate.
- 31.5. These Financial Regulations apply equally to any partnership where the Council exercises management control. If in any doubt issues should be discussed with the relevant Executive Director and/or the Section 151 Officer.
- 31.6. The Section 151 Officer is responsible for reporting, where appropriate, financial breaches of these Financial Regulations to the Audit and Governance Committee. Breaches that amount to unlawful actions will be reported by the Section 151 Officer in accordance with his duties under section 114 of the Local Government and Finance Act 1988.

- 31.7. The Section 151 Officer will issue advice, guidance and detailed financial procedures to underpin these Financial Regulations that Members, officers and others acting on behalf of the Council are required to follow.

Financial Regulation A: Financial Management

Introduction

- A.1 Financial management covers all financial accountabilities in relation to the running of the Council, including the budgetary framework and budget.

Section 151 Officer

- A.2 The Section 151 Officer has statutory duties in relation to the financial administration and stewardship of the Council, which are set out in Article 12 of the Constitution.

Executive Directors

- A.3 Each Executive Director is responsible in his/her own service areas for:
- ensuring that all reports to Members contain sufficient financial information to allow them to understand the budgetary implications and financial risks associated with any proposals.
 - signing contracts on behalf of the Council as provided for in the Officer Scheme of Delegation.
- A.4 An Executive Director must take financial advice on any matter liable to result in any budget in his/her control being exceeded in any financial year (after any approved virements), before any further commitments are incurred.

Other Financial Accountabilities

Virement

- A.5 Virement between budget lines of the annual revenue estimates need not be approved by Council provided it does not:
- compromise policy objectives for the cost centre relinquishing the budget;
 - result in any additional costs or commitments in future years;

- utilise fortuitous savings in expenditure or increases in income; or
- involve virement from recharge budgets.

- A.6 An Executive Director is responsible for agreeing virements within delegated limits on budgets within his/her responsibility and/or control, in consultation with the Section 151 Officer where required. He/she must notify the Section 151 Officer of all virements and as necessary these will be reported by the Section 151 Officer to Members.
- A.7 The Section 151 Officer may vire between budgets within the control of any one or more Executive Directors.

Treatment of year-end balances

- A.8 Members are responsible for agreeing procedures for carrying forward under and overspend budgets.

Accounting policies

- A.9 The Section 151 Officer shall determine appropriate technical accounting policies and standards.

Accounting records and returns

- A.10 The Section 151 Officer shall determine the accounting records and returns for the Council.

The Annual Statement of Accounts

- A.11 The Section 151 Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with relevant accounting Codes of Practice and the Accounts and Audit Regulations 2015. The Audit and Governance Committee is responsible for approving the annual statement of accounts.

Government Grants

- A.12 All bids and claims for Government grant, including lottery funding, and all related estimates or forecasts, must be submitted to the Section 151 Officer and the relevant Executive Director before submission or as otherwise provided for in the Officer Scheme of Delegations.

Bank Arrangements

- A.13 The Section 151 Officer is responsible for putting in place appropriate banking arrangements with the Council's bankers, including setting up subsidiary accounts.

Procurement

- A.14 The Section 151 Officer is responsible for advising the Executive on the Council's procurement policies and arrangements.

Financial Regulation B: Financial Planning

Introduction

- B.1 The Full Council is responsible for approving the Council's Budget and Policy Framework – Part 2 of the Constitution - and the council tax which will be proposed by the Executive. The key elements of financial planning are the:

- Corporate Plan;
- Capital Strategy;
- Asset Management Plan;
- Risk Management Policy Statement and Strategy;
- Treasury Management Strategy;
- Medium Term Financial Plan;
- Revenue Budget; and
- Capital Programme

Policy Framework

- B.2 Unless it determines otherwise, the Full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision is deemed to be contrary to the Budget and Policy Framework. Decisions will be referred to the Full Council by the Monitoring

Officer and/or the Section 151 Officer.

- B.3 The Full Council is responsible for setting the level at which the Executive may reallocate budgets from one service to another. The Executive is responsible for taking in-year decisions on resources and priorities to deliver the Budget and Policy Framework within the financial limits set by the Council.

Budgeting

Budget format

- B.4 The Section 151 Officer is responsible for determining the general format of the budget. The draft budget will include allocation to different services and projects, proposed taxation levels and contingency funds.

Budget preparation

- B.5 The Section 151 Officer is responsible for ensuring that a budget is prepared on an annual basis and a longer term budget plan is prepared for consideration by the Executive, before submission to the Full Council. The Full Council may amend the budget or ask the Executive to reconsider it before approving it. Further details on this procedure can be found in the Policy and Budgetary Framework Procedure Rules – Part 2 of the Constitution.

- B.6 Guidelines on budget preparation will be issued to Executive Directors by the Executive following agreement with the Section 151 Officer. The guidelines will take account of:

- legal requirements;
- medium-term planning prospects;
- the Corporate Plan;
- available resources;
- spending pressures;
- best value and other relevant Government guidelines;
- other internal policy documents; and
- cross-cutting issues (where relevant).

- B.7 An Executive Director is responsible for submitting budget estimates to the Section 151 Officer that reflect agreed service plans and that are prepared in line with the guidance issued by the Executive.

Resource Allocation

- B.8 The Section 151 Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Council's Policy Framework.

Preparation of the Capital Programme

- B.9 The Section 151 Officer is responsible for ensuring that a capital programme is prepared annually for consideration by the Executive before submission to the Full Council.

Maintenance of Reserves and Balances

- B.10 The Section 151 Officer is responsible for advising the Executive and/or the Full Council on prudent levels of reserves and balances.

Budget Monitoring and Control

- B.11 The Section 151 Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively.
- B.12 The Section 151 Officer must monitor and control expenditure against budget allocations. Any variation (after approved virements) that the Section 151 Officer considers material will be reported to the Executive.
- B.13 An Executive Director is responsible for controlling income and expenditure in his/her own service area and for monitoring performance, taking account of financial information provided by the Section 151 Officer. He/she will alert the Section 151 Officer and report to Members on variances in his/her own service areas and take any action necessary to avoid exceeding his/her budget allocation (after any approved virements).
- B.14 No expenditure will be incurred on a purpose for which there is no provision in the approved estimates except:
- (a) where a supplementary estimate has been approved by the Executive/Full Council (as relevant) ; or
 - (b) in the case of an emergency as provided for in the Officers Scheme of

Delegation.

Financial Regulation C: Risk Management and Control of Resources

Introduction

- C.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Council. This will include the proactive participation of all those associated with planning and delivering services.

Risk Management

- C.2 The Section 151 Officer and/or Monitoring Officer is responsible for:
- preparing the Council's risk management policy statement and strategy for approval by the Executive;
 - ensuring that appropriate insurances are in place;
 - promoting risk management throughout the Council; and
 - reviewing the effectiveness of the risk management policy statement and strategy.

Internal Control

- C.3 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.
- C.4 The Section 151 Officer is responsible for advising on effective systems of internal control which are compliant with all applicable statutes and regulations, and other relevant statements of best practice. The arrangements will aim to ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- C.5 An Executive Director is responsible for establishing sound arrangements for planning, appraising, authorising and controlling operations in his/her own service area to achieve continuous improvement, economy, efficiency and effectiveness and for achieving his/her financial performance targets.

Audit requirements

- C.6 The Accounts and Audit Regulations 2015 require every local authority to maintain an adequate and effective internal audit. The Section 151 Officer is responsible for internal audit and for this purpose he/she or his/her representative may inspect and audit all books of account, financial documents and all other records of the Council, visit any of the Council's premises and obtain such explanations and take away such records for examination as he/she may consider necessary.
- C.7 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

Preventing fraud and corruption

- C.8 The Council has a zero tolerance to fraud, bribery and corruption.
- C.9 The Section 151 Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.
- C.10 Where it is suspected that money or property has been stolen or otherwise misappropriated, or that a financial irregularity has occurred, the relevant Executive Director must immediately report the matter to the Section 151 Officer. The Section 151 Officer will report such matters as appropriate to Members.

Assets

- C.11 An Executive Director will ensure that records and assets in his/her own service area are properly maintained and securely held. He/she will also ensure that contingency plans are in place for the security of assets and continuity of service in the event of disaster or system failure.
- C.12 An Executive Director is responsible for reporting any deficiencies of equipment or stores in his/her own service areas to the to the Section 151 Officer, who may authorise the items to be written off or instigate an investigation into the circumstances.

Leasing, Finance and Hire Agreements

- C.13 An Executive Director is responsible for ensuring that any proposal to enter

into a leasing, finance or hire agreement in his/her own service areas is agreed in advance with the Section 151 Officer.

Property

- C.14 The agreement of any terms for leasing of any property or the taking or granting of any interest in property must be undertaken by an Executive Director (or any other Officer delegated/nominated power for such purposes in accordance with the Officer Scheme of Delegations – Part 3(2) of the Constitution).
- C.15 Legal interests in property will be recorded in a Property Terrier or other record.
- C.16 Where exclusive possession of a building, parts of a building or any land is involved on other than a sessional basis or occasional hiring, an Executive Director or any other Officer delegated/nominated power for such purposes in accordance with the Officer Scheme of Delegations – Part 3(2) of the Constitution) will be responsible for making the necessary arrangements including the assessment of rent
- C.17 The Council has adopted policies on whistleblowing, fraud, bribery and anti-corruption all of which support the Council's zero tolerance to fraud, bribery and corruption.

Treasury Management

- C.18 The Council has adopted CIPFA's Treasury Management Code of Practice 2017.
- C.19 The Full Council is responsible for approving a Treasury Management Strategy compliant with the Code of Practice.
- C.20 The Council has delegated responsibility for the implementation and monitoring of treasury management policies and practices to the Executive. The Executive has delegated the administration of treasury management decisions to the Section 151 Officer who will act in accordance with the Treasury Management Policy statement and CIPFA's standard of professional practice on treasury management.
- C.21 The Council has delegated to the Audit and Governance Committee responsibility for ensuring scrutiny of the Treasury Management Strategy and policies.

Staffing

- C.22 The Chief Executive, as the Head of Paid Service, is responsible for providing overall management to staff. He/she is also responsible for the evaluation or other agreed systems for determining the remuneration of a job.
- C.23 An Executive Director is responsible for controlling total staff numbers in his/her own service areas by:
- advising the Executive on the annual budget required to cover estimated staffing levels;
 - adjusting staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint to meet changing operational needs; and
 - proper use of appointment procedures.

Financial Regulation D: Systems and Procedures

Introduction

- D.1 Sound systems and procedures are essential to an effective framework of accountability and control.

General

- D.2 The Section 151 Officer is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. Any changes made by an Executive Director to the existing financial systems or the establishment of new systems must be approved by the Section 151 Officer. However, an Executive Director is responsible for the proper operation of financial processes in his/her own service areas.
- D.3 An Executive Director must agree any changes to agreed procedures to meet his/her own specific service needs with the Section 151 Officer.
- D.4 An Executive Director will ensure that his/her staff receive relevant financial training that has been approved by the Section 151 Officer.
- D.5 An Executive Director must ensure that, where appropriate, computer and other systems in his/her own service areas are registered in accordance with data protection legislation. An Executive Director must ensure that staff in his/her own service areas are aware of their responsibilities under freedom of

information legislation.

Income and Expenditure

- D.6 The Section 151 Officer will be responsible for paying all properly incurred liabilities.
- D.7 An Executive Director is responsible for ensuring that a proper Scheme of Delegation has been established in his/her own service areas and is operating effectively. The Scheme of Delegation identifies staff authorised to act on the Executive Director's behalf, or on behalf of the Executive, in respect of payments, income collection and placing orders, together with the limits of his/her authority. Further details relating to officer delegations can be found in the Officer Scheme of Delegations - Part 3(2) of the Constitution.
- D.8 Once a charge has been raised no debtor will be excused a payment due to the Council other than with the approval of the relevant Executive Director and the Section 151 Officer. The Section 151 Officer will maintain a record of write-offs.

Payment to Employees and Members

- D.9 The Executive Director - Corporate Development is responsible for payments of salaries, wages and allowances to staff, including payments for overtime. [The Corporate Director – Legal and Democratic is responsible](#) and for payment of allowances to Members.

Taxation

- D.10 The Section 151 Officer is responsible for advising Executive Directors, in the light of guidance issued by the appropriate bodies and relevant legislation, on all taxation issues that affect the Council.
- D.11 The Section 151 Officer is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Trading Accounts/Business Units

- D.12 It is the responsibility of the Section 151 Officer to advise Executive Directors on the establishment and operation of trading accounts and business units, and to determine the arrangements under which these are operated.

Financial Regulation E: External Arrangements

Introduction

- E.1 The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders.

Partnerships

- E.2 The Executive will normally take the lead in forming partnerships with public, private voluntary and community sector organisations.
- E.3 The Section 151 Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He/she must ensure that the financial risks have been fully appraised before agreements are entered into with external bodies.
- E.4 An Executive Director is responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External Income

- E.5 The Section 151 Officer is responsible for the Council's arrangements for the pursuit, receipt and recording of external income.

Work for Third Parties

- E.6 The Chief Executive is responsible for the arrangements for any work for third parties.

CONTRACT PROCEDURE RULES

1. Introduction

1.1 The following are the Council's rules for the letting of contracts for the supply of goods or materials or for the carrying out of works or services. They do not affect the validity of anything done under any earlier version of these rules. There is an informal Procurement Toolkit that gives further guidance for officers.

1.2 In these Rules, references to:

- (a) the "Chief Officer" includes the Head of Paid Service, an Executive Director, the Corporate Director, Legal and Democratic and any officer duly authorised by any of them to act under these Rules to the extent as provided for in the Officer Scheme of Delegations – Part 3 of the Constitution and/or elsewhere in the Constitution;
- (b) "Procurement Regulation" means the Public Contracts Regulations 2015 and any EU Directives incorporated in English law or any EU Regulations having direct effect; and
- (c) the "Section 151 Officer" and the "Monitoring Officer" include any other Officer duly authorised by either of them to act under these Rules.

2. General

2.1 Requirement for compliance

- (a) Unless Contract Procedure Rule 2.2 applies every contract made by or on behalf of the Council, (including those where there is no cost to the Council, but which result in income being generated for the supplier or contractor) must comply with these Contract Procedure Rules.
- (b) Every contract should also comply with the Financial Regulations, all relevant statutory provisions and any direction of the Council.

2.2 Exceptions

These Rules shall not apply to:

- (a) contracts of employment;
- (b) contracts for individual temporary agency staff;
- (c) treasury management;
- (d) the use of counsel or any other external legal service where advice, assistance and/or representation is required, and:

- a. the requirement for appointment is considered to be urgent by the Corporate Director – Legal and Democratic, the Officer responsible for Legal Services or any other Officer authorised by either of them; or
- b. where the appointment is not urgent, the contract value is estimated at the time of the initial instruction to be less than £49,999;
- (e) contracts for works, or the purchase of goods or services under an existing framework agreement if Contract Procedure Rule 3 is followed;
- (f) contracts for the sale, letting or purchase of land or buildings;
- (g) contracts where the works, or the purchase of goods or services are on behalf of a partnership of public sector bodies including the Council and the award of the contract is under the lead body's own rules;
- (h) arrangements with Ofsted for the inspection of a school;
- (i) contracts for the execution of mandatory works by statutory undertakers;
- (j) contracts for special educational needs or social care if, in the opinion of the relevant Chief Officer, it is considered to be urgent, necessary in the circumstances and the total contract value will not exceed any relevant Procurement Regulation threshold;
- (k) contracts for residential care which the Council has a duty to provide under sections 21 and 29(4) of the National Assistance Act 1948; section 117 of the Mental Health Act 1983; or section 17 of the Children Act 1989 if, the relevant Chief Officer considers it to be urgent, necessary in the circumstances and the total contract value will not exceed any relevant Procurement Regulation threshold;
- (l) trading arrangements under which the Council provides, goods, services or works to a third party; and
- (m) a contract that any Chief Officer considers is necessary for the purposes of an emergency.

2.3 Variation or exemption of Contract Procedure Rules

- (a) No variation of or exemption from these Rules is allowed unless :
 - (i) the Council or the Executive resolves;
 - (ii) the law requires otherwise; or

- (iii) the officer seeking the variation or exemption has completed the relevant exception record and it has been approved in advance of a contract being awarded.
- (b) No variation or exemption may be made which will result in a breach of any relevant Procurement Regulation or threshold.
- (c) A variation or exemption may be granted by the relevant Officers identified in Appendix 2 of the Scheme of Delegation – Part 3 of the Constitution, on any one or more of the following grounds:
 - (i) the nature of the market has been investigated and is considered to be such that a departure is justified because the Contract can only be performed by one supplier or best value as likely to be achieved by approaching one supplier; or
 - (ii) the contract is required in circumstances of urgency that could not reasonably have been foreseen; or
 - (iii) the Council has a contract with an organisation already engaged by the Council for similar and related works, goods or services and it is considered that there would be significant benefit to extend the existing contract to cover any additional requirement without exposing the Council to unacceptable risk; or
 - (iv) where any Procurement Regulation or other legislation prevents a procurement process being followed; or
 - (v) contracts for supplies, materials, services or works which are available only as proprietary or patented articles, services or works from one contractor or supplier and for which an Chief Officer decides that there is no reasonable alternative available including contracts for repairs, or the supply of, parts to such articles or works; or
 - (vi) there are other circumstances that the relevant Officers consider to justify an exemption; and

in all cases, in the opinion of the relevant Officer, it is appropriate.

2.4 Authority to procure

Any procurement carried out on behalf of the Council may only be undertaken with authority to carry out such task whether by way of a delegation in the Scheme of Delegation – Part 3 of the Constitution or otherwise.

2.5 Calculating the financial value of a Contract

When calculating the value of a contract for the purposes of these Rules (other for concession contracts):

- (a) values are total lifetime contract values not annual values;
- (b) values exclude recoverable VAT;
- (c) values are to be aggregated – for example, if there is a recurring need on an annual basis for supplies;
- (d) if there are variables which result in the estimate being a range of figures rather than a single figure, then the highest figure in the range will be the value of the contract;
- (e) the valuation shall include the value of possible contract extensions and possible additional options including sub-contractors' costs; and
- (f) where a contract is of indeterminate length the value of the contract shall be assessed on the basis of the monthly estimated cost x 48.

2.6 Contract Extensions

- (a) Any contract below Procurement Regulation thresholds may be extended in accordance with its contract terms.
- (b) All contracts above Procurement Regulation threshold can only be extended in line with the original OJEU notice and the relevant statutory requirements prevailing at the time.

3. Framework agreements

3.1 To be used where appropriate

Public sector-led framework agreements and contracts let by other public sector bodies for the purchase of goods and services may offer Best Value to the Council. Subject to Rule 3.2, Framework Agreements may be used where the Council's requirements can be met, it is practicable to do so and there is no existing corporate contract for the same or similar goods, works, and services which would be breached if a framework agreement was used.

3.2 Pre-conditions

Before entering into an existing framework agreement, the relevant Chief Officer should be satisfied that:

- (a) the Council is within the description of the contracting bodies who can use the framework agreement; and

- (b) the framework agreement has been advertised and meets the relevant statutory requirements prevailing at the time.

3.3 Subsequent purchases

Unless the terms of the framework agreement say differently and/or the framework agreement does not contain clear call-off contract criteria, once the framework agreement is operating, all subsequent purchases under the call-off contract shall, either:

- (a) not require further competition or,
- (b) if there are 2 or more suppliers of those goods or services, the competition shall be by inviting quotations from all of those suppliers on the price payable for the goods or services.

4. No framework agreement – contracts with a value less than £50,000

- 4.1 Where the relevant Chief Officer estimates at the beginning of the procurement the contract value to be less than £50,000 the relevant Chief Officer should seek to obtain best value which for the purpose of this Contract Procedure Rule means using an existing corporate contract or seeking one or more quotes.
- 4.2 If the expenditure has been approved in estimates and any necessary financial or other approvals have been obtained, the relevant Chief Officer may proceed with the contract.

Note to officers: further informal guidance on procuring goods, services or works below £50,000 together with template forms can be found in the informal Procurement Toolkit.

5. No framework agreement – contracts with a value between £50,000 and £99,999

- 5.1 Where the relevant Chief Officer estimates at the beginning of the procurement that the contract value is between £50,000 and £99,999 three written quotations shall be sought wherever possible. This may be done through the Council's electronic Tendering System ("eTS"), by letter, e-mail or some other mechanism by which the price can be evidenced before a purchase decision is taken.
- 5.2 When requesting quotations above £50,000 the relevant Chief Officer must also specify:
 - (a) the goods, works or service required;
 - (b) the award criteria; and

(c) any relevant terms or conditions or special requirements

6. **No framework agreement – contracts with a value of £100,000 or more but below Procurement Regulation thresholds – requirement for tenders**

6.1 **Financial thresholds**

Tenders shall be invited where the contract value is estimated at the beginning of the procurement to be £100,000 or more but below relevant Procurement Regulation thresholds.

6.2 **Requirement to advertise**

All contracts where the contract value is estimated at the beginning of the procurement to be £100,000 or more, but below relevant Procurement Regulation thresholds must be advertised through Contracts Finder. A Chief Officer may advertise contract opportunities below this threshold on Contracts Finder if s/he is satisfied that it is unlikely there will be sufficient local competition or considers this to be a preferred approach for any other reason.

6.3 **Methods to be used**

Tenders shall be sought by way of an Invitation to Tender using the eTS.

7. **Form of invitation to tender and submission of tenders**

7.1 **Form**

The Invitation to Tender shall be prepared by the relevant Chief Officer and shall:

- (a) describe the scope of the goods, works and/or services to be procured including any relevant outputs necessary for monitoring performance;
- (b) give reasons to justify any decision not to accept sub-division of the contract into lots;
- (c) require tenderers to answer questions about their suitability, capability, legal status and financial standing;
- (d) invite tenderers to identify information they consider to be confidential, commercially sensitive and/or exempt from disclosure in response to a relevant statutory request made to the Council;
- (e) include the criteria and the weightings that will be the basis for the evaluation of tenders;
- (f) state the form of contract and/or terms of the contract including any required by these Contract Procedure Rules and state that the Council will not accept any alteration or amendment of those terms and conditions of contract;

- (g) state that the Council does not accept any qualification or addition to the invitation to tender other than when requested;
- (h) set out an adequate timetable for the submission and consideration of tenders; and
- (i) require all tenders to be submitted on a form of tender prepared by the relevant Chief Officer which shall include where appropriate:
 - a. a certificate against collusion;
 - b. a statement that tenders should be kept open for a specified period after the date of tender opening;
 - c. a statement that the Council will not be bound to accept any tender; and
 - d. a statement that any tender or contract may be inspected by any regulator.

7.2 Receipt

- (a) The relevant Chief Officer will arrange for the opening of tenders and release for evaluation as soon as possible after the date and time specified in the Invitation to Tender. Any tender received after the date and time specified for receipt will be recorded as being received late and will not be considered.
- (b) Tenders submitted by fax or e-mail will not be accepted.

7.3 Custody of tenders received

Tenders shall remain unopened in the eTS until the time set for their opening.

8. Opening and registration of tenders

8.1 All tenders received by the date and time set for receipt of tenders and which meet the requirements of Contract Procedure Rule 7.1 (i) will be opened at the same time by the relevant Chief Officer or their nominee after the time set for their receipt.

8.2 The names of the tenderers and the amounts will be recorded in the eTS.

9. Evaluation of tenders

9.1 Before evaluating tenders, the relevant Chief Officer must check that the tenders comply with any instructions to tenderers, pricing, schedule and any other explicit requirements (e.g. submission of method statements) and unless provided for in the invitation to tender that the tender is not a qualified tender.

- 9.2 The criteria and weightings described in the Invitation to Tender must be used in scoring any tenders.

Note to officers: further informal guidance on the preparation of specifications; invitations to tender; tender evaluation together with template forms can be found in the informal Procurement Toolkit.

10. Alterations to tenders

10.1 Errors identified before closing date

If an error is identified in the specification or other tender documentation before the closing date for the return of tenders, all tenderers are to be told about the error promptly and allowed to adjust their tenders.

10.2 Errors identified after closing date

If an error is identified in the specification or other tender documentation after the closing date for the return of tenders, all tenderers are to be told about the error and given the chance to either withdraw or amended their tender.

10.3 Errors or discrepancies in successful tenders

Where examination of tenders shows errors or discrepancies which would affect the tender figure in an otherwise successful tender the tenderer shall be told of the errors and discrepancies and given the chance of confirming or withdrawing his offer, or in the case of arithmetical errors, of correcting them. If the tenderer withdraws, the next tender in competitive order is to be examined and dealt with in the same way.

11. Post-tender negotiation

- 11.1 Unless the Section 151 Officer or Monitoring Officer have agreed otherwise, any post-tender negotiations shall be conducted jointly by at least two senior members of staff. Full and proper records shall be kept of any post-tender negotiations.

- 11.2 Post-tender negotiations for contracts below any relevant Procurement Regulation thresholds shall not be conducted where to do so might distort competition particularly with regard to price. In the event that post-tender negotiations are necessary following the submission of a tender, then such negotiations must only be undertaken with the tenderer who has previously submitted the most economically advantageous tender as assessed against the tender evaluation method.

- 11.3 Where post-tender negotiations result in a fundamental change to the specification or contract terms the contract shall not be awarded but shall be re-tendered.

- 11.4 If post-tender negotiations take place the relevant Chief Officer shall prepare a report to Council for approval before any tender is accepted.

12. **Acceptance of tenders - Most favourable tender**

12.1 A tender may not be accepted without Member approval in accordance with the Executive arrangements unless it:

- (a) is within the approved budget;
- (b) meets all of the tender submission requirements in Contract Procedure Rule 7.1(i);
- (c) complies with the detailed specification;
- (d) is the most economically advantageous tender having regard to any award criteria and the weightings applied to them; and
- (e) it is not a tender qualified by reservations or statements made by the tenderer limiting any liability that the tenderer would be subject to if that tenderer is awarded the contract.

12.2 A tender which meets the criteria in Contract Procedure Rule 12.1 shall not be accepted if the Contract Value is more than £500,000 without appropriate Member approval.

13. **No framework agreement - contracts with a value above Procurement Regulation thresholds - requirement for tenders**

13.1 Subject to the agreement of the Section 151 Officer any of the procedures permitted by the relevant statutory requirements prevailing at the time and which are appropriate may be used to obtain tenders.

13.2 The procedure adopted shall comply with the relevant statutory requirements prevailing at the time and these Contract Procedure Rules where relevant.

13.3 Where the Open or Restricted List procedures are used post-tender negotiations are not permitted.

13.4 No tender that is for a contract above any relevant Procurement Regulation threshold shall be accepted unless the Monitoring Officer is satisfied that the notices of the intention to award the contract have been given to unsuccessful tenderers (and if necessary, to contractors not invited to tender) and the period for them to challenge the award has ended.

14. **Promotion of equalities**

To comply with the Council's duty under the Equality Act 2010 to promote equality of treatment, tenderers for contracts above any relevant Procurement Regulation thresholds shall be required to explain what measures they would take to actively promote equality of opportunity.

15. **Public Services (Social Value) Act 2012**

To comply with the Council's duties, in preparing tenders for any contract above any relevant Procurement Regulation thresholds the Chief Officer must consider how to incorporate relevant social value considerations into the procurement process.

16. **Local Government (Contracts) Act 1997**

No tender relating to a contract to which the Local Government (Contracts) Act 1997 Sections 2-9 apply shall be accepted without consideration by the Monitoring Officer.

Note to Officers: further informal guidance on relevant requirements relating to the preparation of tenders for contracts above Procurement Regulation thresholds together with template forms can be found in the Procurement Toolkit.

17. **Letter of intent**

A letter of intent providing the basis for a future agreement should only be used by a Chief Officer following the taking of advice from the Legal Services Unit.

18. **Contracts to be in writing**

18.1 **Form**

Subject to Contract Procedure Rule * every contract having a value of less than £50,000 shall be in writing, shall be by Purchase Order incorporating the Council's standard terms and conditions unless a formal agreement is entered into and a purchase order must be raised.

18.2 **Content**

Every contract having a value of £50,000 or above shall, in addition to any other relevant matters, specify:

- (a) the goods, materials, works, services or other things to be furnished supplied had or done;
- (b) the price to be paid with a statement of discount or other deductions;
- (c) a condition that the contractor shall subscribe to the standards of ethical conduct expected by the public from those working in the public sector;

- (d) unless it is for the one of purchase of goods and/or materials, the date when the contract will terminate and the terms on which the contract may be terminated early; and
- (d) where applicable the time or times within which the contract is to be performed.

18.3 Signing of contracts

- (a) Other than contracts in the form of an official order every contract less than £100,000 in value not required or intended to be sealed shall be signed on behalf of the Council by the relevant Chief Officer (or other officer authorised by them in accordance with the Officer Scheme of Delegation - Part 3 of the Constitution or as otherwise provided for in the Constitution).
- (b) Every contract required or intended to be made under seal shall be sealed on behalf of the Council as set out in Article 14.05.

19. Safeguards for due performance

19.1 Failure to Deliver

- (a) Every contract for the supply of goods, services, works and/or materials to which these rules apply should, unless the relevant Chief Officer considers it inappropriate, include a clause protecting the Council against the Contractor's failure to deliver. The clause should include the right for the Council to:
 - (i) purchase other goods, services, works or materials to put right the effects of the Contractor's failure; and
 - (ii) recover from the Contractor any excess cost of purchasing other goods, services, works or materials.
- (b) In every contract for the supply of goods, services, works and/or materials, a clause will, unless the relevant Chief Officer considers it inappropriate, be included to the effect that the goods, services, works and/or materials will only be deemed to have been delivered to the Council if they have been delivered to the location specified by the Council and signed for.

19.2 Liquidated Damages for contracts exceeding £100,000

The Contract must, unless the relevant Chief Officer considers it inappropriate, require the payment of liquidated damages by the contractor in the event of delay by the contractor. The amount of the liquidated damages to be specified will be the Council's genuine pre-estimate of the losses to be paid by the contractor in the case the terms of the contract are not duly performed.

19.3 **Performance Bonds for contracts exceeding £500,000**

Where a contract exceeds £500,000 the contractor will be required to give a performance bond or other form of security acceptable to the relevant Chief Officer and the Section 151 Officer, unless both consider it is unnecessary.

20. **Assignment or sub-letting**

A clause will, where appropriate, be inserted in every contract for the execution of work, for supplies, and/or services to which these rules apply prohibiting the assigning or sub-letting of the contract without the previous consent of the relevant Chief Officer.

21. **Specifications and standards**

All contracts to which these rules apply where a specification issued by the British Standards Institution or a European Standard is current at the date of the tender and is relevant shall require as a minimum that goods and materials used in their execution shall be in accordance with the specification.

22. **Prevention of bribery clause**

Every contract to which these rules apply will, where practicable, include a clause allowing the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation if the contractor or any person employed by him or acting on his behalf has committed any offence under the Bribery Act 2010 or under the Local Government Act 1972 Section 117.

23. **Nominated sub-contractors**

Where a sub-contractor or supplier is to be nominated by the Council to a main contractor, the relevant Chief Officer will, wherever practical, comply with these Rules as though the sub-contract were a contract with the Council.

24. **Publication of contract awards**

24.1 Details of every contract award over £5,000 including those covered by an exemption shall be published on the Council's Contracts Register.

24.2 In addition, unless there is a relevant exception, where the contract is over any relevant Procurement Regulation threshold, the award shall be published and any report required by a third party shall be prepared in accordance with the relevant statutory requirements prevailing at the time.

25. **Retention of tenders and contracts**

Unsuccessful tenders, accepted tenders and contracts and tender evaluation results shall be kept in accordance with the Council's information asset register.

26. **Review of financial limits**

The financial limits set out in these Contract Procedure Rules shall be reviewed periodically by the Council.

27. **Procurement Toolkit**

The Section 151 Officer will prepare and keep up-to-date a Procurement Toolkit containing informal guidance and templates for officers engaged in procuring services, goods and works.

Note for officers: The following table summarises the type of procurement process; the minimum number of quotes or tender that should be sought or invited where practicable; and any contractual requirements. The table is not part of these Contract Procedure Rules.

Total Value over the life of the contract ex V.A.T.	Minimum requirements and relevant rules	Acceptance [Subject to Contract] by:	Minimum Order/Contract requirement
A. Less than £50,000	Call-Off from an existing Framework Agreement let by the Council or other Third party or 1 or more quotes	Chief Officer	Official Order
B. £50,000 to £99,999	Call-Off from an existing Framework Agreement let by the Council or other Third party or 3 written quotes (where practicable) using eTS		Official Order unless a formal agreement is entered into.
C. £100,000 to Procurement Regulation threshold	Call-Off from an existing Framework Agreement let by the Council or other Third party Or tenders sought using eTS		

Total Value over the life of the contract ex V.A.T.	Minimum requirements and relevant rules	Acceptance [Subject to Contract] by:	Minimum Order/Contract requirement
D. Procurement Regulation threshold or above	As for £100,000 but following EU procurement procedures. Additional tender requirements apply	As for £100,000, but prior approval under Executive arrangements/Full Council (as the case may be) required if contract value £500,000 or above	As for £100,000, but formal agreement under seal if contract value above £500,000

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OFFICER EMPLOYMENT AND DISMISSAL PROCEDURE RULES

For the purposes of Article 12 of this Constitution these Officer Employment and Dismissal Procedure Rules apply to the employment and dismissal of Council officers.

1. Appointments on merit

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1.1. Every appointment of a person as an officer shall be made on merit subject to the qualifications set out in section 7(2) of the Local Government and Housing Act 1989.

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2. Transparency requirement

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2.1. The Council will require any candidate for appointment as an officer to state in writing whether they are ~~the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of~~ unrelated to or the partner of any existing councillor or officer of the Council; or of the partner of such persons.

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2.2. No candidate who is related to a Member or an officer will be appointed without the authority of the Head of Paid Service or an officer nominated by him/her. For the purposes of this paragraph "related" shall mean those relationships set out in Officer Employment and Disciplinary Procedure Rule 1.1.

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2.3. Any candidate who fails to disclose such a relationship can be disqualified for the appointment and, if appointed, will be liable to dismissal without notice.

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3. Seeking support for appointment

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3.1. Subject to Officer Employment and Disciplinary Procedure Rule 2.3, the Council will disqualify any applicant who directly or indirectly seeks the support of any Members for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

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3.2. Subject to Officer Employment and Disciplinary Procedure Rule 2.3, Members must not seek support for any person for any appointment with the Council.

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3.3. Nothing in Officer Employment and Disciplinary Procedure Rules 2.1 or 2.2 will prevent a Member from giving a written reference for a candidate for submission with an application for appointment.

4. Other appointments

4.1. The appointment of officers below Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or their nominee, and may not be made by Members.

4.2. The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group

5. Recruitment of Head of Paid Service and Chief Officers

5.1. Where the Council proposes to appoint a Head of Paid Service or a Chief Officer (meaning Executive Directors and Corporate Directors and ~~other Chief Officersequivalents~~), the Council will draw up a statement specifying:

- (i) the duties of the officer concerned, and
- (ii) any qualifications or qualities to be sought in the person to be appointed;

And the relevant Cabinet Portfolio holder will use the statement in order to help him or her decide whether the appointment should be advertised externally or recruited exclusively from amongst the Council's existing officers. Whether the post is ~~up-~~ to be advertised internally only or externally the Council will

(a) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of such persons who are qualified to apply for it; and

(b) make arrangements for a copy of the statement to be sent to any person on request,

6. Role of the Staffing Committee

6.1. Except in the case of the Head of Paid Service, Monitoring Officer or Chief Finance Officer the Staffing Committee is responsible for appointing Chief Officers.

~~The appointment of Executive Directors by the Staffing Committee is subject to rules 7.2 to 7.4.~~

6.2. The Staffing Committee is not a standing committee of the Council. Instead a Staffing Committee will be formed whenever appointments, recommendations of appointments or disciplinary decisions are needed ~~from the Committee~~. Members of the Staffing Committee will be nominated by group leaders on a politically proportionate basis.

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6.3. For the appointment of or disciplinary decisions in relation to:

~~-(i) Corporate Directors: the Staffing Committee or a sub-committee will comprise three councilors.~~

~~(ii) For the appointment of or disciplinary action in relation to Executive Directors the Committee or a sub-committee will comprise five councilors.~~

Recommendations to appoint the Head of Paid Service, Monitoring Officer or Chief Finance Officer will be made by a Staffing Committee of five councilors. Disciplinary action against the Head of Paid Service, Monitoring Officer and Chief Finance Officer is governed by rule 8 and for other Chief Officers by rule 9. ~~Members of the Staffing Committee will be nominated by group leaders.~~

6.4. For ~~each~~ any appointment the Staffing Committee will decide on a proportionate appointment process, including the use of any stakeholders or similar panels but the final appointment decision or recommendation to Council shall be that of the Committee.

6.5. Appointments of a Chief Officer on an interim basis will follow the same process as that for a permanent appointment.

7. Appointment of Head of Paid Service, Monitoring Officer, Chief Finance Officer and Executive Directors

7.1. Full Council will approve the appointment of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer following the recommendation of such an appointment by the Staffing Committee (which included among its membership at least one member of the Executive). Until the full Council has approved the appointment no offer of appointment is to be made.

~~Before approving the appointment of the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer or an Executive Director, the Proper Officer will give notice to every member of the Executive of:~~

~~the name of the person to who it is wished to make the offer;~~

~~any other particulars relevant to the appointment of which the Proper Officer has been informed; and~~

~~the period within which any objection to the offer being made is to be made by the Leader on behalf of the Executive to the Proper Officer.~~

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Version 76
February 2020

~~If the Leader notifies the Proper Officer within the period mentioned in Officer Employment and Disciplinary Procedure Rule 5.2(c) that neither he nor any other member of the Executive has any objection to the making of the offer, the Proper Officer shall inform the Staffing Committee accordingly.~~

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~~If the Leader notifies the Proper Officer within the period mentioned in Officer Employment and Disciplinary Procedure Rule 5.2(c) that either he or another member of the Executive objects to the making of the offer, the Proper Officer shall inform the Staffing Committee and the Committee may not make the offer unless it is satisfied that the objection is not material or is not well-founded.~~

8. Disciplinary action and dismissal of Head of Paid Service, Monitoring Officer Chief Finance Officer

8.1. ~~For the purposes of these Officer Employment and Disciplinary Procedure Rules “disciplinary action” in relation to an officer means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Council, be recorded on the officer’s personnel file, and includes any proposal for dismissal of an officer for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract.~~

8.2. ~~**Suspension.** Notwithstanding Officer Employment and Disciplinary Procedure Rule 7.3 the Head of Paid Service, the Monitoring Officer, and the Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will normally last no longer than two months.~~

8.3. ~~**Procedure for dismissal or taking disciplinary action.** No decision to dismiss the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer may be made, or notice of dismissal given unless the Council has complied with the requirements of regulation 7 of the Local Authorities (Standing Orders) Regulations 2001 and Schedule 3 to the Regulation (which is incorporated by reference and forms part of these rules).~~

9. Disciplinary action and dismissal of other Chief Officers

9.1. No decision to dismiss a Chief Officer may be made, or notice of dismissal given unless:

(a) the Head of Paid Service has undertaken a preliminary investigation which has identified that there is a potential case to answer, a Sub Committee of the Staffing Committee of no fewer than three elected members has been established, as set out in the JNC Constitution conditions of service and salaries for Chief Officers has met; and

(b) the Sub-Committee has made a recommendation to the Council Staffing Committee to dismiss or to take other disciplinary action against the Chief Officer;

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9.2. In deciding whether or not to approve the Sub-Committee's recommendation, the Staffing Committee must take into account;

(a) any advice or further recommendations from the Sub-Committee;

(b) the conclusions of any report into the investigation into the proposed dismissal or disciplinary action; and

(c) any representations from the officer or made on his or her behalf

10. Disciplinary action and dismissal of other officers

10.1. Members will not be involved in disciplinary action or the dismissal of any officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

1. Declarations

~~1.1 The Council will require any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.~~

~~1.2 No candidate who is related to a Member or an officer will be appointed without the authority of the Head of Paid Service or an officer nominated by him/her. For the purposes of this paragraph "related" shall mean those relationships set out in Officer Employment and Disciplinary Procedure Rule 1.1.~~

~~1.3 Any candidate who fails to disclose such a relationship can be disqualified for the appointment and, if appointed, will be liable to dismissal without notice.~~

2. Seeking support for appointment

~~2.1 Subject to Officer Employment and Disciplinary Procedure Rule 2.3, the Council will disqualify any applicant who directly or indirectly seeks the support of any Members for any appointment with the Council. The content of this paragraph will be included in any recruitment information.~~

~~2.2 Subject to Officer Employment and Disciplinary Procedure Rule 2.3, Members must not seek support for any person for any appointment with the Council.~~

~~2.3 Nothing in Officer Employment and Disciplinary Procedure Rules 2.1 or 2.2 will prevent a Member from giving a written reference for a candidate for submission with an application for appointment.~~

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3. Appointments on merit

3.1 Every appointment of a person as an officer shall be made on merit subject to the qualifications set out in section 7(2) of the Local Government and Housing Act 1989.

4. Recruitment of Head of Paid Service and Chief Officers

4.1 Where the Council proposes to appoint a Head of Paid Service or a Chief Officer (meaning statutory chief officers, non-statutory chief officers and deputy chief officers) and it is not proposed that the appointment be made exclusively from among its existing officers, the Council will:

(a) draw up a statement specifying:

(i) the duties of the officer concerned, and

(ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of such persons who are qualified to apply for it; and

(c) make arrangements for a copy of the statement to be sent to any person on request.

5. Appointment of Head of Paid Service, Monitoring Officer, Chief Finance Officer and Chief Officers

5.1 Full Council will approve the appointment of the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer and Chief Officers following the recommendation of such an appointment by the Staffing Committee or a sub-committee of the Staffing Committee (which included among its membership at least one member of the Executive). Until the full Council has approved the appointment no offer of appointment is to be made.

5.2 Before approving the appointment of the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer and Chief Officers, the Proper Officer will give notice to every member of the Executive of:

(a) the name of the person to who it is wished to make the offer;

(b) any other particulars relevant to the appointment of which the Proper Officer has been informed; and

(c) the period within which any objection to the offer being made is to be made by the Leader on behalf of the Executive to the Proper Officer.

5.3 If the Leader notifies the Proper Officer within the period mentioned in Officer Employment and Disciplinary Procedure Rule 5.2(c) that neither he nor any other member of the Executive has any objection to the making of the offer, the Proper Officer shall inform the Council accordingly.

~~5.4 If the Leader notifies the Proper Officer within the period mentioned in Officer Employment and Disciplinary Procedure Rule 5.2(c) that either he or another member of the Executive objects to the making of the offer, the Proper Officer shall inform the Council and the Council may not make the offer unless Council is satisfied that the objection is not material or is not well founded.~~

~~6. Other appointments~~

~~6.1 The appointment of officers below Chief Officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or their nominee, and may not be made by Members.~~

~~6.2 The appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.~~

~~7. Disciplinary action and dismissal of Head of Paid Service, Monitoring Officer Chief Finance Officer~~

~~7.1 For the purposes of these Officer Employment and Disciplinary Procedure Rules "disciplinary action" in relation to an officer means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Council, be recorded on the officer's personnel file, and includes any proposal for dismissal of an officer for any reason other than redundancy, permanent ill health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract.~~

~~7.2 **Suspension.** Notwithstanding Officer Employment and Disciplinary Procedure Rule 7.3 the Head of Paid Service, the Monitoring Officer, and the Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and will normally last no longer than two months.~~

~~7.3 **Procedure for dismissal or taking disciplinary action.** No decision to dismiss the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer may be made, or notice of dismissal given unless:~~

- ~~(a) a Panel comprising the Staffing Committee (which includes among its membership at least one member of the Executive) and the Independent Person for the purposes of Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 ("the Panel") has met;~~
- ~~(b) the Panel has made a recommendation to the Council to dismiss or to take other disciplinary action against the officer;~~
- ~~(c) before making that recommendation the Panel has appointed a designated independent person ("the Qualified Person") for the purposes of Schedule 3 to the Local Authorities (Standing Orders) (England) Regulations 2001 to investigate and report on the alleged misconduct;~~

- (d) the appointment of the Qualified Person was agreed in advance with the officer (unless the officer unreasonably refuses to agree or delays the appointment);
- (e) the Qualified Person has prepared a report into the alleged misconduct and the report contains any representations by the officer to the report's findings; and
- (f) the recommendation of the Panel was made only after considering the Qualified Person's report.

7.4 In deciding whether or not to approve the Panel's recommendation, the Council must take into account:

- (a) any advice or further recommendations from the Panel;
- (b) the views of the Qualifying Person;
- (c) the conclusions of the report into the investigation into the proposed dismissal or disciplinary action; and
- (d) any representations from the officer or made on his behalf.

8. Disciplinary action and dismissal of other Chief Officers

8.1 No decision to dismiss a Chief Officer may be made, or notice of dismissal given unless:

- ~~(a) the Head of Paid Service has undertaken a preliminary investigation which has identified that there is a potential case to answer, a Sub Committee of the Staffing Committee of no fewer than three elected members has been established, as set out in the JNC Constitution conditions of service and salaries for Chief Officers has met; and~~
- ~~(b) the Sub Committee has made a recommendation to the Council to dismiss or to take other disciplinary action against the Chief Officer;~~

8.2 In deciding whether or not to approve the Sub Committee's recommendation, the Council must take into account:

- ~~(a) any advice or further recommendations from the Sub Committee;~~
- ~~(b) the conclusions of any report into the investigation into the proposed dismissal or disciplinary action; and~~
- ~~(c) any representations from the officer or made on his behalf.~~

9. Disciplinary action and dismissal of other officers

9.1 Members will not be involved in disciplinary action or the dismissal of any officer below Chief Officer except where such involvement is necessary for any

~~investigation or inquiry into alleged misconduct.~~

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February 2020

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