

additional papers 1

# Annual Meeting of the Council

Monday 23rd May  
2011  
7.00 pm

Council Chamber  
Town Hall  
Redditch

**REDDITCH BOROUGH COUNCIL**

*making a difference*

[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

# Access to Information - Your Rights

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The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agenda and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees (or summaries of business undertaken in private) for up to six years following a meeting.
- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, upon request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.
- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:  
[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

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**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact  
Ivor Westmore  
Committee Support Services**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH  
Tel: (01527) 64252 (Extn. 3269) Fax: (01527) 65216  
e.mail: [ivor.westmore@bromsgroveandredditch.gov.uk](mailto:ivor.westmore@bromsgroveandredditch.gov.uk) Minicom: 595528**

# Welcome to today's meeting.

## Guidance for the Public

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### **Agenda Papers**

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

### **Chair**

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

### **Running Order**

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

**Refreshments** : tea, coffee and water are normally available at meetings - please serve yourself.

### **Decisions**

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

### **Members of the Public**

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

### **Special Arrangements**

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

### **Further Information**

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

### **Fire/ Emergency instructions**

**If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.**

**If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.**

**Do Not stop to collect personal belongings.**

**Do Not use lifts.**

**Do Not re-enter the building until told to do so.**

**The emergency Assembly Area is on Walter Stranz Square.**

# Declaration of Interests: Guidance for Councillors

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DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

OR

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

**and**

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



# Annual Meeting of the Council

23rd May 2011

7.00 PM

Council Chamber Town Hall

## 12. Constitution - Annual Review

To confirm the Council's Constitutional arrangements.

The attached documents are those that were submitted in draft to the Executive Committee on 12th April 2011. The remainder of the Constitutional documents have not been amended since the Constitution was last confirmed and these will be provided to Members as part of a full, agreed Constitutional pack following the Annual Meeting.

(Constitutional documents attached)





FINAL DRAFT – MAY 2011

## **REDDITCH BOROUGH COUNCIL**

# **CONSTITUTION**

*For consideration by the Council at its Annual Meeting on 23<sup>rd</sup> May 2011*

*(Given preliminary consideration by the Executive Committee on 12<sup>th</sup> April 2011)*

*Final adjustments since 12<sup>th</sup> April are shown highlighted and marked 'New' /  
agreed Exec Committee corrections are not highlighted.*

*(Please retain for future reference)*





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<b>PART 20</b>	Planning Code of Practice / Appendix – Protocol on Pre-Application Discussions	N/C
<b>PART 21</b>	Licensing Code of Practice	N/C
<b>PART 22</b>	Internet & Email Policy / IT Protocols	N/C
<b>PART 23</b>	Auditing Procedures – NEW DOCUMENT	#
<b>PART 24</b>	Protocol on Member Representation on Outside Bodies – NEW DOCUMENT	#
<b>PART 25</b>	Members’ Role Descriptors	N/C
<b>PART 26</b>	Petitions Scheme	N/C

**Notes**

- 1) Any reference to specific legislation, or statutory provisions in the attached Constitution shall be automatically deemed to refer to any relevant aspects of any successive legislation or statutory provisions, pending formal updating of the Constitution.
  - 2) Reference to specific Officers, **Directorates, Departments, Teams, Sections, Units, etc.** in the attached Constitution shall be automatically deemed to refer to any successor Officer(s), **Directorates, Departments, Teams, Sections, Units, etc.** who is/are charged with the same responsibilities, following any future re-organisation / restructuring, save that, for the sake of clarity and proper control, in the case of any ambiguity about who shall exercise a particular delegation of authority, the delegation shall refer to the higher ranking Officer(s) / **administrative units**.
  - 3) Elements marked # are under construction or review and will be built in later, subject to further Council approval.
  - 4) ATT = attached
- N/C = existing document to be added to Members’ full Constitution Files later - but No Change.

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**CONTENTS & OVERVIEW**

## **OVERVIEW**

The full Council of 29 Members meeting together is responsible for determining the budget and policy framework of the Council.

### Political Balance - Municipal Year 2011/12

*(New - updated since 5<sup>th</sup> May 2011 Local Elections)*

The Council comprises 29 elected Members, representing 12 Wards. Since the local Elections of 5th May 2011, the Council comprises 17 Conservative, 11 Labour and 1 Liberal-Democrat Members. This means that the Council is controlled by a Conservative Majority.

### Elections

Elections are held by thirds, three years out of every four (the fourth year being for “all out” County Council elections – next to be held in 2013). The next Borough Council elections will be in May 2012.

A change in Electoral arrangements (a possible move to all-out elections every four years) was considered, but rejected, at a special meeting of the Council held on 14<sup>th</sup> June 2010.

### Democratic Arrangements

Some Council members are in full-time employment and therefore most Council business is conducted in the evening. The full Council meets approximately every 6 -7 weeks. Meetings are normally open to the public.

A body called the Executive Committee (often referred to as ‘the Exec(utive)’ and sometimes referred to as “the Cabinet” in other authorities) is responsible for implementing Council policies, taking decisions about them and spending the budget. The Executive is responsible for decisions on all matters which are not allocated to the Council’s “Regulatory Committees” or other Committees (for example, Audit and Governance , Licensing, Planning or Standards Committees); or decisions which are not reserved to be dealt with by the full Council. All Executive Committee meetings are held in public.

The Executive Chair is the Leader of the Council (who is elected by the Council) and the Executive has a number of other members, also elected by the Council. Following the Annual Council meeting of 24th May 2010, the Executive Committee comprised 9 members, including 2 Labour Members and 1 Liberal Democrat.

Six Executive Committee Members each have responsibility for a “Portfolio” which comprises a themed group of Council services. The Portfolio Holders are all members of the Controlling Group.

## CONTENTS & OVERVIEW

The Portfolios are currently: “Community Leadership and Partnership”, “Community Safety and Regulatory Services”, “Corporate Management”, “Housing, Local Environment & Health”, “Leisure & Tourism” and “Planning, Regeneration, Economic Development & Transport”.

A change in Democratic Leadership arrangements (a move to a ‘Strong Leader’ model ) was agreed at a special meeting of the Council held on 14th June 2010 and will take effect in May 2011.

The Overview & Scrutiny Committee (O&S) has been established to monitor the decisions of the Executive Committee and, via the appointment of Task and Finish Groups, to assist in policy development and review.

All matters that are due to go to the Executive Committee or full Council for decision may be considered by the O&S Committee (on which all political Groups are, by unanimous decision of the Council, not proportionately represented) or by an O&S Task & Finish Group.

### The Council's Directorates

The Chief Executive, as “Head of the Paid Service” is in overall charge of the services provided by the Officers of the Council.

Under the ‘Shared Services’ management arrangements with Bromsgrove District Council, the Council has appointed a Shared Chief Executive who is also Chief Executive of Bromsgrove DC. A Deputy Chief Executive has also been appointed and a new single shared senior management team for both Councils put in place, with effect from April 2010.

Officers are organised into three principal Directorates :

1. Finance & Resources Directorate
2. Leisure & Cultural Services Directorate
3. Planning & Regeneration, Regulatory and Housing Services Directorate

Additionally the following two Services are led by the Chief Executive:

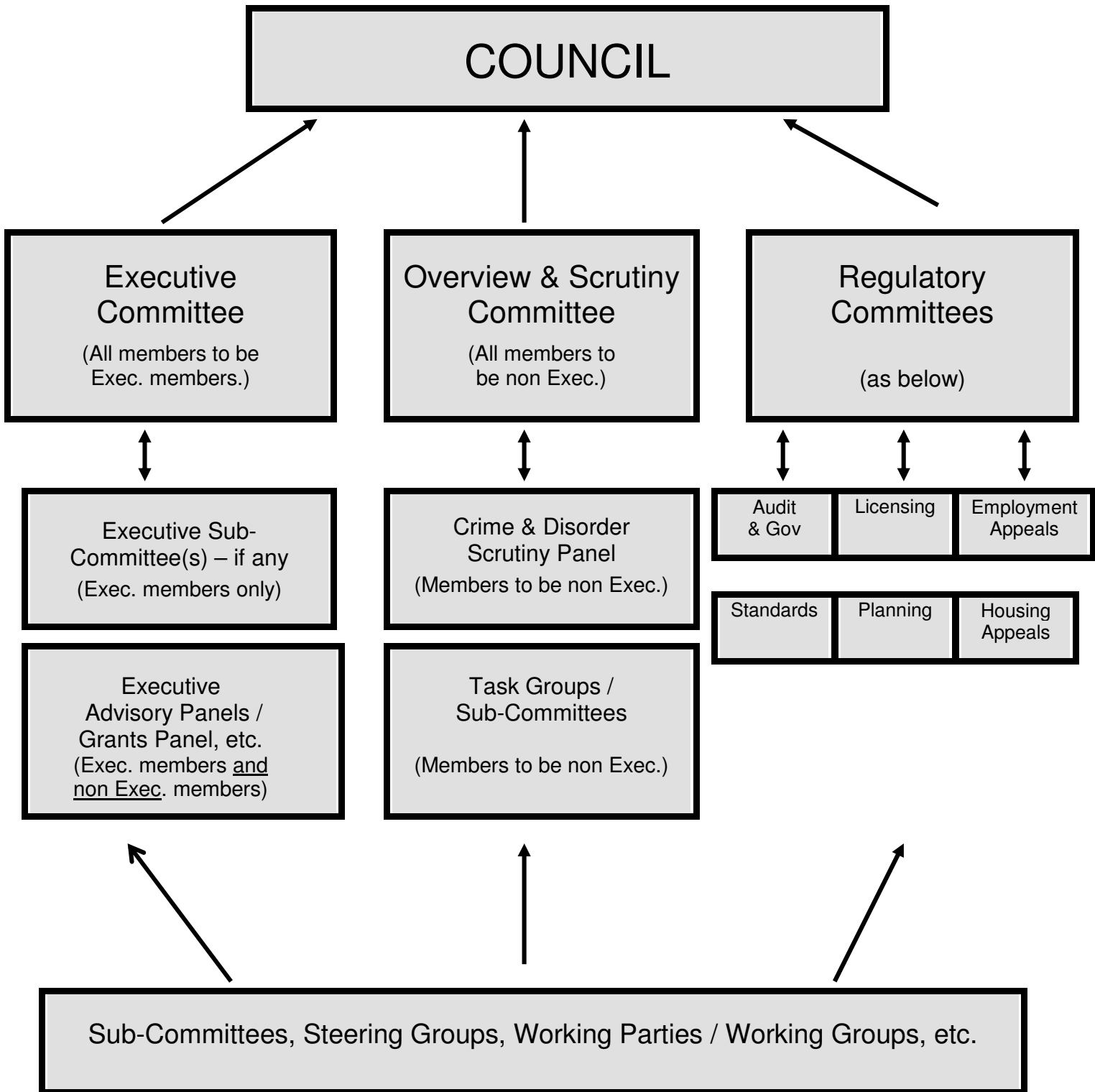
4. Policy, Performance and Partnerships Directorate
5. Business Transformation

(Further information on Management Arrangements is to be found in Part 14 of this Constitution.)

# **INTRODUCTION TO THE CONSTITUTION**

## **A BRIEF GUIDE**

**CONSTITUTION – COMMITTEE STRUCTURE 2011**



## 1. INTRODUCTION

- 1.1 Under the Local Government Act 2000 the Council is required to adopt a formal Constitution when operating executive arrangements. A number of Regulations have also been made under the Act which prescribe in considerable detail how the Council should draw up the content of its Constitution, how it allocates functions and how it conducts its business. The Constitution, therefore, has to contain a large number of provisions and in this respect it reflects, generally, the legislation, Government Guidance and model documents.
- 1.2 Because it has to be comprehensive and meet legal requirements and address technical concepts, the Constitution is both long and complex. It is regrettably not a user-friendly document!
- 1.3 The purpose of this Guide is not to summarise all the provisions of the Constitution. This Guide seeks to assist Members and Officers by outlining how the Constitution works, and to focus on some of the practical consequences, both in relation to the role of Members of the Council, and that of employees.
- 1.4 The guide describes the component parts of the Constitution, outlining the main features of each and addressing some working or practical consequences of the Constitution.
- 1.5 Of necessity, the Guide has to simplify the complexities of the Constitution and in some instances what it says will be a general rule rather than explain all the exceptions to the rule. So if the reader is in any doubt, reference must be made to the Constitution itself or advice taken from Legal and Democratic Services. Cross-references are provided to help.

## 2. THE FRAMEWORK OF THE CONSTITUTION

### 2.1 The Council

- 2.1.1 The structure diagram attached to this Introduction shows the formal relationships between the Council, the Executive Committee and the Council's other Committees.
- 2.2 A fundamental point is that the legislation provides that the Leader and Executive Committee are responsible for what are called 'executive functions' (which cover most of the day to day political decisions), and the Council and committees are responsible for 'non-executive' functions.

### 2.2 Officer Structure and Shared Services

- 2.2.1 The Council has agreed to the appointment of a shared Chief Executive and a shared management team which it shares with Bromsgrove District Council. This is on the basis that the officers from the two authorities will work together between now and 2013 to deliver services jointly across both councils. Under the new arrangements services will be shared and delivered by one single team across both Councils.
- 2.2.2 Further details of the shared management team are set out at para 9 of this document and at Part 14. The shared management team has been in place since April 2010. The co-operation between the two Councils on sharing services is reflected by a legal agreement (Overarching Framework Agreement).

Proposals for shared services between Redditch and Bromsgrove are considered in the first instance by a panel of senior members of both Councils who make up the Shared Services Board. The Board has no decision making powers on behalf of the two Councils, and any new arrangements for delivery of services require the approval of the full Council.

2.2.3 Notwithstanding the move to delivery of services jointly across both Councils, each Council retains its sovereignty and ability to make decisions for its own constituents independently. Therefore, in terms of decision making and the Constitution, each Council continues to be politically independent and to make its own decisions in accordance with the provisions of its own Constitution. There is no intention at this juncture for decision making to be passed to a "joint Council" for the two districts.

### **2.3 Other arrangements for joint working**

2.3.1 In addition to the shared arrangements with Bromsgrove District Council, the Council is involved in other joint arrangements for provision of services with other Councils in Worcestershire. Since June 2010 Bromsgrove District Council has been the host authority for Worcestershire Regulatory Services. This is a new service that has been created to carry out the Environmental Health and Licensing functions of the six Worcestershire District Councils, together with the Trading Standards function of the County Council. The staff for the service is employed by Bromsgrove District Council and it is governed by a Joint Committee made up of two members from each of the 7 authorities involved.

2.3.2 In relation to other service areas, Internal Audit Services are now delivered for Redditch Borough Council as part of a shared services hosted by Worcester City Council. There are plans for RBC staff involved in Economic Development to be transferred to a new service hosted by Wyre Forest District Council in June 2011 and Bromsgrove District Council will be hosting a new Building Regulation service jointly with Redditch Borough and Wyre Forest District Councils.

## **3. THE FULL COUNCIL**

### **3.1 Composition and Role**

3.1.1 The Council comprises 29 elected Councillors (often referred to as 'members').

3.1.2 The job of the full Council is to approve the Council's main policies (the Policy Framework as set out in Part 2 the Articles of the Constitution) and the Annual Budget (both revenue and capital). There are other matters reserved to the full Council to decide. These are set out in the Articles at 4.2 and include the appointment of the Leader of the Council.

3.1.3 The Council receives minutes from the Executive Committee (Executive or Exec' for short), which may include recommendations to the Council and also record the business it has considered. In most cases the Executive, because of its decision-making role, and the breadth of its responsibilities will be reporting to the Council on matters where it has already made a decision under its delegated powers.



**PART 1**

- 3.1.4 The Council may also receive reports / recommendations from its other Committees.
- 3.1.5 The dates of full Council meetings will be published well in advance. The Annual Council Meeting will be in May and the Council will decide its budget in February to allow Council Tax calculations for the new financial year from April.
- 3.1.6 Members of the Council have the ability to requisition an extraordinary meeting of the Council under paragraph 3 of part 4 of the Constitution (Council Procedure Rules).
- 3.1.7 The Chief Executive, the Monitoring Officer and the Section 151 Officer (Senior Financial Officer) have the right to submit reports directly to the full Council.
- 3.1.8 It should be noted that unless the matter is one which:-
- is for the full Council or its Committees to determine (as set out in Part 3 - Responsibility for functions)
  - is contrary to the policy framework or not wholly in accordance with the Council's budget cannot in law be the responsibility of the Executive Committee.

The Council or its other Committees cannot take a decision about that matter (or overturn a decision of Executive). That responsibility rests with the Executive. Similarly, the Executive cannot take a decision which the responsibility of the Council or of one of its Committees.

**3.2 Meetings of the Council**

- 3.2.1 Meetings of the Council are relatively formal. The Council's Procedure Rules (Part 4 of the Constitution) govern how a meeting of the Council is conducted. The same rules also apply to certain committee meetings; other committees have their own procedure rules including the Executive Committee, Overview and Scrutiny Committee, Planning Committee and Audit & Governance Committee.
- 3.2.2 At full Council Meetings the agenda will include presentation of recommendations from the Executive Committee to Council and reports on any issues to be decided by the Council. Individual Members can ask questions of the Leader or propose motions for debate.

**4. THE EXECUTIVE COMMITTEE**

**4.1 Composition and Role**

- 4.1.1 The Council is required by law to have an 'Executive', and has chosen the "Leader and Cabinet" model. The Leader is responsible for making arrangements to discharge functions which fall to the Executive, whether through the Leader personally, individual Executive Committee members, or officers.
- 4.1.2 The Executive Committee is not required to be politically balanced. Meetings are held in public but the Executive Committee must comply with the Access to Information Rules as set out in Part 5.

- 4.1.3 The Council appoints (and can subsequently remove) the Leader at the Annual Meeting of the Council. The Leader's initial appointment is for a 4-year term, but this is reviewable at least annually at the Council Annual Meeting. Members of Redditch Borough Council are elected 'by thirds', in other words, a third of the Council members retire each year in rotation. They then have a four-year term of office. (In the fourth year County Council elections are held.)
- 4.1.4 The Executive Committee comprises the Leader of the Council and a minimum of 2 and maximum of 8 Members of the Council of her choice.
- 4.1.5 The Leader presides at meetings of the Executive Committee. The Deputy Leader presides in the Leader's absence. In the absence of both, a member nominated by those present at the meeting will preside.
- 4.1.6 The Leader determines the number of areas of political responsibility or "portfolios" and their allocation to members of the Executive Committee (Portfolio Holders).
- 4.1.7 The Leader has determined that the Executive Committee will take decisions collectively. No individual members of the Executive Committee have delegated powers to take decisions on behalf of the Executive Committee.
- 4.1.8 The Executive Committee takes decisions on all matters relating to the functions of the Council except those which –
- are reserved to the full Council (such as the Budget and Policy Framework, Members' Allowances and Code of Conduct)
  - are ones which by law the Executive Committee cannot take (such as deciding Planning applications and Standards matters)
  - by choice may not and have not been allocated to the Executive Committee.
- 4.1.9 In general terms, it is therefore the Executive Committee which will take the main political decisions in relation to services.
- 4.1.10 Many decision-making powers continue to be delegated to officers to allow the day to day operation of services to continue. Part 3 contains the scheme of delegation to committees and officers.
- 4.1.11 Collectively and individually the Executive Committee are subject to the overview and scrutiny arrangements which the Council has established (Section 5 below).
- 4.2 'Key Decisions'**
- 4.2.1 Certain types of decision which are the responsibility of the Leader and Executive Committee are called 'Key Decisions'. It is important to know what they are because only the Executive Committee will be taking Key Decisions; and (generally) advance notice has to be given of Key Decisions to be taken through the procedure known as the Forward Plan (4.3 below).

4.2.2 Key Decisions are ones which are likely to:-

- (i) result in the Council incurring expenditure, foregoing income or the making of savings in excess of £50,000 or which are otherwise significant having regard to the Council's budget for the service or function to which the decision relates; or
- (ii) be significant in terms of its effect on communities living or working in an area comprising two or more wards in the Borough.
- (iii) ***Involve any proposal to cease to provide a Council service (other than a temporary cessation of service of not more than 6 months).***

### **4.3 The Forward Plan**

4.3.1 The Leader of the Council has to publish the Forward Plan each month, which contains a list of what Key Decisions the Executive Committee are likely to take in the following four months; how and with whom consultation will take place on those matters before the decision is taken; when the decision is likely to be taken by the Executive Committee; a list of the documents which the Executive Committee will consider; and the steps to be taken by any person who wants to make representations to the Executive Committee about the matter. For transparency, the Forward Plan also includes non-Key Decisions going to Executive Committee.

4.3.2 The purpose of the Forward Plan is to alert the public and members to when Key Decisions are to be taken by the Executive Committee so that they can raise matters of concern with the local Councillor or members of the Executive Committee or attend.

4.3.3 The Forward Plan has to be updated monthly so that as more details become available, more information can be included in the Plan.

4.3.4 The detailed requirements in relation to the Forward Plan are set out in paragraphs 15 to 18 of Part 5 (Access to Information Rules).

4.3.5 There are detailed procedures in Part 5 of the Constitution about taking Key Decisions which for some reason have not been included in a Forward Plan (paragraph 16) or which are very urgent (paragraph 17). The Overview and Scrutiny Committee also has a right to require the Executive Committee to report to the Council on Key Decisions which they believe to have been taken otherwise than in accordance with the required procedures – and the Leader has to report to the full Council quarterly on all special urgency decisions (paragraph 18).

### **4.4 Meetings of the Executive Committee**

4.4.1 The Executive Committee will normally meet every 3 weeks, in public, unless the matter to be discussed is confidential or exempt.

4.4.2 The Executive Committee may also meet privately (with no public or local members present) when the business will only be the discussion of matters with officers and not the taking of decisions. They may also meet for informal briefings.

4.4.3 The Constitution allows certain members to speak at Executive Committee meetings (but not to vote), for instance the Chair or Vice-Chair of the Overview and Scrutiny Committee or a lead Member of a Task Group.

- 4.4.4 The Executive Committee will consider Officer reports, which make recommendations for the Executive Committee to consider.
- 4.4.5 Decisions taken by the Executive Committee are subject to the call-in procedures referred to in Section 5 below. Save in the limited circumstances referred to, they will not take effect until the fifth working day after publication of the minutes of the relevant meeting of the Executive Committee to members of the Council. Due allowance must be made for this in the preparation of any reports to the Executive Committee which require a prompt decision as the minutes must say whether implementation is so urgent that it cannot await the outcome of possible call-in – and why (see paragraph 4.4.8 below). Urgency of implementation may need to be specifically addressed in reports.
- 4.4.6 Chief Officers (or their representatives) will be entitled to be present at all meetings of the Executive Committee.
- 4.4.7 All meetings of the Executive Committee will be minuted and every member will receive a copy. These minutes, which are issued with a letter indicating the date of dispatch, are the formal record of decisions and also the “trigger” for the call-in procedure. They will also indicate which items (if any) are urgent so that they are not subject to ‘call-in’ but fall to be dealt with under the urgency procedures of paragraph 17.17 of Appendix 8 of the Constitution, summarised in 4.4.8 below.
- 4.4.8 Urgent cases will be those where delay likely to be caused by the call-in process could seriously prejudice either the interest of the Council or the public, and the Chair (or in his/her absence Vice-Chair) of the Overview and Scrutiny Committee agrees that the decision is urgent and cannot reasonably be deferred. If those members referred to are unable to act, then the agreement of the Chief Executive or his/her nominee will suffice. These provisions allow a ‘check and balance’ allowing a person outside the Executive Committee to decide whether or not there should be implementation without the risk of call-in suspending the decision.
- 4.4.9 The Executive Committee’s own procedures are governed by Appendix 7 of the Constitution. But the Executive Committee can largely govern its own procedure.

## **5. OVERVIEW AND SCRUTINY ARRANGEMENTS**

### **5.1 Composition and Role**

- 5.1.1 The Council is required by law to have arrangements for Overview and Scrutiny by which recommendations on the development of policies can be made and the Executive Committee be held to account for its actions.
- 5.1.2 No bodies established to carry out Overview and Scrutiny have any delegated powers to take decisions on behalf of the Council.
- 5.1.3 The Council operates a single Overview and Scrutiny Committee. From time to time the Committee will establish Task Groups to carry out scrutiny exercises.

- 5.1.4 The Overview and Scrutiny Committee comprises a Chair and 8 other members. The Committee is not politically balanced (by dint of an annual resolution of the Council – such Committees normally being required to be politically balanced).
- 5.1.5 The size of any Task Group will vary according to the purpose for which it is established. The places on each Task Group need not be allocated strictly in accordance with the political balance of the Council so as to allow Members with a particular knowledge or interest or commitment to take part.
- 5.1.6 Executive Committee Members cannot serve on the Overview and Scrutiny Committee, or on any Task Group.
- 5.1.7 The general terms of reference of the Overview and Scrutiny Committee are to perform all overview and scrutiny functions on behalf of the Council in relation to any matter affecting the Borough and its inhabitants

The specific terms of reference include:-

- a. To receive and consider Councillor Calls for Action.
  - b. To perform the functions relating to Crime and Disorder Scrutiny (in accordance with the Police and Justice Act 2006).
  - c. To receive and consider certain Petitions, under the Petitions Scheme (Part 26 of the Constitution refers).
  - d. To monitor performance improvement .
  - e. To scrutinise the Budget.
  - f. To identify unsatisfactory progress or performance and make recommendations on remedial action to the Executive Committee.
  - g. To monitor Council documents / strategies, including:
    - The Council Plan
    - The Council Annual Report
    - The Sustainable Community Strategy
    - The Sustainable Community Strategy Annual Report
    - Performance Management Strategy / Data Quality Strategy
    - Quarterly Finance & Performance Monitoring reports.
- 5.1.8 The Overview and Scrutiny bodies have extensive powers to conduct research, carry out consultations, hold investigations, undertake visits, encourage community participation, liaise with other organisations, gather evidence, invite advisers and experts to assist them and question members of the Executive Committee and (in some circumstances) Chief and senior officers about their decisions and performance.
- 5.1.9 Particular action taken by a Chief or senior officer under delegated powers, which is taken in furtherance of the day to day administration of the service for which the officer is responsible, cannot be called-in or scrutinised. This does not however prevent a questioning of a Chief or senior officer as part of a wider scrutiny exercise.

5.1.10 Scrutiny arrangements are governed by the Overview and Scrutiny Procedure Rules in Part 8 of the Constitution. These include an obligation to declare any party whipping arrangements.

## 5.2 Call-in

5.2.1 The Council recognises that the right of call-in should only be used in exceptional circumstances when there is evidence to suggest that the Executive Committee has departed from the principles for decision-making. It is not there to be used just because members do not agree with the decision of Executive Committee.

5.2.2 There is a right to call-in decisions taken by the Executive Committee before they are implemented. Within three working days of a meeting of the Executive Committee the minutes of that meeting will be circulated to all members of the Council and will be available for inspection. Unless it is identified as urgent in the Minutes, the decision which the Executive Committee has taken will not take effect until five working days have expired after the circulation of the minutes. During the intervening period:-

- not fewer than three members of the Overview and Scrutiny Committee; or
- the Chair of the Overview and Scrutiny Committee; or
- five members of the Council who are not members of the Executive Committee;

may “call-in” (with reasons) the decision. It will then be referred to a meeting of the Overview and Scrutiny Committee which will decide on the most appropriate way of dealing with the call-in.

5.2.3 The called-in Executive Committee decision is then not implemented until either

- the Overview and Scrutiny Committee has accepted the decision (with or without comment); or
- the Overview and Scrutiny Committee has considered the matter, has proposed modifications and/or referred it back to the Executive Committee for reconsideration (or in certain circumstances referred it to the full Council), and the matter has been reconsidered by Executive Committee.

5.2.4 The right of call-in is important in enabling members who are not Executive Committee members to challenge Executive Committee decisions before they are implemented.

5.2.5 The time for call-in is very important, as any Executive Committee decision can be implemented on the expiry of the fifth working day after circulation of the Executive Committee’s minutes, if it is not called-in before then. However, restrictions on call-in apply in cases of urgency which are set out in Section 4.4.7 above.

5.2.6 Reference to the full Council would only be appropriate if the decision called-in is one which the Overview and Scrutiny Committee believes:-

- the Executive Committee cannot in law take; or
- is reserved to the full Council; or
- is contrary or not wholly in accordance with the Budget and Policy Framework.

5.2.7 Details of the call-in procedure are included in the Overview and Scrutiny Procedure Rules (Part 8 of the Constitution).

5.2.8 The operation of call-in will be monitored annually by the Overview and Scrutiny Committee.

## **6. OTHER COMMITTEES**

### **6.1 Composition and Roles**

6.1.1 Certain matters cannot by law be dealt with by the Executive Committee. Apart from those reserved to the full Council, these are in the main planning and regulatory functions, though there are some others.

### **6.2 Audit & Governance Committee**

6.2.1 The Audit & Governance Committee's main role is to ensure good stewardship of the Council's resources and to assure the Council about the objectivity and fairness of the financial reporting and performance of the Council, the adequacy of the risk management framework and associated controls within the Council, and that any issues arising from the drawing up, auditing and certifying of the Council's accounts are properly dealt with. The Committee meets at least four times a year, usually quarterly. The arrangements for the Audit & Governance Committee are set out in the Procedure Rules in Part 9 of the Constitution.

### **6.3 Planning Committee**

6.3.1 The Planning Committee will carry out the planning functions which cannot be the responsibility of the Executive Committee. The main function of the Committee is to decide applications relating to development control, trees and planning enforcement. Meetings will take place in accordance with the Planning Committee Procedure Rules in Part 10 of the Constitution.

### **6.4 Licensing Committee**

6.4.1 The Licensing Committee and its sub-committees carry out the Licensing functions on behalf of the Council including deciding Licensing policies and considering applications in relation to licensed premises, taxis, street trading and gambling.

### **6.5 Appeals Committees**

6.5.1 The Council has Appeals Committees to determine appeals in relation to Housing matters (Allocations and Homelessness and Employment Appeals).

### **6.6 Standards Committee**

6.6.1 The Standards Committee is responsible for the ethical framework within the Council and for promoting and upholding the Council's Code of Conduct. Membership is regulated by law and must include at least 25% external (independent)

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members with voting rights. It has established sub-committees to deal with complaints about any alleged breach of the Code of Conduct by a member.

- 6.7 Details relating to all the above Committees etc are contained in Part 3 of the Constitution at Part B. The Members' Code of Conduct is set out in Part 16 of the Constitution.

**7. AREA ARRANGEMENTS**

- 7.1 The Council participates in the Local Strategic Partnership. This involves working alongside professionals from the County Council and other public bodies in order to improve outcomes for the community.
- 7.2 The Council also has a role to support the work of its only Parish Council - Feckenham - including providing advice and support regarding ethical standards and Code of Conduct and electoral matters.

**8. MEMBERS**

**8.1 Service on the Executive Committee**

- 8.1.1 Every member of the Council, except the Mayor and Deputy Mayor, is eligible to serve on the Executive Committee.

**8.2 Service on other committees**

- 8.2.1 Every member is eligible to serve on the Council's committees save that Executive Committee Members may not serve on the Overview and Scrutiny Committee and its Task Groups.

**8.3 Substitution**

- 8.3.1 There can be no substitution for members of the Executive Committee.
- 8.3.2 There can be no substitution on the Overview and Scrutiny Committee Task Groups or the Audit & Governance Committee.
- 8.3.3 Substitution may be allowed on any other Committee provided the substitute member is eligible to serve having completed any appropriate training.

**8.4 Budget and Policy Framework Procedure Rules**

- 8.6.1 The Budget and Policy Framework Procedure Rules are set out in Part 6. These set out the procedure by which the Executive Committee will draw up proposals for the budget and policy framework of the Council.

**8.7 Member Allowances**

- 8.7.1 Members may receive the allowances contained in the Scheme of Members Allowances (Part 15 of the Constitution). These are set by Council following recommendations made by an Independent Remuneration Panel.



## **8.8 Ethical Framework**

8.8.1 Part 16 sets out the Members' Code of Conduct and Part 17 the Code of Conduct relating to the acceptance of gifts and hospitality by Members.

## **8.9 Access to Information**

8.9.1 The Constitution sets out in Part 5 (Access to Information Procedure Rules) arrangements for public access to information and to which members are also entitled.

8.9.2 The Rules also prescribe other information available in connection with overview and scrutiny arrangements (paragraph 22) and additional rights of access for members (paragraph 23).

## **8.10 Member - Officer Relations**

8.10.1 The Council and the public are entitled to expect high standards of conduct from members. In addition to the Member's Code of Conduct, Members are subject to the Member-Officer Protocol in Part 18 of the Constitution.

## **8.11 Member involvement in making regulatory decisions**

8.11.1 Members need to ensure that they take particular care in their dealings with members of the public and businesses when they are members of either of the Council's Planning Committee and Licensing Committee (and its sub-committees). This is because members of these committees will be called upon to make decisions on applications which may be made by people they know or with whom they have had contact either personally or in their role as a Councillor.

8.11.2 Additional guidance for members relating to Planning and Licensing is set out in the Codes of Practice for Planning at Part 20 and the Code of Practice for Licensing at Part 21.

## **8.12 Member use of IT facilities at home**

8.12.1 Members are encouraged to use IT (or ICT) facilities to access Council and Committee agendas and to enable them to carry out their duties effectively and efficiently. The rules around use of IT by members are set out in the Protocol in the use of ICT Facilities in Part 22 of the Constitution.

## **8.13 Outside Bodies**

8.13.1 The Council appoints or nominates Members to sit on a wide range of outside bodies and organisations.

Further information and guidance to Members in relation to their role on any Outside Bodies is set out in the Protocol on Members Representation on Outside Bodies in Part 24 of the Constitution.

### 8.13 Members Roles and Responsibilities

8.13.1 A number of role descriptions have been produced setting out the potential range of duties and responsibilities of a councillor and various other positions held (such as the Leader, Committee Chairs, etc). These are included in Part 25 of the Constitution.

## 9. OFFICERS

### 9.1 Designations

9.1.1 By law the Council must designate officers to hold three statutory offices. These are –

- Head of Paid Service
- Monitoring Officer
- Section 151 Officer.

9.1.2 Under the arrangements for the shared management team with Bromsgrove District Council it has been agreed that the persons appointed to the posts of Monitoring Officer and Section 151 Officer will carry out that function for both authorities.

9.1.3 The Council has appointed the following Chief Officers:

- Chief Executive (*Head of Paid Service*)
- Deputy Chief Executive/ Executive Director of Leisure, Environmental and Community Services
- Executive Director – Finance and Corporate Resources (*Section 151 Officer*)
- Executive Director – Planning and Regeneration, Regulatory and Housing Services
- Head of Business Transformation
- Head of Community Services
- Head of Customer Services
- Head of Environmental Services
- Head of Housing Services
- Head of Legal, Equalities & Democratic Services (*Monitoring Officer*)
- Head of Leisure and Culture Services
- Head of Planning and Regeneration
- Head of Regulatory Services
- Head of Resources

Each Chief Officer has staff to undertake the tasks of delivering the Council's services and supporting the corporate management of the Council.

9.1.4 To enable the professional and operational work of the Council to be undertaken, Chief Officers have authority delegated to them ('delegated powers') to take a range of decisions on behalf of the Executive Committee and the other Committees, etc. with decision making powers. In turn Chief Officers can empower certain of their staff to exercise delegated powers on their behalf in respect of particular kinds of decisions.

### 9.2 Delegations

9.2.1 Part 3 - Part C sets out the Scheme of Delegation to Officers.

### 9.3 Financial Regulations

9.3.1 Financial Regulations are set out in Part 11 and establish a framework for the administration and control of the Council's financial affairs.

9.3.2 In essence, the Financial Regulations set out the frameworks for:-

- Financial Administration
- Accounting Systems / Accounting Records
- Audit
- Budget Responsibilities
- Budget Preparation
- Procurement of Works, Goods, Materials and Services
- Payment for Works, Goods, Materials and Services
- Payments to Employees and former Employees
- Income
- Banking
- Borrowings, Other Capital Financing and Investments
- Trustees, Receivers, Appointees and Agents
- Assets
- Insurance
- Ex Gratia Payments
- Preparation of Statutory Financial Statements
- Applications and Claims for Grant or Subsidy.

### 9.4 Contract Procedure Rules

9.4.1 Part 12 includes the Council's Current Contract Procedure Rules which set the framework for the acquisition and disposal of goods, works and services.

### 9.5 Employment Procedures

9.5.1 Part 13 of the Constitution sets out the Officer Employment Procedure Rules.

9.5.2 In essence, all appointments other than the Chief Executive, Directors and Heads of Service reporting directly to Directors must be made by officers and cannot be made by members.

9.5.3 There are specific and procedural rules about appointments of the officers named in paragraph 9.5.2, which are made by the Appointments Committee. The Appointments Panel also deals with the discipline and dismissal of those officers subject, where necessary, to any procedural or legal restrictions.

**10. CONCLUSION**

- 10.1 This Guide seeks to simplify some of the complexities of the Constitution for members and officers of the Council but is not a substitute - reference must be made to the Constitution for the detailed provisions applicable in any situation or circumstance under discussion. A printed copy of the Constitution is made available to every member of the Council.
- 10.2 The Head of Legal, Equalities and Democratic Services will always try to assist on any point of interpretation of the Constitution.

**PART 2****THE ARTICLES OF CONSTITUTION**

<b>Article No.</b>	
1	The Constitution
2	Members of the Council
3	Citizens and the Council
4	The full Council
5	Chairing the Council
6	Overview and Scrutiny
7	The Executive Committee
8	Regulatory and other Committees
9	Area Committees (if any)
10	The Standards Committee
11	Joint Arrangements
12	Officers
13	Decision-Making
14	Finance, Contracts and Legal Matters
15	Review and Revision of the Constitution
16	Suspension, Interpretation and Publication of the Constitution

## **ARTICLE 1 - THE CONSTITUTION**

### **1.1 Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

### **1.2 The Constitution**

This Constitution and all its appendices are the Constitution of the Redditch Borough Council.

### **1.3 Purpose of the Constitution**

The purpose of the Constitution is to:

- a. enable the Council to provide clear leadership to the community in partnership with citizens, businesses, and other organisations;
- b. support the active involvement of citizens in the process of local authority decision-making;
- c. help Councillors represent their constituents more effectively;
- d. enable decisions to be taken efficiently and effectively;
- e. create a powerful and effective means of holding decision-makers to public account;
- f. ensure that no-one will review or scrutinise a decision in which they were directly involved;
- g. ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- h. provide a means of improving the delivery of services to the community.

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**1.4 Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above. The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

## ARTICLE 2 - MEMBERS OF THE COUNCIL

### 2.1 Composition and eligibility

The Council will comprise 29 Members, otherwise called Councillors. Two or three Councillors will be elected by the voters of each ward in accordance with the scheme drawn up by the Electoral Commission and approved by the Secretary of State. Only registered voters of the Borough, or those living or working or owning property in the Borough, will be eligible to hold the office of Councillor.

### 2.2 Election and terms of Councillors

The regular election of Councillors will be held on the first Thursday in May each year, in three out of every four years. The Borough operates a system of 'election by thirds' which means one third of the membership of the Council is elected at each round of Borough Council elections (in the fourth year, County Council elections take place). The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

### 2.3 Roles and functions of all Councillors

All Councillors will:-

- a. collectively be the ultimate policy makers and carry out a number of strategic and corporate management functions;
- b. represent their communities and bring their views into the Council's decision-making process, in other words become the advocate for their communities;
- c. deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- d. balance different interests identified within their ward and represent the ward as a whole;
- e. contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- f. participate in the governance and management of the Council; and



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- g. maintain the highest standards of conduct and ethics.
- h. be available to represent the Council on other bodies

The roles and responsibilities of Councillors are set out in more detail in Part 25 of this Constitution.

**2.4 Councillors' Rights and Duties**

Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

Councillors will not make public information which is confidential or exempt without the consent of the Council, or divulge information given in confidence to anyone other than another member of this Council or officer entitled to know it and any information so divulged to a councillor or officer is to be strictly on a confidential basis

For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 5 of this Constitution.

**2.5 Conduct**

Councillors will at all times observe the Members' Code of Conduct, the Gifts and Hospitality Code, the Protocol on Member-Officer Relations set out in Parts 16, 17, 18 and 19 of this Constitution.

**2.6 Allowances**

Councillors will be entitled to receive allowances and/or salaries in accordance with the Members' Allowances Scheme set out in Part 15 of this Constitution.

## ARTICLE 3 – CITIZENS AND THE COUNCIL

### 3.1 Citizens' rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part 5 of this Constitution:

- a. **Voting and petitions** Citizens on the electoral register for the area have the right to vote and sign a petition to request a referendum for an Elected Mayor form of Constitution.

Further rights are afforded by the Council's Petitions Scheme, as attached to this Constitution at Part 10.

- b. **Information** Citizens have the right to:

- (i) attend meetings of the Council and its committees, except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend meetings of the Executive Committee, except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (iii) find out from the Forward Plan what key decisions will be taken by the Executive and when;
- (iv) see reports and background papers, and any minutes of decisions made by the Council and the Executive (other than those comprising confidential or exempt information); and
- (v) inspect the Council's accounts and make their views known to the external auditor.

- c. **Participation**

- (i) Citizens may be invited to contribute to investigations undertaken by the Overview and Scrutiny Committee or by any of its Task and Finish Groups.
- (ii) Citizens who attend any meeting of the Council are entitled to take a copy of the Agenda and associated reports available in the public gallery.

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- (iii) Citizens may be entitled to address committee meetings but only where public participation has been agreed by the Council and on the terms relevant to such meetings.
  - (iv) Citizens may be invited from time to time to contribute to other community forums.
- d. **Complaints** Citizens have the right to complain to:
- (i) the Council itself under its formal complaints process;
  - (ii) the Commissioner for Local Administration after using the Council's own complaints process;
  - (iii) the Standards Committee about a breach of the Councillor's Code of Conduct.

**3.2 Citizens' responsibilities**

Citizens may not disrupt or cause undue disturbance at meetings. Citizens must not be violent, abusive, or threatening to Councillors or officers and must not willfully harm things owned by the Council, Councillors, or officers.

## ARTICLE 4 – THE FULL COUNCIL

### 4.1 Meanings

"Policy Framework"

The policy framework means the following plans and strategies:-

- Annual Performance Plan;
- ~~Children & Young People Plan;~~
- ***Climate Change Strategy***
- ***Community Safety Partnership Plan***
- ~~Council Corporate Plan;~~
- ~~Crime and Disorder Reduction Strategy;~~
- ***Plans*** Documents and strategies which together comprise the Local Development Framework;
- Development Plan;
- Emergency Plan;
- Enforcement Policy;
- Food Law Enforcement Service Plan;
- The plan and strategy which comprise the Housing Investment Programme;
- ~~Improvement Plan;~~
- ~~Local Agenda 21 Strategy;~~
- Local Transport Plan;
- Procurement Strategy;
- Single Equalities Scheme;
- Sustainable Community ***Strategy Plan***.

"Budget"

The budget includes the allocation of financial resources to different services and projects, the medium-term financial plan, proposed contingency funds, the Council tax base, setting the Council tax, decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits.

### 4.2 Functions of the full Council

Only the Council will exercise the following functions:

- a. adopting and changing the Constitution;

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- b. approving or adopting the Budget and the Policy Framework and any application to the Secretary of State in respect of any Housing Land Transfer;
- c. subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 5 of this Constitution, making decisions about any matter in the discharge of an Executive function which could have been (but was not) covered by the Budget and Policy Framework or where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the Budget;
- d. appointing or removing from office:-
  - (i) the Leader;
  - (ii) the Mayor or Deputy Mayor;
- e. confirming the appointment of the Chief Executive, Monitoring Officer and Section 151 Officer;
- f. agreeing and/or amending the terms of reference for the Council's committees, sub-committees, etc., deciding on their composition and, subject to Article 8.3, making appointments to them;
- g. the appointment and revocation of appointments of representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council;
- h. adopting an allowances scheme under Article 2.6;
- j. changing the name of the area or conferring the title of Honorary Alderman or Freeman of the Borough;
- k. making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- l. all local choice functions set out in Table 1 of Part 3 of this Constitution (Responsibilities for Functions) which the Council decides should be undertaken by itself rather than the Executive; and
- m. all other matters which, by law, must be reserved to Council.

**4.3 Council meetings**

There are three types of Council meeting:

- a. the annual meeting;
- b. ordinary meetings;
- c. extraordinary meetings, including the Council Tax-setting meeting of the Council

and they will be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

**4.4 Responsibility for functions**

The Council will maintain the tables in Part 3 of this Constitution setting out:

- a. those functions which are the responsibility of the Council;
- b. those functions which are the responsibility of the Council and which it has delegated to committees or officers.

**ARTICLE 5 – CHAIRING THE COUNCIL**

**5.1 Role and function of the Mayor**

The Mayor and Deputy Mayor of the Council will be elected by the Council annually and neither the Mayor nor the Deputy Mayor will be a member of the Executive. The Mayor, and in his/her absence the Deputy Mayor, will have the following roles and functions:

- a. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- b. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- c. to ensure that the Council meeting is the forum for the debate of matters of concern to the local community and the place at which members who are not on the Executive or do not hold committee chair positions are able to hold the Executive and Committee Chairs to account;
- d. to promote public involvement in the Council's activities;
- e. to be the conscience of the Council; and
- f. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

The roles and responsibilities of the Mayor and Deputy Mayor are set out in more detail in Part 25 of this Constitution.

## **ARTICLE 6 – OVERVIEW AND SCRUTINY**

### **6.1 Discharge of overview and scrutiny functions**

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by:

- a. section 21 of the Local Government Act 2000 or any regulations made under section 32 of the Local Government Act 2000;
- b. sections 119, 236 and 237 of the Local Government and Public Involvement in Health Act 2007; and
- c. section 19 of the Police and Justice Act 2006 and the Crime and Disorder (Overview & Scrutiny) Regulations 2009.

For this latter purpose the Overview and Scrutiny Committee appoints a separate Crime and Disorder Scrutiny Panel.

### **6.2 Composition**

The Overview and Scrutiny Committee will be composed of the number of Councillors determined at each Annual Council meeting, none of whom shall be members of the Executive Committee.

The Chair *and Vice-Chair* of the Overview and Scrutiny Committee must not be a member of the controlling political group.

### **6.3 Terms of reference**

The general terms of reference of the Overview and Scrutiny Committee will be to perform all overview and scrutiny functions on behalf of the Council in relation to any matter affecting the Borough and its inhabitants.

### **6.4 General roles of the Overview and Scrutiny Committee**

The Overview and Scrutiny Committee will:

- a. make reports and/or recommendations to the full Council and/or the Executive in connection with the discharge of any functions;
- b. consider any matter affecting the area or its inhabitants.



- c. review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- d. exercise the right to call-in for reconsideration, decisions made ('resolved') but not yet implemented by the Executive (which right shall not arise before the Executive has made a decision).

### **6.5 Specific functions of the Overview and Scrutiny Committee**

The Overview and Scrutiny Committee may:

- a. assist the Council and the Executive in the development of the Council's Budget and Policy Framework by in-depth analysis of policy issues;
- b. conduct research, community consultation and other consultation in the analysis of policy issues and possible options;
- c. consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- d. question members of the Executive and chief officers;
- e. liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
- f. review and scrutinise the performance of the Council in relation to its policy objectives and/or particular service areas;
- g. question members of the Executive and other committees and chief officers about their decisions whether generally in comparison with service plans and targets over a period of time, or in relation to particular decision, initiatives or projects;
- h. make recommendations to the Executive and/or the Council arising from the outcome of the overview and scrutiny process;
- i. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee or its Task Groups and local people about their activities and performance;

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- j. question and gather evidence from any person (with their consent);
- k. review and scrutinise the decisions made by the Executive Committee (but not decisions of regulatory committees) and Council Officers;
- l. receive and consider relevant petitions (other than petitions relating to regulatory matters) under the approved Petitions Scheme;
- m. assist the Council and the Executive in the development of the Budget; and
- n. receive and consider Councillor Calls for Action.

**6.6 Functions of the Overview and Scrutiny Committee exercised via the Crime and Disorder Scrutiny Panel**

The Crime and Disorder Scrutiny Panel will

- a. receive and consider Councillor Calls for Action in relation to crime and disorder matters; and
- b. review and/or scrutinise decisions made, or other action taken, in connection with the discharge by the Council of its crime and disorder functions.

**6.7 Finance.**

The Chair of the Overview & Scrutiny Committee will advise Officers in the exercise of their delegated responsibility for finances made available to the Committee.

**6.8 Officers.**

The Head of Legal, Equalities and Democratic Services will, in consultation with the Committee Chair, exercise overall responsibility for the work programme of any officers specifically employed to support the work of the Committee.

**6.9 Proceedings of the Overview and Scrutiny Committee**

The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 8 of this Constitution.

**6.10 Annual Report**

The Overview and Scrutiny Committee will contribute to an annual report to the Council on its workings, together with recommendations for future work programmes and amended working methods if appropriate.

## ARTICLE 7 – THE LEADER OF THE COUNCIL AND THE EXECUTIVE COMMITTEE

### 7.1 Role

The Council has adopted the 'Leader and Cabinet' Executive (England) governance model for its executive arrangements. In Redditch the Cabinet is referred to as the 'Executive Committee' (or 'the Executive' / 'the Exec' for short).

***The Leader of the Council is responsible for the discharge of such functions as are the responsibility of the Executive of the Council, in other words all functions which by law must be the responsibility of the Executive or which are not the responsibility of any other part of the Council whether by law or under this Constitution ('executive functions').***

***The Leader may make such arrangements as s/he thinks fit from time to time for the delegation and discharge of executive functions.***

### 7.2 Composition of the Executive Committee

- a) ***The Leader of the Council is responsible for the appointment of the Executive Committee which will consist of the Leader and not less than 2 nor more than 9 other councillors, as the Leader shall determine. The Leader may change the size of Executive Committee (within the above parameters) and appointments to it at any time.***
- b) ***One of the members of the Executive Committee will be designated by the Leader as Deputy Leader, to hold office until the end of the Leader's term of office, unless the Deputy Leader resigns, ceases to be a member, is disqualified, or is removed by the Leader at any time.***
- c) If for any reason the Leader is unable to act, or the office of Leader is vacant, the Deputy Leader must act in the Leader's place. If the Deputy Leader is unable to act or the office is vacant, the Executive Committee must arrange for another member of the Executive Committee to do so.
- d) The Executive Committee is not a normal Committee of the Council. Its composition is not required to be in accordance with the political balance of the Council.

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- e) The Executive Committee collectively, individual members of the committee or officers will be responsible for the discharge of such functions of the executive as are allocated by the Leader of the Council from time to time. The Leader will maintain a List in Part 3 of this Constitution (Scheme of Delegation) setting out which Executive Committee members, officers or joint or local arrangements are responsible for the exercise of particular Executive functions.

**7.3 Leader / Opposition Leader****A. Executive Leader**

The Leader will be a Councillor elected to the position of Leader by the Council at its annual meeting. ***The Leader will be elected for an initial four year term***, starting on the day of his/her election as Leader and ending on the day of the post-election annual meeting, ***subject to annual review at each Annual Council Meeting***. The Leader will otherwise hold office until:

- a) s/he resigns from the office of Leader; or
- b) s/he is suspended from being a councillor of the Council under Part III of the Local Government Act 2000 (although he/she will resume office at the end of the period of suspension); or
- c) s/he is disqualified from being or remaining a councillor; or
- d) s/he is no longer a councillor of the Council for any reason; or
- e) s/he is removed from office by a resolution of the full Council during the Leader's term of office (and in which case Council will elect a new Leader at that or a subsequent meeting).

**B. Opposition Leader**

The Opposition Leader shall automatically, by dint of office, be the Leader of the largest Minority Group.

**7.4 Other Executive members**

Other Executive members shall hold office until:

- a. they resign from office; or

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- b. they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- c. they are no longer Councillors; or
- d. ***they are removed from office by the Leader who must give written notice of any removal to the proper officer.*** The removal will take effect two working days after receipt of the notice by the proper officer.

**7.5 Proceedings of the Executive Committee**

The proceedings of the Executive shall be in accordance with the Executive Procedure Rules set out in Part 7 of this Constitution.

**7.6 Responsibility for functions**

All Executive decisions will be taken by the Executive acting collectively except:

- a. when the Executive has made a decision in principle ***it may delegate to the Leader, or to the relevant Portfolio Holder, authority to finalise outstanding details in agreement with the appropriate Head of Service;***
- b. when a decision regarding an Executive function requires attention as a matter of such urgency that formal reporting to Executive is not possible, ***the Leader may take that decision*** in consultation with the relevant Portfolio Holder(s), the Chief Executive, the Section 151 Officer and the Monitoring Officer (and, if a Key Decision, the Chair of the Overview and Scrutiny Committee); such decisions to be subject to report to the next available meeting of the Executive Committee.
- c. when the Leader requests the Overview and Scrutiny Committee and the Audit and Governance Committee to consider including issues within their work programme;
- d. when the Executive has arranged for an Executive function to be discharged by an Executive Sub-Committee or an officer or by way of joint or local arrangements.

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A list will be maintained in Table 3 Part 3 of this Constitution (Scheme of Delegation) setting out which Executive Sub-Committee, officers or joint or local arrangements are responsible for the exercise of particular Executive functions.

## ARTICLE 8 - REGULATORY AND OTHER COMMITTEES

### 8.1 Regulatory and other Committees

The Council will appoint the committees set out in Table 2 in Part 3 of this Constitution (Committees) to discharge the functions described in that Table.

### 8.2 Proceedings of Regulatory and Other Committees

Unless otherwise specifically provided for in Table 2 of Part 3 of this Constitution (Committees), in Parts 8, 9, 10 and 13A (Overview and Scrutiny Procedure Rules, Audit and Governance Procedure Rules and Planning Committee Procedure Rules) or elsewhere in this Constitution, regulatory and other committees will conduct their proceedings in accordance with the Council Procedure Rules in Part 4 of this Constitution.

### 8.3 Appointment of Seats on Regulatory and other Committees

When the Council allocates seats on a regulatory or other committee to a political group, the appointment of Councillors to those seats shall be at the discretion of the leader of the appropriate political group who shall confirm in writing to the Chief Executive the appointment or removal of any member of that group to any regulatory or other committee.

### 8.4 Qualifications for sitting on Regulatory and other Committees

Only those Councillors who have undertaken appropriate training may sit on relevant committees, sub-committees or panels; ***the Chief Executive, in consultation with the Member Development Steering Group, will determine the criteria to be met in respect of each committee, sub-committee or panel and the Chief Executive will determine whether individual Councillors have met those criteria.***



## **ARTICLE 9 - AREA COMMITTEES**

The Council may establish Area Committees which may take the form of:

- (i) consultative forums; or
- (ii) decision-making bodies to which either Executive functions or non-Executive functions may be delegated in which case the Area Committee must operate in accordance with the Council's Constitution including the Access to Information Rules.

However, no such Area Committees are currently appointed.

### **Local Strategic Partnership**

The Council participates in the Local Strategic Partnership. This involves working alongside professionals from the County Council and other public bodies in order to improve outcomes for the community.

### **Feckenham Parish Council**

The Council also has a role to support the work of the only Parish Council in its area including advice and support regarding ethical standards and Code of Conduct and electoral matters.

## **ARTICLE 10 - THE STANDARDS COMMITTEE**

*(subject to imminent review)*

### **10.1 Standards Committee**

The Council will establish a Standards Committee to discharge the functions conferred by sections 53 to 56 of the Local Government Act 2000. The Standards Committee may establish Sub-Committees to carry out some or all of its functions and it is for the Standards Committee to determine the composition, size and terms of reference of its sub-committees.

### **10.2 Composition**

a. **Membership.** The Standards Committee will comprise:

- (i) seven Borough Councillors (other than the Leader) only one of whom may be a member of the Executive Committee;

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- (ii) three Independent Members, two of whom will be elected Chair and Vice-Chair of the Committee;
  - (iii) two members of Feckenham Parish Council. ***Parish Members shall not also be Borough Councillors.***
- b. **Appointment of Independent Members and the Parish Members.** Independent Members and Parish Members shall be appointed by the Council in accordance with such process as the Council shall from time to time determine.
- c. **Voting.** Borough Councillors, Independent members and the Parish Member will be entitled to vote at meetings.
- d. **Parish member.** At least one Parish Member must be present when matters relating to Feckenham Parish Council are being considered.
- d. **Parish Councils.** The Standards Committee may establish a sub-committee to exercise the function set out in Article 10.03 h. below.
- e. **Chairing the Committee.** The Standards Committee and Sub-Committees shall be chaired by an Independent Member.
- f. **Substitutes.** The use of substitutes is not encouraged. However, Borough Councillors who are unable to attend a meeting of the Standards Committee or a sub-committee may appoint a nominated, trained Borough Councillor to attend the meeting as his/her substitute and who may attend, participate in and vote at Standards Committee and sub-committee meetings in the absence of the Borough Councillor.

**10.3 General Role**

The Standards Committee will have the following roles and functions:

- a. promoting and maintaining high standards of conduct by Councillors and any co-opted members of Council bodies;
- b. assisting the Councillors and co-opted members to observe the Members' Code of Conduct;
- c. advising the Council on the adoption or revision of the Members' Code of Conduct;
- d. monitoring the operation of the Members' Code of Conduct;

**PART 2**

- e. advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- f. granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- g. dealing with any report from the Monitoring Officer or from an Ethical Standards Officer of Standards for England on any matter which is referred by the Standards Assessment Sub-Committee to the Monitoring Officer or to the Standards Board for England for investigation;
- h. receiving, assessing written allegations that a Councillor or co-opted Councillor (or former Councillor or co-opted Councillor) may have failed to follow the Code of Conduct and (where appropriate) reviewing decisions made in respect of such allegations;
- i. the exercise of a - h above in relation to the Parish Councils in the Council's area and the members of those parish Councils;
- j. monitoring and reviewing all constitutional Council Codes and Protocols.

**ARTICLE 11 - JOINT ARRANGEMENTS**

*[Update required re Shared Services / SSB, WETT, etc.]*

**11.1 Arrangements to promote well-being**

The Council or the Executive, in order to promote the economic, social or environmental well-being of its area, may, where legally permissible:

- a. enter into arrangements or agreements with any person or body;
- b. co-operate with, or facilitate or co-ordinate the activities of, any person or body;
- c. exercise on behalf of that person or body any functions of that person or body.

**11.2 Joint arrangements**

- a. The Council may establish joint arrangements with one or more local authorities in order to exercise functions which are not Executive functions in any of the participating authorities, or in order to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- b. The Executive may establish joint arrangements with one or more local authorities to exercise functions which are Executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- c. Except as set out below, the Executive may only appoint Executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- d. The Executive may appoint members to a joint committee from outside the Executive, where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population.

In such cases, the Executive may appoint to the joint committee any Councillor who is a member for a ward which is wholly or partly contained within the area. In such circumstances the political balance requirements do not apply to such appointments.

- e. Details of any joint arrangements including any delegations to joint committees will be found in Table 1 Part 3 of this Constitution (Responsibility for Functions).

**11.3 Access to information**

- a. The Access to Information Rules in Part 5 of this Constitution apply.
- b. If all the members of a joint committee are members of the Executive in each of the participating authorities then its Access to Information regime is the same as that applied to the Executive.
- c. If the joint committee contains members who are not on the Executive of any participating authority then the Access to Information Rules in Part V of the Local Government Act 1972 will apply.

**11.4 Delegation to and from other local authorities**

- a. The Council may delegate non-Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- b. The Executive may delegate Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- c. The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

**11.5 Contracting out**

The Executive may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

## ARTICLE 12 - OFFICERS

### 12.1 Management structure

The full Council may engage officers as it considers necessary to carry out its functions. The establishment of the Council will include the following posts, who will be designated Chief Officers, ***and who form part of the shared management arrangements agreed between Redditch Borough Council and Bromsgrove District Council:***

Chief Executive  
 Deputy Chief Executive /  
 Executive Director – Leisure, Culture Environment & Community  
 Executive Director – Finance & Resources  
 Executive Director – Planning, Regeneration, Regulatory and Housing  
 Executive Director – Policy, Performance & Partnerships  
 Head of Business Transformation  
 Head of Community Services  
 Head of Customer Services  
 Head of Environmental Services  
 Head of Finance and Resources  
 Head of Housing Services  
 Head of Legal, Equalities & Democratic Services  
 Head of Leisure & Cultural Services  
 Head of Planning & Regeneration Services

***and, under a separate shared service arrangement,***

***Head of Regulatory Services.***

The Council will designate the Chief Executive as Head of Paid Service and will designate officers as Monitoring Officer and Section 151 Officer. These posts will have the functions described in Articles 12.2 – 12.4 below. ***All three of these statutory Officers are provided under the shared services arrangements with Bromsgrove District Council.***

The Chief Executive will determine, publicise and keep up to date a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 14 of this Constitution.

## 12.2 Functions of the Head of Paid Service

- a. The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- b. The Head of Paid Service may not be the Monitoring Officer but may hold the post of Section 151 Officer if a qualified accountant.

## 12.3 Functions of the Monitoring Officer

- a. **Maintaining the Constitution** The Monitoring Officer will maintain an up to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- b. **Ensuring lawfulness and fairness of decision making** After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the full Council, or to the Executive in relation to an Executive function, if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposals or decision being implemented until the report has been considered.
- c. **Supporting the Standards Committee** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

*[\* To be updated re revised arrangements, when known]*

- d. **Receiving reports** *The Monitoring Officer will receive and act on complaints and on any reports made by Ethical Standards Officers and decisions of the case tribunals.*
- e. **Conducting investigations** *The Monitoring Officer will conduct investigations into complaints and matters referred by Ethical Standards Officers and make reports or recommendations in respect of them to the Standards Committee.*
- f. **Proper Officer for access to information** The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

**PART 2**

- g. **Advising whether Executive decisions are within the Budget and Policy Framework** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the Budget and Policy Framework.
- h. **Providing advice** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors.
- i. **Restrictions on post** The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

**12.4 Functions of the Section 151 Officer**

- a. **Ensuring lawfulness and financial prudence of decision making** After consulting with the Head of Paid Service and the Monitoring Officer, the Section 151 Officer will report to the full Council, or to the Executive in relation to an Executive function, and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- b. **Administration of financial affairs** The Section 151 Officer will have responsibility for the administration of the financial affairs of the Council.
- c. **Contributing to Corporate Management** The Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- d. **Providing advice** The Section 151 Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- e. **Give financial information** The Section 151 Officer will provide financial information to the media, members of the public and the community.



**12.5 Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer**

The Council will provide the Monitoring Officer and Section 151 Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

**12.6 Conduct**

Officers will comply with any Officers' Code of Conduct and the Protocol on Member-Officer Relations set out in Part 18 of this Constitution.

**12.7 Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 13 of this Constitution.

## ARTICLE 13 - DECISION MAKING

### 13.1 Responsibility for decision-making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in the Tables at Part 3 of this Constitution.

### 13.2 Principles of decision-making

All decisions of the Council will be made in accordance with the following principles:

- a. proportionality (in other words the action must be proportionate to the proposed outcome);
- b. due consultation and the taking of professional advice from officers;
- c. respect for human rights;
- d. a presumption in favour of openness;
- e. clarity of aims and desired outcomes;
- f. due regard for the Council's environmental objectives;
- g. due regard for the Council's duties in relation to crime and disorder;
- h. clear explanations of the options considered and the reasons for the decision reached.

### 13.3 Types of decision

- a. Decisions relating to the functions listed in Article 4.2 will be made by the full Council and not delegated.
- b. 'Key Decisions' are those Executive decisions which are likely to:
  1. (i) result in any variation to the approved budget (capital and revenue) and Policy Framework for any service or function which requires the approval of the Council; or
  - (ii) result in expenditure or savings amounting in total to £50,000 or more

~~((i) and (ii) above shall not apply in those cases where the Council or Executive Committee have delegated authority to Officers to make decisions resulting in expenditure amounting to £50,000 or~~

**PART 2**

~~more under the terms of the delegation); OR~~

2. ones which are likely to be significant in terms of their effect on a community or communities living or working in an area comprising one or more wards in the Council's area, even where there may not be any financial implications; OR

**3. *Any proposal to cease to provide a Council service (other than a temporary cessation of service of not more than 6 months).***

- c. A Key Decision must be made in accordance with the requirements of the Executive Procedure Rules set out in Part 7 of this Constitution.

**13.4 Decision making by the full Council**

Subject to Article 13.8, each Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

**13.5 Decision-making by the Executive Committee**

Subject to Article 13.8, the Executive will follow the Executive Procedure Rules set out in Part 7 of this Constitution when considering any matter.

**13.6 Decision-making by the Overview and Scrutiny Committee**

The Overview and Committee will follow the Overview and Scrutiny Procedures Rules set out in Part 8 of this Constitution when considering any matter.

**13.7 Decision making by other Committees and Sub-Committees established by the Council**

Subject to Article 13.8 other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them or such other Procedure Rules as are set out in Parts 8, 9, 10 and 13A or elsewhere in this Constitution or as otherwise agreed by the Council.

**13.8 Decision making by Council bodies acting as tribunals**

The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

## **ARTICLE 14 - FINANCE, CONTRACTS AND LEGAL MATTERS**

### **14.1 Financial management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 11 of this Constitution.

### **14.2 Contracts**

Every contract made by the Council will comply with the Contract Procedure Rules and Procurement Code set out in Part 12 of this Constitution.

### **14.3 Legal proceedings**

The Chief Executive and the Head of Legal, Equalities and Democratic Services are authorised to institute, defend or participate in any legal proceedings or action in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider that such action is necessary to protect the Council's interests.

### **14.4 Authentication of documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Executive or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

### **14.5 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal, Equalities and Democratic Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal, Equalities and Democratic Services should be sealed. The affixing of the Common Seal will be attested by the Head of Legal, Equalities and Democratic Services or some other person authorised by him/her.

## **ARTICLE 15 - REVIEW AND REVISION OF THE CONSTITUTION**

### **15.1 Duty to Monitor and Review the Constitution**

- a. The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- b. A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution adopted by the Council and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:
  - (i) observe meetings of different parts of the member and officer structure;
  - (ii) undertake an audit trail of a sample of decision;
  - (iii) record and analyse issues raised with him/her by Councillors, officers, the public and other relevant stakeholders; and
  - (iv) compare practices in the Council with those in other comparable authorities, or national examples of best practice

### **15.2 Changes to the Constitution**

- a. Changes to the Constitution shall not be approved unless approved by at least two-thirds of the number of Councillors present, save that the Monitoring Officer may amend Part 14 of the Constitution (Management Arrangements) but only to the extent that such changes reflect either changes to the corporate structure which have been agreed by Council or a change in staffing arrangements.
- b. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals for a change from a 'Leader and Cabinet' (= 'Executive Committee') form of government to alternative arrangements, or vice versa or as otherwise prescribed by statutory requirement.

## ARTICLE 16 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

### 16.1 Suspension of the Constitution

The Articles of this Constitution may not be suspended.

### 16.2 Suspension of Rules

The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law:

- (i) Council Procedure Rules
- (ii) Overview and Scrutiny Procedure Rules
- (i) Performance Management Board Procedure Rules
- (ii) Audit & Governance Committee Procedure Rules
- (iii) Executive Procedure Rules
- (iv) Officer Employment Procedure Rules
- (v) Financial Regulations
- (vi) Contracts Procedure Rules
- (ix) Budget and Policy Framework Procedure Rules
- (x) Planning Committee Procedure Rules.

### 16.3 Procedure for Suspension of Rules

A motion to suspend any Rules will not be moved without notice unless approved by at least **two thirds** of the number of Councillors present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1. ***The advice of the Chief Executive and/or Monitoring Officer, or their representatives, shall be considered before any decision to suspend Rules may be taken.***

### 16.4 Interpretation

Reference in any provision of this Constitution to the appointment of a person or a Member to an office shall be taken to include the removal of that person or Member from that office (subject to compliance with the Officer Employment Procedure Rules or other provision whether statutory or otherwise relating to the employment of staff).

**16.5 Mayor's Ruling**

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

**16.6 Publication**

The Chief Executive will give a printed copy of this Constitution to each Councillor upon delivery to him/her of that individual's Declaration of Acceptance of Office on the Councillor first being elected to the Council.

The Chief Executive will ensure that copies are available for inspection at Council offices, libraries and other appropriate locations.

The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.



## RESPONSIBILITY FOR FUNCTIONS

### 1. Council Functions

- 1.1 The **Council** will be responsible for those functions which under Regulation 2 of and Schedule 1 to the Responsibility for Functions Regulations (as amended) (“the Regulations”) shall not be the responsibility of the Executive Committee.
- 1.2 Only the following functions which under Regulation 3(1) of and Schedule 2 to the Regulations may (but need not) be the responsibility of the Executive Committee, shall be the responsibility of the **Council**:

In respect of a Council function, the appointment of any individual to any body other than the authority, a joint committee of two or more authorities or to any committee or subcommittee of such a body and the revocation of such an appointment
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Any function relating to contaminated land
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The discharge of any function relating to the control of pollution or the management of air quality
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The service of an abatement notice in respect of a statutory nuisance
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The investigation of any complaint as to the existence of a statutory nuisance
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The inspection of the authority’s area to detect any statutory nuisance
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The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interest in land
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The obtaining of particulars of person interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976
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The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Council’s area
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The determination of an appeal against any decision made by or on behalf of the Council in respect of a function reserved to the Council
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1.3 Council Functions delegated to Committees and Officers

The Council has delegated functions to Committees and Officers as detailed in Part 3 – Table 3 (Scheme of Delegations).

2. Executive Committee Functions

- 2.1 All executive functions shall be the responsibility of the **Executive Committee** which shall take decisions in accordance with paragraph 7.6 of the Articles of Constitution (Part 2).
- 2.2 All functions not specifically reserved to Council or to any other committee or body by statute or other legislative enactment shall be the responsibility of the **Executive Committee**.
- 2.3 The following functions which under the Regulations may (but need not) be the responsibility of the Executive Committee, shall be the responsibility of the **Executive Committee**:

Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Regulations.
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In respect of a Executive Committee function only, the appointment of any individual to any body other than the authority, a joint committee of two or more authorities or to any committee or sub-committee of such a body and the revocation of such an appointment
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<i>The appointment of review boards under regulations under subsection (4) of section 34 (determinations of claims and reviews) of the Social Security Act 1998 ??</i>
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The determination of an appeal against any decision made by or on behalf of the Council in respect of a function reserved to the Executive Committee
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2.4 Executive Committee Functions delegated to Committees and Officers

The Executive Committee has delegated functions to Committees and Officers as detailed in Part 3 – Table 3 (Scheme of Delegations).

## PART 3 - Table 2

## TERMS OF REFERENCE OF COMMITTEES

## AUDIT &amp; GOVERNANCE COMMITTEE

Number of members	7
Politically Balanced Y/N	Y
Quorum	<b>3 (new - to include at least one member of the Majority Group)</b>
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	<ul style="list-style-type: none"> <li>a. To review and monitor the annual audit plans of both the internal and external auditors.</li> <li>b. To receive and comment upon the external auditors' reports.</li> <li>c. To monitor the adequacy and effectiveness of the Council's system of internal control by ensuring that an adequate and effective system of internal financial controls is maintained, that financial procedures are regularly reviewed.</li> <li>d. To consider and approve the Council's Annual Statements Of Accounts.</li> <li>e. To consider, monitor and review the Council's overall corporate governance arrangements.</li> <li>f. To ensure that a corporate risk management strategy is in place, to consider, monitor and review the effectiveness of the Council's risk management arrangements and seek assurances that action is being taken to address identified risk related issues.</li> </ul>

**PART 3 - Table 2****TERMS OF REFERENCE OF COMMITTEES**

	<p>g. To consider any report from the Internal Audit Manager in pursuance of Financial Regulations.</p> <p>h. To ensure good stewardship of the Council's resources and assist the Council to achieve value for money in the provision of its services.</p> <p>i. To enhance the profile, status and authority of the internal audit function which will demonstrate its independence.</p> <p>j. To contribute towards making the Council, its Committees and Directorates more responsive to the audit function.</p> <p>k. To focus audit resources by agreeing, and periodically reviewing, audit plans and monitoring delivery of the audit service.</p> <p>l. To receive and consider such internal audit reports that the Chair and/or Acting Deputy Chief Executive considers necessary.</p> <p>m. To keep under review and make recommendations on proposed amendments to Financial Regulations.</p> <p>n. To consider and make recommendations if appropriate on, the Annual Governance Statement.</p>
Special provisions as to the Chair	For the sake of independence, the Chair will be an "Opposition" Member.
Special provisions as to membership	<p>The Committee to comprise elected Members representing all interests of the Authority, preferably with relevant areas of expertise, where possible (such areas as accountancy, audit, business and commerce.)</p> <p>Can be members of the Executive Committee.</p>

**PART 3 - Table 2****TERMS OF REFERENCE OF COMMITTEES****CRIME & DISORDER SCRUTINY PANEL**

Number of Members	5
Politically Balanced Y/N	Y
Quorum	<b>3</b>
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	<ul style="list-style-type: none"> <li>a. to hold the Redditch Community Safety Partnership to account for its decision making;</li> <li>b. to scrutinise the performance of the Redditch Community Safety Partnership;</li> <li>c. to undertake policy reviews of specific crime and disorder issues;</li> <li>d. to highlight and challenge people's perceptions of crime and disorder in the local area;</li> <li>e. to undertake community engagement and consultation to establish local people's priorities for crime and disorder issues; and</li> <li>f. to promote the positive work of the Redditch Community Safety Partnership.</li> </ul>
Provisions relating to appointment of Chair	The Chair of the Panel will be a member of a political group not forming part of the ruling administration.

## PART 3 - Table 2

## TERMS OF REFERENCE OF COMMITTEES

	<p>The Chair will also be a member of the parent Overview and Scrutiny Committee.</p> <p>Cannot be members of the Executive Committee.</p>
Special provisions as to membership	<p><b><i>Training is highly recommended for members who sit on the Crime &amp; Disorder Scrutiny Panel.</i></b></p>

## PART 3 - Table 2

## TERMS OF REFERENCE OF COMMITTEES

## EMPLOYMENT APPEALS COMMITTEE

Number of members	5
Politically Balanced Y/N	N
Quorum	<b>3</b>
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22). Quasi-Judicial Meeting Rules apply.
Terms of Reference	To consider appeals against dismissal, grading and grievances by employees of the Council.
Special provisions as to the Chair	None
Special provisions as to membership	<p>Only those Councillors who have undertaken appropriate training * may sit on the Appeals Panel.</p> <p><b><i>The Chief Executive, in consultation with the Member Development Steering Group will determine the criteria to be met and will determine whether individual Councillors have met those criteria.</i></b></p> <p><i>*Quasi-Judicial meetings training.</i></p>

**PART 3 - Table 2****TERMS OF REFERENCE OF COMMITTEES****EXECUTIVE COMMITTEE**

Number of Members	9 including the Leader and the Deputy Leader
Politically Balanced Y/N	N
Quorum	4
Procedure Rules applicable	Executive Committee Procedure Rules
Terms of Reference	To carry out all the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.
Special rules as to the Chair	The Leader to preside; in his/her absence the Deputy Leader to preside
Whipping arrangements	N/A
Special Provisions as to membership	Cannot be members of the Overview and Scrutiny Committee. Named substitutes not permitted.



## PART 3 - Table 2

## TERMS OF REFERENCE OF COMMITTEES

## HOUSING APPEALS COMMITTEE

Number of members	6 <i>Note: At any meeting of the Appeals Panel, only three of the six members will be present.</i>
Politically Balanced Y/N	N
Quorum	<b>3</b>
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22). Quasi-Judicial meeting rules apply.
Terms of Reference	<p>a. To consider appeals submitted by tenants, or prospective tenants, in relation to registration on the Housing Register, housing applications and offers of accommodation.</p> <p>b. To consider appeals submitted by tenants or prospective tenants, against decisions made by Officers under delegated powers on housing need points allocations, including the award of discretionary points, in exceptional circumstances.</p> <p>c. To consider and determine Homelessness appeals.</p>
Special provisions as to the Chair	None
Special provisions as to membership	Can be members of the Executive Committee: to be selected from all disinterested members of the Council, subject to training in Quasi-Judicial hearings. Ward Members cannot sit on appeals which might lead to allocation of properties in relation to their Wards.

**PART 3 - Table 2****TERMS OF REFERENCE OF COMMITTEES****LICENSING COMMITTEE**

Number of Members	15
Politically Balanced Y/N	Y
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 19.1, 19.2 and 21)
Terms of Reference	Functions relating to the Licensing Act 2003 (Premises and Personal Licences), the Gambling Act 2005, and miscellaneous other licensing and enforcement matters.
Special provisions as to the Chair	None
Whipping arrangements	N/A
Special provisions as to membership	None

## PART 3 - Table 2

## TERMS OF REFERENCE OF COMMITTEES

LICENSING SUB-COMMITTEE A (Personal / Premises / Gambling Act)  
(Parent Committee – Licensing Committee)

Number of Members	5 (from which to draw statutory 3-Member "Panels")  <i>Membership to be agreed by Officers, in consultation with the Chair, as required per application and to include a 4th reserve member.</i>
Politically Balanced Y/N	N
Quorum	<b>3</b>
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22). Quasi-judicial meetings rules apply.
Terms of Reference	To consider and determine applications and hearings arising from the Licensing Act 2003 and the Gambling Act 2005
Special provisions as to the Chair	Chair of Licensing (Parent) Committee, with substitutes, as designated by the Council.
Special provisions as to membership	Only those Councillors who have undertaken *appropriate training may sit on the Licensing Sub-Committee.  <b><i>The Chief Executive, in consultation with the Member Development Steering Group will determine the criteria to be met and will determine whether individual Councillors have met those criteria.</i></b>  <i>*Quasi-Judicial meetings training / Licensing and Gambling Act requirements training.</i>

## PART 3 - Table 2

## TERMS OF REFERENCE OF COMMITTEES

LICENSING SUB-COMMITTEES B (Taxis / Sex Establishments / Other)  
(Parent Committee – Licensing Committee)

Number of Members	5
Politically Balanced Y/N	N
Quorum	<b>3</b>
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22). Quasi-judicial meetings rules apply.
Terms of Reference	To consider all “other Licensing” and similar regulatory matters other than those covered by the Licensing Act 2003 and Gambling Act 2005, e.g. Taxis, Incinerators and “Sex Establishments”.
Special provisions as to the Chair	The Chair shall be either the Chair or, in his/her absence, Vice-Chair of the Licensing (Parent) Committee
Whipping arrangements	N/A
Special provisions as to membership	<p>Only those Councillors who have undertaken *appropriate training may sit on the Licensing Sub-Committee B.</p> <p><b><i>The Chief Executive, in consultation with the Member Development Steering Group will determine the criteria to be met and will determine whether individual Councillors have met those criteria.</i></b></p> <p><i>*Quasi-Judicial meetings training.</i></p>

**PART 3 - Table 2****TERMS OF REFERENCE OF COMMITTEES****OVERVIEW AND SCRUTINY COMMITTEE**

Number of Members	9 Members of the Overview and Scrutiny Committee, or of any of its Task and Finish Groups, shall not be members of the Executive Committee.
Politically Balanced Y/N	Currently N (by annual Council resolution to vary)
Quorum	3
Procedure Rules applicable	Overview and Scrutiny Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22).
Terms of Reference	<ul style="list-style-type: none"> <li>a. agree the scrutiny programme and the terms of reference for each scrutiny;</li> <li>b. establish time limited Task and Finish Groups to investigate issues in depth; or itself undertake selected reviews;</li> <li>c. agree reports prepared by the Task and Finish Groups;</li> <li>d. act as an interface with the Executive Committee;</li> <li>e. receive, comment and advise on the Council's policy framework such as the Corporate Plan and on other major policies;</li> <li>f. have responsibility for budget scrutiny and performance management scrutiny issues (with Task and Finish Groups established as necessary to take up any detailed work over the year);</li> <li>g. review and /or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions whether or not the responsibility of the Executive Committee;</li> <li>h. exercise the right to call in, for reconsideration of decisions made but not yet implemented by the Executive Committee;</li> </ul>

**PART 3 - Table 2****TERMS OF REFERENCE OF COMMITTEES**

	<ul style="list-style-type: none"> <li>i. decide how to deal with call ins (with Task and Finish Groups established as necessary to take up any detailed work);</li> <li>j. Undertake the role of a Crime and Disorder Overview and Scrutiny Committee under the Police and Justice Act 2006 through the Crime and Disorder Scrutiny Panel, a Sub Committee of the main Committee;</li> <li>k. Establish arrangements for any review of the performance of relevant external organisations which impact on the Council's functions and services and submit reports after comment, as appropriate, by the Executive and external organisations, to the Council;</li> <li>l. Monitor the quality of scrutinies;</li> <li>m. Monitor the implementation of any scrutiny recommendations accepted by the Executive Committee; and</li> <li>n. Oversee the development of Member skills and competencies in scrutiny.</li> </ul>
Special provisions as to the Chair	The Chair will be a Member of a political group not forming part of the ruling administration.
Whipping arrangements	When considering any matter in respect of which a member of the Overview Committee is subject to a party whip, the Councillor must declare the existence of the whip, and the nature of it before the commencement of the Overview Committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.
Special provisions as to membership	All Councillors except members of the Executive Committee may be Overview and Scrutiny members. However, no Member may be involved in scrutinising a decision in which he / she has been directly involved.

**PART 3 - Table 2****TERMS OF REFERENCE OF COMMITTEES****PLANNING COMMITTEE**

Number of Members	9
Politically Balanced Y/N	Y
Quorum	3
Procedure Rules applicable	Planning Procedure Rules and Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22).
Terms of Reference	<ol style="list-style-type: none"> <li>1. To exercise all powers and duties of the Council on all matters relating to development control, including but not limited to:- <ol style="list-style-type: none"> <li>a. considering and determining applications for planning permission</li> <li>b. enforcement of planning control</li> <li>c. building preservation, Listed Buildings and Conservation areas</li> <li>d. Tree preservation orders</li> <li>e. Control of advertisements</li> <li>f. Footpath diversion orders under the Town and Country Planning legislation</li> <li>g. Certificates of Lawfulness</li> </ol> </li> <li>2. To comment on proposals for development submitted by Worcestershire County Council and other public authorities</li> <li>3. To determine High Hedges applications in accordance with Part 8 of the Anti-Social Behaviour Act 2003</li> </ol>
Special provisions as to the Chair	The Chair shall not be a member of the Executive Committee

## PART 3 - Table 2

## TERMS OF REFERENCE OF COMMITTEES

Special provisions as to membership	<p>Only those Councillors who have undertaken appropriate training * may sit on the Planning Committee.</p> <p><b><i>The Chief Executive, in consultation with the Member Development Steering Group will determine the criteria to be met and will determine whether individual Councillors have met those criteria.</i></b></p> <p><b><i>* Annual Planning Committee training sessions</i></b></p>
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**PART 3 - Table 2****TERMS OF REFERENCE OF COMMITTEES****STANDARDS COMMITTEE**

Number of Members	12 comprising: <i>7 RBC Members plus 3 Independent Members and 2 Parish Councillor representatives</i> <i>Only 1 member can be also a member of the Executive Committee. The Parish Council representatives shall not also be members of the Borough Council.</i>
Politically Balanced Y/N	N
Quorum	3 (at least one of which would need to be an Independent member, and one a member of the Borough Council, plus, in the case of matters relating to the Parish of Feckenham, one Parish Council member)
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22).
Terms of Reference	The Standards Committee will have the following roles and functions: <ul style="list-style-type: none"> <li>a. promoting and maintaining high standards of conduct by the Mayor, Councillors, independent and co-opted members;</li> <li>b. assisting the Mayor, Councillors, independent and co-opted members to observe the Members' Code of Conduct;</li> <li>c. advising the Council on the adoption or revision of the Members' Code of Conduct;</li> <li>d. monitoring the operation of the Members' Code of Conduct;</li> <li>e. advising, training or arranging to train the Mayor, Councillors, independent and co-opted members on matters relating to the Members' Code of Conduct;</li> </ul>

**PART 3 - Table 2****TERMS OF REFERENCE OF COMMITTEES**

	<p>f. granting dispensations to the Mayor, Councillors, independent and co-opted members from requirements relating to interests set out in the Members’;</p> <p>g. dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an ethical standards Officer to the Monitoring Officer;</p> <p>h. receiving and assessing complaints against Members;</p> <p>i. reviewing local assessment decisions in relation to complaints against Members;</p> <p>j. conducting and determining hearings following investigation of complaints against Members;</p> <p>k. granting exemptions for politically restricted posts; and</p> <p>l. the exercise of (a) to (k) above in relation to Feckenham Parish Council and the members of Feckenham Parish Council.</p>
Chair	The Chair and Vice-Chair of the Standards Committee, and of any of its Sub-Committees, will be an Independent member.
Substitutes	Substitutes are not encouraged by the Standards Board.
Special provisions as to membership	<p>At least one parish member must be present when matters relating to the Parish Council or its members are being considered.</p> <p>Appropriate training is highly recommended for those members who sit on the Standards Committee.</p>

**PART 3 - Table 2****TERMS OF REFERENCE OF COMMITTEES****STANDARDS ASSESSMENT SUB-COMMITTEE  
(Parent Committee – Standards Committee)**

Number of Members	<p>3 comprising:</p> <ul style="list-style-type: none"> <li>• At least 1 Borough Councillor</li> <li>• At least 1 Independent Member</li> <li>• One other member of the Standards Committee; a Parish Representative is required if the matter under consideration is a parish matter.</li> </ul> <p>The Standards Committee may from time to time determine procedures for membership of its sub-committees.</p>
Politically Balanced Y/N	N
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22)
Terms of Reference	To carry out assessment of allegations that a Borough or parish councillor or co-opted councillor (or former councillor or co-opted councillor) may have failed to follow the Code of Conduct
Chair	To be an Independent Member
Whipping arrangements	N/A
Substitutes	The Standards Committee may from time to time determine procedures for substitution at meetings of Standards Assessment Sub-Committees.

## PART 3 - Table 2

## TERMS OF REFERENCE OF COMMITTEES

<p>Special provisions as to membership</p>	<p>Only those Councillors who have undertaken *appropriate training may sit on the Standards Assessment Sub-Committees.</p> <p><b><i>The Chief Executive, in consultation with the Member Development Steering Group will determine the criteria to be met will determine whether individual Councillors have met those criteria.</i></b></p> <p>* <i>Specific Standards Hearing-related training.</i></p>
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**PART 3 - Table 2****TERMS OF REFERENCE OF COMMITTEES****STANDARDS REVIEW SUB-COMMITTEE  
(Parent Committee – Standards Committee)**

Number of Members	<p>3 comprising:</p> <ul style="list-style-type: none"> <li>• At least 1 Borough Councillor</li> <li>• At least 1 Independent Member</li> <li>• One other member of the Standards Committee; a Parish Representative is required if the matter under consideration is a parish matter,</li> </ul> <p>none of whom sat on the Standards Assessment Sub-Committee.</p> <p>The Standards Committee may from time to time determine procedures for membership of its sub-committees</p>
Politically Balanced Y/N	N
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22).
Terms of Reference	To review, when appropriate, decisions of a Standards Assessment Sub-Committee
Chair	To be an Independent Member
Whipping arrangements	N/A
Substitutes	The Standards Committee may from time to time determine procedures for substitution at meetings of Standards Review Sub-Committees

## PART 3 - Table 2

## TERMS OF REFERENCE OF COMMITTEES

Special provisions as to membership	<p>Only those Councillors who have undertaken *appropriate training may sit on the Standards Review Sub-Committees.</p> <p><b><i>The Chief Executive, in consultation with the Member Development Steering Group will determine the criteria to be met will determine whether individual Councillors have met those criteria</i></b></p> <p>* <i>Specific Standards Hearing-related training.</i></p>
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**PART 3 - Table 2****TERMS OF REFERENCE OF COMMITTEES****STANDARDS DETERMINATION SUB-COMMITTEE  
(Parent Committee – Standards Committee)**

Number of Members	<p>3 comprising:</p> <ul style="list-style-type: none"> <li>• At least 1 Borough Councillor</li> <li>• At least 1 Independent Member</li> <li>• One other member of the Standards Committee; a Parish Representative is required if the matter under consideration is a parish matter,</li> </ul> <p>none of whom sat on the Standards Assessment OR Review Sub-Committees.</p> <p>The Standards Committee may from time to time determine procedures for membership of its sub-committees</p>
Politically Balanced Y/N	N
Quorum	3
Procedure Rules applicable	Council Procedure Rules (with the exception of Council Procedure Rules 1-4, 10, 14, 18.2, 20.1 and 22). Quasi-judicial procedure rules apply
Terms of Reference	To hear and determine complaints which have been investigated.
Chair	To be an Independent Member
Whipping arrangements	N/A
Substitutes	The Standards Committee may from time to time determine procedures for substitution at meetings of Standards Review Sub-Committees.

## PART 3 - Table 2

## TERMS OF REFERENCE OF COMMITTEES

Special provisions as to membership	<p>Only those Councillors who have undertaken *appropriate training may sit on the Standards Review Sub-Committees.</p> <p><b><i>The Chief Executive, in consultation with the Member Development Steering Group will determine the criteria to be met will determine whether individual Councillors have met those criteria.</i></b></p> <p>* <i>Quasi-Judicial meetings training.</i>  <i>Specific Standards Hearing-related training.</i></p>
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## **SCHEME OF DELEGATION TO OFFICERS**

*The existing approved Scheme of Delegation continues to apply, pending revisions and updates – to be considered separately at later date.*



## JOINT ARRANGEMENTS

This section sets out the joint arrangements the Council has entered into with other local authorities, and is divided into the following parts:-

- Joint Committees
- Shared Services with Redditch Borough Council
- Other arrangements.

### 1. Joint Committees

#### a. WETT Regulatory Joint Committee

A joint committee has been established of the executives of this Council, Bromsgrove District Council, Malvern Hills District Council, Worcester City Council, Worcestershire County Council, Wychavon District Council, and Wyre Forest District Council.

The joint committee has provision to operate and manage Worcestershire Regulatory Services. The Council has delegated to the Joint Committee the functions set out in Table 1 below.

The Council has delegated to the Head of Worcestershire Regulatory Service the discharge of functions set out in Part 2 of the Officers' Scheme of Delegation for Regulatory Services.

### 2. Shared Services with Bromsgrove District Council

In 2009 the Council agreed to the appointment of a shared Chief Executive with Bromsgrove District Council. In 2010 a shared management team for both Councils was appointed. The two councils have agreed to work together to deliver services jointly across both Councils. The co-operation between the two Councils on sharing services is reflected by a legal agreement referred to as the Overarching Framework Agreement.

As each Council continues to be independent politically, the Scheme of Delegations for Redditch Borough Council, delegates the responsibility for making decisions from the Redditch Executive and Council to the relevant Committees and officers. Under the terms of the Overarching Framework Agreement, the officers may be employed by either RBC or BDC, but this does not affect their ability to carry out functions delegated to them under the Redditch Borough Council Constitution.

The specific legislation which underpins these arrangements is set out in the Local Government Act 1972 and the Local Government Act 2000.

Under section 113 of the Local Government Act 2000, a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter authority the services of staff employed by the former authority. Under section 101 of the Local Government Act 2000 a local

## JOINT ARRANGEMENTS

authority may arrange for the discharge of its functions by any other local authority. This principle is further expanded in sections 19 and 20 of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000.

The staffing arrangements for the shared management team have been established under section 113 of the Local Government Act with each authority placing its employees at the disposal of the other. As shared services are introduced across the Council department by department, a host authority for each department will be identified. Staff will be transferred under TUPE to the host or receiving authority, and will carry out the functions of the delegating authority in accordance with section 101 of the Local Government Act.

### **3. Other arrangements**

The Council has agreed to enter into other arrangements for sharing services with local authorities. These are summarised below:-

#### **a. Internal Audit Services**

The Council has agreed to enter into arrangements with Bromsgrove District Council, Malvern Hills District Council, Worcester City Council, and Wychavon District Council for the authorities to collaborate and provide one shared Internal Audit Service for all the authorities.

The service is hosted by Worcester City Council and is regulated by a formal agreement.

#### **b. Payroll Service**

The Council has agreed to enter into arrangements with Bromsgrove District Council and Wyre Forest District Council for Redditch Borough Council to provide the payroll service for all three Districts.

The arrangement is regulated by a formal agreement.

#### **c. Assets Management Service**

The Council has agreed to enter into an arrangement with Worcestershire County Council for the County Council to provide an Assets Management Service for the Council. The arrangement is regulated by a formal agreement between the two authorities.

## COUNCIL PROCEDURE RULES

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## 1. ANNUAL MEETING OF THE COUNCIL

### 1.1 Timing and business

The Annual Meeting will normally take place in May, following May annual elections.

The Annual Meeting will:

- (a) elect a person to preside if the Mayor is not present;
- (b) elect the Mayor;
- (c) elect the Deputy Mayor;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Mayor, Leader and/or Chief Executive;
- (f) elect the Leader and Deputy Leader;

(Any political party represented on the Council may appoint a Leader and a Deputy Leader of that party from time to time and, on notification of the name of such persons in writing to the Chief Executive, such persons shall be so recognised by the Council.)

- (h) appoint such committees, sub-committees etc. as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive Committee functions (as set out in the tables in Part 3 of this Constitution);
- (i) consider any business set out in the notice convening the meeting.

### 1.2 Selection of Councillors on Committees and Outside Bodies

At the Annual Meeting, the Council will:

- (a) decide which committees to establish for the municipal year;
- (b) decide the size and terms of reference for those committees;
- (c) decide, where appropriate, the allocation of seats to political groups in accordance with the political balance rules;
- (d) receive nominations of councillors to serve on each outside body and appoint to those outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive Committee; details of 'ex officio' appointments will be set out on the agenda.

## 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:

- (a) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest from members;
- (d) receive any announcements from the Mayor and/or the Head of Paid Service;
- (e) receive any announcements from the Leader;
- (f) deal with any business from the last Council meeting;
- (g) deal with questions on notice from members of the Council, in the order in which they have been received;
- (h) receive minutes and/or reports from the Audit & Governance Committee;
- (i) consider reports and/or recommendations from the Executive Committee including any proposals in relation to the Council's Budget and Policy Framework;
- (j) receive minutes from the Executive Committee for information only and receive and answer questions on matters of clarification;
- (k) consider and (where appropriate) respond to recommendations from the Standards Committee;
- (l) consider recommendations from and (where appropriate) respond to any other Committees of the Council;
- (m) receive and consider reports from officers of the Council;
- (k) receive reports about the business of joint arrangements and external organisations and answer questions on matters of clarification;
- (n) consider motions (in the order in which they have been received);
- (o) consider any other business specified in the summons to the meeting;



- (p) to carry out all other matters, by law, which must be reserved to the Council;
- (q) to consider urgent items of business not specified on the summons to the meeting pursuant to paragraph 14 below;
- (r) other than items under sub-paragraphs (a) – (c), the order of business may be varied by the Mayor or by Council resolution.

### **3. EXTRAORDINARY MEETINGS**

#### **Calling extraordinary meetings**

**3.1 *Any five members of the Council may sign a requisition and present it to the Mayor requesting him/her to convene an extraordinary meeting of the Council subject to paragraph 3.3 below.***

**3.2 *A requisition presented under paragraph 3.1 must include details of the business it is proposed should be considered at the extraordinary meeting. In any event that business should:***

- (i) be about a matter for which the local authority has a responsibility or which affects the Borough of Redditch;***
- (ii) not be defamatory; frivolous or offensive;***
- (iii) not be substantially the same as a question which has been put at a meeting of the Council in the past six months;***
- (iv) relate to functions which are the responsibility of the full Council or the committee or sub-committee to which the question is directed;***
- (v) be of a strategic nature; or***
- (vi) relate to the Budget and Policy Framework; or***
- (vii) relate to functions undertaken by the Council; or***
- (viii) not be business which could more appropriately be dealt with by an officer.***

**3.3 *On receiving a requisition under paragraph 3.1 the Mayor may:***

- (a) convene an extraordinary meeting of the Council to take place on a date not later than 14 days after the date of requisition, or on such other date as agreed between the Mayor and the signatories to the requisition; or***

- (b) *in consultation with the Chief Executive and Monitoring Officer, refer the matter to the next available meeting of the Council if the Mayor is of the opinion that the business specified in the requisition is not so urgent as to require the calling of an extraordinary meeting; or*
- (c) *in consultation with the Chief Executive and Monitoring Officer refer the matter to the next available meeting of the Executive or other committee if the Mayor is of the opinion that the business specified in the requisition could be more appropriately be dealt with in that manner; or*
- (d) *decline to convene an extraordinary meeting if the Mayor, in consultation with the Chief Executive and Monitoring Officer, considers that the business specified in the requisition does not meet the requirements of paragraph 3.2.*

3.4 The Chief Executive may call Council meetings in addition to ordinary meetings.

3.5 Those listed below may also request the Chief Executive to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Mayor of the Council;
- (c) the Monitoring Officer.

### 3.6 **Business**

Extraordinary meetings of the Council will consider only such business as is specifically stated on the agenda for the meeting. Extraordinary meetings will not consider motions (whether on Notice or without) or Questions from Members (whether on Notice or without) but may consider minutes of the previous Council meeting, Executive Committee or other Committee meetings or such other items of business as may be appropriate in the interests of efficient administration of Council business.

## 4. **TIME AND PLACE OF MEETINGS**

Council and Committee meetings will normally commence at 7.00 pm and be held at the Town Hall.

Any variations to the above will be determined by the Chief Executive, in consultation with the Mayor / Chair and notified in the summons for the meeting.

## 5. NOTICE OF AND SUMMONS TO MEETINGS

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. Except in cases of exceptional urgency, at least five clear days before a meeting the Chief Executive will send a summons to every member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## 6. CHAIRING THE MEETING

- 6.1 The person presiding at the meeting will exercise any power or duty of the Mayor. Where these rules apply to committee and sub-committee meetings, references to the Mayor also include the Chair of committees and sub-committees.
- 6.2 Where these rules provide for a maximum time to be devoted to an item or speech or other process, the Mayor may, if the Mayor and the majority of the members present agree, extend that time if it is felt appropriate in the interests of effective conduct of Council business.
- 6.3 Any ruling of the Mayor shall not be challenged.

## 7. QUORUM

- 7.1 Except as stated below, the quorum of a meeting will be at least one quarter of the whole number of members. During any meeting if the Mayor 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 Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
- 7.2 A motion to suspend any of those Rules set out in Article 16.2 in Part 2 of this Constitution will not be moved with or without notice unless at least **two thirds** of the number of Councillors present agree.
- 7.3 Rule 7.1 above shall not apply to committees or sub-committees whose terms of reference or Procedure Rules specify the quorum applicable to a meeting of that committee or sub-committee.

## 8. **ADVICE FROM OFFICERS**

Whenever the Chief Executive, the Section 151 Officer or the Monitoring Officer considers it appropriate to give advice to the Council, they shall be at liberty to do so and the Council shall hear such advice.

## 9. **QUESTIONS BY MEMBERS / MEMBERS OF THE PUBLIC**

### **On reports of the Executive Committee or committees**

- 9.1 A member of the Council may ask the Leader or the Chair of a committee any question without notice upon an item of the minutes and/or any report of the Executive Committee or a committee when that item is being received or under consideration by the Council.

### **Questions on notice**

- 9.2 ***Subject to Rule 9.3, a member of the Council or member of the Public may ask:***

- ***the Mayor;***
- ***a member of the Executive Committee; or***
- ***the Chair of any committee or sub-committee***

***a question on any matter in relation to which the Council, Executive Committee, Committee or sub-committee has powers or duties or which affects the Borough of Redditch.***

***The member who has been asked the question may, if appropriate, refer it to another member for answer.***

***A question shall not be regarded as affecting the Borough of Redditch***

- (a) if it is one which relates to a national issue and would have no more effect on the Borough of Redditch than it would on any other area; or***
- (b) if it relates to actions taken by or statements made by a body or individual connected with the Borough of Redditch, but those actions or statements are not specifically related to the Borough.***

For the purpose of avoiding potential conflict of interest, other than in exceptional circumstances, which shall be determined by the Chief Executive Officer, in consultation with the Mayor, no Questions on Notice are permitted for any of the 'exceptional' meetings of the Council, to include: the Annual Meeting, the Budget-setting meeting in February each year, other one-off extraordinary meetings of the Council (unless called specifically for the

purpose of considering such Petition or Deputation), or meetings which fall within a formal Election period.

### **Notice of questions**

- 9.3 A person may only ask a question under Rule 9.2 if either:
- (a) he/she has given at least **5** clear working days' notice of the question to the Monitoring Officer; or
  - (b) if the question relates to urgent matters, he/she has the consent of the Mayor and the member to whom the question is to be put, and the content of the question is given to the Chief Executive not less than 2 hours before the start of the meeting.

### **Questions which may not be asked**

#### **9.5 *The Chief Executive may reject a question***

- (a) ***if it is not about a matter for which the local authority has a responsibility or which affects the Borough of Redditch;***
- (a) ***is defamatory; frivolous or offensive;***
- (b) ***is substantially the same as a question which has been put at a meeting of the Council in the past six months;***
- (d) ***does not relate to functions which are the responsibility of the full Council or the committee or sub-committee to which the question is directed;***
- (e) ***it is not of a strategic nature;***
- (f) ***it does not relation to functions undertaken by the Council; or***
- (g) ***the question could more appropriately be dealt with by an officer.***

### **Reading the question at the meeting**

- 9.6 The question will be read out at the meeting by the person who has asked the question or by another person on his/her behalf.

Alternatively, they may refer to the question as printed in the agenda papers.

### Response

- 9.7 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; or
  - (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

### Supplementary question

- 9.8 ***A person asking a question under rule 9.2 may, without notice, ask one supplementary question of the member to whom the first question was addressed. The supplementary question must arise directly out of the original question or the reply.***

### Time limit for questions

- 9.9 At any meeting not more than 5 minutes per question, and 15 minutes in total, shall be devoted by the Council to the asking and answering of questions under this rule, provided that the Mayor may at his or her discretion extend the time if the Mayor and the majority of those present agree. Any questions remaining unanswered shall (unless the person who gave notice of the question has indicated that it may be answered in writing) be dealt with at the next ordinary meeting of the Council, in the order in which they would have been dealt with at the original meeting.

## 10 ANNOUNCEMENTS

- 10.1 Subject to the Mayor's discretion, ***each person entitled to make an announcement may speak for a total of five minutes.***
- 10.2 ***Announcements must not relate to items on the agenda or exempt or confidential items.***
- 10.3 In respect of the Leader's announcements only, members may ask questions by way of clarification. ***Up to five minutes in total may be devoted to members' questions to the Leader on his/her announcements.***

## 11. MOTIONS ON NOTICE

### Notice

- 11.1 Except for procedural motions which can be moved without notice under Rule 12, written notice of every motion shall be delivered to the Monitoring Officer by post **or by electronic means** not later than close of business 9 clear working days before the date of the meeting.
- 11.2 **No member shall be a signatory to more than one Notice of Motion on each agenda.** Each Notice of Motion must clearly state the name of the Member submitting it.
- 11.3 The Monitoring Officer will maintain a record of all Notices received.

### Motion set out in agenda

- 11.4 Motions will be placed on the agenda and dealt with in the order in which they were received, provided that where several Notices of Motion are considered by the Monitoring Officer to address a similar subject, they shall be grouped together.

### Scope

- 11.5 Motions must be about matters for which the Council has a responsibility or which affect the Borough of Redditch. A motion shall not be regarded as affecting the Borough of Redditch if
- (a) ***it is one which relates to a national issue and would have no more effect on the Borough of Redditch than it would on any other area;***  
***or***
- (b) ***it relates to actions taken by or statements made by a body or individual connected with the Borough of Redditch, but those actions or statements are not specifically related to the Borough.***

### Rejection of Notices of Motion

- 11.6 ***The Monitoring Officer may reject a Notice of Motion if:***
- (a) ***the scope of the motion exceeds that set out in Rule 11.5 above***
- (b) ***it is defamatory, frivolous or offensive,***

- (c) *it is substantially the same as one submitted within the previous six months;*
- (d) *it requests the Council to make a decision which is outside the powers or responsibility of the full Council;*
- (e) *it is not of a strategic nature;*
- (f) *it does not relate to functions undertaken by the Council.*

#### **Deferment of Motions**

- 11.7 *If the motion is about a matter which, in the opinion of the Mayor on taking the advice of the Chief Executive and/or the Monitoring Officer, should be dealt with in conjunction with a report by an officer, it shall automatically stand deferred until such time as that report can be presented to the Council, provided that no motion shall stand deferred for more than one ordinary meeting of the Council. The Council will be informed on the agenda of the contents of any motions standing deferred under this paragraph.*

#### **Referral of Motions**

- 11.8 *The Monitoring Officer will, in consultation with the member submitting the Notice of Motion, the Leader, the Chief Executive and the Mayor, determine whether the motion will be placed on the agenda for Council or whether it might more appropriately be referred to the Executive Committee or another Committee for determination, or to an officer for further action.*
- 11.9 *If a Notice of Motion is so referred to Executive Committee or to a committee, it shall be placed on the agenda for the next available meeting of that Executive Committee or that committee*
- 11.10 *If a Notice of Motion is referred to an officer, the Monitoring Officer will inform the Council on the agenda of the contents of any Notice of Motion referred to the Executive Committee or a committee or an officer and, where appropriate, of the timescales within which the officer will respond to the author of the Notice of Motion.*
- 11.11 *The Monitoring Officer will inform the member who submitted the Notice of Motion what action has been taken pursuant to Rules 11.6 to 11.10 above.*



## 12. PROCEDURAL MOTIONS WITHOUT NOTICE

The following procedural motions may be moved without notice:

- (a) to appoint a Chair for the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put to the vote;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.

## 13. MOTIONS - RULES OF DEBATE

### **No speeches until motion seconded**

- 13.1 Until the mover has moved a proposal and explained the purpose of it and the proposal has been seconded no other member may speak on the motion.

### **Right to require motion or amendment in writing**

- 13.2 Unless Notice of the Motion has already been given, the Mayor may require any procedural motion or any amendment to be written down and handed to him/her before it is discussed.

### 13.3 **Secunder's speech**

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

### 13.4 **Content and length of speeches**

(a) Speeches must be directed to the question under discussion or to a personal explanation or point of order.

(b) ***Length of speeches shall be in accordance with the following guidelines:***

***4 minutes – standard duration***

5 minutes – mover of Motion / summing up.

Significant variation of these timings shall not be permitted without the consent of the Mayor and a majority of those present.

### 13.5 **When a member may speak again**

A member who has spoken on a motion (including the mover and seconder) may not speak again whilst it is the subject of debate, except:

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

### 13.6 **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 add others; or
- (iv) to add words;

so long as the effect of (ii) to (iv) is not to negate the motion (in other words the same outcome could be achieved by voting against 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 amended motion 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 Mayor will read out the amended motion*** before accepting any further amendments, or if there are none, put it to the vote.

### 13.7 Alteration of motion

- (a) ***An alteration to a motion must be either:***
  - (i) ***to refer the matter to an appropriate body or individual for consideration or reconsideration;***
  - (ii) ***to leave out words;***
  - (iii) ***to leave out words and add others;***
  - (iv) ***to add words;***

***so long as the effect of (ii) to (iv) is not to negate the motion (in other words the same outcome could be achieved by voting against the motion).***

- (b) ***A motion may be altered before it has been moved by the Member who submitted the motion (or another Member on his/her behalf) if the majority of those present agree.***
- (c) ***Any motion may be altered after it has been moved and seconded by the mover of the motion if both the seconder and the majority of those present agree.***

### 13.8 Withdrawal of motion

A member may withdraw a motion which he/she has moved. No member may speak on the motion after it has been withdrawn.

### 13.9 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.

### 13.10 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 to the vote;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4.

### 13.11 Closure Motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put to the vote;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he/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 now be put to the vote is seconded and the Mayor 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 Mayor 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.

### 13.12 Point of order

A member may raise a point of order at any time. The Mayor will hear him/her immediately. A point of order may only relate to an 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 Mayor on the matter will be final and will not be open to discussion.

### 13.13 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 at the same meeting which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final and will not be open to discussion.

### 13.14 Point of information

***A 'Point of information' is effectively a request by a Member to speak again and will therefore be entertained only at the Mayor's discretion at an appropriate point during a debate.*** The ruling of the Mayor on this matter will be final and will not be open to discussion.

## 14. CONSIDERATION OF RECOMMENDATIONS FROM EXECUTIVE COMMITTEE AND REPORTS

- 14.1 Each report or recommendation from Executive Committee will be presented by the Leader, or other member of the Executive Committee.***
- 14.2 The member of the Executive Committee presenting the report or recommendation may, with the consent of the Mayor, respond to all questions raised or points made during the debate.***
- 14.3 The member of the Executive Committee presenting the report or recommendation has a right to reply at the end of the debate on the recommendation immediately before it is put to the vote.***
- 14.4 The member of the Executive Committee presenting the report or recommendation may alter or amend the recommendation if the majority of members present agree, provided such alteration or amendment is one which could be made as an amendment to a motion under Rule 13.6.***

- 14.5 *An amendment to a report or recommendation from Executive Committee may be made provided such amendment is one which could be made as an amendment to a motion under Rule 13.6 and the procedure set out in Rule 13 insofar as it applies to amendments to motions shall apply to amendments to recommendations from Executive Committee.***

Speeches shall be subject to the standard timings indicated at Rule 13.4 above.

**Resolved Items**

- 8) *Matters already resolved by the Executive or other Committee(s) are received by the Council for information only and the only aspect of the minutes that can be discussed is their accuracy or questions of clarification.***

**15. PREVIOUS DECISIONS AND MOTIONS**

**Motion to rescind a previous decision**

A motion, the effect of which is 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 7 members of the Council.

**16. URGENT ITEMS**

Where there is a need to consider items of urgent business which are not specified in the summons to meeting, ***the member wishing to raise the same shall before the commencement of the meeting discuss the matter with the Mayor, the Chief Executive and the Monitoring Officer and the Leader and their collective decision as to whether to consider the item shall be conclusive.***

**17. VOTING**

**Majority**

- 17.1** Except as provided in Rule 17.2 or where the 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 matter was put.
- 17.2** Changes to the Constitution shall be decided by a majority of at least two-thirds of the whole number of members present.

**Mayor's casting vote**

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

**Show of hands**

- 17.4 Unless a recorded vote is demanded under Rule 17.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

**Named vote**

- 17.5 If any member present at the meeting demands it, the names for and against the matter to be decided or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a Named Vote must be made before the Mayor calls for a show of hands.
- 17.6 In the interests of the efficient conduct of the meeting the Mayor shall decide how such a demand shall be administered. The ruling of the Mayor shall be final and not subject to debate or discussion.

**17.7 Right to require individual votes to be recorded**

Where any individual 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 matter or abstained from voting.

**17.8 Voting on appointments**

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

**18. MINUTES****Signing the minutes**

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

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

- 18.2 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.

**Form of minutes**

- 18.3 *Minutes will contain all motions and amendments in the form and order the Mayor put them to the vote.*

**19. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 5 of this Constitution or Rule 21 (Disturbance by Public).

**20. MEMBERS' CONDUCT****Respect for Chair**

- 20.1 When a member speaks at full Council he/she must address the meeting through the Mayor unless the Mayor agrees or directs otherwise.
- 20.2 Whenever the Mayor speaks during a debate, a member then speaking, and the other members of the Council, shall be silent.

**Member not to be heard further**

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

**Member to leave the meeting**

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



**General disturbance**

- 20.5 If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as he/she thinks necessary.

**21. DISTURBANCE BY PUBLIC****Removal of member of the public**

- 21.1 If a member of the public interrupts proceedings, the Mayor may warn the person concerned. If they continue to interrupt, the Mayor may order their removal from the meeting room.

**Clearance of part of meeting room**

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

**22. PUBLIC INVOLVEMENT IN COUNCIL MEETINGS****Public Speaking**

- 22.1 Public speaking shall be permitted at meetings of the Council, Executive Committee and O&S Committees, Planning Committee on applications and in quasi judicial meetings, such as those of the Licensing Sub-Committee or Appeals Panels, in accordance with the various separate procedures currently approved by the Council, as appropriate to each meeting.
- 22.2 For the purpose of avoiding potential conflict of interest, other than in exceptional circumstances, which shall be determined by the Chief Executive Officer, in consultation with the Mayor, no Public Involvement shall be permitted for any of the 'exceptional' meetings of the Council, to include: the Annual Meeting, the Budget-setting meeting in February each year, other one-off extraordinary meetings of the Council (unless called specifically for the purpose of considering such Petition or Deputation), or meetings which fall within a formal Election period.

Petitions shall be presented, and deputations shall be received, in the order in which notice of them is received by the Proper Officer.

**Presentation of Petitions at Council Meetings**

- 22.3 Petitions may be presented at a meeting of the Council in accordance with the Council's approved Petitions Scheme (attached to this Constitution at Part 10).

- 22.4 Petitions may be considered in conjunction with the Council's arrangements for Deputations, detailed separately below.

Unless the Mayor decides otherwise, not more than 15 minutes will be allowed to deal with all Petitions presented at a given Council meeting.

### Hearing of Deputations

- 22.5 Any person may ask that a deputation be received by a meeting of the Council. Such a request shall be made to the Chief Executive at least 9 clear working days before the meeting. The person making the request shall indicate the matter to which the request relates, the number (which shall not be more than five), of names and addresses of the persons who will form the deputation, and the member or members of the deputation who will speak for them.
- 22.6 On being called by the Mayor, the person or persons speaking for the deputation may make such remarks as he/she or they think fit, (provided that the remarks shall relate to the matter indicated when the request was made, and that the remarks do not constitute a personal attack upon any person). The person or persons speaking for the deputation shall be heard in silence.
- 22.7 Members of the Council may ask questions to the members of the deputation. Such questions shall be asked and answered without discussion. Unless the Mayor decides otherwise, not more than 15 minutes will be allowed to deal with all Deputations at a given Council meeting.

## 23. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

### Suspension

- 23.1 All of these Council Rules of Procedure except Rule 17.7 and 18.2 may be suspended by motion on notice or without notice if at least **two thirds** of the number of members of the Council present agree. Suspension shall last until such time as the meeting agrees to reinstate the suspended rule(s), or the end of the meeting, whichever is the earlier. ***The advice of the Chief Executive Officer and/or Monitoring Officer shall be considered before any such motion is put to the vote.***

### Amendment

- 23.2 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 preceding Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Executive Committee. All of the preceding Rules except Rules 1-3, 10, 14, 15, 20.1, 20.2 and 22 apply to meetings of committees and sub-committees. Rules 24 - 26 shall apply only to meetings of committees and sub-committees.

## 25. **ELECTION OF CHAIRS AND VICE-CHAIRS OF COMMITTEES**

### 25.1 **Election of Chairs and Vice-Chairs following Annual Meeting of the Council**

Committee Chairs and Vice-Chairs will normally be appointed at the Council's annual meeting.

If for any reason this is not possible, every Committee will, at its first meeting following the Annual Meeting of the Council, before proceeding to any other business, elect a Chair and Vice-Chair for the municipal year, in whose absence from a particular meeting, a Chair for that meeting may be appointed.

### 25.2 **Vacancy in Office of Chair or Vice-Chair of a Committee**

In the event of a vacancy arising in the office of Chair or Vice-Chair of a committee, the committee will at its next meeting following the declaration of the vacancy appoint a member to fill the vacancy for the remainder of the municipal year.

## 26. **EXTRAORDINARY MEETINGS OF COMMITTEES**

The Chair of a committee may summon an extraordinary meeting of the committee at any time. An extraordinary meeting shall also be summoned on the requisition in writing of a quarter of the members of the committee. The summons shall set out the business to be considered at the extraordinary meeting, and no other business than that set out shall be considered at that meeting.

## 27. **APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

- 27.1 When a member of the Council is unable to attend a particular meeting of a committee or sub-committee, subject to any specific procedural rules, or required training needs, applying to the various specific meetings, he/she may appoint another member to attend the meeting as his/her substitute.

Members may not arrange for substitutes to attend in their place at:-

**Audit and Governance Committee** (*because of training and independence*)  
Executive Committee

**Overview and Scrutiny Committee** (*because of training, continuity and Special Responsibility Allowances*)

**Standards Committee.** (*currently' not encouraged' by the Standards Board*)  
(*Note: Decisions here will require copying over to Part 3 – Terms of Reference of Committees*)

- 27.2 Substitute members will have all the powers and duties of any ordinary member of the committee.
- 27.3 Substitute members may attend meetings in that capacity only:
- (a) where the ordinary member will be absent for the whole of the meeting and his/her consent has been expressly given; and
  - (b) after notifying the Head of Legal, Equalities & Democratic Services, or his/her representative, before the commencement of the meeting of the intended substitution.

## 28. **CALCULATION OF TIME**

“Working day” shall not include a Saturday, Sunday, Bank Holiday, public holiday or other day on which the Town Hall is closed.

“Clear day” shall not include the date on which notice is given, or the date of the meeting itself.

## **ACCESS TO INFORMATION PROCEDURE RULES**

### **1. SCOPE**

These rules apply to all meetings of the Council, the Executive Committee, the Overview and Scrutiny Committee, the Standards Committee, Area Committees and other formal Committees, Sub-Committees and Panels, unless a statutory exemption applies. Overview and Scrutiny Task and Finish Groups are not covered by these Rules.

### **2. ADDITIONAL RIGHTS TO INFORMATION**

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

### **3. RIGHTS TO ATTEND MEETINGS**

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

### **4. NOTICES OF MEETING**

4.1 The Council will give at least 5 clear days' notice of any meeting by posting details of the meeting on the Council website.

4.2 However, in cases of exceptional urgency the Chief Executive, having consulted with the Mayor or the Chair of the relevant Committee, Sub-Committee or Panel, may convene a meeting giving less than 5 clear days' notice. The agenda and minutes of the meeting shall specify the nature of the exceptional urgency.

4.3 For the avoidance of doubt, where the term "clear days" is used, this does not include statutory and concessionary holidays, the day on which notice is given, the day of the meeting or any Saturday or Sunday.

### **5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

5.1 Copies of the agenda and reports for all meetings will be provided electronically to all members of the Council at least 5 clear days before the meeting.

The Council will make copies of the agenda and reports open to the public available for inspection on the Council's website and at the Town Hall at least 5 clear days before the meeting.

- 5.2 Items will only be added to and agenda less than 5 clear days before the date of the meeting in cases of exceptional urgency and only if the officer or member presenting the item has, before the meeting, submitted to the Head of Legal, Equalities and Democratic Services a form signed or approved by the Mayor or the relevant Committee Chair as appropriate giving reasons why:
- (a) the item could not have been included on the agenda; and
  - (b) the item required a decision before the next scheduled meeting of the Council or Committee.
- 5.3 If an item is added to the agenda less than 5 clear days before the date of the meeting, the revised agenda will be open to inspection from the time the item was added to the agenda.
- 5.4 In cases of exceptional urgency where less than 5 days' notice of a meeting is given, copies of the agenda and reports will be made available and shall be open to inspection from the time the meeting is convened.

## 6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Chief Executive 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. WITHDRAWAL OF ITEMS FROM AN AGENDA

***Items on the agenda for meetings of the Council, Executive Committee, Audit and Governance Committee, Overview and Scrutiny Committee will not be withdrawn less than 3 clear calendar days before the date of the meeting except in exceptional circumstances and only when the Mayor, the Leader or the Committee Chair, as appropriate, has agreed to the item being withdrawn at that time.***

## 8. ACCESS TO MINUTES ETC. AFTER THE MEETING

The Council will make available copies of the following for 6 years after a meeting:

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

## 9. **BACKGROUND PAPERS**

### 9.1 **List of background papers**

The Chief Executive 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 of 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 11), and in respect of Executive Committee reports, the advice of a political advisor.

### 9.2 **Public inspection of background papers**

The Council will make available for public inspection for 6 years after the date of the meeting one copy of each of the documents on the list of background papers. Copies of background papers will be supplied to any person on payment of a charge for postage and any other costs.

## 10. **SUMMARY OF THE RIGHTS OF THE PUBLIC**

These Rules constitute a summary of the rights of the public to attend meetings and to inspect and copy documents.

These Rules will be made available to the public on the Council's website and kept at the Town Hall, Redditch.

## 11. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

### 11.1 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.

### 11.2 Exempt information - discretion to exclude public

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

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

### 11.3 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.

### 11.4 Meaning of exempt information

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

Category	Condition
1. Information relating to any individual.	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>Information 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.</p>



Category	Condition
<p>2. Information which is likely to reveal the identity of any individual.</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General regulations 1992.</p> <p>Information 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.</p>
<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	<p>"Financial or business affairs" includes contemplated, as well as past or current, activities.</p> <p>Information falling within paragraph 3 is not exempt by virtue of that paragraph if required to be registered under:</p> <ul style="list-style-type: none"> <li>a) the Companies Act 1985</li> <li>b) the Friendly Societies Act 1974</li> <li>c) the Friendly Societies Act 1992</li> <li>d) the Industrial and Provident Societies Acts 1965 to 1978</li> <li>e) the Building Societies Act 1986</li> <li>f) the Charities Act 1993.</li> </ul> <p>"Registered" in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).</p> <p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p>

Category	Condition
	<p>Information 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.</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>"Employee" means a person employed under a contract of service.</p> <p>"Labour relations matter" means:</p> <ul style="list-style-type: none"> <li>a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act);</li> <li>or</li> <li>b) any dispute about a matter falling within paragraph (a) above;</li> </ul> <p>and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority.</p> <p>"office holder", in relation to the authority means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.</p> <p>Information 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.</p>

Category	Condition
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>Information 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.</p>
<p>6. Information which reveals that the authority proposes:</p> <p>(a) to give, under any enactment, a notice under, or by virtue of, which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment.</p>	<p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>Information 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.</p>
<p>7. Information relating to any action taken, or be taken, in connection with the prevention, investigation or prosecution of crime.</p>	<p>Information 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.</p>

The following definitions of exempt information relate to Standards Committee ONLY (in addition to paragraphs 1-7 above)

Category	Condition
<p>7A. Information which is subject to any obligation of confidentiality.</p>	<p>Information 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.</p>

7B.Information which relates in any way to matters concerning national security	Information 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.
7C.Information presented to a standards committee, or to a sub-committee of a standards committee, set up to consider any matter under regulation 13 or 16 to 20 of the Standards Committee (England) Regulations 2008, or referred under section 58(1) (c) of the Local Government Act 2000	Information 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.

## 12. **EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Chief Executive 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 11, 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.

## 13. **APPLICATION OF RULES TO THE EXECUTIVE COMMITTEE**

Rules 14-24 apply to the Executive Committee and its Sub-Committees. If the Executive Committee or its Sub-Committees meet to take a Key Decision then it must also comply with Rules 1-12 unless either Rule 16 (General Exception) or Rule 17 (Special Urgency) applies. A Key Decision is as defined in Article 13.3 of this Constitution.

## 14. **PROCEDURE BEFORE TAKING KEY DECISIONS**

Subject to Rule 16 (General Exception) and Rule 17 (Special Urgency), a Key Decision may not be taken unless:

- (a) a notice (called here a Forward Plan) has been published in connection with the matter in question;
- (b) at least 5 clear days have elapsed since the publication of the Forward Plan; and

- (c) where the decision is to be taken at a meeting of the Executive Committee or its Sub-Committees, notice of the meeting has been given in accordance with Rule 4 (Notice of Meetings).

## 15. THE FORWARD PLAN

### 15.1 Period of Forward Plan

Forward Plans will be prepared by the Leader to cover a *minimum* period of 4 months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent Forward Plans will cover a period beginning with the first day of the second month covered in the preceding Forward Plan.

### 15.2 Contents of Forward Plan

The Forward Plan will contain matters which the Leader has reason to believe will be subject of a Key Decision to be taken by the Executive Committee, a Sub-Committees of the Executive Committee, individual members of the Executive Committee, officers or under joint arrangements in the course of the discharge of an Executive Committee function during the period covered by the Forward Plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

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

The Forward Plan must be published at least 14 days before the start of the period covered. The Chief Executive will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (a) that Key Decisions are to be taken on behalf of the Council;
- (b) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the Forward Plan will contain details of the Key Decisions to be made for the four month period following its publication;
- (d) that each Forward Plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- (e) that each Forward Plan will contain a list of the documents submitted to the decision takers for consideration in relation to the Key Decisions on the Forward Plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (i) the dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices.

Exempt information need not be included in a Forward Plan and confidential information cannot be included.

#### 16. **GENERAL EXCEPTION**

If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 17 (Special Urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
- (b) the Chief Executive has informed the Chair of the Overview and Scrutiny Committee, or in his/her absence the Vice-Chair, by notice, of the matter to which the decision is to be made;

- (c) the Chief Executive has made copies of that notice available to the public at the offices of the Council; and
- (d) at least 5 clear days have elapsed since the Chief Executive complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public, unless it relates to exempt and/or confidential information.

## 17. **SPECIAL URGENCY**

If by virtue of the date by which a decision must be taken Rule 16 (General Exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of the Overview and Scrutiny Committee, or in his/her absence the Vice-Chair, that the taking of the decision cannot be reasonably deferred. If the Chair of the Overview and Scrutiny Committee, or in his/her absence the Vice-Chair, is unable to act, then the agreement of the Mayor, or in his/her absence the deputy Mayor, will suffice.

## 18. **REPORT TO COUNCIL**

### 18.1 **When the Overview and Scrutiny Committee can require a report**

If the Overview and Scrutiny Committee considers that a Key Decision has been taken which was not:

- (a) included in the Forward Plan; or
- (b) the subject of the general exception procedure (Rule 16); or
- (c) the subject of an agreement with the Mayor / Deputy Mayor of the Council under the Special Urgency procedure (Rule 17)

the Overview and Scrutiny Committee may, subject to Rule 18.2, require the Executive Committee to submit a report to the next available meeting of the Council. The power to require a report rests with the Overview and Scrutiny Committee, but is also delegated to the Chief Executive, who shall require such a report on behalf of the Overview and Scrutiny Committee when so requested by the Chair or Vice-Chair of the Overview and Scrutiny Committee or any three members of the Overview and Scrutiny Committee. Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

**18.2 Executive Committee report to Council**

The Executive Committee will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council falls within 7 days of receipt of the written notice or the resolution of the Overview and Scrutiny Committee, then the report may be submitted to the following meeting of the Council. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a Key Decision, the reasons for that opinion.

**18.3 Quarterly reports on special urgency decisions**

In any event the Leader will submit quarterly reports to the Council on the Executive Committee decisions taken in the circumstances set out in Rule 17 (Special Urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

**19. RECORD OF DECISIONS**

After any meeting of the Executive Committee or any of its committees, whether held in public or private, the Chief Executive or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

**20. EXECUTIVE COMMITTEE MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS**

Meetings of the Executive Committee relating to matters which are not Key Decisions will be held in public and must comply with Rules 1-12.

**21. ATTENDANCE AT MEETINGS OF THE EXECUTIVE COMMITTEE**

- 21.1 All members of the Council are entitled to attend a meeting of the Executive Committee. Members of the Council who are not members of the Executive Committee may speak at meetings of the Executive Committee only with the consent of the person presiding. Only members of the Executive Committee may vote.
- 21.2 All members of the Council are entitled to attend a meeting of a Sub-Committee of the Executive Committee. Members of the Council who are not members of the Executive Committee and who are not members of the Sub-Committee may speak at such meetings only with the consent of the person presiding. Only members of the Sub-Committee may vote.



- 21.3 The Head of Paid Service, the Section 151 Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Executive Committee and its Sub-Committees. The Executive Committee may not meet unless the Chief Executive has been given reasonable notice that a meeting is to take place.
- 21.4 A meeting of the Executive Committee or any of its Sub-Committees may only take place in the presence of the Chief Executive or his/her nominee with responsibility for recording and publicising the decisions.
- 21.5 In all cases, the provisions of Rule 19 (Record of Decisions) will apply.

## **22. OVERVIEW AND SCRUTINY COMMITTEE - ACCESS TO DOCUMENTS**

### **22.1 Rights to copies**

Subject to Rule 22.2 below, the Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive Committee or its committees and which contains material relating to:

- (a) any business transacted at a meeting of the Executive Committee or its committees; or
- (b) any decision taken by an individual member of the Executive Committee.

### **22.2 Limit on rights**

The Overview and Scrutiny Committee will not be entitled to:

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

## **23. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

### **23.1 Material relating to previous business**

All members will be entitled to inspect any document which is in the possession or under the control of the Executive Committee or its committees

and contains material relating to any business previously transacted at a meeting unless either (a) or (b) below applies:

- (a) it contains exempt information falling within paragraphs 1, 3, 4, 5 and 7 of the categories of exempt information;
- (b) it contains confidential information; or
- (c) it contains the advice of a political adviser.

### **23.2 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 Committee or its committees which relates to any key decision unless paragraph (a) or (b) above applies.

### **23.3 Nature of rights**

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

## BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

*(Subject to further review and update)*

### 1. **Definitions**

In these Rules -

"Executive" and "Executive Leader" have the same meaning as in Part II of the Local Government Act 2000; and "plan or strategy" and "working day" have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

### 2. **The framework for Executive Committee decisions**

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Executive Committee to implement it.

### 3. **Process for developing the framework**

The process by which the budget and policy framework shall be developed is:

- (a) After consulting stakeholders in a manner appropriate to the matter under consideration, the Executive Committee will draw up initial proposals in relation to any plan, strategy or budget which forms part of the Council's budget and policy framework. Once drawn up the Proper Officer will serve copies of them on the Chair of the Overview and Scrutiny Committee together with dates when the Executive Committee will consider them further, which shall be at least 6 weeks after service of the notice on the Chair.
- (b) The Overview and Scrutiny Committee will be convened within 28 days to consider whether to respond to the Executive Committee's initial proposals and whether any consultation by it is appropriate. If so the Overview and Scrutiny Committee will conduct a consultation exercise and will reflect any representations made to it in its response to the Executive Committee within the timescale set for decision by the Executive Committee.
- (c) The Executive Committee will finalise its proposals for the Council to consider having taken into account the comments from the Overview and Scrutiny Committee.

The report to Council will show the Executive Committee's response to those comments.

- (d) Subject to the provisions of paragraph 7B (Local Authorities Standing Orders (Amendment) Regulations 2002), the Council will consider the proposals of the Executive Committee and may decide to adopt them, amend them, refer them back to the Executive Committee for further consideration, or substitute its own proposals in their place.

- (e) A copy of the decision / Notice of Decision (which shall be made public in accordance with Article 4) shall be given to the Leader and the Proper Officer. The decision / Notice of Decision shall be dated and shall state whether the decision shall be effective immediately, whether the Council adopts the Executive Committee's proposal without amendment or if the Executive Committee's proposal is amended by the Council and adopted as amended or if the Council substitutes its own proposals and adopts them or if the Executive Committee's proposal is referred back to the Executive Committee for further consideration.
- (f) The Council's decision, whether or not in accordance with the recommendation of the Executive Committee, shall require a simple majority of those voting at the meeting.
- (g) Unless the Executive Committee's proposal is referred back to the Executive Committee for further consideration the decision shall be implemented immediately
- (h) In approving the policy and budgetary framework the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Executive Committee in accordance with paragraphs 5 and 6 of these Rules if otherwise than as contained within the Council's Financial Procedure Rules (virement and in-year adjustments). Any other changes to the budget and policy framework are reserved to the Council.

#### **4. Decisions outside the budget or policy framework**

- (a) Subject to the provisions of paragraph 5 (virement) the Executive Committee, and any Officers, or joint arrangements discharging Executive Committee functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken further to approval of the budget / policy variations by the Council.
- (b) If the Executive Committee, any Officers, or joint arrangements discharging Executive Committee functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those Officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision.

## 5. **Urgent Decisions outside of the Budget or Policy Framework**

- (a) *The Executive Committee, a sub-committee of the Executive Committee, an individual member of the Executive Committee, or officers or joint arrangements discharging Executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by the full Council, if the decision is a matter of urgency. However, the decision may only be taken:*
- i) if it is not practical to convene a quorate meeting of the full Council;*
  - ii) new - subject to consultation with the Leader of the Opposition; and*
  - iii) if the Chair of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.*

*The reasons why it is not practical to convene a quorate meeting of the full Council and the Chair of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the Overview and Scrutiny Committee, the consent of the Mayor, and in the absence of both the Deputy Mayor, will be sufficient.*

- (b) *Following the decision, the decision-taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.*

## 6. **Virement**

- (a) The Council shall have the budget heads set by the Council when approving its budget each year and will allocate an amount for expenditure under each heading.
- (b) Steps taken by the Executive Committee or Officers, or joint arrangements discharging Executive Committee functions to implement Council policy shall not exceed those budgets allocated to each budget head excluding staffing budget heads.

However, such bodies or individuals shall be entitled to vire across budget heads in accordance with the provisions of the Council's Financial Procedure Rules or other constraints agreed by Council. Beyond that, approval to any virement across budget heads shall require the approval of the full Council.

## 7. **In-year changes to policy framework**

The responsibility for agreeing the budget and policy framework lies with the Council whenever made, and decisions by the Executive Committee, Officers, or joint arrangements discharging Executive Committee functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals.

**8. Call-in of decisions outside the budget or policy framework**

- (a) Where the Overview and Scrutiny Committee is of the opinion that an Executive Committee decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- (b) In respect of functions which are the responsibility of the Executive Committee, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Executive Committee with a copy to every member of the Council.

Regardless of whether the decision is delegated or not, the Executive Committee must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 28 days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:

- i) endorse a decision or proposal of the Executive Committee decision taker as falling within the existing budget and policy framework.

In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way;

*OR*

- ii) amend the Council's Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive Committee function and agree to the decision with immediate effect.

In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way;

*OR*

- iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the

budget, and does not amend the existing framework to accommodate it, require the Executive Committee to reconsider the matter.

## 9. **Dispute Resolution on Budgets and Plans**

In respect of the preparation of the Budget or a plan, policy or strategy forming part of the Strategic Framework, the Executive is required to prepare draft proposals and submit them to Council for approval, and Council has the right to approve them, amend them, reject them or send them back to the Executive for revision and resubmission.

If the Executive submits its draft Budget to Council before 8th February in any year, it will have a right to ask the Council to reconsider if the Council proposes to depart from the Executive's proposals.

Once the Council has considered the proposals and decided what it wants to do, if it wishes to do anything other than simply to adopt the draft Budget as submitted by the Executive, it will have to notify the Executive of its proposed amendments and give the Executive 5 days to object. The Council will then have to meet again and consider any objections from the Executive, but can then resolve on a simple majority to over-ride the Executive's objections. This does mean that the Council meeting to consider the Budget and to set the precept / set the rate of Council Tax will now have to be brought forward by at least 10 days from the deadline of 1 / 11 March to allow for the possible need to give the Executive 5 days in which to consider any amendments proposed by Council and to convene an additional Council meeting to consider any objections from the Executive.

In the case of plans, policies and strategies, there is no such annual deadline by which they must be approved, but again the Council will be required to notify the Executive of any proposed amendments to the Executive's proposals, allow them 5 days to decide whether to make any objection to those proposed amendments, and then consider any such objections before finally determining whether to adopt, amend, reject or remit the proposed plan, policy or strategy.

## 10. **Local Authorities Standing Orders (Amendment) Regulations 2002**

1. In this Part -

"Executive" and "Executive Leader" have the same meaning as in Part II of the Local Government Act 2000; and "plan or strategy" and "working day" have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

2. Where the executive of the authority has submitted a draft plan or strategy to the authority for its consideration and, following consideration of that draft plan or strategy, the authority has any objections to it, the authority must take the action set out in paragraph 3.

3. Before the authority -

- (a) amends the draft plan or strategy;
  - (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
  - (c) adopts (with or without modification) the plan or strategy, it must inform the Executive Leader of any objections which it has to the draft plan or strategy and must give to him instructions requiring the executive to reconsider, in the light of those objections, the draft plan or strategy submitted to it.
4. Where the authority gives instructions in accordance with paragraph 3, it must specify a period of at least five working days beginning on the day after the date on which the Executive Leader receives the instructions on behalf of the Executive within which the Executive Leader may -
  - (a) submit a revision of the draft plan or strategy as amended by the executive (the "revised draft plan or strategy"), with the Executive's reasons for any amendments made to the draft plan or strategy, to the authority for the authority's consideration; or
  - (b) inform the authority of any disagreement that the Executive has with any of the authority's objections and the Executive's reasons for any such disagreement.
5. When the period specified by the authority, referred to in paragraph 4, has expired, the authority must, when -
  - (a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
  - (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
  - (c) adopting (with or without modification) the plan or strategy, take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive's reasons for those amendments, any disagreement that the Executive has with any of the authority's objections and the Executive's reasons for that disagreement, which the Executive Leader submitted to the authority, or informed the authority of, within the period specified.
6. Subject to paragraph 10, where, before 8 February in any financial year, the authority's Executive submits to the authority for its consideration in relation to the following financial year -
  - (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of



- sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
- (b) estimates of other amounts to be used for the purposes of such a calculation;
  - (c) estimates of such a calculation; or
  - (d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992, and following consideration of those estimates or amounts the authority has any objections to them, it must take the action set out in paragraph 7.
7. Before the authority makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 6(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Executive Leader of any objections which it has to the Executive's estimates or amounts and must give to him instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the authority's requirements.
8. Where the authority gives instructions in accordance with paragraph 7, it must specify a period of at least five working days beginning on the day after the date on which the Executive Leader receives the instructions on behalf of the Executive within which the Executive Leader may -
- (a) submit a revision of the estimates or amounts as amended by the executive ("revised estimates or amounts"), which have been reconsidered in accordance with the authority's requirements, with the Executive's reasons for any amendments made to the estimates or amounts, to the authority for the authority's consideration; or
  - (b) inform the authority of any disagreement that the Executive has with any of the authority's objections and the Executive's reasons for any such disagreement.
9. When the period specified by the authority, referred to in paragraph 8, has expired, the authority must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account -
- (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
  - (b) the Executive's reasons for those amendments;
  - (c) any disagreement that the Executive has with any of the authority's objections; and
  - (d) the Executive's reasons for that disagreement, which the Executive Leader submitted to the authority, or informed the authority of, within the period specified.

10. Paragraphs 6 to 9 shall not apply in relation to -
- (a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
  - (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

## **EXECUTIVE COMMITTEE PROCEDURE RULES**

### **1. Time and Place of Meeting**

- 1.1 The Executive Committee will normally meet once every three weeks at times to be agreed by the Leader.
- 1.2 The place of Executive Committee meetings will be determined by the Chief Executive and notified in the agenda.

### **2. Notice of and Agenda for Meetings**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules in Part 5 of this Constitution. At least five clear days before a meeting the Chief Executive will send an agenda by post to every member of the Executive Committee. The agenda will give the date, time and place of each meeting. The agenda will specify the business to be transacted and will be accompanied by such reports as are available.

### **3. Who may attend**

- 3.1 Councillors who are not members of the Executive Committee may attend meetings of the Executive Committee including any part of such a meeting from which the public is excluded in accordance with the Access to Information Rules in Part 5 of this Constitution but shall not (subject to paragraph 3.2 below) be entitled to speak at such meetings unless invited to do so by the Chair.
- 3.2 If the Executive Committee is to consider a motion referred to it by the Council the proposer and seconder of that motion (if they are not members of the Executive Committee) shall have the right to attend and explain the reasons for the motion.
- 3.3 If the Executive Committee is to consider a matter referred to it under paragraph 9.7 below the Councillor proposing the item for consideration will be entitled to attend and address the Executive Committee.

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**4. Exclusion of the Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 5 of this Constitution or Rule 12 below.

**5. Chairing the Meeting**

The Leader will preside at the meeting. In his/her absence the Deputy Leader will preside. If both are absent those present will appoint a member of the Executive Committee who is present to preside.

**6. Quorum**

The quorum for a meeting of the Executive Committee will be 3 members.

**7. Advice from Officers**

7.1 The Leader may invite officers to give advice at a meeting of the Executive Committee or any Executive Sub-Committee.

7.2 Whenever the Chief Executive, the Section 151 Officer or the Monitoring Officer considers it appropriate to give advice to the Executive Committee they shall be at liberty to do so and the Executive Committee shall hear such advice.

**8. Business to be Conducted**

At each meeting of the Executive Committee the following business will be conducted:

- a. consideration of the accuracy of the minutes of the last meeting;
- b. declarations of interest;
- c. matters referred to the Executive Committee (whether by the Overview and Scrutiny Committee or the Council) for reconsideration by the Executive Committee in accordance with the Budget and Policy Framework Rules or the Overview and Scrutiny Procedure Rules set out in Parts 6 and 8 of this Constitution);

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- d. consideration of minutes and/or reports from the Overview & Scrutiny Committee;
- e. matters set out in the agenda for the meeting in accordance with paragraph 9 below.

**9. Items for consideration by the Executive Committee**

- 9.1 The Leader may put on the agenda of any Executive Committee meeting any matter which he/she wishes whether or not it relates to a Executive Committee function. The Chief Executive will comply with the Leader's requests in this respect.
- 9.2 Any member of the Executive Committee may require the Chief Executive to place an item on the agenda of the next available Executive Committee meeting for consideration.
- 9.3 The Council may require the Chief Executive to place on the agenda of the next available Executive Committee meeting an item for consideration.
- 9.4 The Overview and Scrutiny Committee may require the Chief Executive to place on the agenda of the next available Executive Committee meeting an item for consideration.
- 9.5 The Audit and Governance Committee may require the Chief Executive to place on the agenda of the next available Executive Committee meeting an item for consideration.
- 9.6 A Councillor (who is not a member of the Executive Committee) may request the Leader to place an item on the agenda of the next available meeting of the Executive Committee for consideration and the Leader will decide whether the item should be placed on the agenda. In exercising his discretion the Leader should not act unreasonably and, if refused, reasons for his decision must be given in writing to the Councillor concerned. The Notice of Meeting will give the name of the Councillor who requested the consideration of the item.
- 9.7 The Monitoring Officer and/or Section 151 Officer may include an item for consideration on the agenda of a meeting of the Executive Committee and may require the Chief Executive to call such a meeting in pursuance of their statutory duties.
- 9.8 If any two of the Chief Executive, the Section 151 Officer and the Monitoring Officer are of the opinion that a meeting of the Executive Committee needs to consider a matter that requires a decision they may

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jointly include an item on the agenda of the next available meeting of the Executive Committee. If necessary, they may also require that a meeting of the Executive Committee be specially convened for consideration of the matter.

- 9.9 The Chief Executive may place on the agenda of the next available meeting of the Executive Committee an item to consider a report of a Chief Officer of the Council.
- 9.10 The Executive Committee will consider all reports and recommendations presented by the Overview and Scrutiny Committee and will provide the Committee with a response.
- 9.11 An Overview and Scrutiny report which includes one or more proposals which would require a departure from the Budget and Policy Framework will be considered in the first instance by the Executive Committee. The Executive Committee will decide whether to recommend to the Council that those proposals be implemented. If the Executive Committee decides not to recommend to Council that those proposals be implemented, its decision, together with the reasons for that decision, shall be reported back to the Overview & Scrutiny Committee.

**10. Urgent Items**

When there is a need to consider items of urgent business which are not on the formal agenda, the Councillor or Officer wishing to raise the same shall before the start of the meeting discuss the matter with the Leader who will consult the Monitoring Officer and/or the Chief Executive. The Leader's decision shall be conclusive.

**11. Voting**

- 11.1 Any matter will be decided by a simple majority of those present in the room at the time the question was put.
- 11.2 If there are equal numbers of votes for and against, the Chair will have a second or casting vote.
- 11.3 Each item of business requiring a decision by the Executive Committee will be moved and seconded before the vote is taken.

**12. Disturbance by the Public**

If a member of the public interrupts proceedings the Chair may warn the person concerned. If he/she continues to interrupt, the Chair may order his/her removal from the meeting room.

**13. Minutes**

The Chair will sign the minutes of the proceedings at the next suitable meeting.

**14. Publication of Executive Committee Decisions**

14.1 Decisions made by the Executive Committee shall be published by electronic means, and shall be available at the main offices of the Council normally within 3 working days of being made. All Councillors will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

14.2 Those records, which will take the form of the minutes of a meeting of the Executive Committee, will bear the date on which they are published and will specify that the decisions will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decisions, unless three members of the Council object to them and call them in.

**15. Exclusion of the Call-In Process**

15.1 The call-in procedure set out in the Overview and Scrutiny Procedure Rules in Part 8 of this Constitution shall not apply where the decision being taken by the Executive Committee is urgent.

15.2 A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests.

15.3 The record of the decision and notice by which it is made public shall state whether in the opinion of the decision-making body, the decision is an urgent one, and therefore not subject to call-in. In such circumstances, the Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required.

- 15.4 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

**16. PUBLIC INVOLVEMENT IN EXECUTIVE COMMITTEE MEETINGS**

**Public Speaking**

- 16.1 Public speaking shall be permitted at meetings of the Executive Committee in terms of Questions to the Leader, Petitions and Deputations in relation to matters which fall within the Terms of Reference of the Committee, subject to the further considerations detailed below.
- 16.2 For the purpose of avoiding potential conflict of interest, other than in exceptional circumstances, which shall be determined by the Chief Executive Officer, in consultation with the Executive Leader, no Public Involvement shall be permitted at any 'exceptional' meeting of the Executive Committee, such as the Budget-setting meeting in February each year, other one-off extraordinary meetings of the Committee (unless called specifically for the purpose of considering such Petition or Deputation), or meetings which fall within a formal Election period.

Petitions shall be presented, and deputations shall be received, in the order in which notice of them is received by the Proper Officer.

**Questions on notice**

- 16.3 Subject to Rule 16.4, a member of the Public may ask the Executive Leader a question on any matter in relation to which the Executive Committee or any sub-committee has powers or duties.

The Leader may, if appropriate, refer it to another member for answer.

- 16.4 A member of the public may only ask a question under Rule 16.3 if either:
- (a) he/she has given at least **5** clear working days' notice of the question to the Monitoring Officer; or
  - (b) if the question relates to urgent matters, he/she has the consent of the Leader and the content of the question is given to the Chief Executive not less than 2 hours before the start of the meeting.



**Questions which may not be asked**

**16.5 *The Chief Executive may reject a question***

- (a) *if it is not about a matter for which the Executive Committee has responsibility;***
- (b) *is defamatory; frivolous or offensive;***
- (c) *is substantially the same as a question which has been put at a meeting of the Committee in the past six months; or***
- (d) *the question could more appropriately be dealt with by an officer.***

**Reading the question at the meeting**

16.6 The question will be read out at the meeting by the person who has asked the question or by another person on his/her behalf. Alternatively, reference may be made to the Question as detailed in the agenda / in printed form.

**Response**

16.7 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; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

**Supplementary question**

**16.8 *A person asking a question under Rule 16.2 may, without notice, ask the Leader one supplementary question. The supplementary question must arise directly out of the original question or the reply.***

**Time limit for questions**

- 16.9 At any meeting not more than 5 minutes per question, and 15 minutes in total, shall be devoted by the Council to the asking and answering of questions under this rule, provided that the Mayor may at his or her discretion extend the time if the Mayor and the majority of those present agree. Any questions remaining unanswered shall (unless the member who gave notice of the question has indicated that it may be answered in writing) be dealt with at the next ordinary meeting of the Council, in the order in which they would have been dealt with at the original meeting.

**Presentation of Petitions at Executive Committee Meetings**

- 16.10 Petitions may be presented at a meeting of the Executive Committee in accordance with the Council's approved Petitions Scheme (attached to this Constitution at Part 10).
- 16.11 Petitions may be considered in conjunction with the Committee's arrangements for Deputations, detailed separately below.

Unless the Leader, as Chair, decides otherwise, not more than 15 minutes will be allowed to deal with all Petitions presented at a given Committee meeting.

**Hearing of Deputations**

- 16.12 Any person may ask that a deputation be received by a meeting of the Committee. Such a request shall be made to the Chief Executive at least 9 clear working days before the meeting. The person making the request shall indicate the matter to which the request relates, the number (which shall not be more than five), of names and addresses of the persons who will form the deputation, and the member or members of the deputation who will speak for them.
- 16.13 On being called by the Chair, the person or persons speaking for the deputation may make such remarks as he/she/they think fit (provided that the remarks shall relate to the matter indicated when the request was made, and that the remarks do not constitute a personal attack upon any person). The person or persons speaking for the deputation shall be heard in silence.
- 16.14 Committee members may ask questions to the members of the deputation. Such questions shall be asked and answered without discussion.

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Unless the Chair decides otherwise, not more than 15 minutes will be allowed to deal with all Deputations at a given Committee meeting.



## **OVERVIEW AND SCRUTINY PROCEDURE RULES**

### **1. Arrangements for Overview and Scrutiny**

- 1.1 The Council will appoint an Overview and Scrutiny Committee as set out in Article 6 of this Constitution, with responsibility for:
- a. the Council's overview functions;
  - b. the Council's scrutiny and call-in functions;
  - c. scrutiny of the budget, Councillor Calls for Action and of the Crime and Disorder Reduction Partnership; and
  - d. receipt of relevant petitions under the Petitions Scheme, held separately at Part 10 of this Constitution.
- 1.2 The Overview and Scrutiny Committee will comprise the number of Councillors agreed annually at the Council Annual Meeting (*currently 9 in 2010/11*). All Councillors except members of the Executive Committee may be members of the Overview and Scrutiny Committee.
- 1.3 The Committee may (except in relation to call-ins) appoint such Task and Finish Groups ('Task Groups') as it considers appropriate to enable it to perform the overview and scrutiny functions on behalf of the Council. Task Groups will operate in accordance with the Task Group Procedure Rules appended to these Overview and Scrutiny Procedure Rules at Appendix A.
- 1.4 Allocation of members to Task and Finish Groups shall be agreed by the Committee, in consultation with Leaders of Party Groups.
- 1.5 The Committee will appoint a standing Crime and Disorder Scrutiny Panel, as a formal 'sub-committee' of the Overview and Scrutiny Committee, as detailed separately at Appendix B.

### **2. Co-optees**

- 2.1 The Overview and Scrutiny Committee and its Task Groups, subject to O&S Committee approval, shall be entitled to appoint such non-voting co-optees as they consider appropriate for the conduct of their business.
- 2.2 Two standing co-optees shall be appointed from the Unison Trade Union, who will have a role only in relation to matters which have employee relations considerations.

**3. Meetings of the Committee**

- 3.1 The Overview and Scrutiny Committee will normally meet once every three weeks on at times to be agreed by the Chair.
- 3.2 Extraordinary meetings may be called from time to time as and when appropriate.
- 3.4 An extraordinary meeting may be called by the Chair of the Committee or by any 3 Committee members.

**4. Quorum**

The quorum for meetings of the Overview and Scrutiny Committee shall be 3.

**5. Participation in Meetings**

No member may be involved in scrutinising a decision in which he/she has been directly involved. If any Committee or Task Group member finds that a decision in which he/she has been directly involved is to be scrutinised, he/she shall declare the fact and take no part in the discussion and voting in the part of the meeting which relates to that decision.

**6. Chair**

- 6.1 The appointment of the Chair and Vice-Chair of the Overview and Scrutiny Committee shall be by the Council. Terms of office shall be as the Council shall determine (unless otherwise agreed, this will be until the next Annual Meeting of the Council).
- 6.2 The Chair *and Vice-Chair* of the committee shall not be members of the controlling political group.

**7. Work Programme**

- 7.1 The committee will be responsible for setting its own work programme and in doing so shall take into account of:
  - a. the views of committee members who are not members of the largest political group on the Council;
  - b. the Forward Plan

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- c. suggestions of matters for scrutiny made by the Council or by the Executive Committee;
- d. suggestions of matters for scrutiny made by the Leader arising from his/her quarterly meeting with the Committee Chair, in accordance with paragraph 7.2 below;***
- e. suggestions of matters for scrutiny made by councillors, members of the public or partner organisations;

and in doing so shall make provision for considering:

- i. Councillor Calls for Action;
- ii. Scrutiny of the Crime and Disorder Reduction Partnership;
- iii. Petitions referred to the Committee in accordance with the adopted Petitions Scheme;
- iv. Scrutiny of the budget ( Medium Term Financial Plan).

7.2 The Leader shall meet quarterly with the Chair of the Committee, with appropriate officers in attendance to review and, where appropriate, co-ordinate their respective work programmes.

**8. Procedure at meetings**

- 8.1 The Committee shall at each meeting consider the following business:
  - a. consideration of the accuracy of the minutes of the last meeting;
  - b. declarations of interest (including whipping declarations);
  - c. minutes of recent Executive Committee meetings and responses of the Executive Committee to the Committee's reports.
  - d. the Forward Plan;
  - e. progress on ongoing Task and Finish Reviews;

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- f. reports from the quarterly meetings between the Leader and the Committee Chair;
- g. any petitions referred to the Committee under the Council's adopted Petitions Scheme.
- h. any Councillor Calls for Action which have been received;
- i. scrutiny of the Medium Term Financial Plan ( if appropriate);
- j. scrutiny of the Crime and Disorder Reduction Partnership, via reports of the Crime and Disorder Scrutiny Panel;
- k. other matters set out on the agenda for the meeting in accordance with paragraph 9 below.

**9. Agenda items**

- 9.1 Any member of the Committee shall be entitled to give notice to the Chief Executive that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the Committee's next available meeting. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.
- 9.2 Where a matter is referred to the Committee by the Council (including a matter referred by the Monitoring Officer under Council Procedure Rule 11.10 – Motion on Notice), it shall be considered at either the first or second ordinary meeting of the Committee following the referral.
- 9.3 The Committee shall also respond, as soon as its work programme permits, to requests to review particular areas of Council activity from the Council, the Executive Committee or the Leader (arising from his/her quarterly meeting with the committee Chair).

**10. Rights of committee members to documents**

- 10.1 In addition to their general rights as Councillors, members of the Committee have the right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in part 5 of the Constitution.



**11. Policy review and development**

- 11.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Part 6 of the Constitution.
- 11.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Overview and Scrutiny Committee may make proposals to the Executive Committee for developments in so far as they relate to matters within their terms of reference.
- 11.3 The Committee and any Task Group may:
- a. 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;
  - b. conduct site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations;
  - c. ask witnesses to attend to address them on any matter under consideration;
  - d. pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, provided that the budget set by the Council each year for such purposes is not exceeded.

**12. Members and officers giving account**

- 12.1 The Committee or a Task Group 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 Committee, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:
- a. any particular decision or series of decisions;
  - b. the extent to which the actions taken implement Council policy; and/or
  - c. his/her performance

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and, subject to paragraph 12.2 below, it is the duty of those persons to attend if so required.

- 12.2 If any councillor or officer is required to attend a meeting of the Committee, or a Task Group under this provision, the councillor or officer will be given reasonable 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 or Task Group. Where the account to be given to the Committee will require the production of a report, then the councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation
- 12.3 If the councillor or officer is unable to attend on the required date, the Committee or Task Group shall, in consultation with the councillor or officer, arrange an alternative date for attendance.

**13. Attendance by others**

- 13.1 The Committee and/or Task Groups may invite people other than those people referred to in paragraph 12 above to attend a meeting 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. The person invited will be given reasonable notice and the notice will state the nature of the item on which he/she is invited to attend and whether any papers are requested.
- 13.2 If the Committee is to consider a motion referred to it by the Council, the proposer and seconder of the motion shall (if they are not members of the Overview and Scrutiny Committee) have the right to attend the relevant meeting and to explain the reasons for their motion, although they may not propose, second or vote on recommendations by the Committee which arise from that motion.
- 13.3 If the Committee or a Task Group invites a person to address a meeting or to give evidence, the following principles will be observed:
- a. the investigation will be conducted fairly and all members of the Committee or Task Group will be given the opportunity to ask questions of attendees, and to contribute and speak;
  - b. those assisting the Committee or Task Group by giving evidence will be treated with respect and courtesy (Witness Guidance notes are attached at Appendix C); and

- c. the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

#### **14. Reports from the Committee**

- 14.1 Once it has formed recommendations on proposals for development, the Committee will make its report and findings public and will submit a formal report to the Chief Executive for consideration by the Executive Committee.
- 14.2 If the Committee cannot agree on one single final report to the Council or Executive Committee, as appropriate, then no more than one minority report may be prepared and submitted for consideration by the Council or Executive Committee with the majority report.
- 14.3 The Executive Committee shall consider the Overview and Scrutiny Committee report within two months of it being submitted to the Chief Executive and shall issue a formal response to the report.

#### **15. Consideration of Overview and Scrutiny Committee reports by the Executive Committee**

- 15.1 The agenda for Executive Committee meetings shall include an item to consider Overview and Scrutiny Committee minutes and/or reports and reports of the Overview and Scrutiny Committee referred to the Executive Committee shall be included at this point in the agenda (unless they have been considered in the context of the Executive Committee's deliberations on a substantive item on the agenda) within two months of the Overview and Scrutiny Committee completing its report/recommendations.
- 15.2 ***The Executive Committee will consider all reports and recommendations presented by the Overview and Scrutiny Committee and will provide the Overview and Scrutiny Committee with a response.***
- 15.3 ***An Overview and Scrutiny Committee report which includes one or more proposals which would require a departure from the Budget and Policy Framework will be considered in the first instance by the Executive Committee. The Executive Committee will decide whether to recommend to the Council that those proposals be implemented.***

***If the Executive Committee decides not to recommend to Council that those proposals be implemented, its decision, together with the reasons for that decision, shall be reported back to the Overview and Scrutiny Committee.***

***The Overview and Scrutiny Committee may then request the Chief Executive to place an item on the next available meeting of the Council to enable the Council to consider those proposals.***

- 15.4 Once a report has been considered by the Executive Committee and/or the Council, and any questions or issues raised by the Executive Committee and/or Council have been resolved, the Overview and Scrutiny Committee will disband any Task Group appointed in connection with the preparation of that report.

**16. Review of Overview and Scrutiny Committee reports**

The Overview and Scrutiny Committee will review implementation of recommendations made in any report not sooner than 12 months after consideration of its report by the Executive Committee.

**17. Call-in**

- 17.1 Call-in should be used in only exceptional circumstances when members of the Overview and Scrutiny Committee have evidence which suggests that the Executive Committee did not take a decision in accordance with the principles of Decision Making in Article 13. ***Those principles are:-***

- a. consideration of the full facts of a matter;***
- b. proportionality (i.e. the action must be proportionate to the proposed outcome);***
- c. due consultation and the taking of professional advice from officers;***
- d. respect for human rights;***
- e. a presumption in favour of openness;***
- f. clarity of aims and desired outcomes;***
- g. due regard for the Council's environmental objectives;***

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- h. due regard for the Council's duties in relation to crime and disorder;*
- i. clear explanations of the options considered and the reasons for the decision reached.*

17.2 When a decision is made by the Executive Committee, ***or a Key Decision is made by an officer with delegated authority from the Executive Committee, or under joint arrangements***, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 3 working days of being made. All members of the Council will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

17.3 That decision (which may take the form of the minutes of a meeting of the Executive Committee) 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 the decision is the subject of a valid request for call-in.

17.4 A valid request is required to initiate call-in a decision referred to at 17.3 above. ***The request must be in writing addressed to the Monitoring Officer on the approved form (at Appendix D) giving the reasons for the request for call-in and must be:-***

- ***signed by the Overview and Scrutiny Committee Chair; OR***
- ***signed by any other 3 members of the Overview and Scrutiny Committee; OR***
- ***signed by any 5 members of the Council who are not members of the Executive Committee.***

***and in any case must:-***

- ***state the reason(s) for the call-in; and***
- ***be delivered to the Monitoring Officer by hand, post or email, within 5 clear working days of the publication of the decision.***

***The decision on whether the call-in is valid will be taken by the Monitoring Officer following consultation with the Overview and Scrutiny Committee Chair. The final decision shall rest with the Monitoring Officer.***

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***If the Monitoring Officer decides the call-in is valid the Monitoring Officer will notify the Chief Executive, who will notify the decision-taker of the request for call-in.***

- 17.5 Implementation of the decision which is the subject of the call-in will be suspended from the date of receipt of the request for call-in pending consideration by the Overview and Scrutiny Committee.
- 17.6 The call-in will be considered by the Overview and Scrutiny Committee at either:
- a. the next scheduled meeting of the Committee; or
  - b. a special meeting of the Committee to be convened by the Chief Executive within 10 working days of receipt of the request to call-in, or such other date as may be agreed by the Chief Executive in consultation with the author of the call-in and the Overview and Scrutiny Committee Chair.
- 17.7 The Overview and Scrutiny Committee will determine the call-in in such manner as it considers appropriate but in any event expeditiously and within a maximum of 20 working days from the date of the meeting at which the call-in is first considered by the Overview and Scrutiny Committee. If more detailed evidence or consideration of the issues is required to determine the call-in, the Overview and Scrutiny Committee may during that period hold one or more additional meetings to determine the call-in.***
- 17.8 The Overview and Scrutiny Committee may require the relevant Executive Committee member with responsibility or another member of the Executive Committee, if appropriate, to attend any meeting and explain the decision taken by Executive Committee.
- 17.9 Having considered the decision subject to the call-in, the Overview and Scrutiny Committee will either:
- a. accept the decision without qualification or comment; or
  - b. require reconsideration of the decision setting out its reasons in a report; or
  - c. in exceptional circumstances refer the decision to the Council to consider whether the decision should be accepted without qualification or comment or reconsidered.

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- 17.10 Exceptional circumstances referred to in paragraph 17.9c include, but are not limited to, decisions which the Overview and Scrutiny Committee considers:-
- a. the Executive Committee cannot in law take; or
  - b. is reserved to the Council; or
  - c. is contrary or not wholly in accordance with the Budget and Policy Framework.
- 17.11 If the Overview and Scrutiny Committee accepts the decision without qualification or comment under paragraph 17.9a the decision may be implemented with immediate effect.
- 17.12 If the Overview and Scrutiny Committee refers the decision to the Executive Committee for reconsideration under paragraph 17.9b implementation of the decision is deferred pending the meeting of the Executive Committee at which it is reconsidered.
- 17.13 If the Overview and Scrutiny Committee refers the decision to the Council under paragraph 17.9c implementation of the decision is deferred pending the meeting of the Council at which it is considered. If the Council decides to request the Executive Committee to reconsider the decision, implementation of the decision remains deferred until the Executive Committee has reconsidered the matter.
- 17.14 Any report of the Overview and Scrutiny Committee or Council pursuant to paragraph 17.9b or c will be submitted to the Executive Committee which will consider that report within 10 working days and either:-
- a. confirm the decision without modification; or
  - b. confirm the decision with modification; or
  - c. rescind the decision and if considered appropriate take a new one.

In each case the Executive Committee must give reasons for its decision. The decision taken by the Executive Committee following consideration of the report of the Overview and Scrutiny Committee or Council on the call-in is final.

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- 17.15 The Chair or Vice-Chair of the Overview and Scrutiny Committee or, with the Chair's agreement, the Chair or other designated representative of a relevant Task and Finish Group, may attend any meeting of the Executive Committee at which a report of the Overview and Scrutiny Committee is being considered and may speak but not vote.

**17.16 A decision of the Executive Committee may be called in only once.**

- 17.17 The call-in procedure shall not apply where the decision being taken by the Executive Committee is urgent.

A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the interest of either the Council or public. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.

The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. ***In the absence of both, the Chief Executive or his/her nominees' consent shall be required.*** Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

- 17.18 The operation of the provisions relating to call-in and urgency shall be monitored annually by the Overview and Scrutiny Committee, and a report submitted to Council with proposals for review if necessary.

**18. The party whip**

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

**19. Petitions**

- 19.1 All petitions submitted to the Council will be dealt with in accordance with the adopted Petitions Scheme (separately attached to the Constitution at Part 10).



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- 19.2 The Overview and Scrutiny Committee will consider relevant petitions and determine whether any further action is required, which may be action by Officers, by the Executive Committee, or by the full Council.

***It is less likely that any direct action by the Overview and Scrutiny Committee itself will be required or appropriate.***

**APPENDIX A****TASK GROUPS PROCEDURE NOTES****1. Appointment of Chair**

The Chair of a Task Group will be a member of the Overview and Scrutiny Committee and will be appointed by the Overview and Scrutiny Committee.

**2. Appointment to and membership of Task Groups**

2.1 The Overview and Scrutiny Committee will arrange for written notice of the establishment of a Task Group, together with a general description of the nature of the work to be undertaken by the Task Group, to be given to;

- Party Group Leaders; and
- all Councillors who are not members of the Executive Committee

2.2 Members of the Executive Committee cannot become members of Task Groups.

2.3 The size of each Task Group may vary but as a general rule Task Groups should have a minimum of three members (for instance for 'short, sharp reviews) and normally no more than five members.

2.4 For purposes of continuity, Task Group members who cannot attend a meeting of a Task Group may not appoint a substitute member.

**3. Co-opted members**

3.1 The Overview and Scrutiny Committee or, with their agreement, a Task and Finish Group, may co-opt members to the Task Group who are not elected Councillors.

3.2 Co-opted members will have no voting rights.

**4. Proportional allocation of seats**

Task Groups are not covered by the requirement for seats to be allocated on the basis of political group proportionality.

**5. Terms of reference**

- 5.1 The Overview and Scrutiny Committee will determine the terms of reference for the Task Group by approving a 'Scoping Document' for each review (Appendix E refers).
- 5.3 The Overview and Scrutiny Committee will consider any request from the Task Group for modification of its terms of reference.
- 5.4 The Task Group will be responsible for identifying those witnesses who need to be called to give evidence.

**6. Working**

- 6.1 A Task Group should carry out its investigation in accordance with the Overview and Scrutiny Procedure Rules.
- 6.2 A Task Group does not have any powers to take any decisions. It should consider the issues it has been asked to investigate and submit a report to the Overview and Scrutiny Committee which will then decide whether or not to make any recommendations to the Executive Committee.

**7. Timescales**

Timescales for the work of Task and Finish Groups will be established in the approved Scoping Document for any given review. Task Groups will not be disbanded until the report of the Overview and Scrutiny Committee has been considered by the Executive Committee and any questions or issues raised by the Executive Committee have been resolved.

**8. Monitoring**

Task Groups will, normally via their Chair, provide the Overview and Scrutiny Committee with regular updates on their work. In considering those regular updates the Overview and Scrutiny Committee may suggest areas of work or issues for consideration or investigation by the Task Group which fall within the terms of reference.

## 9. Final report

- 9.1 The Overview and Scrutiny Committee will consider in detail the final report of the Task Group and the Task Group will respond to any requests by the Overview and Scrutiny Committee to substantiate and justify any proposals it brings forward.
- 9.2 Final Overview and Scrutiny Committee reports will be prepared and submitted in a form which the Committee agrees. ***However, all standard elements required in general Officer reports to the Executive Committee (such as Financial, Legal and other Implications sections) will be expected to be provided by the Overview and Scrutiny Committee, in adequate detail, before the Executive Committee considers a report.***
- 9.2 Members of the Task Group who disagree with the majority report of the Task Group may produce one minority report, which may put forward alternative proposals. This will then be considered alongside the report of the Task Group by the Overview and Scrutiny Committee. The Overview and Scrutiny Committee will then decide which recommendations it wishes to support.
- 9.3 A Task Group Chair shall be responsible for ensuring that the recommendations in the final report of the Task Group fairly and accurately reflect the findings of the Task Group.

## 10. Agenda, Minutes of and Public Access to Task Group meetings

- 10.1 Agendas for Task Group meetings are usually only circulated to members of the Task Group, and relevant support / professional Officers / co-optees.
- 10.2 Members of the Overview and Scrutiny Committee are entitled to attend and participate in meetings of the Task Group at the discretion of the Task Group Chair but have no voting rights at Task Group meetings. The Task Group Chair will balance demand for such participation against the need to maintain the small size of the Task Group.
- 10.3 The public has no right to attend Task Group meetings, nor a right of access to the agendas and minutes (beyond those rights provided by the Freedom of Information Act). However, wider publication may be permitted, if the Task Group so determines, subject to the agreement of the Overview and Scrutiny Committee Chair.

**APPENDIX B****CRIME AND DISORDER SCRUTINY PANEL****Terms of Reference****CONSTITUTION**

The Panel will operate as a formal 'Sub-Committee' of the Overview and Scrutiny Committee and will be Redditch Borough Council's designated Crime and Disorder Scrutiny Committee in accordance with Sections 19 and 20 of the Police and Justice Act 2006.

The Panel shall comprise 5 elected non-Executive Members (2+2+1 if to be politically proportionate) of the Council. These will be appointed by the Overview and Scrutiny Committee or else at the Annual Meeting of the Council. The Chair of the Panel will be a member of a political group not forming part of the ruling administration. The Chair will also be a member of the parent Overview and Scrutiny Committee.

The Panel will have the power to commission specific policy reviews relating to the work of the Community Safety Partnership. These could be undertaken as Task and Finish Groups. Each Task and Finish Group established by the Crime and Disorder Scrutiny Panel will be led by an identified member of the Crime and Disorder Scrutiny Panel.

For the purposes of continuity, substitute membership on Task and Finish Groups is discouraged and allowed only at the Chair's discretion.

**RULES OF OPERATION**

The Panel has power to discuss, but no power to make decisions on, matters listed in the Terms of Reference below.

It shall meet as often as necessary, though it shall have at least 4 scheduled meetings per year.

Meetings shall normally take place early evening.

The Panel shall advise and make recommendations to the Overview and Scrutiny Committee. The Chair of the Scrutiny Panel will report on the work of the Panel at meetings of the Overview and Scrutiny Committee.

For the purpose of accountability, adequate notes shall be taken of business transacted, which shall be available for inspection by other Members of the

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Council, subject to proper control, in accordance with the Code of Conduct, of information deemed by the Proper Officer to be exempt.

TERMS OF REFERENCE

The Crime and Disorder Scrutiny Panel will be Redditch Borough Council's designated Crime and Disorder Scrutiny Panel in accordance with Sections 19 and 20 of the Police and Justice Act 2006.

The Panel will carry out the following functions:

- a) to hold the Redditch Community Safety Partnership to account for its decision making;
- b) to scrutinise the performance of the Redditch Community Safety Partnership;
- c) to undertake policy reviews of specific crime and disorder issues;
- d) to highlight and challenge people's perceptions of crime and disorder in the local area;
- e) to undertake community engagement and consultation to establish local people's priorities for crime and disorder issues; and
- f) to promote the positive work of the Redditch Community Safety Partnership.

OFFICER SUPPORT

The work of the Crime and Disorder Scrutiny Panel will be supported by the Overview and Scrutiny Support Officers.

**APPENDIX C****WITNESS GUIDANCE NOTES****Guidance for Witnesses Giving Evidence at Overview  
and Scrutiny Committee Meetings****What is Overview and Scrutiny?**

The elected Councillors at Redditch Borough Council work to represent the interests of their constituents. The councillors that are members of the Overview and Scrutiny Committee review policies and make recommendations about how to improve existing services. The committee often delegates review work to Task and Finish Groups. These groups investigate an issue in detail and are dissolved once a project has been completed.

The Overview & Scrutiny process draws on evidence from Councillors, Council Officers and from sources outside the Council. The Overview and Scrutiny Committee cannot work successfully in isolation. The council, therefore, calls on the expertise of local people, service partners and community groups to ensure the Council delivers effective services.

**Why have I been invited to act as a witness?**

You have been invited to act as a witness because your views are important to the elected councillors. Your expert opinion can help councillors to gain an understanding of the issue that they are reviewing. As a guest of the Committee you will not be interrogated or asked questions that seek to catch you out. The councillors will attempt to put you at your ease as they realise that you have given up your time to help them. Notes will be taken of the proceedings. This is merely for the purpose of producing minutes of the meeting.

**Is it compulsory to attend?**

It depends on who you are. Elected councillors and Council Officers must attend meetings if requested by Overview and Scrutiny Committee members. In addition, organisations which provide local public services must attend meetings when requested. These organisations may select a representative to attend the meeting on their behalf. This representative must understand the subject of the review and be capable of responding to questions. Attendance is not compulsory for any other witnesses who are asked to attend a meeting.

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### **Can someone be nominated to attend on my behalf?**

If you cannot attend, you can nominate another person to come on your behalf. That person must be fully briefed on the issue. Committees sometimes invite an organisation to give evidence. In this case, it is up to you to decide who should attend.

It may be possible for the Committee to consider a written submission from you. The Committee may then come back to you at a later date if there are matters that have not been dealt with. This is something you can discuss with an Overview & Scrutiny Support Officer.

### **What if I cannot attend on the date of the Committee meeting?**

The Overview and Scrutiny Committee groups witnesses together to help ease the flow of information. This also encourages detailed discussions of the topic because information from various sources can be reviewed at the same time. Committees work to tight timescales and so it is often impossible to rearrange meetings. As a consequence, it is important that you attend on the day requested.

### **Do witnesses get paid for attending Overview and Scrutiny meetings?**

You will not be paid for giving evidence at an Overview and Scrutiny Committee meeting. However, travelling expenses as well as childcare costs can be reimbursed. Please retain your receipts and hand these to an Overview and Scrutiny Support Officer. The Officer will ensure that you are reimbursed for these costs.

### **Where are Overview and Scrutiny meetings held?**

Most of Redditch Borough Council's Overview and Scrutiny meetings are held at Redditch Town Hall. The Town Hall is located in Walter Stranz Square in the Town Centre. The Town Hall's Committee Rooms are fully air-conditioned and have full access for people with disabilities. Parking facilities are available at the Town Hall during evenings and weekends. During office hours Car Park 2 is available adjacent to the Town Hall. The Overview and Scrutiny Support Officer will inform you of the exact arrangements for your meeting.

When you arrive at the Town Hall report to reception and ask for the Overview and Scrutiny Support Officer. The Officer will provide you with an ID card, will discuss the proceedings with you and will show you to your seat in the council chamber.

### **Who will be present at the meeting?**

A number of Councillors and Council Officers, including the Overview and Scrutiny Support Officer, will be present at the meeting.



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Co-opted members may also attend the meeting if it addresses a topic which is of interest to them. These co-optees may include trade union representatives, from UNISON and/or UCATT. Other witnesses may also have been invited to give evidence at the meeting.

Many Overview and Scrutiny Committee meetings are open to the public. You may, therefore, find that members of the public or press attend the proceedings. If you feel that the presence of the public or press would make you feel uncomfortable please contact the Overview & Scrutiny Support Officer to discuss the matter further. (The Overview and Scrutiny Support Officers' contact details are listed on the back page of these guidance notes).

### **Will I have to give a presentation?**

Sometimes the Committee asks witnesses to give a short presentation. Presentations at Overview and Scrutiny meetings usually take ten minutes. The Overview and Scrutiny Support Officer will inform you in advance if you are required to give a presentation. On other occasions the Councillors will ask you to answer a number of questions. If you are expected to answer questions at the meeting you will be sent a copy of the questions in advance. You may find it convenient to prepare your answers before the meeting takes place. The Councillors may ask you some additional questions based on the answers that you provide. They may also ask for your opinion about evidence provided by other witnesses at the meeting.

Alternatively, you may be asked to submit written evidence to the meeting. Any written evidence should include the main points of your opinion about the subject being discussed. If you submit the written evidence in advance please assume that the members have read the document before the meeting takes place.

### **How are witnesses treated at Overview and Scrutiny Committee meetings?**

Redditch Borough Council is committed to treating witnesses in a respectful and courteous manner. Please be aware that information about individuals who give evidence, such as addresses, is only available to senior Officers. The council will not give your personal details to other organisations or individuals.

### **What will happen after the meeting?**

About a week after the meeting we will send you a copy of the meeting's minutes summarising the main arguments that were made. The minutes may quote some of the things that you said. You will have the opportunity to suggest amendments to the minutes.

You will be informed of a cut-off date by which any changes to the minutes will need to be made. The Councillors may also ask for you to provide additional information to the committee.

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Once the councillors have finished collecting evidence, they will produce a report summarising their findings. The report will make recommendations for future action. This report will acknowledge any sources of written and oral evidence provided to the Councillors.

As a valued contributor to the Committee the council will keep you informed on future progress. We will send you a copy of the Overview & Scrutiny Committee's final report with its recommendations. You will also be informed of the outcomes of this report, including whether the recommendations will be implemented.

The Councillors will monitor any implementation of the report's recommendations. You will be kept informed of related developments. You may also be invited to attend future meetings that monitor the outcomes of the proceedings.

### **Further Information:**

If you require any further information about Overview and Scrutiny arrangements at Redditch Borough Council you can obtain it from our website at <http://redditch.whub.org.uk/home/rbc-your-council-overview-and-scrutiny> You will find information on this site about the role of Overview and Scrutiny in local democracy, Redditch Borough Council's Overview and Scrutiny procedures and the aims of Overview and Scrutiny. You can also access an Overview and Scrutiny library, containing archive material produced for past Overview and Scrutiny reviews.

Once the review has finished you will be invited to give feedback on participating in the Overview and Scrutiny process. Your feedback will be valued and will contribute to continuous improvement of the Overview and Scrutiny function at Redditch Borough Council.

If you have any further concerns or wish to have an informal chat about contributing to the Overview and Scrutiny process at Redditch Borough Council please contact one of the dedicated Overview and Scrutiny Support Officers.

### **Contacts**

Overview & Scrutiny Support Officers  
Democratic Services Team,  
Telephone: (01527) 64252  
Extension: 3267/3268  
E-mail: [democratic@redditchbc.gov.uk](mailto:democratic@redditchbc.gov.uk)

Address: Redditch Borough Council,  
Town Hall, Walter Stranz Square,  
Redditch, Worcestershire B98 8AH

## APPENDIX D

## CALL- IN REQUEST FORM

I am / We are exercising the right to call in a decision in accordance with the Overview & Scrutiny Procedure Rules, on the basis that:

**1. Details of the decision to be called in**

1.1 The decision to be called in is that taken on *[insert date]*:

1.2 and the decision was to:

1.3 The decision was: *[delete as appropriate]*

- an Executive Committee Decision; OR
- a Key Decision made by an Officer under delegated powers.

**2. Grounds for Call In**

2.1 The reason for the request for call-in is that I / We have evidence which suggests that the decision was not taken in accordance with one or more of the principles of Decision Making in Article 13 of the Constitution, as indicated below:

*[delete as appropriate]*

- Decisions based on consideration of the full facts.
- Proportionality (action must be proportionate to the proposed outcome).
- Due consultation and the taking of professional officer advice.
- Respect for Human Rights.
- A presumption in favour of openness.
- Clarity of aims and desired outcomes.
- Due regard for the Council's environmental objectives.
- Due regard to the Council's duties in respect of Crime and Disorder.
- Clear explanations of the options considered and the reason for the decisions taken.

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2.2 The evidence suggesting the decision was not taken in accordance with the principles indicated in 21.1 above is that:

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**3. Councillors requesting Call In**

3.1 This request is delivered by:

Name: Signed:	
Name: Signed:	
Name: Signed:	
Name: Signed:	
Name: Signed:	
Name: Signed:	
Name: Signed:	

Date:	
-------	--

**Note:**

**A request for Call-in may only be made by:**

- **The Chair of the Overview & Scrutiny Committee; OR**
- **3 members of the Overview and Scrutiny Committee; OR**
- **Any 5 members of the Council, who are not members of either the Overview and Scrutiny Committee or the Executive Committee.**

**Please return this form, by hand, post or e.mail, within 5 clear working days of publication of the decision to:**

**The Overview and Scrutiny Support Team,  
Redditch Borough Council,  
Town Hall, Walter Stranz Square,  
Redditch, B98 8AH  
Email: [democratic@redditchbc.gov.uk](mailto:democratic@redditchbc.gov.uk)**

## APPENDIX E

## SCOPING DOCUMENT

**Scrutiny Proposal Form**

(This form should be completed by sponsoring Member(s), Officers and / or members of the public when proposing an item for Scrutiny).

**Note:** The matters detailed below have not yet received any detailed consideration. The Overview and Scrutiny Committee reserves the right to reject suggestions for scrutiny that fall outside the Borough Council's remit.

Proposer's name and designation		Date of referral	
Proposed topic title			
Link to national, regional and local priorities and targets			
Background to the issue			
Key Objectives Please keep to SMART objectives (Specific, Measurable, Achievable, Relevant and Timely)			

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<p>How long do you think is needed to complete this exercise? (Where possible please estimate the number of weeks, months and meetings required)</p>	
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**Please return this form to:**

**The Overview and Scrutiny Support Team,  
Redditch Borough Council,  
Town Hall,  
Walter Stranz Square,  
Redditch, B98 8AH  
Email: [democratic@redditchbc.gov.uk](mailto:democratic@redditchbc.gov.uk)**