
MODERNISING AGENDA

1 SUMMARY

- 1.1 This report seeks Members decision on further matters with regard to a Constitution for the revised political structure.

2 INTRODUCTION

- 2.1 The Chief Executive will give a verbal update to Members with regard to the latest position on the Council's submission to the Department of Transport, Local Government and the Regions. Guidance is still awaited in a number of areas. However, it is necessary to consider Delegations and Rules of Procedure to permit a trial of the revised structure in March 2002.

3 SCHEME OF DELEGATION TO OFFICERS

- 3.1 A draft based on the existing scheme of delegation is attached at Appendix 1. In adopting the amended scheme Members may consider this to be a suitable matter for early review by a Scrutiny and Overview Committee in relation to the operation of the revised structure.

4. RULES OF PROCEDURE

(a) Revised Standing Orders are attached at Appendix 2. These are based on Model Rules with amendment to cover current practices at Rochford, for example the appointment of substitutes.

Members' attention is drawn to Rule 15 – "State of the District Debate". This has been included in the draft although it may be considered more appropriate to a Mayoral or Executive structure. Members' views are sought.

(b) Draft "Access to Information Rules" are attached at Appendix 3.

(c) Members will need to consider "Budget and Policy Framework Rules" at the next meeting of this Subcommittee. Officers are still working on Financial Regulations, Contract Standing Orders, etc.

5 RECOMMENDATION

It is proposed that the Sub-Committee **RECOMMENDS**

adoption of the revised Scheme of Delegations and Rules of Procedure.

Paul Warren
Chief Executive

Background Papers:

None

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APPENDIX 1

SCHEME OF DELEGATIONS TO OFFICERS

This Scheme of Delegations is designed to enable the Council, its Committees and Sub-Committees to retain full and final decision over policy matters whilst enabling Officers to administer the day to day operation of services within these policies.

This Scheme is a codification of existing delegated powers to Officers and is to be operated subject to the following terms of reference:

1. No Officer exercising delegated powers shall exercise those powers in a manner inconsistent with nor make any decision contrary to any policy of the Council or a Committee or Sub-Committee of the Council as embodied in a formal resolution of the Council or Committee or Sub-Committee nor make a decision involving a question of general policy which has not previously been considered by the Council or Committee or Sub-Committee.
2. No Officer in exercising a delegated power shall incur any expenditure unless appropriate provision has been made in the approved Annual Estimates and/or Capital Programme except as provided in Standing Orders and Financial Regulations.
3. Nothing in this Delegation Scheme shall be construed in such a way as to remove the requirement that no action may be taken contrary to the Council's Standing Orders and Financial Regulations.

GENERAL DELEGATIONS

1. Appointments

The Proper Officer to compile the lists of background papers and form an opinion as to which papers are to be included, under the Local Government Act 1972, is the Officer in whose name the report is prepared with the first named Officer being designated in the case of joint reports.

2. Each statutory Chief Officer is authorised to
 - (a) represent the Council at any hearing or public inquiry arising from the performance of the affairs of the Council
 - (b) attend meetings of local organisations etc. provided the Chairman of the appropriate Committee has indicated their concurrence

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- (c) authorise any other officer within his/her area of responsibility to act on his behalf
 - (d) implement the provisions of Section 41 Local Government (Miscellaneous Provisions) Act 1982 with regard to lost or uncollected property in buildings or premises within his/her area of responsibility.
 - (e) enter into contracts and grant exemptions in accordance with Contract Standing Orders to a maximum of £31,000.

Delegated To The Chief Executive

(Authority to be exercised by the Corporate Directors acting as Deputy Chief Executive in his absence.)

1. Appointments

- * Head of the Authority's Paid Service pursuant to section 4 of the Local Government & Housing Act 1989.
- * Returning Officer for District and Parish Council elections in the District of Rochford, retaining the right to appoint others to discharge any or all of the functions of Returning Officer.
- * Electoral Registration Officer for the Council with authority to bring proceedings and to defend actions under the Representation of the People Act 1982 and any associated regulations.
- * Proper Officer for all statutory purposes and standing orders except where a specific appointment has been delegated to another Officer.
- * Council representative on the Essex Branch of the Association of Local Government.
- * Responsible Officer for the internal audit of the Authority.
- * Information co-ordinator under the Environmental Information Regulations 1992.
- * Emergency Controller for the District of Rochford.

2. Responsibility for all staffing matters subject to corporate policies and practice including:-

- i) determination of staffing levels for services to maintain efficiency and effectiveness including variations within budgetary provision.
- ii) recruitment, training and dismissals.

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- iii) approval of secondary employment, leave, overtime, ex-gratia payments in accordance with NJC Conditions, training courses, membership of and attendance at professional bodies.
 - iv) obtaining medical advice when necessary on the health of particular employees.

3. Specific Areas of Delegation

Authority to:

- i) handle complaints made to the Ombudsman, Members of Parliament and others as appropriate.
- ii) act on behalf of the Council in twinning matters.
- iii) liaise with Local Authorities on Partnership issues.
- iv) in consultation with the Chairman of the Council, approve the use of the gardens at the rear of the Council Offices by bona fide organisations.

DELEGATED TO THE CORPORATE DIRECTOR (LAW, PLANNING & ADMINISTRATION)

(Authority to be exercised by the Head of Legal Services in his absence.)

1. Appointments

- * Monitoring Officer pursuant to the Local Government Act 2000 (the Head of Legal Services to act as deputy).
- * Clerk to all Appeals Panels unless his directorate is involved in the appeal in which case the Corporate Director (Finance & External Services) will be appointed for that matter.
- * Clerk to the Local Review Board.
- * Data Protection Co-ordinator for the purposes of the Data Protection Act 1984 (as amended).
- * "Proper Officer" for the following functions and duties
 - (a) Under the Local Government Act 1972
 - Section 96(1) Receipt of Notices of pecuniary interest.
 - Section 94,96(1) & 96(2) Keeping record of disclosures of pecuniary interests.

Section 204(3)	Receipt of applications for licences under the Licensing Act 1964 Schedule 2.
Section 225(1)	Deposit of documents.
Section 229(5)	Certification of photographic copies of documents.
Section 234(1) and (2)	Authentication of documents.
Section 236 (10)	Sending copies of Bye-laws for Parish records and to the County Council.
Section 238	Certification of Bye-laws.
Section 248	Keeping a roll of Freemen.
Schedule 14	Certification of resolutions, Para. 25.
Section 212	Local Registrar of Land Charges
Access to Information	
Section 100B(2)	Identifying confidential agenda items.
Section 100B(7)(C)	Supplying committee papers to the press.
Section 100C(2)	Preparing summaries of confidential proceedings.
Section 100F(2)	Deciding exempt information not open to Members.
Section 100G	Registers of Members and List of Delegations.
(b)	Under the Local Government & Housing Act 1989 and any regulations made thereunder:-
Section 19	Members Interests
(c)	Standing Orders
Standing Order 33(1) & (3)	Registration of Interests of Officers
Standing Order 34(1)	Safe Custody of the Common Seal
Standing Order 34(3)	Attesting of the Common Seal.
2.	Authority to act on behalf of the Council in connection with all matters except those reserved to Council or any Committee or Sub-Committee under legislation with regard to the Control of Development in respect of:
a.	i) Licensing
	ii) Registration
	iii) the issue of certificates, orders and service of notices
	iv) the appointment of Inspectors

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- v) statutory consultations, returns and reports, subject to confirmations of action taken
 - vi) building regulations,
- b. the appointment of officers for:
- i) the inspection of property and records
 - ii) the exercise of powers of entry and seizure
 - iii) issues related to access for the disabled
 - iv) the requisitioning of information
 - v) the sampling and testing of materials
 - vi) the implementation and enforcements of legislation including Byelaws.
- c. determination of planning applications in connection with:
- i) private garages within curtilage of established residential properties.
 - ii) new or altered means of access to existing developments subject to the necessary consultations with the Highway Authority.
 - iii) shop fronts relating only to shopping uses outside and not materially affecting designated Conservation Areas.
 - iv) fences, boundary walls and other means of enclosure to residential properties.
 - v) approval of reserved matters relating to landscaping and external materials.
 - vi) minor amendments to approved plans.
 - vii) the temporary siting of caravans where an approved building is in the course of construction.
 - viii) all extensions to residential buildings.
 - ix) refusal because of Metropolitan Green Belt policy.
 - x) determine changes of use in accordance with an appropriate formal planning policy or plan.
 - xi) determine applications for changes of use of land to private residential gardens.
 - xii) approve applications for the renewal of a temporary permission for demountable classrooms.

- xiii) determine applications for the replacement of temporary school buildings.
- xiv) determine advertisements outside Conservation Areas and/or which do not affect the character or setting of Listed Buildings.
- xv) determine applications for Listed Building Consents where the concurrent planning application is within the existing delegation scheme.
- xvi) determine applications for Listed Building Consents where the building work involved does not require planning permission.
- xvii) approve applications for the repair and maintenance of school buildings.
- xviii) determine applications submitted under Part 6 and 7 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995 to make a decision on applications for a determination as to whether the prior approval of the local planning authority is required in respect of certain details for prescribed categories of permitted agricultural development.
- xix) under the Town & Country Planning (Demolition - Description of Buildings) Direction 1992: Planning Controls over Demolition (DoE Circular 16/92), to make a decision on applications for a determination as to whether the prior approval of the local planning authority is required, to the method of the proposed demolition and any proposed restoration of the site.
- xx) determine applications submitted under Part VI and VII of the Town & Country Planning (Generally Permitted Development) Order 1995.

3. General Delegations

Authority to:-

- (a) prosecute, defend or appear on behalf of the Council in any legal proceedings or Public Inquiry in accordance with Section 222 Local Government Act 1972.
- (b) authorise appearances in Court pursuant to Section 60(2) of the County Court Act 1984 and Section 223 of the Local Government Act 1972 on behalf of the Council.
- (c) act on behalf of appointed Health & Safety Inspectors under the provisions of the Health & Safety at Work etc. Act 1974.

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- (d) instruct private solicitors/barristers in connection with such legal work as in his opinion cannot reasonably or expeditiously be undertaken 'in-house'.
 - (e) take all necessary action including the institution of legal proceedings on the recommendation of the responsible officer for offences, contraventions, non-compliance or breaches of statute, bye-laws, conditions of license or notices.
 - (f) issue formal cautions as an alternative to the institution of legal proceedings where this is deemed the most appropriate course of action.
 - (g) to extend the period for compliance with statutory notices where it is considered reasonable to do so.
 - (h) authorise other persons to accompany Inspectors.
 - (i) to issue licences, registrations etc. in respect of the following:-
 - House to House Collections
 - Street Collections
 - Betting, Gaming and Lotteries (except Amusements with Permits)
 - "Society" lotteries under the Lotteries & Amusement Act 1976 and to approve Lottery Schemes adopted by Societies where the total value of tickets to be sold in any lottery does not exceed £20,000.

4. Specific Areas of Delegation

A. Law & Administration

Authority to:-

- (a) complete agreements under Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 with owners of premises unsuitable for re-occupation on the recommendation of the responsible officer.
- (b) grant licences for access onto Council owned land where similar licences are in existence.
- (c) grant Way-Leaves and easements to statutory undertakings and bodies with similar powers and sales of electricity sub-stations, gas regulators and telephone junction box sites or similar as appropriate.

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- (d) on application, to reduce charges made for Public Footpath Orders where, in the opinion of the Corporate Director (Finance & External Services), there are genuine grounds for such a reduction.
 - (e) decide applications for the hire of the public meeting rooms at the Civic Suite.
 - (f) complete the lifting of restrictive covenants from former Council property at full betterment value in cases where a valid planning permission has been granted for the proposed use.
 - (g) adopt and maintain open spaces associated with developments on the Council's behalf.
 - (h) under the Town & Country Planning Act 1990:-
 - (i) make determinations under Section 56.
 - (ii) determine applications and issue certificates under Sections 191 and 192.
 - (iii) serve planning contravention notices under Section 171(c).
 - (iv) issue and serve Notices under Section 215 in consultation with the responsible officer.
 - (v) complete agreements under Section 106 in respect of planning applications determined under delegated authority.
 - (i) determine applications for temporary street closures in consultation with the Police and Highway Authority.
 - (j) make representations to the Licensing Authority on applications for Goods Vehicles Operators Licenses on the advice of the Corporate Director (Services).

B. Planning

Authority to:-

- (a) authorise officer to dispense informal planning advice and informal consultations at their own discretion, taking into account the regulations in place at the time.
- (b) accept and agree amendments to submitted applications at his/her discretion.

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- (c) determine applications on the Weekly List in accordance with the recommendations unless within the agreed timescale a request is received for an application to be referred to the Planning Services Committee.
 - (d) complete obligations or Agreements under Section 106 of the Town & Country Planning Act 1990 in respect of planning applications determined under delegated authority.
 - (e) carry out street numbering schemes.
 - (f) take all necessary action to remedy breaches of planning control relating to the use of land for sales or markets including car boot sales.
 - (g) take all necessary enforcement action to secure the removal of advertisements appearing in contravention of regulations for the control of advertisements.
 - (h) to set the necessary charges for the Building Regulation function.
 - (i) to determine prior notification applications, submitted pursuant to Part 7, (Forestry, Building and Operations) and Part 24, (Development by Telecommunications Code System Operators) of the Town and Country Planning (General Permitted Development) Order 1995).

Delegated to the Corporate Director (Finance & External Services)

(Authority to be exercised by the Head of Financial Services and/or the Head of Housing, Health & Community Care in his absence.)

1. Appointments

- * Registrar for the purposes of recording the Council's loan transactions pursuant to Section 46 of the Local Government & Housing Act 1989.
- * Responsible Officer for the accountability and administration of Value Added Tax in respect of all transactions relating to the Council.
- * Proper Officer under the Local Government Act 1972 for the following functions and duties:
 - Section 115(2) Receipt of money due from Officers
 - Section 146(1)(a) Declarations and Certificates with regard to
 - and (b) securities.

Section 151	Administration of financial affairs
Section 228(3)	Accounts of any Proper Officer to be open to inspection by any Member of the Authority.

* Clerk to any Appeals Panel in place of the Corporate Director (Law, Planning & Administration) where that Officer's directorate is involved in the Appeal.

* Responsible Officer for all insurance matters relating to the Council and authorised to take such action as is considered necessary.

2. Authority to act on behalf of the Council in connection with all matters except those reserved to Council or any Committee or Sub-Committee under legislation with regard to:

- (a) Public Protection
- (b) Environmental Protection
- (c) Animal
- (d) Leisure and Recreation

in respect of:

- A.
 - i) Licensing
 - vii) Registration
 - viii) the issue of certificates, orders and service of notices
 - ix) the appointment of Inspectors
 - x) control of pests and vermin
 - xi) the abatement of nuisance and conditions prejudicial to health
 - xii) air pollution, chimneys, furnaces, boilers and industrial plant
 - xiii) Dangerous Buildings, ruinous and dilapidated buildings and neglected sites
 - xiv) water supply, drainage, cesspools and water courses
 - xv) grants in respect of repair, renovation, disabled facilities and improvement of property, including Historic Building Grants
 - xvi) caravans, markets, tree preservation and hedgerows
 - xvii) statutory consultations, returns and reports, subject to confirmations of action taken
 - xviii) contract supervision.

B. the appointment of officers for:

- vii) the inspection of property and records
- viii) the exercise of powers of entry and seizure
- ix) the requisitioning of information
- x) the sampling and testing of materials
- xi) the implementation and enforcements of legislation including Byelaws

xii) the making of Tree Preservation Orders.

3. Specific Areas of Delegation

A. Finance

Authority to:-

- (a) undertake the Council's Treasury Management function in accordance with approved policy and practice.
- (b) implement salary awards, NJC allowance and car allowance decisions on receipt of official notification.
- (c) operate National Giro Accounts as necessary.
- (d) operate the Rent Allowance Schemes in accordance with relevant legislation.
- (e) effect payment of grants in accordance with approved policy and practice.
- (f) decide all applications in respect of House Purchase Loans.
- (g) approve car loans under the provisions of Appendix F of the Scheme of Conditions of Service.
- (h) countersign and authorise the countersignature of cheques over £5,000.
- (i) switch Capital and Revenue expenditure where this is in the best interests of the Council.
- (j) operate and make such decisions as are required for the proper administration of the Housing Benefits Schemes in accordance with relevant legislation.
- (k) adjust all financial sums contained in the Council's Financial Standing Orders and Regulations annually by reference to the Retail Price Index.
- (l) write off arrears not exceeding £310.
- (m) approve virements up to £3,100.
- (n) use contract hire vehicles where financial savings can be demonstrated.
- (o) undertake the Council's functions in connection with management and administration of residual Community

Charge, Council Tax and National Non-domestic Rate not otherwise reserved to the Council.

- (p) determine reasonable charges for the supply of goods and services in consultation with the Responsible Officer.
- (q) pass details of penalty notices issued in relation to unlicensed vehicles to the Essex Police.
- (r) accept payment in respect of the grant or renewal of licenses under the Zoo Licensing Act 1981 by annual instalments.
- (s) make determinations under Sections 42(2)(q), 56(1), 60(2) and 63(1) of the Local Government & Housing Act 1989.
- (t) decide to remit in whole or part fees or charges to educational or charitable organisations in consultation with the Responsible Officer and Chairman of the relevant Committee.
- (u) undertake the Council's functions in connection with the management and administration of Hackney Carriage licensing and registration not otherwise reserved to the relevant Committee.
- (v) determine applications for other than ordinary use of car parks not resulting in a significant loss of revenue.
- (w) to approve requests for minor works up to a total of 1% of the Repairs and Maintenance Budget of the Housing Revenue Account and that the Member Budget Monitoring Group be requested to consider and agree any necessary limit that should apply to such delegation.
- (x) for approval of Hackney Carriage and private hire vehicle licensing driver and operator licensing under the Provisions of the Town Police Clauses Act 1847 (as amended) and the Local Government Miscellaneous Provisions (Act) 1976.

B. Environmental Health

Authority to:-

- a) arrange for burial or cremation of deceased persons where no suitable arrangements have been made for the disposal of the body.
- b) notify the appropriate authorities in cases of infectious diseases.
- c) appoint consultant Veterinary Surgeons within the scale of fees approved by the British Veterinary Association.

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- d) agree transfers and assignments of responsibility for enforcement with the Health & Safety Executive in accordance with relevant legislation.
 - e) carry out works at the request of an owner at his/her expenses following service of a repair notice.
 - f) provide food hygiene training and make contributions to others providing training.
 - g) determine all matters related to authorisations under the Environmental Protection Act 1990.
 - h) take steps to secure holdings and recover expenses incurred under the Local Government (Miscellaneous Provisions) Act 1982.
 - i) approve premises, ambient stores, rewrapping centres and cold stores under the Meat Products (Hygiene) Regulations 1994.
 - j) issue formal cautions as an alternative to the institution of legal proceedings where this is deemed the most appropriate course of action.
 - k) to extend the period for compliance with statutory notices where it is considered reasonable to do so.
 - l) authorise other persons to accompany Inspectors.
 - m) complete agreements under Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 with owners of premises unsuitable for re-occupation and to revoke such agreements should the premises be, in his opinion, made suitable for habitation.
 - n) decide what is reasonable in accordance with the Environmental Information Regulations 1992.
 - o) make Home Loss payments under the Land Compensation Act 1973.
 - p) grant permissions pursuant to Section 115E of the Highways Act 1980, subject to prior notification being given to Members and an opportunity formed for the matter to be put before Committee for consideration and such conditions as he considers appropriate and subject to the consent of the Highway Authority.
 - q) refuse an application for permission where the Highway Authority does not give consent or frontages have not given consent or where the appropriate planning permission has not

been obtained or where premises are licensed for the sale of alcohol.

- r) determine applications for financial assistance for the repair, conversion, improvement or adaptation of property and to authorise payments in accordance with current Government guidance and Council policy.
- s) serve deferred actions notices.

C. Contract Services

Authority to:

- i) agree the opening and cleaning times of public conveniences.
- ii) undertake clearance measures in a highway emergency.
- iii) set charges for rustic products not listed in the Schedule of Charges and arrange sponsorship for the development of informal recreation.
- iv) permit the use of playing fields for annual charity fireworks displays.
- v) temporarily close play areas giving rise to serious behavioural problems.
- vi) take all action necessary under relevant legislation for the removal and disposal of broken down or abandoned vehicles.
- vii) process requests for use of Rochford Reservoir.
- viii) vary the Leisure contract inventory to a maximum of £3,100. To make decisions in respect of all matters arising from the provisions of the Hedgerow Regulations 1997.

D. Housing

Authority to:

- a) act on behalf of the Council in relation to its statutory duties with regard to housing the homeless including the offer of accommodation from temporary or permanent housing stock as appropriate.
- b) deal with all matters related to the operational management of:
 - i) the Council's housing stock, garages and leasehold dwellings
 - ii) Finchfield Trust property

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- iii) Dutch Cottage
 - iv) nominations to Housing Association property

in accordance with the approved policy set out in the Council's Housing Policy Book and not otherwise reserved to the Council.

- c) determine matters related to the Right to Buy under the Housing Act 1985 (as amended).
- d) issue notices seeking possession and to authorise signatories to such notices.
- e) attend meetings of Tenants' Associations.
- f) review decisions under Part VII of the Housing Act 1996 and act thereon.
- g) determine appeals against the proposed refusal of any grant application which does not meet the Council's policy criteria, any subsequent appeal will be to the Local Review Board.
- h) allocate housing in accordance with the council's Transfer Policy to tenants of Registered Social Landlords resident in the District.
- i) enter rent and deposit guarantee agreements with letting agents/landlords.

**DELEGATED TO THE SOUTH ESSEX HEALTH AUTHORITY
ACTING BY THE DIRECTOR OF PUBLIC HEALTH OR
SUCH OTHER PERSON AS IT SHALL NOMINATE**

Authority to act on behalf of the Council in connection with:

- (a) all matters related to common lodging houses, notifiable diseases and food poisoning under the Public Health (Control of Diseases) Act 1984.
- (b) the removal to suitable premises of persons in need of care and attention under Section 47 of the National Assistance Act 1948

APPENDIX 2

RULES OF PROCEDURE – STANDING ORDERS

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

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

The annual meeting will:

- (i) elect a person to preside if the chairman of Council is not present;
- (ii) elect the chairman of Council;
- (iii) elect the vice chairman of Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the chairman and/or head of the paid service;
- (vi) elect the leader;
- (vii) appoint at least one overview and scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate.
- (viii) Agree the scheme of delegation;
- (ix) Approve a programme of ordinary meetings of the Council for the year: and
- (x) Consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the council meeting will:

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

2. ORDINARY MEETINGS

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

- (i) elect a person to preside if the chairman and vice chairman are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the chairman, leader or head of paid service;
- (v) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (vi) deal with any business from the last Council meeting;
- (vii) receive reports from the Council's committees and receive questions and answers on any of those reports;
- (viii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (ix) consider motions; and
- (x) consider any other business specified in the summons to the meeting and reports of the overview and scrutiny committees for debate.

3 EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings

Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

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

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

- 4.1 Substitute Members may be nominated for each Committee by each political group represented on the committee and shall comprise a number no greater than the number equal to the number of ordinary Members nominated for a political group to that Committee.
- 4.2 A substitute member attending a Meeting of a Committee, or Sub-Committee, has the same powers and responsibilities as a full Member of the Committee or Sub-Committee.
- 4.3 A Member or substitute Member first in attendance at a Meeting of a Committee or Sub-Committee cannot be substituted or replaced during the course of that Meeting.
- 4.4 A list of substitutes nominated in accordance with Rule 4.1 should be supplied to the Proper Officer at any time up to the commencement of the Meeting to which it relates and substitutions shall be made by the political group in order of precedence so that when a substitution is made the Member in attendance at the Meeting and highest on the list of substitutes will be the next substitute for his/her political group.

5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the proper officer and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

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. At least three clear days before a meeting, the proper officer will send a summons signed by him or her *by post* to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. CHAIR OF MEETING

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

8. QUORUM

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

8.2. A meeting of the Standards Committee shall not be quorate unless at least 3 members (including at least 1 independent member unless prevented or restricted from participating by virtue of the Code of Conduct) are present for the duration of the meeting

9. DURATION OF MEETING

Unless the majority of members present vote for the meeting to continue, any meeting that has lasted for 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. QUESTIONS BY THE PUBLIC

10.1 General

Members of the public may ask questions of the leader of the council and any chairman of a policy committee at ordinary meetings of the Council.

10.2 Order of questions

Questions will be asked in the order notice of them were received, except that the chairman may group together similar questions.

10.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than midday 7 days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

10.4 Number of questions

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

10.5 Scope of questions

The proper officer may reject a question if it:

- is not about a matter for which the local authority has a responsibility or which affects the district.
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information.

10.6 Record of questions

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

Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

10.7 Asking the question at the meeting

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

10.8 Supplemental question

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

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

10.9 Written answers

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

10.10 Reference of question to a committee

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

11. QUESTIONS BY MEMBERS

11.1 On Reports of Committee

A member of the Council may ask the chairman of a committee any question without notice upon an item of the report of a committee when that item is being received or under consideration by the Council.

11.2 Questions on notice at full Council

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

- The chairman;
- The leader or
- The chairman of any committee or sub-committee.

A question on any matter in relation to which the Council has powers or duties or which affects the district.

11.3 Questions to notice at committees and sub-committees

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

11.4 Notice of questions

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

- (a) they have given at least 5 working days notice in writing of the question to the proper officer: or
- (b) the question relates to urgent matters, they have the consent of the chairman to whom the question is to be put and the content of the question is given to the proper officer midday on the day of the meeting.

11.5 Response

An answer may take the form of:

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

11.6 Supplementary questions

A member asking a question under Rule 11.2 or 11.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

12. MOTIONS OF NOTICE

12.1 Notice

Except for motions which can be moved without notice under Rule 13, written notice of every motion, signed by at least 2 members, must be delivered to the proper officer not later than *5 working days* before the date of the meeting. These will be entered in a book open to public inspection.

12.2 Motion set out in agenda

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

12.3 Scope

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

13. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;

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- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
 - (g) to withdraw a motion;
 - (h) to amend a motion;
 - (i) to proceed to the next business;
 - (j) that the question be now put;
 - (k) to adjourn a debate;
 - (l) to adjourn a meeting;
 - (m) that the meeting continue beyond 3 hours in duration
 - (n) to suspend a particular council procedure rule;
 - (o) to exclude the public and press in accordance with the Access to Information Rules;
 - (p) to not hear further a member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
 - (q) to give the consent of the Council where its consent is required by this Constitution.

14. RULES OF DEBATE

14.1 No speeches until motion seconded

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

14.2 Right to require 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.

14.3 Seconded's speech

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

14.4 Content and length of speeches

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

14.5 When a member may speak again

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

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

14.6 Amendments to motions

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

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- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
 - (e) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.7 Alteration of motion

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

14.8 Withdrawal of motion

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

14.9 Right of reply

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

14.10 Motions which may be moved during debate

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

- (a) to withdraw a motion;
- (b) to amend a motion;

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

14.11 Closure motions

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

14.2 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 any alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chairman on the matter will be final.

14.3 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.

15 STATE OF DISTRICT DEBATE

15.1 Calling of debate

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

15.2 Form of debate

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

15.3 Chairing of debate

The debate will be chaired by the chairman.

15.4 Results of debate

The results of the debate will be:

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

16. PREVIOUS DECISIONS AND MOTIONS

16.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 8 members.

16.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 8 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

17 VOTING

17.1 Majority

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

17.2 Chairman's casting vote

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

17.3 Show of hands

Unless a ballot or recorded vote is demanded under Rules 17.4 and 17.5, the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

17.4 Recorded vote

If one-fifth of the members present at the meeting and entitled to vote demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

17.5 Right to require individual vote to be recorded

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

17.6 Voting on appointments

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

18. MINUTES

18.1 Signing the minutes

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

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

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

18.3 Form of minutes

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

19. RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

20. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 22 (Disturbance by Public).

21. MEMBERS' CONDUCT

21.1 Standing to speak

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

21.2 Chairman standing

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

21.3 Member not to be heard further

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

21.4 Member to leave the meeting

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

21.5 General disturbance

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

22. DISTURBANCE BY PUBLIC

22.1 Removal of member of the public

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

22.2 Clearance of part of meeting room

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

23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

23.1 Suspension

All of these Council Rules of Procedure except this Rule and Rule 17.5 and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

23.2 Amendment

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

24. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of full Council. Only Rules 5-9, 11-14, 16-18, 20-24 (but not Rule 21.1) apply to meetings of committees and sub-committees.

APPENDIX 3

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

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

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETING

The council will give at least three clear days notice of any meeting by posting details of the meeting at the Council Offices, Rochford and Civic Suite, Rayleigh the designated offices.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated offices at least three clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection for the time the item was added to the agenda.

6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;

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- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
 - (c) if the proper officer thinks fit, copies of any other documents supplied to councillors in connection with an item

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

7. ACCESS TO MINUTES ETC AFTER THE MEETING

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

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

8. BACKGROUND PAPERS

8.1 List of background papers

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

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

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

8.2 Public inspection of background papers

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

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council Offices, Rochford.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

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

10.2 Exempt information – discretion to exclude public

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

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

10.3 Meaning of confidential information

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

10.4 Meaning of exempt information

Exempt information means information falling within the following 15 categories (subject to any condition):

CATEGORY	CONDITION
1. Information relating to a particular employee, former employee or	Information is not exempt information unless it relates to an individual of

CATEGORY	CONDITION
<p>application to become an employee of, or a particular office-holder, former office holder or applicant to become an office-holder under, the authority.</p>	<p>that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated</p>
<p>2 Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office holder or applicant to become an office-holder under, a magistrates' court committee or probation committee</p>	<p>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated</p>
<p>3 Information relating to any particular occupier or former occupier of, or applicant for, accommodation provided by or at the expense of the authority</p>	<p>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated</p>
<p>4 Information relating to any particular applicant for, or recipient or former recipient of any service provided by the authority</p>	<p>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description, i.e. it must relate to and be recognisable as referring to a particular individual in the roles indicated</p>
<p>5 Information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the authority</p>	<p>Information is not exempt information unless it relates to an individual of that description in the capacity indicated by the description .i.e it must relate to and be recognisable as referring to a particular individual in the roles indicated</p>
<p>6 Information relating to the</p>	<p>Child means a person under 18 and</p>

CATEGORY	CONDITION
adoption, care, fostering or education of any particular child	anyone who is 18 and is still registered as a school pupil, or is the subject of a care order, within the meaning of section 31 Children Act 1989
7 Information relating to the financial or business affairs of any particular person (other than the authority)	Information within paragraph 7 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act. To be exempt the information must relate to a particular third person who must be identifiable
8 The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services	Information within paragraph 8 is only exempt if, and for so long as, disclosure of the amount involved would be likely to give an advantage to a person entering into or seeking to enter into a contract with the authority in respect of the property, goods or services, whether the advantage would arise as against the authority or as against other such persons.
9 Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services	Information within paragraph 9 is only exempt if, and for so long as disclosure to the public of the terms would prejudice the authority in those or any other negotiations concerning that property or those goods or services. (The disposal of property includes granting an interest in or right over it)
10 The identity of the authority (as well as of any other person, by virtue of paragraph 7 above) as	For the purposes of this paragraph "tender" includes a DLO/DSO written bid

CATEGORY	CONDITION
<p>the person offering any particular tender for a contract for the supply of goods or services</p>	
<p>11 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or officer-holders under the authority</p>	<p>Information within paragraph 11 is only exempt if and for so long as its disclosure to the public would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter</p> <p>“Labour relations matters” are as specified in paragraphs (a) to (g) of section 29(1) of the Trade Unions and Labour Relations Act 1974, i.e. matters which may be the subject of a trade dispute</p>
<p>12 Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceeds) and any advice received, information obtained or action to be taken in connection with:</p> <p>(a) any legal proceedings by or against the authority; or</p> <p>(b) the determination of any matter affecting the authority;</p> <p>whether, in either case, proceedings have been commenced or are in contemplation</p>	
<p>13 Information which, if disclosed to the public, would reveal that the authority proposes –</p> <p>(a) to give under any enactment a notice under or by virtue of</p>	<p>Information within paragraph 13 is exempt only if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat</p>

CATEGORY	CONDITION
(b) which requirements are imposed on a person; or to make an order or direction under any enactment	the purpose or one of the purposes for which the notice, order or direction is to be given or made
14 Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	
15 The identity of a protected informant	<p>A “protected informant” means a person giving the authority information which tends to show that</p> <ul style="list-style-type: none"> (a) a criminal offence; (b) a breach of statutory duty; (c) a breach of planning control; or (d) a nuisance, <p>has been, or is being, or is about to be committed</p>

Information falling within any of paragraphs 1 – 15 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

11. 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 Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.