

REPORTS FROM THE EXECUTIVE AND COMMITTEES TO COUNCIL

REPORT OF THE REVIEW COMMITTEE

1 Review of the Constitution

- 1.1 This item of business was referred by the Review Committee on 2 April 2019 to Full Council with a recommendation on alterations to the Council's Constitution.
- 1.2 Full Council on 30 April commented that the amendments raised at the Review Committee had not been incorporated and requested that officers check all the changes proposed for accuracy and that a further report be made to the next ordinary meeting of Full Council.
- 1.3 These changes have now been made and a copy of the relevant sections of the Constitution are appended, with the proposed changes indicated by track changes on the documents.

2 RECOMMENDATION

- 2.1 It is proposed that Council **RESOLVES**

That the proposed changes to the Constitution, as detailed in the appendix to this report, be adopted.

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REVIEW OF THE CONSTITUTION

1 PURPOSE OF REPORT

- 1.1 This report contains proposed changes to the Council's Constitution following meetings between the Review Committee project team and the Monitoring Officer.

2 INTRODUCTION

- 2.1 It had been agreed by the Committee that a project team would look at issues that had arisen with some of the sections of the Constitution. In addition, the Monitoring Officer had the aim of completing a comprehensive review of the Constitution as this had not happened since 2007. Under the circumstances it was agreed that the Monitoring Officer undertake a comprehensive review, submitting changes to the project team for discussion and to obtain its input.
- 2.2 The Monitoring Officer is engaging and working with the Leadership Team and other relevant officers to ensure that views and issues are considered by the project team.

3 GENERAL

- 3.1 The project had three objectives:
- To conduct a review of the Council's Constitution and recommend amendments to Full Council to ensure the efficient, economic and effective functioning of the Council so that it can meet its objectives.
 - To update the language used so that the Constitution is easier to read by both Members and residents.
 - To address and incorporate relevant concerns raised by Members.

Progress of the Review

- 3.2 This is the fourth and final report of the project group and seeks to update the Constitution in respect of the Investment Board, provide clarity around substitution rules for working groups, task and finish groups etc. and introduce changes to Part 4 of the constitution (Rules of Procedure and Access to Information Procedure Rules).
- 3.3 A copy of the relevant sections of the Constitution are attached, with the proposed changes indicated by track changes on the documents.
- 3.4 The group felt that for ease of reference and clarity the Rules of Procedure should be separated into those that related to Council and those that related to Committees.

- 3.5 The group discussed the options regarding the length of meetings. While it was felt that a meeting should finish by 10 pm or last a maximum of 2½ hours instead of the current 3 hours, there was a question of whether it should be agreed for the meeting to continue by a simple majority or whether it should be unanimous. The group therefore decided to let the Members of the Review Committee decide which option to recommend to Council.
- 3.6 The only sections left to be reviewed and amended are:-
- The Contract Procedural Rules
 - Members Code of Conduct
 - Financial Regulations
- 3.7 These will be covered in a separate report from the Monitoring Officer.
- 3.8 Members of the working group felt that following the long drawn out process of this review it would be useful to have an annual review of the Constitution by the Monitoring Officer. For the Member point of view to be considered the Group felt that it would be useful to add the review of the Constitution to the Review Committee work plan on an annual basis. It was felt that a group of Members could then participate in a single meeting with the Monitoring Officer to discuss changes that were required.

4 RISK IMPLICATIONS

- 4.1 The review of the Constitution is necessary to ensure good governance, to avoid any unlawful decisions being taken and to reflect any changes to Council business and legislation.

PART 4

RULES OF PROCEDURE

Council Procedure Rules

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1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business

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

The annual meeting will:-

- (i) ~~elect a person to preside~~ accept that the senior officer present will 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 Council meeting;
- (v) receive any announcements from the Chairman and/or Head of Paid Service;
- (vi) elect the Leader should the office currently be vacant
- (vii) be told by the Leader about the composition and constitution of the executive for the coming year, the names of councillors he/she has chosen to be members of The Executive and the delegation of executive functions (as set out in Part 3B and C of this Constitution);
- (viii) appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to Council nor are executive functions (as set out in Part 3A of this Constitution);
- (ix) To agree the scheme of delegation or such part as the Constitution determines it is for the Council to agree (as set out in Part 3A and C of this Constitution);
- (x) Approve a programme of ordinary meetings of the Council for the year; and
- (xi) Consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, Council will:-

- (i) decide which Committees to establish for the municipal year;

- (ii) decide the size and terms of reference for those Committees;
- (iii) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules. (Should a Group Leader decide not to nominate to a seat for a Committee or Sub-Committee, the vacant seat may be opened up to other groups for nomination. However, that seat will remain with the original Group and can be managed by the Group Leader, i.e., they can remove that Member at any time.);
- (iv) receive nominations of Councillors to serve on each Committee and outside bodies; and
- (v) appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

2. ORDINARY MEETINGS

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 Council meeting to be signed by the Chairman, subject to any agreed amendments;
- (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 (see section 10);
- (vi) receive petitions in accordance with the Council's petitions scheme contained in Part 5;
- (vii) deal with any Member questions on notice;
- (viii) deal with any business from the last Council meeting;
- (ix) receive reports from the Executive and the Council's Committees and receive questions and answers on any of those reports and on their work;
- (x) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xi) consider Motions; and

- (xii) consider any other business specified in the summons to the meeting including any proposals from the Executive in relation to the Council's Budget and Policy Framework and reports of the Overview and Scrutiny Committees for debate.

3. EXTRAORDINARY MEETINGS

3.1 Calling Extraordinary Meetings

Those listed below may request the Managing Director 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 ~~THE REGULATORY AND PROBITY~~ COMMITTEES AND SUB-COMMITTEES

4.1 Substitute Members may be nominated for Committees or their Sub-Committees by each political group represented on the Committee or Sub-Committee and shall comprise a number no greater than the number equal to the number of ordinary Members nominated by a political group to that Committee or Sub-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 Substitute Member attending a meeting is expected to have read all relevant papers and to be fully prepared to participate in the meeting.

4.4 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.

4.5 Substitute Members may attend meetings in that capacity only:

- (i) to take the place of the ordinary Member for whom they are the designated substitute.

In the event of the ordinary Member of the Committee or Sub-Committee being present at the start of the meeting, the ordinary Member may advise, prior to the start of the meeting, that the substitution shall not take place.

[4.6 Substitute Members are not appropriate in the case of working parties.](#)

5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Managing Director and notified in the summons.

6. NOTICE OF AND SUMMONS TO MEETINGS

The Managing Director will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting the Managing Director will send a summons signed by him or her by first class post or electronic delivery 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. CHAIRMAN 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 a~~ Committee and Sub-Committee.

8. QUORUM

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

9. DURATION OF MEETING

Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for 3-2½ 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 1 question of Members of the Council at the direction of the Chairman, at ordinary meetings of the Council. The maximum time limit for asking each question is 3 minutes. The total time for public questions shall not exceed 15 minutes with a maximum of 5 people.

10.2 Order of Questions

Questions will be asked in the order notice of them was received.

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 Managing Director no later than midday 3 working days before the day of the meeting. Each question must:

- I. give the name and address of the questioner, and
- II. name the Member of the Council to whom it is to be put and,
- III. be relevant to items on the published agenda.

10.4 **Number of Questions**

At any one meeting no person may submit more than 1 question and no more than 2 such questions may be asked on behalf of one organisation.

10.5 **Scope of Questions**

The Managing Director in consultation with the Chairman may reject a question if it:-

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

10.6 **Record of Questions**

The Managing Director 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. 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**

No supplemental questions may be asked.

10.9 **Written Answers**

Any question which cannot be dealt with during public question time will be dealt with by a written answer within 5 [clear](#) working days of the date of the meeting.

10.10 **Reference of Question to the Executive or a Committee**

Unless the Chairman decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Executive or the appropriate Committee or Sub-Committee. Once seconded, such a Motion will be voted on without discussion.

11. **PETITIONS**

11.1 **Presentation of Petitions**

A petition organiser or person acting on their behalf will be allowed a maximum 5 minutes to present a petition that has been properly submitted in accordance with the Council's petitions scheme.

11.2 **Petitions Requiring Debate**

Petitions with the requisite number of signatories will be allowed a maximum 15 minutes for debate.

No more than 4 petitions will be set down for debate at any one ordinary meeting of the Council.

11.3 **Order of Petitions**

Petitions will be presented in the order in which they are received unless the Chairman decides otherwise.

11.4 Response to Petitions Following Debate

The Council will decide how to respond to the petition at the meeting by either:-

- (a) Taking the action requested in the petition.
- (b) Not taking the action requested for reasons put forward in the debate.
- (c) Commissioning further investigation into the matter, or
- (d) Deciding whether to make recommendations where the matter falls to the Executive to make the final decision.

11.5 Notification of Response

The petition organiser will receive written confirmation of the decision made and this will be published on the Council's website.

12. QUESTIONS BY MEMBERS

12.1 On Reports of Committee

A Member of the Council may ask the Leader or the Chairman of a Committee any question without notice upon an item of the report of the Executive or a Committee when that item is being received or under consideration by the Council.

12.2 Questions on Notice at Full Council

A Member may only ask a question if either:-

(a) they have given at least 5 clear working days' notice in writing of the question to the Managing Director; 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 Managing Director by midday on the day of the meeting. Subject to Rule 12.4,

Aa Member of the Council may ask:-

- (a) The Chairman
- (b) A Member of the Executive or
- (c) 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.

12.3 Questions on Notice at Committees and Sub-Committees

A Member may only ask a question if either:-

(a) they have given at least 5 clear working days' notice in writing of the question to the Managing Director; 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 Managing Director by midday on the day of the meeting. ~~Subject to Rule 12.4,~~

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 area and which falls within the terms of reference of that Committee or Sub-Committee.

~~12.4~~ **Notice of Questions**

~~A Member may only ask a question under Rule 12.2 or 12.3 if either:-~~

~~(a) they have given at least 5 working days' notice in writing of the question to the Managing Director; 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 Managing Director by midday on the day of the meeting.~~

~~12.5~~ **12.4 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.

12.6 Supplementary Questions

A Member asking a question ~~under Rule 12.2 or 12.3~~ may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

13. MOTIONS ON NOTICE

13.1 Notice

Except for Motions which can be moved without notice under Rule 14, written notice of every Motion, on the authority of at least 2 Members, must be delivered to the Managing Director not later than 5 clear working days before the date of the meeting. These will be entered in a book open to public inspection.

13.2 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.

13.3 **Scope**

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

13.4 **Officer Assistance**

If Members considering the submission of a motion on notice require officer assistance for the preparation of supporting information to put to Council then they should contact the Managing Director at least 21 working days before the meeting to allow for preparation time with up to 3 notices per meeting depending on officer resource required.

Where officers are required to provide supporting information it will be available to the members submitting the motion at least 7 working days before the meeting and will be confined to background, factual or professional matters to be published as part of the report that sets out the motion. The availability of such information accords with the objective of adequate administrative, secretarial and research support to all Councillors irrespective of their position within the Council or their membership of the majority or minority groups.

14. **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 reduce the time allowed for speeches under rule 15.4;
- (e) to refer something to an appropriate body or individual;
- (f) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (g) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (h) to withdraw a Motion;
- (i) to amend a Motion;
- (j) to proceed to the next business;
- (k) that the question be now put;

- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) that the meeting continue beyond 3-2½ hours in duration;
- (o) to suspend a particular Council procedure rule;
- (p) to exclude the public and press in accordance with the Access to Information Rules;
- (q) to not hear further a Member named under Rule 21.4 (Member not to be heard further) or to exclude them from the meeting under Rule 21.5 (Member to leave the meeting); and
- (r) to give the consent of the Council where its consent is required by this Constitution.

15. RULES OF DEBATE

15.1 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.

15.2 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.

15.3 Seconders' Speech

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

15.4 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. Before commencement of the main business, a meeting may agree by a majority vote to a lesser time.

15.5 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 [\(see paragraph 15.9\)](#);
- (e) on a point of order [\(see paragraph 15.12\)](#); and
- (f) by way of personal explanation [\(see paragraph 15.13\)](#).

15.6 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.
- (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.

15.7 Alteration of Motion

- (a) A Member may alter [a-their](#) 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-their](#) 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.

15.8 **Withdrawal of Motion**

A Member may withdraw [a-their](#) 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.

15.9 **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.

15.10. **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 [3-2½](#) 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 21.4 or to exclude them from the meeting under Rule 21.5.

15.11. 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 - If a Motion to proceed to the 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.

~~(i)~~;

(ii) that the question be now put - 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.

~~(ii)(iii)~~;

~~(iii)~~ — to adjourn a debate; or

to adjourn a meeting - 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.

~~(iv)~~

~~(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.~~

15.12. 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 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.

15.13. 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.

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 [8-10](#) 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 10 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 provided he or she has already exercised a substantive vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

17.3 Show of Hands

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

17.4 Recorded Vote

If one-fifth ([rounded up](#)) of the Members present at the meeting and entitled to vote stand to demand it, the names for and against the Motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

17.5 Right to Require Individual Vote to be Recorded

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

17.6 Voting on Appointments

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

18. MINUTES

18.1 Signing the Minutes

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

18.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

There is no requirement to sign the minutes of a previous meeting at Extraordinary Council. The minutes will be signed at the next suitable meeting for the purposes of paragraph 41(1) and (2), Schedule 12 of the Local Government Act 1972.

~~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 will be recorded by the Democratic Services Officer.

20. EXCLUSION OF PUBLIC AND PRESS

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 Withdrawal from Meetings

If a Member has a Disclosable Pecuniary Interest in an item of business he/she must withdraw from the meeting room (including from the public gallery) during the

whole of consideration of that item of business, except where he/she is permitted to remain as a result of the grant of a dispensation.

21.4 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 not be ~~not~~ heard further. The Motion will be voted on without discussion.

21.5 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. The Motion will be voted on without discussion.

21.6 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. None of the rules apply to meetings of the Executive. Only Rules 4-9, 12-24 (but not Rule 21.1) apply to meetings of Committees and Sub-Committees.~~

Committee and Sub Committee Procedure Rules

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

- 1.1 Substitute Members may be nominated for Committees or their Sub-Committees by each political group represented on the Committee or Sub-Committee and shall comprise a number no greater than the number equal to the number of ordinary Members nominated by a political group to that Committee or Sub-Committee.
- 1.2 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.
- 1.3 A Substitute Member attending a meeting is expected to have read all relevant papers and to be fully prepared to participate in the meeting.
- 1.4 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.
- 1.5 Substitute Members may attend meetings in that capacity only:
- (i) to take the place of the ordinary Member for whom they are the designated substitute.

In the event of the ordinary Member of the Committee or Sub-Committee being present at the start of the meeting, the ordinary Member may advise, prior to the start of the meeting, that the substitution shall not take place.

- 1.6 Substitute Members are not appropriate in the case of working parties.

2. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Managing Director and notified in the summons.

3. NOTICE OF AND SUMMONS TO MEETINGS

The Assistant Director, Legal & Democratic will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Assistant Director, Legal & Democratic will send a summons signed by him or her by first class post or electronic delivery 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.

4. CHAIRMAN 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 a Committee and Sub-Committee.

5. QUORUM

5.1 The quorum of a meeting will be one quarter of the whole number of Members rounded up. 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.

6. DURATION OF MEETING

Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for 2 1/2 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.

7. QUESTIONS BY MEMBERS

7.1 Questions on Notice at Committees and Sub-Committees

A Member may only ask a question if either:-

(a) they have given at least 5 clear working days' notice in writing of the question to the Managing Director; 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 Managing Director by midday on the day of the meeting.

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 area and which falls within the terms of reference of that Committee or Sub-Committee.

7.2 Response

An answer may take the form of:-

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

7.3 Supplementary Questions

A Member asking a question may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

8. MOTIONS ON NOTICE

8.1 Notice

Except for Motions which can be moved without notice under Rule 9, written notice of every Motion, on the authority of at least 2 Members, must be delivered to the Managing Director not later than 5 clear working days before the date of the meeting. These will be entered in a book open to public inspection.

8.2 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.

8.3 Scope

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

8.4 Officer Assistance

If Members considering the submission of a motion on notice require officer assistance for the preparation of supporting information to put to Council then they should contact the Managing Director at least 21 working days before the meeting to allow for preparation time with up to 3 notices per meeting depending on officer resource required.

Where officers are required to provide supporting information it will be available to the Members submitting the motion at least 7 working days before the meeting and will be confined to background, factual or professional matters to be published as part of the report that sets out the motion. The availability of such information accords with the objective of adequate administrative, secretarial and research support to all Councillors irrespective of their position within the Council or their membership of the majority or minority groups.

9. 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 reduce the time allowed for speeches under rule 10.4;
- (e) to refer something to an appropriate body or individual;
- (f) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (g) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (h) to withdraw a Motion;
- (i) to amend a Motion;
- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) that the meeting continue beyond 2½ hours in duration;
- (o) to suspend a particular Council procedure rule;
- (p) to exclude the public and press in accordance with the Access to Information Rules;

- (g) to not hear further a Member named under Rule 16.3 (Member not to be heard further) or to exclude them from the meeting under Rule 16.4 (Member to leave the meeting); and
- (r) to give the consent of the Council where its consent is required by this Constitution.

10. RULES OF DEBATE

10.1 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.

10.2 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.

10.3 Secunder's Speech

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

10.4 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. Before commencement of the main business, a meeting may agree by a majority vote to a lesser time.

10.5 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 (see paragraph 10.9);
- (e) on a point of order (see paragraph 10.12); and

(f) by way of personal explanation (see paragraph 10.13).

10.6 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.

(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.

10.7 Alteration of Motion

(a) A Member may alter their 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 their 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.

10.8 Withdrawal of Motion

A Member may withdraw their 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.

10.9 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.

10.10 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 2½ 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 16.3 or to exclude them from the meeting under Rule 16.4.

10.11 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 - If a Motion to proceed to the 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.

- (ii) that the question be now put - 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.
- (iii) to adjourn a debate; or to adjourn a meeting - 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.

10.12 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 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.

10.13 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.

11. PREVIOUS DECISIONS AND MOTIONS

11.1 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 10 Members.

11.2 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 10 Members. Once the Motion or amendment is dealt with, no one can propose a similar Motion or amendment for six months.

12. VOTING

12.1 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.

12.2 Chairman's Casting Vote

If there are equal numbers of votes for and against, the Chairman will have a second or casting vote provided he or she has already exercised a substantive vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

12.3 Show of Hands

Unless a recorded vote is demanded under Rule 12.4, the Chairman will take the vote by a show of hands.

12.4 Recorded Vote

If one-fifth (rounded up) of the Members present at the meeting and entitled to vote stand to 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.

12.5 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.

12.6 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.

13. MINUTES

13.1 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.

13.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

There is no requirement to sign the minutes of a previous meeting at Extraordinary Council. The minutes will be signed at the next suitable meeting for the purposes of paragraph 41(1) and (2), Schedule 12 of the Local Government Act 1972.

13.3 Form of Minutes

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

14. RECORD OF ATTENDANCE

All Members present during the whole or part of a meeting will be recorded by the Democratic Services Officer.

15. EXCLUSION OF PUBLIC AND PRESS

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 17 (Disturbance by Public).

16. MEMBERS' CONDUCT

16.1 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.

16.2 Withdrawal from Meetings

If a Member has a Disclosable Pecuniary Interest in an item of business he/she must withdraw from the meeting room (including from the public gallery) during the whole of consideration of that item of business, except where he/she is permitted to remain as a result of the grant of a dispensation.

16.3 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 not be heard further. The Motion will be voted on without discussion.

16.4 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. The Motion will be voted on without discussion.

16.5 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.

17. DISTURBANCE BY PUBLIC

17.1 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.

17.2 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.

18. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

18.1 Suspension

All of these Council Rules of Procedure except this Rule and Rule 12.5 and 13.2 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.

18.2 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.

Access to Information Procedure Rules

ACCESS TO INFORMATION PROCEDURE RULES

1. Scope

Unless otherwise stated these rules apply to all meetings and Sub-Committee meetings of the Council, the ~~Overview and Scrutiny (Review)~~ Committee, the Standards Committee, and the Regulatory/Probity Committees Investment Board, other Committees ~~and~~ ~~and the public meetings of~~ the Executive (together called meetings). They do not apply to working groups which have no delegated authority.

2. Additional Rights to Information

These rules do not affect/override 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 (see rule 10.)

4. Notice of Meetings

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Council Offices, South Street, Rochford and Civic Suite, Hockley Road, Rayleigh; the designated offices and the Council's web site. For meetings of the Executive details will also be posted on the Council's website at least five clear days before the meeting.

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 and the Council's web site at least five clear days before the meeting. For meetings of the Executive copies of agendas and reports will also be posted on the Council's website at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the 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).

6. Supply of Copies

The Council will supply copies of:-

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

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

~~(c) — paper copies of the documents supplied to Councillors, save for any exempt papers, can be supplied to residents on payment of a charge for postage and any other costs as set out in the Council's Fees and Charges. There will be no costs if the papers are sent in an electronic format. 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 after which they will be available from the Essex Records Office:-

- (I.) the minutes of the meetings of the Council, the Executive, and Ceommittees and Ssub-committees and the ~~or~~ records of Executive decisions taken, together with reasons , for all meetings of the Executive, excluding any part of the minutes of proceedings that when the meeting was not open to the public or which disclose exempt or confidential information;
- (II.) 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;
- (III.) the agenda for the meeting; and
- (IV.) reports relating to items when the meeting was open to the public.

All agendas, reports and minutes that are open to the public are available on the Council's website at www.rochford.gov.uk.

8. Background Papers

8.1 List of Background Papers

The officer responsible ~~for the report~~ 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 ~~at~~the meeting one copy of each of the documents on the list of background papers. For Executive meetings one copy of each of the documents listed as background papers will be on the Council's website.

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 and Rayleigh [and on the Council's web site](#).

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 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

~~10.2~~ 10.3 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 and the public interest in maintaining the exemption would outweigh the public interest in disclosing it.

Where ~~at~~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.

The Public Interest

The public interest test is that used by the Freedom of Information Act which provides that “ in all circumstances of the case, the public

interest in maintaining the exemption outweighs the public interest in disclosing the information.”

~~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 10 categories (subject to any condition).

Information falling within paragraphs 1 – 7 (which is not prevented from being exempt information by conditions) is exempt information if, and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information:-

CATEGORY	CONDITION
1 Information relating to an individual.	
2 Information which is likely to reveal the identity of an individual.	
3 Information relating to the financial or business affairs of any person (including the authority holding that information).	<p>“Financial or business affairs” includes contemplated as well as past or current activities.</p> <p>Information is not exempt information under this paragraph if it is required to be registered under the Companies Acts <u>(as defined in section 2 of the Companies Act 2006)</u>-1985; the Friendly Societies Act(s) 1974 & 1992; the Industrial and Provident Societies Acts 1965 to 1978; <u>The Co-Operative and Community Benefit Societies Act 2014</u> the Building Societies Act 1986; or the Charities Act <u>1993-2011</u></p>

CATEGORY	CONDITION
4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	<p>“Employee” means a person employed under a contract of service.</p> <p>“Labour relations matter” means matters which may be the subject of a trade dispute within the meaning of current legislation or any dispute about such matters.</p>
5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
6 Information that reveals that the authority proposes:— (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	
7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of a crime.	

Information falling within any of paragraphs 1 – 7 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.

In respect of the Standards Committee or a Sub-Committee of the Standards Committee exempt information also means information falling within the following 3 categories:-

CATEGORY	CONDITION
8 Information which is subject to any obligation of confidentiality.	
9 Information which relates in any way to matters concerning national security.	

CATEGORY	CONDITION
10 The deliberations of the Standards Committee or a Sub-Committee of <u>thea</u> Standards Committee established under the provisions of Part III of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 64(2) or 71(2) of the Local Government Act 2000.	

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.

[An annual review of any exempt report of the Council can be considered for release by the Monitoring Officer in consultation with the Managing Director, subject to the Public Interest Test and the rules under the Freedom of Information Act 2000.](#)

12. APPLICATION OF RULES TO THE EXECUTIVE

Rules 13–24 apply to the Executive and its Committees. If the Executive or its Committees meet to take a key decision then it must also comply with Rules 1-11 unless Rule 15 (General Exceptions) or Rule 16 (Special Urgency) apply. A key decision is as defined in Article ~~43~~12.03 of this Constitution.

If the Executive or its Committees as a body meet to discuss a key decision to be taken collectively with an officer other than a political assistant present, within 28 days of the date according to the Key Decision Document by which it is to be decided, then it must also comply with Rules 1 - 11 unless Rule 15 (General Exception) or Rule 16 (Special Urgency) apply. This requirement does not include meetings whose sole purpose is for officers to brief Members.

13. Procedure Before Taking Key Decisions

Subject to Rule 15 (General Exception) and Rule 16 (Special Urgency), a key decision may not be taken unless:-

- (a) a document (called here a Key Decision Document) has been published in connection with the matter in question;
- (b) at least 28 clear days have elapsed since the publication of the Key Decision Document; and
- (c) where the decision is to be taken at a meeting of the Executive or its Committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. Key Decision Document

14.1 Period of Document

The Key Decision Document will be published and available for inspection on the Council's website and at the designated offices at least 28 clear days before a key decision is made.

14.2 Contents of Document

The document will state:-

- (a) That a key decision is to be made on behalf of the Council;
- (b) the matter in respect of which the decision is to be made;
- (c) where the decision taker is an individual, that individual's name and title if any and, where the decision maker is a decision-making

body, its name and list of its members;

- (d) the date on which, or the period within which, the decision will be made;
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available;
- (i) a list of the documents submitted to the decision taker for consideration in relation to the matter.

The Document must contain particulars of the matter but may not contain any confidential or exempt information or the advice of a political adviser or assistant.

15. General Exception

If a matter that is likely to be a key decision has not been included in the Key Decision Document then, subject to Rule 16 (Special Urgency), the decision may only be made:-

- (a) where the Proper Officer has informed the Chairman of the [Overview and Scrutiny Review](#) Committee or, if there is no such person, each member of the [Overview and Scrutiny Review](#) Committee by notice in writing, of the matter about which the decision is to be made;
- (b) where the Proper Officer has made available at the offices of the Council for inspection by the public and published on the Council's website a copy of the notice given pursuant to sub-paragraph (a); and
- (c) after five clear days have elapsed following the day on which the Proper Officer made available the notice referred to in sub-paragraph (b).

As soon as reasonably practicable after the Proper Officer has complied with the above, he or she must:-

- (a) make available at the offices of the Council a notice setting out the reasons why compliance with Rule 14 wais impracticable; and

- (b) publish that notice on the Council's website.

16. Special Urgency

Where the date by which a key decision must be made makes compliance with Rule 15 impracticable, the decision may only be made where the decision maker has obtained agreement from:-

- (a) the Chairman of the [relevant Overview and Scrutiny Review](#) Committee; or
- (b) ~~if there is no such person,~~ or if the Chairman of the [relevant Overview and Scrutiny Review](#) Committee is unable to act, the Chairman of the Council; or
- (c) where there is no Chairman of either the [relevant Overview and Scrutiny Review](#) Committee or the Council, the Vice-Chairman of the Council,

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

As soon as reasonably practicable after the decision maker has obtained agreement that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must:-

- (a) make available at the offices of the Council a notice setting out the reasons that the decision is urgent and cannot reasonably be deferred; and
- (b) publish that notice on the Council's website.

17. Report to Council

17.1 Where an executive decision has been made and:-

- (a) was not treated as being a key decision; and
- (b) The [Overview and Scrutiny Review](#) Committee is of the opinion that the decision should have been treated as a key decision,

that [the Overview and Scrutiny Review](#) Committee may require the Executive which is responsible for the decision to submit a report to the Council within such reasonable period as the Committee may specify. A report must include details of:-

- (a) The decision and the reasons for the decision;
- (b) The decision maker by which the decision was made; and
- (c) If the Executive are of the opinion that the decision was not a key decision, the reasons for that opinion.

17.2 Executive Reports to Council

The Leader must submit to the next appropriate meeting of Council a report containing details of each executive decision taken during the period since the last report was submitted to the Council where the making of the decision was agreed as urgent in accordance with Rule 16. A report submitted for this purpose must include:-

- (a) particulars of each decision made; and
- (b) a summary of the matters in respect of which each decision was made.

The Leader must submit at least one report annually to the Council.

18. Record of Decisions

As soon as reasonably practicable after any meeting of a decision-making body at which an executive decision was made, the Proper Officer, or if the Proper Officer was not present at the meeting, the person presiding, must ensure that a written statement is produced for every executive decision made which includes:-

- (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 Council's [Head of Paid Service Monitoring Officer](#).

19. Executive Meetings Relating to Matters Which are not Key Decisions

The Executive will decide whether meetings relating to matters which are not key decisions will be held in public or private.

20. Notice of Private Meeting of the Executive

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

21. Private Meetings of the Executive

- (a) The procedures prior to private meetings set out under paragraph 5 of Part 2 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 must be followed.
- (b) All Members of the Executive will be served notice of all private meetings of Committees of the Executive, whether or not they are Members of that Committee.
- (c) All Members of the Executive are entitled to attend a private meeting of any Committee of the Executive.
- (d) The Head of Paid Service, the Chief Financial Officer, the Monitoring Officer and their nominees are entitled to attend any meeting of the Executive and its Committees. The Executive may not meet unless the Managing Director has been given reasonable notice that a meeting is to take place.
- (e) A private Executive meeting may only take place in the presence of the Managing Director or his/her nominee with responsibility for recording and publicising the decisions.

22. Decisions by Individual Members of the Executive

22.1 Reports Intended to be Taken into Account

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

22.2 Provision of Copies of Reports to Overview and Scrutiny Committees

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chairman of the [Overview and Scrutiny Review](#) Committee as soon as reasonably practicable, and make it publicly available at the same time.

22.3 Record of Individual Decision

As soon as reasonably practicable after an individual Member or officer has made an executive decision, that person must produce or instruct the Proper Officer to produce a written statement of that executive decision which includes:-

- (a) a record of the decision including the date it was made;

- (b) a record of reasons for the decision;
- (c) details of any alternative options considered and rejected when making the decision;
- (d) a record of any conflict of interest declared by any Executive Member who is consulted by the Member or officer which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Council's Head of Paid Service Monitoring Officer

23. Overview and Scrutiny Review Committees Access to Documents

23.1 Rights to Copies

Subject to Rule 23.2 below, a Member of an Overview and Scrutiny the Review Committee is entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to:-

- (a) any business transacted at a meeting of a decision-making body of the Council; or
- (b) any decision taken by an individual Member of the Executive or an officer in accordance with Executive arrangements.

23.2 Limit on Rights

A Member of the Overview and Scrutiny Review Committee will not be entitled to a copy of any such document or part of a document as contains exempt or confidential information and the public interest in maintaining the exemption outweighs the public interest in disclosing it, unless that information is relevant to:-

- (a) an action or decision that that Member is reviewing or scrutinising; or
- (b) any review contained in any programme of work of such a Committee or Sub-Committee of such a Committee; or
- (c) a document or part of a document containing advice provided by a political adviser or assistant.

Where the Executive determines that a member of the Overview and Scrutiny Review Committee is not entitled to a copy of a document or part of any such document requested under for a reason set out in Rule 23.1, it must provide the Overview and Scrutiny Review Committee with a written statement setting out its reasons for that decision.

24. Additional Rights of Access for Members

24.1 Material Relating to Business

All Members will be entitled to inspect any document that is in the possession or under the control of the Executive or its Committees and contains material relating to any business to be transacted or previously transacted at a public or private meeting unless:-

- (a) it contains exempt information falling within paragraphs 1, 2, 4, 5 or 7 of the categories of exempt information; or
- (b) it contains exempt information falling within paragraph 3 of the categories of exempt information and that information relates to any terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract; or
- (c) it contains the advice of a political adviser.

24.2 Material Relating to Key Decisions

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive or its Committees which relates to any key decision unless paragraph (a) or (b) of [24.1](#) above applies.

24.3 Nature of Rights

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

25. Freedom of Information Act 2000

The Council will publish documents mentioned in its Publication Scheme approved by the Information Commissioner. Copies of the scheme are available on the Council's website or from the Assistant Director, Legal Services.

Article 8 – Regulatory and Other Committees

8.01 Regulatory and Other Committees

The Council will appoint the Committees set out in Part 3 of this Constitution to discharge the functions under each Committee therein.

A Committee can form a working group to consider a topic informally and at pace. The membership of the working group will be decided by the Committee and will not be subject to pro rata rules nor will substitutions be allowed as continuity of membership is important. Meetings of the working group will not be held in public and all agendas and minutes will not be publicly available. The working group will report back to the parent committee with its finding.

Article 10 - The Investment Board

10.01 Investment Board

The Council will establish an Investment Board.

10.02 Composition

(a) **Membership.** The Investment Board will be composed of:-

- Thirteen elected District Members appointed proportionally.

10.03 Role and Function

The Investment Board will have the following roles and functions:-

- i) To ensure that best use is made of sites and property and that opportunities for co-location and income generating activities explored; maximising both the Economic and Social Value to the District.
- ii) To consider and, where appropriate, approve a pipeline of projects/activity, based on professional advice outlined in business cases from the Leadership Team, and setting the conditions to be met in perusal of objectives.
- iii) To monitor the co-ordinated delivery of major schemes and projects to support property development and community facilities within the District; ensuring programme delivery, performance and quality.
- iv) To shape, challenge and review business cases in relation to transformation and service development that require new investment (in excess of £25,000); with a particular focus on schemes that improve quality whilst reducing cost or generating a financial return.
- v) To act on conditions and advice given by Government, the accountable bodies where external or specific funding is being utilised and the Section 151 officer in ensuring that investment decisions are prudent, affordable and sustainable.
- vi) To share information and good practice to ensure that the optimum use is made of all public and private sector resources.
- vii) To have access to sufficient administrative resources in order to carry out the Committee's duties and to be provided with appropriate and timely training in the form of an induction programme and ongoing training for new appointees.

- viii) To act as the shareholder representatives for Green Gateway Trading Ltd, Green Gateway Trading (GM) Ltd and Green Gateway Trading (Development) Ltd.

10.04 **Proceedings of the Investment Board**

The Investment Board will conduct its proceedings in accordance with the Investment Board Procedure Rules set out in Part 4 of this Constitution.

INVESTMENT BOARD PROCEDURE RULES

1. The Council will appoint an Investment Board for developing schemes and initiatives that will provide sources of income generation for the Council. The Board will identify smaller task and finish groups, nominated from its Members, to develop specific projects. The task and finish groups will report back their findings and recommendations to the Investment Board for a decision.

2. **Meetings of the Investment Board**

There shall be at least four ordinary meetings of the Investment Board in each year. Additional meetings may be called from time-to-time as and when appropriate.

3. **Quorum**

The quorum for an Investment Board shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution.

4. **Work Programme and Activities**

The Investment Board work programme will be focussed on the themes and objectives of the Council's Business Plan. Suggestions/ideas from Members will be considered as part of the work programme. It is essential that the work programme developed by the Investment Board is manageable, realistic and deliverable.

The Investment Board will identify smaller working groups, nominated from its 13 Members, to develop specific projects.

The working groups will be structured to have an Investment Board Member as project sponsor, a Director/Assistant Director as project lead, and a project manager and other staff as support.

One role of the Investment Board will be to scrutinise the financial elements of schemes being considered and to make investment decisions accordingly. The role of officers, including the S151 officer, will be to support Members and to provide advice on the financial implications of potential investments.

Proposals can be put forward by the Investment Board to Full Council with a request for investment funding for specific projects.

5. **Procedure at Investment Board Meetings**

- (a) the Investment Board shall consider the following business:-
 - i) minutes of the last meeting;

- ii) declarations of interest;
- iii) the business otherwise set out on the agenda for the meeting.

~~Overview and Scrutiny~~ REVIEW
COMMITTEE Procedure Rules

OVERVIEW AND SCRUTINY REVIEW COMMITTEE PROCEDURE RULES

1. The Council will appoint one Review Committee which will perform all overview and scrutiny functions on behalf of the Council. The Review Committee may appoint Sub-Committees.
 - (a) The Review Committee will consist of fifteen Members of the Council.
 - (b) Within its remit under Article 6 of this Constitution the terms of reference of the Review Committee will be:-
 - i) the performance of all Overview and Scrutiny functions on behalf of the Council.
 - ii) the appointment of such Sub-Committees as it considers appropriate to fulfil those Overview and Scrutiny functions;
 - iii) to receive reports from the Leader at its first meeting after each Annual Council meeting on the Council's priorities for the coming year and its performance in the previous year;
 - iv) to approve an annual Review Committee work programme, including the programme of any Sub-Committees it appoints so as to ensure that the Committee's and Sub-Committee's time is effectively and efficiently utilised;
 - v) where matters fall within the remit of more than one Review Committee Sub-Committee, to determine which of those Sub-Committees will assume responsibility for any particular issue;
 - vi) to put in place a system to ensure that referrals from Review Committee to the Executive either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in this Constitution;
 - vii) in the event of reports to the Executive exceeding limits in this Constitution, or if the volume of such reports creates difficulty for the management of the Executive or jeopardises the efficient running of Council business at the request of the Executive, to make decisions about the priority of referrals made.
 - viii) To monitor the Council's budget, both in respect of forward planning and medium term financial strategy, including in depth review and analysis of not just policy issues, but also specific areas of work.

- ix) Where appropriate, to conduct joint reviews with adjoining Councils.

2. Who May sit on the Review Committee?

All Councillors except Members of the Executive may be Members of the Review Committee. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

3. Co-optees

The Review Committee shall be entitled to recommend to Council the appointment of non-voting co-optees.

4. Meetings of the Review Committee

There shall be at least ten ordinary meetings of the Review Committee in each year. Additional meetings may be called from time-to-time as and when appropriate. A Review Committee meeting may be called by the Chairman of the Review Committee, by any four Members of the Committee or by the Proper Officer if he/she considers it necessary or appropriate.

5. Quorum

The quorum for a Review Committee shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution.

6. Who Chairs Review Committee Meetings?

The Chairman of the Review Committee will be drawn from among the opposition Councillors sitting on the Committee and, subject to this requirement, the Council may appoint such a person as it considers appropriate as Chairman.

7. Work Programme

The Review Committee will be responsible for setting its own work programme and in doing so it shall take into account the wishes of Members of that Committee.

8. Agenda Items

- 8.1 Any Member of the Review Committee shall be entitled to give 5 working days notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.

- 8.2 Any 2 Members of the Council who are not Members of the Review Committee may give 5 working days written notice to the Proper Officer that

they wish an item to be included on the agenda of the Review Committee. If the Proper Officer receives such a notification, then he/she will include the item on the first available agenda of the Committee for consideration.

- 8.3 The Review Committee shall also respond, as soon as its work programme permits, to requests from the Council and if it considers it appropriate the Executive to review particular areas of Council activity. Where it does so, the Review Committee shall report its findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the Review Committee at the next available meeting.

9. Policy Review and Development

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

~~(e)~~(d) The Review Committee can form task and finish groups or working groups to study issues in more depth should the Committee feel it is necessary. The Committee will appoint the Members of these groups. A Task and Finish group will follow the rules relating to Sub-Committees apart from not being subject to the pro rata rules. Working groups will not meet in public, not have public agendas and minutes and will not have substitute members.

10. Reports from the Review Committee

- (a) Once the Review Committee has formed recommendations on proposals under paragraph 9 above, the Proper Officer will submit its formal report for consideration by the Executive or, if the Review Committee so requests, by the Council (e.g. if the recommendation

would require a departure from or a change to the agreed budget and policy framework).

- (b) If the Review Committee cannot agree on one single final report to the Council or the Executive as appropriate, then minority reports may be prepared and submitted for consideration by the Council or Executive with the majority report.
- (c) The Council or Executive shall consider the report of the Review Committee at the next available meeting after it is submitted to the Proper Officer.

11. Making Sure that ~~Overview and Scrutiny~~ Review Committee Reports are Considered by the Executive

The agenda for the Executive meetings shall include an item entitled “Issues arising from the Review Committee”. The reports of the Review Committee referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of the Executive’s deliberations on a substantive item on the agenda) of the next available Executive or Council after the Review Committee has completed its report/recommendations.

12. Rights of Review Committee Members to Documents

- (a) All Councillors have the right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution as well as any specific rights they may have as Members.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and Review Committee as appropriate, depending on the particular matter under consideration.

13. Members and Officers Giving Account

- (a) The Review Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any Member of the Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:-
 - i) any particular decision or series of decisions;
 - ii) the extent to which the actions taken implement Council policy; and/or
 - iii) their performance

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

- (b) Where any Member or officer is required to attend a Review Committee under this provision, the Chairman of the Committee will inform the Proper Officer. The Proper Officer shall inform the Member or officer in writing giving at least 5 working day's notice of the meeting at which he/she is required to attend. The notice will

state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (c) Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, the Review Committee shall, in consultation with the Member or officer, arrange an alternative date for attendance to take place at an agreed date.

14. Attendance by Others

The Review Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall invite such people to attend.

15. Call-In

Call-in should only be used in exceptional circumstances.

- (a) When a decision is made by the Executive, Investment Board or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available to all Members of the Council within two days of being made.
- (b) 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, on the expiry of 5 working days after the publication of the decision, unless called in by the Review Committee.
- (c) During that period, the Proper Officer shall:-
 - (i) call in a decision for scrutiny by the Review Committee if so requested by the Chairman or any 3 Members of that Committee and shall then notify the Chairman of the Executive or Investment Board of the call-in.

- (d) Having considered the decision, if the Review Committee still has concerns, then the Committee may refer the matter back to be re-considered by the Executive or Investment Board setting out the nature of its concerns in writing or refer the matter direct to the next Full Council also setting out the nature of its concerns.
- (e) Any matter referred to Full Council by the Review Committee shall be included for debate on the agenda of the next ordinary Full Council meeting.

Call-In and Urgency

- (f) The call-in procedure set out above shall not apply where the decision being taken by the Executive or the Investment Board is urgent. A decision will be urgent if any delay likely to be caused would, for example, seriously prejudice the interest of the Council or the public.
- (g) The record of the decision, and notice by which it is made public, shall state whether, in the opinion of the Executive or the Investment Board the decision is an urgent one and therefore not subject to call-in. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (h) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

16. The Party Whip

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

17. Procedure at Review Committee Meetings

- (a) the Review Committee shall consider the following business:-
 - i) minutes of the last meeting;
 - ii) declarations of interest (including whipping declarations);
 - iii) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;

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

Further to the report of Review Committee, in relation to the amendments to the Constitution the following changes should be made to reflect the current titles of the Leadership Team for housekeeping purposes.

Any reference to the following titles will be amended to reflect the new titles as stated below:

Assistant Director, Legal Services to Assistant Director, Legal and Democratic

Section 151 Officer to Assistant Director, Resources

Assistant Director, Commercial Services to Assistant Director, Assets and Commercial

Assistant Director, Community and Housing to Assistant Director, People and Communities

Assistant Director, Environmental Services to Assistant Director, Place and Environment

Assistant Director, Customer, Revenues and Benefits to Assistant Director, Transformation and Customer

The title Assistant Director, Democratic Services is to be deleted.

The title Assistant Director, Planning & Regeneration Services is to be deleted.

Recommendation

1. That the amendments to the Leadership Team titles be noted and amended within the Constitution.