

Report of:	Monitoring Officer
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Portfolio Leader:	Leader of the Council
Key Decision:	No
Report Track:	Council: 05/04/17

COUNCIL
5 APRIL 2017
CONSTITUTION AMENDMENTS

1 Purpose of Report

- 1.1 To present to Council for consideration proposed amendments to the Constitution.

2 Recommendation

- 2.1 That the proposed amendments to the Constitution as detailed in Appendix 1 be approved.

3 Key Issues and Reasons for Recommendation

- 3.1 The current version of the Constitution was approved by Council on 12 August, 2015, and came into effect on 1 September, 2015.
- 3.2 Under Section 12 of the Constitution (Review and Revision of the Constitution), the Monitoring Officer, in conjunction with the Constitution Working Group, is required to monitor and review the Constitution on an annual basis.
- 3.3 The Constitution Working Group has met on four occasions this municipal year and considered a number of amendments for approval by Council which are explained in paragraph 5.2 of this report.

4 Relationship to Corporate Priorities

- 4.1 The Constitution provides for the proper governance of the Council and cuts across all priorities.

5 Report Detail

- 5.1 The process for reviewing the Constitution on an annual basis was adopted as part of the review of the Constitution undertaken in 2015 to ensure that it would remain up to date and allow for amendments to be made in a timely manner if the need was identified during the year.
- 5.2 The latest review undertaken by the Monitoring Officer in conjunction with the Constitution Working Group considered a number of amendments to the Constitution, the reasons for which are set out in the table below. The amendments are shown as tracked changes in [Appendix 1](#).

Part/Section Amended	Reason(s) for Amendment(s)
Part 2, Section 4, Paragraph 4.2 (The Full Council)	To ensure the 'policy framework' to is relevant and up to date.
Part 2, Section 12, Paragraph 12.2 (Review and Revision of the Constitution)	To enable the Scheme of Delegations to be updated as and when any changes to the management structure are approved by Council.
Part 3, Section 16, Appendix (Scrutiny Committees Terms of Reference)	To reflect the changes agreed to the Scrutiny Committees structure as part of the 2017-18 budget process.
Part 3, Sections 16-18 and 20-23 (Committees' Terms of Reference) Part 4, Section 27, Rule 9 (Council Procedure Rules)	To remove the requirement for minutes of Cabinet, Committees etc. to be submitted to meetings of Council and adopt an alternative process for raising questions and comments on the minutes.
Part 3, Section 22, Paragraph 22.1 (Appeals and Complaints Panel)	To make clear that the Panel shall only consider matters for which it has the delegated power to do so.
Part 3, Section 24 (Trade Union Consultative Forum) NB: These amendments will be inserted subject to agreement from the Trade Unions to the amendments being made.	To amend the status of the Forum to that of a working group, thereby allowing meetings to be called when requested rather than being set in the calendar of meetings, and allow for recommendations on matters to be submitted to Council or Cabinet.
Part 4, Section 27, Rule 4A. (Council Procedure Rules)	To present the order of business for the Annual Council meeting in a more logical order and remove duplicate wording.

Part/Section Amended	Reason(s) for Amendment(s)
Part 4, Section 27, Rule 8 (Council Procedure Rules)	To amend the deadline of submission of Questions on Notice to match that of Motions on Notice to ensure consistency of approach.
Part 4, Section 27, Rule 23 (Council Procedure Rules)	To respond to Council's request of 6 July, 2016 that the matter of recording of meetings by Members be reviewed.
Part 4, Section 27, para. (a)(i) Scheme for Receiving Questions from the Public Scheme for Receiving Deputations at Ordinary Meetings of the Council (Council Procedure Rules)	To amend the deadline for submission of questions/deputations by the public as the current deadline conflicts with the agenda publication deadline if a Council meeting was moved from a Wednesday to an alternative day.
Part 4, Section 28, para. 5.1 (Access to Information Procedure Rules)	To make clear that papers for items added to a meeting agenda after it has been published will be open to public inspection from the time the item was added to the agenda.
Part 4, Section 29, Para. 2.1 (Budget and Policy Framework Procedure Rules)	To make clear which Scrutiny Committee will be consulted as part of the annual budget setting process.
Part 4, Section 29, Para. 2.3 (Budget and Policy Framework Procedure Rules)	To include provision that alternative budget proposals must be circulated to all Members of Council as soon as practically possible before the First Budget Council meeting each year.
Part 4, Section 29, Para. 2.5 (Budget and Policy Framework Procedure Rules)	The current deadline for holding the Second Budget Council meeting is incompatible with Access to Information requirements.
Part 4, Section 31, paragraph 3.4, sub-sections (b)-(e) (Scrutiny and Call-In Procedure Rules)	To remove duplication of wording as a more comprehensive list is detailed in Section 10 of the Constitution.
Part 4, Section 31, paras. 3.6-3.8 (Scrutiny and Call-In Procedure Rules)	To set out what procedure should be followed at meetings held to consider Cabinet decisions under the 'Call-in and Urgency' Rules.

Part/Section Amended	Reason(s) for Amendment(s)
Part 5, Section 40 New Section (Protocol for Recording, Filming and Social Media at Meetings)	To set out a protocol for recording and filming of meetings by members of the public. This is linked to the amendments to Procedure Rule 23.

- 5.3 Amendments required due to the revised senior management structure which became effective on 1 April, 2017, will be inserted into the Constitution immediately. All other amendments will take effect from 24 May, 2017, to coincide with the start of the new municipal year.
- 5.4 As the amended Council Procedure Rule 9 changes a long standing practice for consideration of minutes of Cabinet, Committees etc., a non-tracked changes version of the Rule has been reproduced at [Appendix 2](#) for ease of reference.

6 Implications

6.1 Financial

None.

6.2 Legal

Keeping the Constitution under regular review ensures that it complies with any relevant legal requirements currently in force.

6.3 Human Resources

None.

6.4 Section 17 (Crime Prevention)

None.

6.5 Human Rights Act

None.

6.6 Data Protection

None.

6.7 Risk Management

None.

6.8 **Equality and Diversity**

None.

6.9 **Best Value**

None.

7 Appendices to the Report

Appendix 1: Tracked changes amendments to the Constitution.

Appendix 2: Non-tracked changes version of amended Council Procedure Rule 9.

Previous Consideration

None

Background Papers

Notes of the meetings of the Constitution Working Group.

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Section 4

The Full Council

4.1 INTRODUCTION

The Local Government Act 2000 gives the Council responsibility for approving the Policy Framework and Budget. ~~The core statutory elements of the Council's Policy Framework are the Sustainable Community Strategy and the Corporate and Performance Plans. These are supported by a range of policy/service plans and strategies all of which together form the Policy Framework.~~

4.2 DEFINITIONS

~~(a) Policy Framework~~ – the policy framework means the following plans and strategies:

~~(b)~~

~~(i) those required to be adopted by the Council in accordance with legislation;~~

~~(c)(a)~~

~~(ii) The Sustainable Community Strategy;~~

~~(iii) The Corporate Plan and the Performance Plans;~~

~~(iv)~~

~~(v) Safer and Stronger Communities Strategy;~~

~~(vi)(i)~~

~~(vii) Environmental Strategy;~~

~~(iiv) Plans and strategies which together comprise the Local Development Framework, including Neighbourhood Plans;~~

~~(iii) The Housing 30 year Business Plan;~~

~~(iv) The Code of Corporate Governance;~~

~~(v) Codes of Conduct for Members and Officers;~~

~~(vii) Asset Management Plan;~~

~~(vi) Licensing Act Policy;~~

~~(vii) Gambling Act Policy;~~

~~(viii) Food Safety Law Enforcement Service Plan;~~

~~(ix) Hackney Carriage and Private Hire Licensing Policies;~~

~~(x) Pensions Discretion Policy;~~

(xi) Pay Policy Statement;

(xii) Treasury Management Policy;

(xiii) Minimum Revenue Provision Policy;

(viii)(xiv) Any other Policy required by law to be approved by the full Council.

~~(ix) Plans and strategies which together comprise the Housing Investment Programme;~~

~~(x) Economic Regeneration Strategy.~~

~~(d)~~(b) **Budget** – the budget includes:

- (i) the allocation of financial resources to different services and projects;
- (ii) proposed contingency funds, i.e. how much money the Council should keep as a reserve;
- (iii) the council tax base, i.e. how the Council Tax should be fixed;
- (iv) setting the council tax;
- (v) decisions relating to the control of the Council's borrowing requirements, i.e. when and how much it should borrow;
- (vi) the control of its capital expenditure, and;
- (vii) the setting of virement limits, i.e. limits on the movement of money from one budget to another.

4.3 FUNCTIONS OF THE FULL COUNCIL

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution or any part;
- (b) approving or adopting the Policy Framework and the Budget;
- (c) making any decision which is contrary to the approved Policy Framework and/or approved Budget;
- (d) considering and approving any amendments to the Policy Framework and Budget in accordance with the Budget and Policy Framework Procedure Rules;
- (e) electing the Leader of the Council and receiving notification from the Leader of the Council of the number and identity of the Cabinet Members and their Portfolios and the identity of the Deputy Leader;

Section 12

Review and Revision of the Constitution

12.1 DUTY TO MONITOR AND REVIEW THE CONSTITUTION

The Monitoring Officer in conjunction with a Working Group of Members will annually monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect, and that the Constitution accurately reflects current law and practice.

12.2 CHANGES TO THE CONSTITUTION

- (a) ~~Where Subject to (b) below,~~ changes to the Constitution will only be approved by the full Council after consideration of a report by the Monitoring Officer whether this report results from the annual review or the exercise of Council Procedure Rule 24 or following a request by an Officer or Notice of Motion.
- (b) Where the Council has approved a document forming part of the Constitution such as the Members' Allowance Scheme, Procedure Rules, Codes of Conduct or has added to or amended Delegations, these will be incorporated into the Constitution without further resort to the Council. Where there are changes to the Management Structure, the Council's Monitoring Officer and Solicitor is authorised to make consequential amendments to the Scheme of Delegations without further resort to the Council.

12.3 INTERPRETATION

Where in a meeting of the Council any meaning or application of any part of this Constitution is in question, the ruling of the Chairman shall be final and not be challenged.

12.4 SUSPENSION

- (a) The only parts of the Constitution which may be suspended are:
- Council Procedure Rules;
 - Cabinet Procedure Rules;
 - Financial Regulations;
 - Procurement Regulations~~Contract Procedure Rules.~~

(b) These may only be suspended in the case of Council or Cabinet Procedure Rules for the duration of the meeting and where at least two-thirds of Members are present and only to the extent proportionate to the result to be achieved taking into account the purposes and principles of this Constitution, and only provided the suspension is lawful.

(b)(c) Financial Regulations or ~~Contract Procedure Rules~~ Procurement Regulations may only be suspended to the extent needed and proportionate to the needs of the particular matter and with the approval of the Chief Financial Officer or Monitoring Officer.

12.5 PUBLICATION

- (a) The Managing Director or person appointed by him/her for this purpose will ensure that electronic copies of this Constitution are available to each Councillor and are made available on the Council's Website. Printed copies will be made available to Councillors on request.
- (b) Printed copies will be made available for inspection during office hours at the Council's offices and may be purchased on payment of a reasonable fee.

Section 16

Scrutiny Committees

16.1 STATUS

The Council will appoint such Overview & Scrutiny Committees as it considers appropriate (referred to as "Scrutiny Committees"). The current Scrutiny Committees are listed in the APPENDIX to this Section with their membership and Terms of Reference.

16.2 MEMBERSHIP AND METHOD OF APPOINTMENT

Every Member of Cannock Chase District Council is eligible to be member of Scrutiny Committees except those who are members of the Executive.

Membership of Scrutiny Committees will be subject to the requirements as to political balance set out by Section 15 of the Local Government and Housing Act 1989 (as amended).

Each Scrutiny Committee will have 13 members except that:

(i) Health Scrutiny Committee shall, when and only when the Committee is carrying out the Statutory Functions of the Council's Health Scrutiny Committee under the Health and Social Care Act, 2001 and Regulations made under that Act, have an additional member nominated by Staffordshire County Council who shall have full participating and voting rights during that business only.

The Council's 'Substitution Scheme for Committees (Part 3, Section 25 of this Constitution) shall apply, with each political group entitled to nominate one named substitute.

Scrutiny Committees shall be entitled to appoint individuals and/or representatives of organisations as non-voting co-optees.

16.3 CHAIRMAN AND VICE-CHAIRMAN

The Chairmen and Vice-Chairmen will be appointed by Council.

16.4 FREQUENCY OF MEETINGS

The meetings of each Scrutiny Committee will be held in accordance with the schedule of meetings agreed by the Council and other arrangements regarding the calling of meeting generally quarterly.

The Chairman of a Scrutiny Committee shall convene additional meetings of that Scrutiny Committee as required to deal with 'call-ins' and matters referred

to that Scrutiny Committee which cannot reasonably be considered at the next scheduled meeting.

The meetings of any time-limited panels or working groups set up by a Scrutiny Committee will be convened as their work programme requires.

16.5 AGENDA

Prior to the meeting of each Scrutiny Committee, the Managing Director will circulate to all Members of the Scrutiny Committees the Agenda and Reports to be considered by the relevant Scrutiny Committee(s) for which they are Members.

16.6 PROCEEDINGS

The Managing Director (or nominee) shall be the Clerk to the Scrutiny Committees.

The Council's Procedure Rules listed in Council Procedure Rule 22 will apply.

16.7 WORK PROGRAMME AND AGENDA ITEMS

The work programme of a Scrutiny Committee will be determined by the Committee in consultation with other stakeholders, including representatives from partner organisations.

Any Member of the Council who wishes to do so may refer an item to be included on an agenda for consideration at a future meeting of a Scrutiny committee. Such referrals must be in writing and received by the Managing Director at least 7 working days prior to the date of the meeting at which the matter is to be considered. Such referrals must be relevant to the functions of the particular Scrutiny Committee and relate to the discharge of any function of the Council.

16.8 ~~MINUTES OF MEETING~~REPORTS TO COUNCIL OR CABINET

Reports detailing the recommendations will be submitted to the Council or the Executive, which may accept, amend or reject any recommendations of a Scrutiny Committee.

~~Minutes will be presented to Council at the next available meeting.~~

16.9 ATTENDANCE BY NON-COMMITTEE MEMBERS

Any member of the Executive may if invited by the Chairman, attend a meeting of a Scrutiny Committee for a specific item. They may answer questions and at the invitation of the Chairman, speak. The member of the Executive shall only attend for that specific item and shall leave the meeting at the conclusion of that item. ~~Where the matter under discussion is within the Portfolio of the member of the Executive, the Chairman shall invite them to speak.~~

A Scrutiny Committee may require any member of the Cabinet, the Head of Paid Service, or any Head of Service to attend before it to explain in relation to matters within their remit:

- (i) any particular decision or series of decisions;
- (ii) the extent to which the actions taken implement Council policy; and/or
- (iii) the performance of the service delivered

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

The Scrutiny Committee and its panels/working groups may invite other people, external to the organisation, such as residents, stakeholders and members, officers and employees from other public sector organisations, to discuss issues of local concern and/or answer questions.

16.10 LIAISON WITH CABINET AND OTHER CHAIRMEN

Liaison meetings will be held between the Cabinet Portfolio Leader and the Chairman of the relevant Scrutiny Committee as required to facilitate a working relationship between the Executive and Scrutiny.

16.11 GENERAL ROLE

Scrutiny Committees will:

- (i) be available for consultation in accordance with the Budget and Policy Framework Procedure Rules;
- (ii) review and scrutinise decisions made by the Executive within their Terms of Reference;
- (iii) review and scrutinise current Council policies and consider future policy development within their Terms of Reference;
- (iv) review and scrutinise decisions of the Council, committees and officers within their Terms of Reference;
- (v) receive and review, having regard to the Council's Performance Management Framework, that part of the Council's Annual Performance Management report which is within their Terms of Reference;
- (vi) receive and review all matters referred to it by other committees Council Cabinet or Members relevant to the scrutiny function within their Terms of Reference;
- (vii) monitor, review and/or scrutinise the performance of the Council and its Local Strategic Partners including cross-cutting issues in relation to the discharge of the Council's functions within their Terms of Reference;
- (viii) make reports and/or recommendations to Council and/or Cabinet in

connection with the discharge of any functions within their Terms of Reference.

16.12 SPECIFIC FUNCTIONS

- (i) exercise the right to 'call-in' for consideration the decisions within their Terms of Reference made but not yet implemented by the Cabinet (see Overview and Scrutiny Procedure Rules set out in Part 4, Section 31, of this Constitution);
- (ii) question and gather evidence from any person (with their consent) deemed reasonably necessary to discharge its role and functions;
- (iii) review and scrutinise the performance of the Council, Cabinet and Officers in relation to Council priorities, policy objectives, performance & partnership matters, performance targets and/or particular service areas within their Terms of Reference.
- (iv) question members of the Cabinet and Chief Officers about their performance in relation to significant and/or major initiatives or projects within their Terms of Reference;
- (v) if a Scrutiny Committee thinks that a key decision has been taken without compliance with the provisions of the Constitution, it may require the Cabinet to submit a report to the Council.

16.13 PROCEEDINGS OF A SCRUTINY COMMITTEE

A Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4, Section 31, of this Constitution.

16.14 TIME-LIMITED PANELS

A Scrutiny Committee may set up panels to consider specific issues and report back on their findings. These panels will be time-limited to the duration of the review.

A Scrutiny Committee may also set up working groups as it considers appropriate to investigate and report back on issues.

APPENDIX

Scrutiny Committee	Terms of Reference
<u>Customers and Corporate</u>	<ul style="list-style-type: none"> • <u>Customers & Corporate PDP</u> • <u>Corporate Issues</u> • <u>Budget Consultation</u> • <u>Finance</u> • <u>Civic Support</u> • <u>Corporate & Support Services – i.e. HR, Governance, Legal, Technology, Communications, Customer Services (inc. Social Alarms)</u>
<u>Better Jobs and Skills Economic Development and Town Centres</u>	<ul style="list-style-type: none"> • <u>Economic Development and Town Centres Better Jobs and Skills PDP</u> (including Education) • Economic Development and Planning • <u>Building Control</u> • <u>Markets</u> • <u>Land and Property Holdings (excluding HRA property)</u> • Town Centre Regeneration • <u>Markets</u> • Performance Management of the Locality Partnership Plan for “Increased Economic Prosperity”
<u>Health, Culture and Environment</u>	<ul style="list-style-type: none"> • <u>Health, Culture and Environment PDP</u> • <u>Health and Wellbeing</u> • <u>Environmental Health and Licensing</u> • <u>Local Taxation and Benefits</u> • <u>The Statutory Functions of the Council’s Health Scrutiny Committee under the Health and Social Care Act, 2001 and Regulations made under that Act</u> • <u>Culture and Sport (including Parks and Open Spaces)</u> • <u>Bereavement Services</u> • <u>Street Cleansing and Grounds Maintenance</u> • <u>Waste & Engineering Services</u> • <u>Countryside Service, Trees, and Allotments</u> • <u>Environmental Protection and Private Sector Housing</u> • <u>Performance Management of the Local Partnership Plan for “Improved Health and Wellbeing”</u>

Scrutiny Committee	Terms of Reference
<p><u>Housing, Crime and Partnerships</u></p>	<ul style="list-style-type: none"> • <u>Housing, Crime and Partnerships</u>More and Better Housing PDP The Housing Service Private Sector Housing • <u>Community Safety</u> • <u>CCTV Partnerships</u> • <u>Performance Management of the Locality Partnership Plan for "Increased Community Safety"</u>

~~Each Scrutiny Committee will have 13 members except that:~~

~~(i)(ii) Health Scrutiny Committee shall, when and only when the Committee is carrying out the Statutory Functions of the Council's Health Scrutiny Committee under the Health and Social Care Act, 2001 and Regulations made under that Act, have an additional member nominated by Staffordshire County Council as who shall have full participating and voting rights during that business only.~~

Section 17

Planning Control Committee

17.1 STATUS

The Planning Control Committee is a Committee of the Council.

17.2 MEMBERSHIP AND METHOD OF APPOINTMENT

The Committee will comprise such Members as appointed by the Council in compliance with Section 15 and Schedule 1 of the Local Government and Housing Act 1989 concerning Political Balance.

The Council's 'Substitution Scheme for Committees (Part 3, Section 25 of this Constitution) shall apply, with each political group entitled to nominate one named substitute.

17.3 CHAIRMAN AND VICE-CHAIRMAN

The Chairman and Vice-Chairman of the Committee will be appointed by Council in accordance with Council Procedure Rule 17.

17.4 ATTENDANCE BY COUNCILLORS WHO ARE NOT MEMBERS OF THE COMMITTEE

Council Procedure Rule 6(6) will apply.

The Local Protocol for Planning Decision Making (Part 5, Section 39, of this Constitution) provides the process for non-Committee Councillors to make representations at the Committee and those Councillors of the Committee who may have a personal or personal and prejudicial interest.

17.5 GENERAL PUBLIC SPEAKING TO COMMITTEE

A copy of the protocol for public speaking adopted by this Committee is in Part 5 of this Constitution.

17.6 FREQUENCY OF MEETINGS

Meetings of the Committee will be held in accordance with the schedule of meetings agreed by the Council and other arrangements regarding the calling of meetings.

17.7 AGENDA

Prior to the meeting of the Committee, the Managing Director will circulate to Members of the Committee the Agenda and Reports to be considered.

17.8 PROCEEDINGS

The Managing Director (or nominee) shall be the Clerk to the Planning Control Committee.

The Council's Procedure Rules listed in Council Procedure Rule 22 will apply.

~~**17.9 REPORTS TO COUNCIL**~~

~~Reports in the form of Minutes detailing action taken will be submitted to the Council which may then accept, amend or reject any recommendation, but not a resolution made by the Committee in accordance with its delegated powers.~~

17.910 FUNCTIONS

To carry out the following functions in accordance with the Codes of Conduct, Local Protocols and Planning Guidance:

- (i) determining applications made under the Town and Country Planning Acts (applications for planning permission, approval of reserved matters, listed building consent, conservation area consent, consent to display advertisements, certification of lawful use for development, approval to fell or carry out work to trees which are the subject of Tree Preservation Orders (TPO), applications for prior notification of agricultural, forestry, telecommunications development and demolition) other than those delegated to Officers under the Scheme of Delegation to Officers;
- (ii) making of comments on applications made to Staffordshire County Council and adjoining local planning authorities;
- (iii) enforcement of planning control;
- (iv) the making of Tree Preservation Orders;
- (v) Providing 'screening' and 'scoping' opinions on behalf of the Council under the Terms of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

17.101 DELEGATED POWERS

The Committee is empowered to deal with any functions detailed above, in accordance with the Officer Scheme of Delegation.

17.112 OTHER MATTERS

No Committee Member can attend the Committee before he/she has attended relevant training in relation to the functions of the Committee.

Section 18

Licensing and Public Protection Committee

18.1 STATUS

The Licensing and Public Protection Committee is a Committee of the Council to make decisions required by statute to be made by Council and/or Committee which cannot be delegated to Cabinet and not otherwise delegated to Officers.

18.2 MEMBERSHIP AND METHOD OF APPOINTMENT

The Committee will comprise of between 10 to 15 Members as appointed by the Council in compliance with Section 15 and Schedule 1 of the Local Government and Housing Act 1989 concerning Political Balance.

The Council's 'Substitution Scheme for Committees (Part 3, Section 25 of this Constitution) shall apply, with each political group entitled to nominate one named substitute.

18.3 CHAIRMAN AND VICE-CHAIRMAN

The Chairman and Vice-Chairman of the Committee will be appointed by Council in accordance with Council Procedure Rule 17.

18.4 ATTENDANCE BY COUNCILLORS WHO ARE NOT MEMBERS OF THE COMMITTEE

Council Procedure Rule 6(6) will apply.

18.5 FREQUENCY OF MEETINGS

Meetings of the Committee will be convened as required to effectively discharge the Committee's functions.

18.6 AGENDA

Prior to the meeting of the Committee the Managing Director will circulate to Members of the Committee (and where necessary, Applicants, Licensees and appropriate interested parties) the Agenda and Reports to be considered and the procedure for dealing with applications.

18.7 PROCEEDINGS

The Managing Director (or nominee) shall be the Clerk to the Licensing and Public Protection Committee.

The provisions of Schedule 12 of the Local Government Act 1972, as amended, will apply where appropriate.

~~18.8 REPORTS TO COUNCIL~~

~~Reports in the form of Minutes detailing action taken will be submitted to the Council which may then accept, amend or reject any recommendation, but not a resolution made by the Committee in accordance with its delegated powers.~~

18.89 FUNCTIONS

To carry out the following functions in accordance with the Codes of Conduct:

- (a) Determine applications for the grant or renewal of licences, other than those submitted under the Licensing Act 2003 and gambling legislation where:
 - (i) adverse comments have been received in the processing of the application, and
 - (ii) Officers with delegated authority have indicated that there are circumstances which may warrant a refusal of the application.
- (b) Determine any issues relating to revocation, suspension or variation of licences, other than those submitted under the Licensing Act 2003 and gambling legislation.
- (c) Consider all issues relating to Public Protection encompassing all Environmental Health matters (other than matters relating to the Licensing Act 2003 and gambling legislation) not delegated to Officers and required to be made by the Council.
- (d) Those functions required to be carried out by a licensing committee pursuant to Section 7* of the Licensing Act 2003 and gambling legislation and for those functions the Committee shall be the Council's Licensing Committee.

*(Section 7 of the Licensing Act 2003 states that – “All matters relating to the discharge by a licensing authority of its licensing functions are, by virtue of the subsections of the Act, referred to its licensing committee and, accordingly, that committee must discharge those functions on behalf of the authority.”)

(Note: The Committee may arrange for the determination of applications for the grant or renewal of licenses submitted under the Licensing Act 2003 to be determined by either licensing committee/or sub-committees/ or an Officer of the Council.)

Section 20

Standards Committee

20.1 STATUS

The Standards Committee is a standing committee of the Council with the purpose of determining standards to be observed by Members.

20.2 MEMBERSHIP AND METHOD OF APPOINTMENT

The Committee will comprise no more than 7 Members appointed by the Council in accordance with Section 15 and Schedule 1 of the Local Government and Housing Act 1989 concerning Political Balance.

The Standards Committee may not include the Leader of the Cabinet.

The Council will appoint 8 representatives of the Parish/Town Councils within the District to serve on the Committee as non-voting members.

The Independent Person and any reserve Independent Person may attend any meeting of the Committee as a non-voting member.

No more than one member of the Standards Committee may be a member of Cabinet.

The Standards Committee may appoint Sub-Committees hearings panels.

20.3 CHAIRMAN AND VICE-CHAIRMAN

The Chairman and Vice-Chairman will be appointed by the Council and shall not be members of the Cabinet.

20.4 ATTENDANCE BY COUNCILLORS WHO ARE NOT MEMBERS OF THE COMMITTEE

Any Member of the Council may attend meetings of the Committee except when it is considering confidential business.

20.5 FREQUENCY OF MEETINGS

Meetings of the Committee will be held in accordance with the schedule of meetings agreed by the Council and other arrangements regarding the calling of meetings. ~~quarterly and otherwise as necessary.~~

20.6 AGENDA

Prior to the meeting of the Committee, the Monitoring Officer will circulate to all Members of the Committee (and Parish/Town Council representatives), the Agenda and Reports to be considered.

20.7 PROCEEDINGS

The Managing Director (or nominee) shall be the Clerk to the Committee.

The provisions of Schedule 12 of the Local Government Act 1972, as amended, will apply where appropriate.

No Parish/Town Council matter may be discussed unless a Parish representative is present.

~~20.8 REPORTS TO COUNCIL~~

~~Reports in the form of Minutes detailing action taken under delegated powers and recommendations will be submitted to the Council which may then accept, amend or reject any recommendations, but not a resolution made by the Committee.~~

20.~~89~~ FUNCTIONS

To undertake the following functions:

- (a) To promote and maintain high standards of conduct by Members and co-opted Members;
- (b) To assist Members and co-opted Members to observe the Council's codes of conduct;
- (c) To advise Council on the adoption or revision of its code of conduct for Members;
- (d) To advise, train or arrange to train Members and co-opted Members on matters relating to the Council's codes of conduct;
- (e) To monitor the operation of the Council's codes of conduct;
- (f) If requested, consider whether to grant dispensations in relation to a District Councillor or Councillors with a pecuniary interest in a matter proposed for discussion;
- (g) Hold hearings into complaints against Councillors and former Councillors of the District and Parish/Town Councils relating to potential breaches of the Code of Conduct which are referred to it.

To deal with any other matter referred to it by Council or the Monitoring Officer.

Section 21

Audit & Governance

Committee

21.1 STATUS

The Audit & Governance Committee is a standing committee of the Council with the purpose providing independent assurance of the adequacy of the governance framework and the associated control environment.

21.2 MEMBERSHIP AND METHOD OF APPOINTMENT

The Committee will comprise no more than 7 Members, appointed by the Council in compliance with Section 15 and Schedule 1 of the Local Government and Housing Act 1989 concerning political balance.

The Audit & Governance Committee may not include any member of the Cabinet or the Chairman of a Scrutiny Committee.

Members will be properly trained to fulfil their role.

21.3 CHAIRMAN AND VICE-CHAIRMAN

The Chairman and Vice-Chairman will be appointed by the Council.

21.4 ATTENDANCE BY COUNCILLORS WHO ARE NOT MEMBERS OF THE COMMITTEE

The Committee may invite or allow representations from Members Officers members of the public and experts so far as these relate to the matter before them and so far as they are appropriate and proportionate.

21.5 FREQUENCY OF MEETINGS

Meetings of the Committee will be held in accordance with the schedule of meetings agreed by the Council and other arrangements regarding the calling of meetings.

21.6 AGENDA

Prior to the meeting of the Committee, the Managing Director will circulate to all Members of the Committee the Agenda and Reports to be considered.

21.7 PROCEEDINGS

The Managing Director (or nominee) shall be the Clerk to the Committee.

The provisions of Schedule 12 of the Local Government Act 1972, as amended, will apply where appropriate.

Where not already provided for above, the Council's Procedure Rules will apply.

~~21.8 REPORTS TO COUNCIL~~

~~Reports in the form of Minutes detailing action taken under delegated powers and recommendations will be submitted to the Council which may then accept, amend or reject any recommendations, but not a resolution made by the Committee.~~

21.89 CORE FUNCTIONS

Audit Activity

- Approve internal audit's strategy and audit plan;
- Consider reports dealing with the management and performance of Internal Audit;
- Consider the level of assurance Internal Audit can give over the Council's corporate governance arrangements;
- Consider periodic reports from Internal Audit on the main issues arising from their work and "fundamental" recommendations not implemented within a reasonable timescale, and seek assurance that action has been taken where necessary;
- Consider the reports of the External Auditor and monitor the implementation of any recommendations made.

Regulatory Framework

- Consider the internal control environment and the level of assurance that may be given as to its effectiveness, to include approval of the Annual Governance Statement;
- Satisfy itself that the authority's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it;
- Monitor the effectiveness of the authority's risk management arrangements, including the actions taken to manage risks and to receive regular reports on risk management;

Section 22

Appeals and Complaints

Panel

22.1 STATUS

The Appeals and Complaints Panel is a committee of the Council with the purpose of:

- (a) hearing employee appeals in respect of Chief Officers of the Council, with the exception of the Managing Director, the Section 151 Officer and the Monitoring Officer for whom other national and local procedures take precedence;
- (b) hearing appeals in respect of homelessness decisions made under Part VII of the Housing Act 1996 (as amended);
- (c) hearing requests for review of decisions delegated to officers in respect of various Housing issues;
- (d) dealing with official complaints under Stage 4 of the Council's Complaints Procedure;
- (e) dealing with Ombudsman complaints where these cannot be settled by Officers in accordance with delegated powers.
- (f) dealing with requests for review of decisions made by Officers in the Urban Forestry Section in response to requests to carry out work to Council owned trees.

The Panel shall not hear any matters where the decision on the matter is delegated to another body within the Council. If a matter brought before the Panel includes such matters, or it becomes apparent during the hearing that it includes such matters, the Panel will refer that aspect of the matter to the appropriate body for decision.

22.2 MEMBERSHIP AND METHOD OF APPOINTMENT

The Appeals and Complaints Panel will comprise not more than 5 eligible Members of the Council, appointed by the Council in compliance with Section 15 and Schedule 1 of the Local Government and Housing Act 1989 concerning political balance. A Member should not hear an appeal or complaint in circumstances which might give rise to doubt as to their impartiality. Accordingly, a Member should not sit at the hearing of a case if he or she has any prejudicial or professional interest in the case or had involvement in the original decision against which an appeal or complaint is

being made.

22.3 CHAIRMAN AND VICE-CHAIRMAN

At each meeting of the Appeals and Complaints Panel the Chairman shall be appointed by and from the Members of the Council present.

22.4 ATTENDANCE BY COUNCILLORS WHO ARE NOT MEMBERS OF THE COMMITTEE

Council Procedure Rules 6(6) and 19 will apply.

22.5 FREQUENCY OF MEETINGS

Meetings of the Appeals and Complaints Panel will be convened by the Managing Director normally within 30 working days following receipt of notice of an appeal or complaint except where statute requires otherwise e.g. homelessness appeals. The Managing Director will give notice in writing at least 10 working days in advance of the time and place of the hearing.

22.6 AGENDA

Prior to the meeting of the Panel, the Managing Director will circulate to all Members on the Panel (and appellants or complainants where relevant) the Agenda and Reports to be considered.

22.7 PROCEEDINGS

The Managing Director (or nominee) shall be the Clerk of the Panel.

The provisions of Schedule 12A of the Local Government Act 1972, as amended, in respect of exempt information will apply.

~~22.8 REPORTS TO COUNCIL~~

~~Reports in the form of Minutes detailing action taken under delegated powers and recommendations on any related matter will be submitted to the Council which may then accept, amend or reject any recommendations, but not a resolution made by the Appeals and Complaints Panel.~~

22.89 EXCHANGE OF DOCUMENTS

At least 8 working days before the date of the hearing the parties will exchange statements and relevant documents which it is intended shall be presented to the Appeals and Complaints Panel. Copies of these documents should also be sent to the Managing Director.

22.910 FUNCTIONS AND PROCEDURE

To undertake the following functions in accordance with the scheme of delegation and codes of conduct:

- to be responsible for and to hear matters in accordance with Annexes 1, 2 and 3 as appropriate to the appeal or complaint being considered it (the Panel).

| **22.101** **DELEGATED POWERS**

The Appeals and Complaints Panel is empowered to deal with any of its functions and has delegated authority to resolve any appeal or complaint referred to it for determination by Council. In the case of equality of votes, the Chairman shall give a casting vote provided he/she has already voted in his/her capacity as a member of the Appeals and Complaints Panel.

| **22.112** **OTHER MATTERS**

Where not already provided for above, the Council's Procedure Rules for the regulation of proceedings and business will apply.

Annex 1

Housing Related Appeals and Complaints

1. FUNCTIONS

The Appeals and Complaints Panel is responsible for dealing with appeals and complaints relating to:

- (i) any decision relating to Part VII of the Housing Act 1996 (as amended) (Homelessness) with regard to the following issues:
 - eligibility for assistance under Part VII
 - whether a duty is owed to an applicant and, if so, what duty
 - whether a case should be referred to another authority
 - the suitability of accommodation offered in the discharge of a duty owed under Part VII
- (ii) any decision delegated to an officer in respect of various Housing issues, for example
 - breach of tenancy conditions
 - neighbour complaints
 - access to the Housing Register
 - tenancy succession
 - refusal of mutual exchange

2. PROCEDURE

The Appeals and Complaints Panel will hear the matter in accordance with the following procedure:

Homelessness:

- (a) Following an officer review of the applicant's Part VII application, if the original decision is upheld, the applicant will be notified of the decision in writing and of his/her right, if still dissatisfied, to ask for a further review to

be carried out by the Appeals and Complaints Panel.

- (b) The Panel shall be convened within 21 days of receipt of a request for a further review.
- (c) The Head of Housing and ~~Partnerships~~Waste Management will submit a report to the Panel setting out the circumstances.
- (d) The applicant shall be invited to attend to state his/her case and shall have the right to be represented/accompanied by a legal representative or any other person of his/her choice.
- (e) The applicant shall be provided with a copy of the Head of Housing and ~~Partnerships~~Waste Management's Report and will be requested to supply a statement of his/her case at least 8 working days prior to the meeting.
- (f) Members of the Panel may ask questions of all present as necessary and will deliberate in private. The Panel may call for legal or procedural advice at any time during its deliberations.
- (g) The Panel, having considered all the information, shall determine whether:
 - (i) to uphold the original decision or
 - (ii) to allow the appeal
- (h) If the appeal is allowed, the Panel shall determine what action should be taken.
- (i) The applicant shall be notified in writing of the decision and the reasons for the decision within 5 working days of the decision being made (or as soon as possible if this cannot be complied with). This must be within 56 days of the date on which the review was requested unless a longer period has been agreed in writing.

Review of Delegated Decisions:

- (a) If, following a request for an Officer review, the original decision is upheld, the applicant will be notified of the decision in writing and of his/her right, if still dissatisfied, to ask for a further review to be carried out by the Appeals and Complaints Panel.
- (b) The Panel shall be convened on receipt of a request for a further review.
- (c) The Head of Housing and ~~Partnerships~~Waste Management will submit a report to the Panel setting out the circumstances and Council's Policies.
- (d) The applicant shall be invited to attend to state his/her case and shall have the right to be represented/accompanied by a legal representative or any other person of his/her choice.
- (e) The applicant shall be provided with a copy of the Head of Housing and

| Partnerships'Waste Management's Report and will be requested to supply a statement of his/her case at least 8 working days prior to the meeting.

- (f) Members of the Panel may ask questions of all present as necessary and will deliberate in private. The Panel may call for legal or procedural advice at any time during its deliberations.
- (g) The Panel, having considered all the information, shall determine whether:
 - (i) to uphold the original decision or
 - (ii) to allow the appeal
- (h) If the appeal is allowed, the Panel shall determine what action should be taken.
- (i) The applicant shall be notified in writing of the decision and the reasons for the decision within 5 working days of the decision being made (or as soon as possible if this cannot be complied with). This must be within 56 days of the date on which the review was requested unless a longer period has been agreed in writing.

Annex 3

Council owned Trees

1. FUNCTIONS

The Appeals and Complaints Panel is responsible for dealing with appeals complaints relating to:

- (i) any decision delegated to an Officer in respect of various tree issues, for example;
- (ii) declining requests to carry out works to Cannock Chase DC owned trees and against the Council's set policies, or
- (iii) declining requests to carry out works to trees under the management and maintenance of Cannock Chase DC and against the Council's set policies;
- (iv) officers' decision to carry out works to Cannock Chase DC owned trees, or
- (v) officers' decision to carry out works to trees under the management and maintenance of Cannock Chase DC.

2. PROCEDURE

The Appeals and Complaints Panel will hear the matter in accordance with the following procedure:

Review of Delegated Decisions:

- (a) If, following a request for an Officer review, the original decision is upheld, the applicant will be notified of the decision in writing and of his/her right, if still dissatisfied, to ask for a further review to be carried out by the Appeals and Complaints Panel.
- (b) The Panel shall be convened on receipt of a request for a further review.
- (c) The Head of Environment and Healthy Lifestyles Commissioning will submit a report to the Panel setting out the circumstances and the Council's Policies.
- (d) The applicant shall be invited to attend to state his/her case and shall have the right to be represented/accompanied by a legal representative or any other person of his/her choice.
- (e) The applicant shall be provided with a copy of the Head of Environment and Healthy Lifestyles Commissioning's Report and will be requested to supply a statement of his/her case at least 8 working days prior to the

meeting.

- (f) Members of the Panel may ask questions of all present as necessary and will deliberate in private. The Panel may call for legal or procedural advice at any time during its deliberations.
- (g) The Panel, having considered all the information in line with the Council's Urban Forestry Strategy, shall determine whether;
 - (i) to uphold the original decision or
 - (ii) to allow the appeal
- (h) If the appeal is allowed, the Panel shall determine what action should be taken in line with best practice and current legislation.
- (i) The applicant shall be notified in writing of the decision and the reasons for the decision within 5 working days of the decision being made (or as soon as possible if this cannot be complied with). This must be within 56 days of the date on which the review was requested unless a longer period has been agreed in writing.

Section 23

Appointments Panel

23.1 STATUS

The Appointments Panel is a committee of the Council with the purpose of dealing with appointments of Heads of Service with the exception of the S.151 Officer and the Monitoring Officer.

23.2 MEMBERSHIP AND METHOD OF APPOINTMENT

The Council will appoint the membership to the Appointments Panel which will include at least one Cabinet Member.

23.3 CHAIRMAN AND VICE-CHAIRMAN

The appointment, by election, of the Chairman of the Appointments Panel amongst those Members present shall be the first item of business of the Appointments Panel.

23.4 ATTENDANCE BY COUNCILLORS WHO ARE NOT MEMBERS OF THE COMMITTEE

There is no provision for attendance by non-members.

23.5 FREQUENCY OF MEETINGS

Meetings of the Appointments Panel will be convened by the Managing Director as required.

23.6 AGENDA

Prior to the meeting of the Panel, the Managing Director will circulate to all Members on the Panel the Agenda and Reports to be considered.

23.7 PROCEEDINGS

The Managing Director (or nominee) shall be the Clerk to the Committee.

The provisions of Schedule 12A of the Local Government Act 1972, as amended, in respect of exempt information will apply.

~~23.8 REPORTS TO COUNCIL~~

~~Reports in the form of Minutes detailing action taken under delegated powers and recommendations on any related matter will be submitted to the Council which may then accept, amend or reject any recommendations, but not a resolution made by the Appointments Panel.~~

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Section 24

Trade Union Consultative

Working Group Forum

24.1 STATUS

The Trade Union Consultative Working Group Forum is a ~~committee of the Council~~working group with the purpose of providing a means of joint consultation between ~~Members of the Council~~ and representatives of all employees of the Council, to consider matters of common interest, generally further good relations, and make recommendations as appropriate to Council or Cabinet.

24.2 MEMBERSHIP AND METHOD OF APPOINTMENT

The Working Group Forum shall consist of:

- (i) A minimum of 5 Members of the Council appointed by Council in compliance with Section 15 of Schedule 1 of the Local Government and Housing Act 1989, concerning political balance; and
- (ii) A minimum of 11 employee representatives nominated to represent the employees of the Council. These employee representatives will be nominated shop stewards of the recognised trade unions and nominated jointly by them and ensuring fair representation based on proportionality of union membership; the number of employee representatives to be confirmed at the first meeting of the Working Group Forum in each municipal year.
- (iii) The full-time officials of the trade unions recognised by the Council for consultation and negotiating purposes may be called to meetings by the Chairman or Vice-Chairman of the Working Group Forum.
- (iv) Casual vacancies caused by death, resignation or disqualification of representatives shall be filled by the Council or employees, as the case may require.
- (v) The employee side may appoint substitutes to attend on their behalf.
- (vi) The Managing Director shall act as co-ordinator to the Trade Union Consultative Working Group Forum.

24.3 CHAIRMAN AND VICE-CHAIRMAN

The Chairman of the Working GroupForum shall be appointed from the employer's side in accordance with Council Procedure Rule 17 at the Annual Council Meeting.

The Working GroupForum shall appoint a Vice-Chairman from the employee's side at the first meeting in a new municipal year.

24.4 QUORUM

A quorum for the meeting shall be a minimum of three representatives from each side.

24.5 ATTENDANCE BY COUNCILLORS WHO ARE NOT MEMBERS OF THE COMMITTEE

The Council's Procedure Rule 6(6) shall apply.

Whenever matters relating to any particular Services(s) are under consideration, the Managing Director shall have the right to request the attendance of any person, being an employee of the Council or a Member thereof, for the purposes of conferring with the Working GroupForum. Similarly, the appropriate employee side representative shall have the right to request the attendance of advisers on specific issues.

Meetings of the Working GroupForum will not be open to members of the public. ~~because of the likely disclosure of exempt information as defined in paragraphs 1 and 11 of Part 1 of Schedule 12A of the Local Government Act 1972.~~

24.6 FREQUENCY OF MEETINGS

Meetings of the Working GroupForum will be held ~~in accordance with the schedule of meetings agreed by the Council and other arrangements regarding the calling of meetings~~ as and when requested by either the employers or employees side.

~~The Forum will be scheduled to meet a minimum of twice in a municipal year.~~

24.7 AGENDA

Prior to the meeting of the Working GroupForum, the Managing Director will circulate to all elected Members on the Working GroupForum and the employee representatives on the Working GroupForum the Agenda and Reports to be considered.

The matters to be discussed at any meeting of the Working GroupForum shall be stated on the Agenda for the meeting.

Matters initiated for discussion on the Agenda for the next meeting shall be submitted in writing to the Managing Director at least 20 working days before the anticipated date of the meeting.

24.8 PROCEEDINGS

The Managing Director (or nominee) shall be the Clerk to the Working Group Forum.

~~24.9 REPORTS TO CABINET~~

~~Reports in the form of Minutes detailing recommendations made by this Forum will be submitted to the Cabinet, which may accept or reject any recommendations.~~

24.910 FUNCTIONS

To undertake the following functions in accordance with the scheme of delegations and codes of conduct.

Without prejudice to the rights of Management to manage and of employees to make representations in their interests through their own organisations, the general functions and objectives of this Working Group Forum are:-

- (a) To be a forum for discussion and to secure the largest possible measure of agreement for joint action between the Council and its employees for the development of good industrial relations.
- (b) To consider any matters which may affect the common interests of the Council and its employees and to make suggestions to the appropriate Committee of the Council, including terms and conditions of employment which are not reserved for negotiation at National, provincial or agreed local levels.
- (c) To receive the minutes of the Corporate Joint Consultative Committee and Corporate Joint Consultative Committee (Health and Safety).
- (d) To act as a forum for communication between the Council and its employees and to develop and carry out measures to ensure the health, safety and welfare of employees and make recommendations as to remedial action as necessary.
- (e) To act as a focal point for employee participation in the prevention of accidents and avoidance of industrial diseases.

With regard to any of the functions of this Working Group Forum, when an individual employee or group of employees wish to refer any matter to the Working Group Forum, the process which must be followed is:-

- (1) It should firstly be taken to their Service or Sectional Representative who shall endeavour to reach agreement on a course of action with the Section Head/Supervisor concerned in the first instance.

- (2) Failing to reach agreement at this level, the Section Head/Supervisor and the Representative should jointly refer the matter to the appropriate Manager/Head of Service.
- (3) Failing to reach agreement at this level, the matter shall be considered by the appropriate Departmental Joint Consultative Committee.
- (4) Failing to reach agreement at this level, the matter shall be considered by the Corporate Joint Consultative Committee or Corporate Joint Consultative Committee (Health and Safety) as appropriate, and if not resolved at this level, the matter shall come before this Working Group Forum.

In cases where the Working Group Forum cannot agree on an issue which is appropriate for consideration at a higher level, the initiative for raising the matter at such level will rest with the Council side or the employees' representation acting either jointly or separately. Failing agreement at the higher level within the Authority, matters may be referred for consideration to provincial or national machinery.

The employees' representatives on the Working Group Forum shall be paid at their normal rates of pay during that time spent travelling to and from, as well as at any meeting of the Working Group Forum. Ordinary rates of pay include average bonus earnings and overtime (if appropriate). Hours of attendance at meetings are also subject to the hours set down in the Flexible Working Hours Scheme, if applicable. Every facility shall be afforded to the employees to enable them to be present at meetings which they are summoned to attend.

Facilities will be available for the employees' representatives to hold a pre-meeting prior to the formal meeting of the Working Group Forum.

The Working Group Forum shall have the power to appoint Sub-Working Groups to consider specific issues and report to the Working Group Forum unless an alternative reporting procedure has been agreed by the Working Group Forum.

The Working Group Forum shall not have power to make recommendations inconsistent with legislative requirements or decisions negotiated by the appropriate National or Provincial Council.

A copy of the Agenda and reports be circulated also to the full-time officials of the unions which are recognised by the Council for the purpose of consultation and negotiation.

24.101 DELEGATED POWERS

The Working Group Forum is not a committee of the Council and has no delegated powers.

24.112 OTHER MATTERS

Where not already provided for above, the Council Procedure Rules for the regulation of proceedings and business will apply.

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Section 27

Council Procedure Rules

1. MEETINGS OF THE COUNCIL

- (1) The annual meeting of the Council must be held as provided by the Local Government Act 1972 on a date and at a time fixed by the Council.
- (2) Other meetings of the Council shall be held at such other days as the Council may fix.
- (3) An extraordinary meeting of the Council may be called at any time by the Chairman or the Monitoring Officer.
- (4) An extraordinary meeting of the Council may also be called provided that at least 5 Members have signed a requisition to that effect and have passed that to the Chairman of the Council. If, at the expiry of 5 clear working days from the receipt of the request the Chairman fails to call the requested extraordinary meeting within 10 clear working days then any 5 Members (which can be the same Members as made the initial request) may call an extraordinary meeting of the Council to which the Proper Officer shall so arrange.
- (5) The date, time and place of meetings will be determined by the Proper Officer.
- (6) The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules and current regulations. The Proper Officer will send a summons by post or electronic means to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports as are available.

2. CHAIRMAN AND VICE-CHAIRMAN OF THE COUNCIL

- (1) The election of the Chairman of the Council shall be the first business to be transacted at the annual meeting of the Council.
- (2) The Council shall at the annual meeting appoint, by election, a Vice-Chairman.
- (3) The Chairman of the Council or if he is absent, the Vice-Chairman preside. If the Chairman and Vice-Chairman are absent a Member who is not a Member of the Executive, shall be appointed, by election, by those present to preside.

- (4) Any power or duty of the Chairman of the Council in relation to the conduct of a meeting may be exercised by the Member presiding at a meeting.
- (5) The Chairman and Vice-Chairman will hold office for the municipal year and shall not be removed from office unless they resign, or are disqualified by law from remaining as a Councillor or if there is a change in the administration of the Council, whereupon a Member may move that the Chairman and Vice-Chairman be removed and that a new Chairman and Vice-Chairman be nominated and appointed. For the avoidance of doubt, the Chairman or Vice-Chairman cannot be removed by a motion of "no confidence" or other similar motion.

3. QUORUM

No business shall be dealt with at a meeting of the Council unless one quarter of the whole number of Members of the Council is present. If there is no quorum the meeting must be adjourned immediately and any remaining business postponed either to a time fixed by the Chairman at the adjournment or if no time is fixed, the next ordinary meeting.

4A. ORDER OF BUSINESS - ANNUAL MEETING

- (1) In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual meeting will take place in March, April or May:
 - (a) To elect a person to preside if the Chairman or Vice-Chairman of the Council is not present;
 - (b) To elect the Chairman of the Council;
 - (c) To appoint, by election, the Vice-Chairman of the Council;
 - (d) To approve the minutes of the last meeting;
 - (e) To receive any announcements from the Chairman and/or Head of the paid service;
 - (f) To elect the Leader of the Council;
 - (g) To receive notification from the Leader of the Council of the number and identity of Cabinet Members and their Portfolios.
 - (h) To receive the acceptance of office from the Leader of the Opposition;
 - (i) To receive notification from the Leader of the Opposition of the number and identity of the Shadow Cabinet Members and their Portfolios;

- (j) To appoint at least one Overview and Scrutiny Committee (referred to as a Scrutiny Committee), a Standards Committee, a Licensing and Public Protection Committee, a Planning Control Committee and such other Committees as the Council considers appropriate;

~~To receive and adopt any changes to the Constitution and decide which Committees and other bodies to establish for the municipal year;~~

- (k) To decide the size and terms of reference for those Committees for the municipal year and other bodies including any such scheme for substitute Members;
 - (l) To appoint the Chairman and Vice-Chairman of Committees provided that advance notification of any Political Group's proposed Chairman, Vice-Chairman and membership has been circulated by the Proper Officer to all Members at least 24 hours prior to the Annual Meeting.
 - (m) To decide the allocation of seats to political groups in accordance with the current legislation;
 - (n) To appoint to Committees those Councillors named by the Group Leader.
 - (o) To appoint representatives to outside bodies provided that Group Leaders have submitted their nominations to the Proper Officer at least 48 hours prior to the commencement of the Annual Meeting. The submitted nominations shall be circulated to Members of the Council at the meeting and no amendments shall be permitted once the nominations are received by the Proper Officer.
 - (p) ~~To receive and adopt any changes to the Constitution; To agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree;~~
 - (q) To consider any other business set out in the notice convening the meeting.
- (2) The order of business may be changed, insofar as it is statutorily possible, at the discretion of the Chairman or by motion passed without discussion. The motion need not be in writing.

4B. ORDER OF BUSINESS - ORDINARY MEETINGS

The order of business at every meeting of the Council shall be:-

- (a) To choose the person to preside if the Chairman and Vice-Chairman are absent;

- (b) To approve as a correct record and sign the minutes of the last meeting of the Council;
- (c) To deal with any deputations or public questions received in accordance with the Council's approved schemes;
- (d) To receive any announcements from the Chairman and/or Head of the paid service;
- (e) In the event of the Leader being removed following a vote of 'no confidence' or a change in administration, to elect a Leader of the Council;
- (f) In the event of any change to the composition of the Cabinet (including the Leader), to receive notification from the Leader of the Council of the number and identity of Cabinet Members and their Portfolios;
- (g) In the event of a change in the leader of the Opposition, to receive the acceptance of office from the Leader of the Opposition;
- (h) In the event of any change to the composition of the Shadow Cabinet (including the Leader of the Opposition), to receive notification from the Leader of the Opposition of the number and identity of the Shadow Cabinet Members and their Portfolios;
- (i) In the event of any change in the Chair or Vice-Chair of a Committee, to appoint the Chair and Vice-Chair to such Committee.
- (j) In the event of any change in named membership of a Committee by a Group Leader, to appoint the newly named Member(s).
- (k) To dispose of business (if any) remaining from the last meeting;
- (l) To answer questions asked under Rule 8;
- (m) To consider reports and recommendations of the Cabinet, Committees and Panels;
- (n) To consider motions under Rule 6 in the order in which notice has been received;
- ~~(n)~~(o) To deal with comments and questions under Rule 9;
- ~~(o)~~(p) To consider other business, if any specified in the summons.
- ~~(p)~~(q) The order of business may be changed, insofar as it is statutorily possible, at the discretion of the Chairman or by motion passed without discussion. The motion need not be in writing.

5. MINUTES

- (1) The Chairman will move that the minutes of the previous Council meeting be signed as a correct record.

- (2) No discussion shall take place on these minutes, except as to their accuracy. The Chairman shall sign the minutes when they have been agreed.
- (3) Extraordinary Meetings shall not be used to sign minutes. Minutes of Council Meetings shall only be approved by the Annual Meeting or an ordinary meeting of the Council.

6. NOTICES OF MOTION

(1) Delivery of Notice of Motion

- (a) Notice of a motion other than one referred to in Rule 7 must be given in writing and signed by the Member(s) giving notice. It must be delivered to the Proper Officer at least 7 clear working days before the meeting of the Council at which it is to be considered;
- (b) The Proper Officer must ensure a record is kept of notices of motion received. Members are entitled to see this record.

(2) Motions to be set out in Summons

The summons to a meeting of the Council must set out motions in the order in which they have been received unless they have been withdrawn in writing or relate to a later meeting.

(3) Motions not Moved

Unless postponed with the consent of the Council a motion in the summons which is not moved (by the person who has given notice or a Member on his behalf) is deemed to be withdrawn.

(4) Automatic Reference to Cabinet, Committee or Sub-Committee

If the subject matter of any motion of which notice has been duly given comes within the province of the Cabinet or any Committee or Sub-Committee, it shall formally be moved and seconded and stand referred without discussion to the next (where practicable) Cabinet or to such Committee or Sub-Committee or to such other Committee or Sub-Committee as the Council may determine for consideration and report; provided that the Chairman may, if the Chairman considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

(5) Scope of Motions

Every motion shall be relevant to some matter in relation to which the Council has powers or duties or which affects the district.

(6) **Mover of Motion may attend Cabinet, Committee or Sub-Committee**

A Member of the Council who has moved a motion which has been referred to the Cabinet or any Committee or Sub-Committee shall have notice of the meeting at which it is proposed to consider the motion. The Member shall have the right to attend the meeting and speak but shall not vote upon that motion unless the Member is a Member of the Cabinet, Committee or Sub-Committee considering the motion.

7. MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE

The following motions and amendments may be moved without notice:-

- (1) appointment of a Chairman of the meeting at which the motion is made;
- (2) motions relating to the accuracy of the minutes;
- (3) that an item of business specified in the summons has precedence;
- (4) a motion by the Chairman of the Council (or Member presiding) that a deputation or public question be allowed in accordance with the approved schemes;
- (5) refer the item or motion to the Cabinet or a Committee or Sub-Committee;
- (6) appointment of a Committee, Sub-Committee or Members thereof arising from an item mentioned in the summons to the meeting;
- (7) receipt of reports and adoption of recommendations of the Cabinet, Committees, Sub-Committees Panels or Officers and any consequent resolutions;
- (8) that leave be given to withdraw a motion;
- (9) extending the time limit for speeches;
- (10) amendments to motions;
- (11) that the Council proceed to the next business;
- (12) that the question be now put;
- (13) that the debate be now adjourned;
- (14) that the Council do now adjourn;
- (15) suspending Rules in accordance with Rule 24;
- (16) the Chairman (only) may move that a Member named under Rule 11 be not further heard or that he/she leaves the meeting;

(17) giving consent of the Council where the consent of the Council is required by the Constitution;

(18) a motion under the Local Government Act 1972 to exclude the public.

8. QUESTIONS BY MEMBERS

(1) On reports of the Cabinet or Committees

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

(2) Questions on notice at full Council

Subject to Rule 8(4), a member of the Council may ask:

- the Chairman;
- a member of the Cabinet;
- the Chairman of any Committee or Sub-Committee, Panel or other Body

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

(3) Questions on notice at Committees, Sub-Committees and Panels

Subject to Rule 8, a member of a Committee, Sub-Committee or Panel may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the area and which falls within the terms of reference of that Committee, Sub-Committee or Panel.

(4) Notice of questions

A member may only ask a question under Rule 8(2) or 8(3) if either:

- (a) they have given at least ~~10 calendar~~ 7 clear working days notice in writing of the question to the Proper Officer; or
- (b) the question relates to urgent matters, and they have the consent of the Chairman of the Council to the question being asked provided that such request is received not less than four hours before the start of the meeting. The relevant Portfolio Holder, Leader or Committee Chairman shall respond at the Council meeting.

(5) Response

An answer may take the form of:

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

9. ~~CONSIDERATION OF REPORTS MINUTES~~ OF MEETINGS OF THE CABINET, COMMITTEES, SUB-COMMITTEES AND PANELS

(1) ~~A document called The Minutes Record (the "Record") containing the minutes of Cabinet, Committees, Sub-Committees, and Panels shall be circulated to all Members at least 5 clear working days before each Council meeting submitted to Council.~~

~~(2) The Chairman shall move that all such minutes be received and noted by Council and will call each page in turn. The Record shall contain the minutes of all meetings that have taken place since the last Record was issued. If the minutes have not at the time of publication been approved as a correct record, they shall clearly be marked as "DRAFT".~~

~~(NB: Minutes appearing in the Record marked "DRAFT" will not appear again in the Record once approved, but will be published on the Council's website.)~~

~~(2)(3) In respect of their Cabinet/Portfolio/Committee/Panel (or on behalf of an absent Leader, Portfolio Holder or Chair) the Forum's relevant Portfolio Holder/Chair may make the Council aware of an item included in the minutes of the Cabinet, Committee Panel or Forum within their purview. The Record will be circulated electronically but Members may request a paper copy. A paper copy of the Record will be placed in each Group Room.~~

~~(3)(4) Questions on matters in the minutes may be asked of the Leader/Chair/Portfolio Holder by Council Members and the Leader, relevant Chair/Portfolio Holder shall respond to the question. Any Member who wishes to ask a question or make a comment on any item in the Record at the Council meeting must give written notice to the Managing Director at least 48 hours before the start of the meeting, giving the minute number of the item and setting out clearly the question to be asked or comment to be made. Questions may be asked of the Leader, Cabinet member who holds the relevant portfolio, or the Chairman of the relevant meeting.~~

~~(5) A Member of the Council may speak on any particular paragraph of the minutes at such time as it is actually before the Council, whether or not the Member moved anything in relation to the paragraph. All remarks shall be confined to the subject matter of the paragraph on which the Member speaks and the Member shall not, subject to Rule 10(6) be~~

entitled to speak twice on any one paragraph. The person chairing the Council meeting will call each of the Members who have given notice in the order in which the items referred to appear in the Record, and:

- (a) Comments and questions shall be confined to the subject matter of the item;
- (b) The Leader, the relevant Cabinet member or the Chairman of the relevant meeting may respond to a comment or question but there shall be no further discussion;
- (c) The person to whom a question is addressed may answer the question orally, may offer a written reply, or decline to answer;
- (a)(d) Following an answer to a notified question, any Member may put a supplementary question arising out of the answer, but following the answer to the supplementary questions there shall be no further discussion. Supplementary questions must only relate to the original question asked. After 10 minutes from the end of the answer to the notified question no further supplementary questions will be taken.

(6) Any recommendations of the Cabinet, Committees, Sub-Committees, or Panels or Forum which requires a decision by Council shall be considered as a separate agenda item on the Council agenda. Any questions or comments in relation to such an item will be taken with that item.

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10. RULES OF DEBATE FOR COUNCIL MEETINGS

(1) No speeches until motion seconded

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

(2) Right to require motion in writing

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

(3) Secunder's speech

When seconding a motion or amendment, a Member may reserve their right to speak until later in the debate.

(4) Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 10 minutes without the consent of the Chairman of the Council.

(5) **Only one member to stand at a time**

A member when speaking shall stand and address the Chairman. If two **or** more members rise, the Chairman shall call on one to speak; the other or others shall then sit. While a member is speaking the other members shall remain seated, unless rising to a point of order.

(6) **When a member may speak again**

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

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

(7) **Alteration of motion**

- (a) A member may amend a motion of which he/she has given notice with the consent of the meeting. The meeting's consent by way of a vote will be signified without discussion.
- (b) A member may amend a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified by way of a vote without discussion.
- (c) Only amendments under Rule 10(7)(a) are permitted.

(8) **Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:-
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;

- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of in accordance with Rule 15.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman of the Council will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.
- (f) No amendments to the motions may be moved in respect of the Council, determination of the Budgetary Framework as specified in Part 4, Section 34.

(9) Withdrawal of motion

A member may withdraw a motion which he/she has moved with the consent of the seconder. No member may speak on the motion after the mover has withdrawn the motion.

(10) Right of reply

- (a) The mover of the motion (or substantive 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 amendment has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it;

(11) Motions which may be moved during debate

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

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

- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that the meeting continue beyond five hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules;
- (i) to not hear further a member named under Rule 11.3 or to exclude them from the meeting under Rule 11.4; and
- (j) a requisition for a named vote under Rule 15.5.

(12) **Closure motions**

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

- (e) Items of business not dealt with prior to the meeting being adjourned shall be considered at the re-convened meeting of Council which shall take place 14 calendar days following the decision to adjourn.

(13) Points of Order and Personal Explanations

- (a) A Member may raise a point of order at any time. The Chairman will hear the argument 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 without which the alleged breach shall be disregarded. Unless the Member refers explicitly to the relevant Rule of Procedure or law they shall not be heard.
- (b) A Personal Explanation shall be confined to some material part of a former speech made by that Member which may have been misunderstood in the present debate and to provide clarification. The ruling of the Chairman on these matters will be final.
- (c) In both (a) and (b) above the Member must AT THE START of their address refer to the Rule of Procedure, law or matter of Personal Explanation they wish to raise.

11. CONDUCT OF MEMBERS

(1) Standing to speak

When a Member or member of the public speaks at full Council they must stand (unless they are disabled from doing so) and address the meeting through the Chairman. If more than one Member stands, the Chairman will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

(2) Chairman standing

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

(3) Member not to be heard further

If a Member persistently disregards the ruling of the chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman at his or her absolute discretion may move that the Member be not heard further for the remainder of that item. If seconded, the motion will be voted on without discussion.

(4) **Member to leave the meeting**

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

(5) **General disturbance**

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

12. DISTURBANCE BY MEMBERS OF THE PUBLIC

- (1) If a member of the public interrupts the proceedings at any meeting, the Chairman shall issue a warning. If the member of the public concerned continues the interruption, the Chairman shall order the removal of that person from the Council Chamber.
- (2) In case of general disturbance in any part of the Chamber open to the public, the Chairman shall order that part to be cleared.

13. SUSPENSION OF SITTING

If the business of the Council be not disposed of at the expiration of the fifth hour after commencement of the meeting, the Chairman shall ask for an immediate vote to be taken of the Members present as to whether they desire to proceed with the remaining business. If the Members decide to adjourn they shall fix upon a date when the adjourned meeting shall take place or, if no date and time is fixed, the remaining business will be included in the agenda for the next ordinary meeting.

14. RESCISSION OF RESOLUTION

No motion to rescind any resolution passed by the Council within the preceding six months and no motion or amendment to the same effect as one which has been rejected within the preceding six months shall be proposed unless notice is given in accordance with Rule 6 and bears the names of at least fourteen Members of the Council. When any such motion or amendment has been disposed of by the Council it shall not be open to any Member to propose a similar motion within a further period of six months. This Rule shall not apply to motions moved following a recommendation of a Committee to the Council.

15. VOTING

- (1) **Majority**

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

(2) **Chairman's casting vote**

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

(3) If the Chairman chooses not to exercise their casting vote and an equality of vote remains, the motion shall fall.

(4) **Show of hands**

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

(5) **Named vote**

In the circumstances set out in (a) or (b) below the names of those Members who vote for or against a motion or amendment or who abstain from voting will be taken down and recorded in the minutes of the meeting.

(a) If before a vote is taken a Member so requests and is supported by six other Members (signified by the Members rising in their places)

(b) Immediately after any vote is taken at a budget decision meeting of the Council.

(c) In paragraph 15.517.4(b) "budget decision meeting" means a meeting of the Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992(3) and includes a meeting where making the calculation or issuing the precept as the case may be was included as an item of business on the agenda for that meeting "vote" means a vote on any decision related to the making of the calculation or the issuing of the precept as the case may be.

(6) **Recorded Vote**

Prior to the vote being taken (and where no named vote has been requested) at least 6 Members of Council (indicating their support by rising in their place) may request that the numbers of votes for, against and abstentions be recorded in the minutes.

(7) **Right to require individual vote to be recorded**

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

(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.

16. RECORD OF ATTENDANCE

- (1) Members must sign the attendance book for every meeting at which they are present. This shall be the responsibility of every Member.

17. APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES, SUB-COMMITTEES AND OTHER BODIES

- (1) Members shall, at the annual meeting, in conjunction with the appointment of Committees, Sub-Committees and other bodies, also appoint the Chairmen and Vice-Chairmen thereof.
- (2) If the Chairman and Vice-Chairman are absent from a meeting, a Chairman for that meeting must be appointed by the other Members of the Committee, Sub-Committee or other body present at that meeting.

18. PROCEEDINGS OF COMMITTEES, SUB-COMMITTEES AND OTHER BODIES

All agenda, reports and other documents and all proceedings of Committees, Sub-Committees and other bodies shall be subject to the Access to Information provisions.

19. REPRESENTATIVES ON COMMITTEES, SUB-COMMITTEES AND OTHER BODIES

Where a Committee, Sub-Committee or other body of the Council so wishes it shall, as necessary or appropriate, produce schemes to allow the public to attend meetings so as to:

- (a) make representations and/or
- (b) provide information to assist the Committee, Sub-Committee or other body in its consideration or determination of a particular matter.

20. SUB-COMMITTEES

The Council and every Committee appointed by the Council may appoint Sub-Committees for purposes to be specified by the Council or Committee. Except where powers or duties are delegated to a Sub-Committee by the

Council or a Committee to expedite decisions or whose acts in pursuance of any statutory enactment need not be submitted to the Committee for approval, no act of a Sub-Committee shall have effect until approved by the Committee.

21. QUORUM OF COMMITTEES, SUB-COMMITTEES AND OTHER BODIES

The Quorum of any committee or sub-committee or Panel or other body not being Full Council shall be one quarter of the membership or 3 members whichever is the larger.

22. RULES TO APPLY TO COMMITTEES, SUB-COMMITTEES AND OTHER BODIES

Unless otherwise stated in other sections, the following Council Procedure Rules will apply to meetings of Committees, Sub-Committees:-

4B (a) (b) (c) and (p)	Order of business
5 (1) and (2)	Minutes
6 (6)	Attendance of Mover of Motion of referred to committee
10 (4) (9) and (10)	Length of speech, withdrawal of notice and right of reply
11 (3) (4) and (5)	Chair's removal of Member and adjournment
12	Disturbance by members of the Public
15	Voting
16	Record of attendance
17 (2)	Absence of Chair and Vice-Chair
18	Application of Access to information
19	Public representations
20	Sub-committees
21	Quorum
23	Recording Apparatus at Meetings

23. RECORDING APPARATUS AT MEETINGS

~~Any person other than a Member of the Council may record the proceedings of a meeting using electronic apparatus provided that~~

(a) ~~Audio and video/visual recording, photography, blogging, tweeting or use of other social media by members of the public or the press at meetings open to the public are allowed subject to compliance with the Protocol for Recording, Filming and Social Media at Meetings in Part 5, Section 40 of the Constitution. If they intend to make a visual recording they have given written notice to the Managing Director at least 24 hours before the start of the meeting that they wish to record the meeting.~~

~~(b) Members of the Council may make an audio recording of a meeting which is open to the public, so long as it does not cause a disturbance to other Members present, but may not make a video or other visual~~

~~recording. They remain within the area set aside for members of the public.~~

~~(c) —~~

~~(d) They do not disrupt the proceedings or obstruct the view of other people wanting to observe the meeting.~~

~~(e)(b) —~~

~~(f) If any person taking part in the meeting, other than a member of the Council, requests that they are not recorded the recording equipment shall be switched off while that person is speaking.~~

24. SUSPENSION OF RULES

The Council can suspend the provision of these Rules in respect of any business at the meeting at which its suspension is authorised subject to the Monitoring Officer advising whether or not such suspension is permitted in law. However, no motion to suspend these Rules can be moved unless at least two-thirds of the whole number of the Council are present and only to the extent proportionate to the result to be achieved and provided that the suspension is lawful.

25. RULES TO BE GIVEN TO MEMBERS

A printed copy of these Rules shall be given to each Member of the Council upon delivery to the Proper Officer of the Members' declaration of acceptance of office on the Members being first elected to the Council.

26. INTERPRETATION OF RULES

The ruling of the Chairman of the meeting as to the construction or application of any of these Rules or as to any proceedings shall not be challenged and shall be final.

Scheme for Receiving Questions From the Public at Ordinary Meetings of the Council

- (a) The public may ask questions at any ordinary meeting of the Council so long as:-
- (i) Written notice of a question is received by the Managing Director no later than midday ~~6 clear working days on the Monday in the week~~ before the meeting. The question will be recorded in such a way as can be inspected by any Member of the Council or a Member of the public.
 - (ii) Questions will be heard in the order in which notice was received. The question and the name(s) of the person(s) attending the meeting to ask the question will be included on the summons for the meeting.
 - (iii) Every question must be about something for which the Council has a responsibility or which affects the area and must be addressed to the Chairman of the Council.
 - (iv) Any questions which are not dealt with will be heard at the next meeting or following meetings in the order in which notice was received.
 - (v) The questioner is a resident of the district or conducts their business within the district.
 - (vi) If, in the opinion of the Chairman of the Council, the subject of the question has not been the subject of a question asked within the last six months or is on a relevant issue or matter arising from that question.
- (b) Public questions shall be the first item on the Council Meeting Agenda after confirmation of the Minutes of the previous meeting and any statutory business to be transacted.
- (c) If the questioner is not present in person to ask the question, then the question will not be dealt with.
- (d) The questioner shall ask the question as submitted and shall not otherwise address the meeting.
- (e) The Chairman of the Council will then call upon the Council Leader, or appropriate Portfolio Leader to reply.
- (f) There will be no debate on either the question or the reply.

- (g) One supplementary question as a response to the reply to the first question will be permitted to which a reply may also be given. No further question or debate will be allowed on the matter.

Scheme for Receiving Deputations at the Ordinary Meetings of the Council

- (a) Deputations may be received at any ordinary Council meeting of the Council so long as:-
- (i) Written notice of a deputation is received by the Managing Director no later than midday ~~6 clear working days on the Monday in the week~~ before the meeting. It must give the subject of the deputation and will be recorded in such a way as can be inspected by Members of the Council and Members of the public.
 - (ii) Deputations will be heard in the order in which notice was received. The name(s) of the organisation(s) or person(s) attending and the subject of every deputation will be included on the summons for the meeting.
 - (iii) Every deputation must be about something for which the Council has a responsibility or which affects the area.
 - (iv) Any deputations which are not dealt with will be heard at the next meeting or following meetings in the order in which notice was received.
 - (v) There can be no more than five people in a deputation all of whom shall be residents of the district or conducts their business within the district. Two of these may speak and the speeches, including the reading of any written material must not last longer than five minutes.
 - (vi) The subject of the deputation has not been the subject of a Council decision made within the last six months or is on a relevant issue or matter arising from that decision.
- (b) Deputations shall be the first item on the Council Meeting Agenda after confirmation of the Minutes of the previous meeting and any statutory business to be transacted.
- (c) After a deputation has addressed the Council, Members of the Council may ask questions of the deputation. Questions and answers must not last longer than ten minutes in total.
- (d) If at the conclusion of questions and answers it is considered the subject matter should be discussed by the Council at that meeting a Member may move 'That the subject matter of the deputation be discussed' whereupon the Chairman shall put the motion without further discussion. If the motion is carried, the subject matter shall be discussed at the conclusion of any other

non-confidential business on the agenda. However, if the subject matter is such that it introduces an item of business not included in the agenda it shall not be considered unless the Chairman of the meeting under the Local Government (Access to Information) Act 1985, by reason of special circumstances, which shall be specified in the Minutes, is of the opinion that the item should be considered at the meeting as a matter of urgency.

- (e) If the subject matter is not discussed as aforesaid at the Council meeting, the matter shall stand referred to the Cabinet or the appropriate Committee or Sub-Committee for consideration.

Section 28

Access to Information Procedure Rules

1. SCOPE

- 1.1 These rules apply to all meetings of the Council, the Cabinet, and any Committee or Sub-Committee appointed by them.

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS OF PUBLIC TO ATTEND MEETINGS

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

4. NOTICE OF MEETINGS

- 4.1 The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Civic Offices, Beecroft Road, Cannock ("the Civic Offices") and by electronic means on its web page.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- 5.1 The Council will make copies of the agenda and reports open to the public available for inspection at the Civic Offices, and by electronic means, at least five clear days before the meeting. If an item is added to the agenda later, ~~supplementary agenda~~ any papers relating to that item will be open to public inspection from the time the item was added to the agenda.

- 5.2 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;
- (c) if the Proper Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item

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

6. ACCESS TO MINUTES ETC. AFTER THE MEETING

- 6.1 The Council will make available copies of the following for six years after a meeting:
- (a) the minutes of the meeting or records of decision taken, together with reasons, for all meetings of the Cabinet excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
 - (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably coherent record;
 - (c) the agenda for the meeting;
 - (d) reports relating to items when the meeting was open to the public.

7. BACKGROUND PAPERS

- 7.1 The appropriate Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:
- (a) disclose any facts or matters on which the report or an important part of the report is based;
 - (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of Cabinet reports, the advice of a political advisor.
- 7.2 The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.
- 7.3 In relation to Cabinet decisions, the Council will make available on the Council's website a copy of the background papers included within the list.

8. EXCLUSION OF PRESS AND PUBLIC FROM MEETINGS

- 8.1 Confidential Information – 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.
- 8.2 Exempt Information – 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.
- 8.3 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.

8.4 Meaning of Exempt Information – exempt information means information falling within the categories and subject to the qualifications set out below:

Part 1 – Categories of Exempt Information	
8.4.1	Information relating to any individual.
8.4.2	Information which is likely to reveal the identity of an individual.
8.4.3	Information relating to the financial or business affairs of any particular person (including the Council).
8.4.4	Information relating to any consultations or negotiations, contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Minister of the Crown and employees of, or office holders under, the Council.
8.4.5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
8.4.6	Information which reveals that the Council proposes:- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; (b) to make an order or direction under any enactment.
8.4.7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
Part 2 – Qualifications	
8.4.8	Information falling within 8.4.3, paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under:- (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (c) the Industrial and Provident Societies Acts 1965 to 1978; (d) the Building Societies Act 1986; or (e) the Charities Act 1993.
8.4.9	Information is not exempt if it is held by the Council in its capacity as local planning authority and 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.
8.4.10	Information which:- (a) falls within any of paragraphs 8.4.1 to 8.4.7 above; and (b) is not prevented from being exempt by virtue of paragraph 8.4.8 or 8.4.9 above; is exempt information if and so long as, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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Section 29

Budget and Policy Framework

Procedure Rules

PROCESS FOR DEVELOPING THE FRAMEWORK

- 1.1 The Council will be responsible for the adoption of its budget and policy. Once a budget or a policy framework is in place, it will be the responsibility of the Executive to implement it.

Pre-Adoption Policy

- 2.1 The Cabinet shall publicise in the Council's Annual Schedule of Meetings a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The Customers & Corporate Scrutiny Committee and the Shadow Cabinet shall be consulted as part of this process.
- 2.2 At the end of the consultation period, the Cabinet will draw up firm proposals having regard to the responses received. The Managing Director (as Proper Officer) shall summons a Council meeting (called the First Council meeting) to consider the Cabinet proposals within 10 working days after the Cabinet have resolved on its proposals.
- 2.3 At least 5 working days prior to the First Council meeting any Political Group and/or any member of the Council shall advise the Managing Director of any alternatives to the Cabinet proposals which are to be presented at the First Council meeting. Each Political Group/Council Member shall only present one alternative proposal as a request for a referral back to the Cabinet by the Council. Such requests shall detail the reasons for the alternative/referral back to Cabinet and must have the effect of providing the Council with a "balanced budget" as determined by the S.151 officer. Any alternative proposals submitted will be circulated to all Councillors 4 working days before the First Council meeting.

The First Council Meeting

- 2.4 In reaching a decision, the Council may:-
- (a) Adopt the Cabinet's proposals as presented.

- (b) Consider the previously advised alternative proposals (referred to in 2.3 above) as a request for a referral back of the proposals to the Cabinet for consideration.
 - (c) Following advice from the S.151 officer, approve and/or determine aspects of the Budget/Policy framework as required to comply with statutory requirements and/or Ministerial/Governmental guidance/requirements. The S.151 officer will advise the Council at the meeting of the minimum decisions and resolutions the Council must make at that meeting.
 - (d) When considering the alternative budgets referred to in 2.4 (b) the Council shall consider each alternative budget presented by the Political Group/Council Members individually. Each alternative proposal shall be moved and if seconded shall be debated. At the conclusion of the debate on that individual motion a vote shall be taken as to whether the Council wishes to refer that alternative proposal to the Cabinet for consideration. This process shall apply to each alternative proposal in turn. No amendments to the alternative proposals previously advised (in accordance with 2.3) shall be allowed.
- 2.5 Where the Council resolves in accordance with paragraph 2.4(b) to refer alternative proposals back to the Cabinet for re-consideration, the Proper Officer shall make the necessary arrangements for the Cabinet to meet as soon as practicably possible and will also summons a Second Council meeting (the Second Council meeting) to consider the Cabinet's response to the matters referred back to it for consideration. The Second Council meeting shall take place within 105 working days of the First Council meeting.

The Second Council Meeting

- 2.6 The Managing Director will call a Council meeting (the Second Council meeting) to consider:-
- (a) the Cabinet proposals following the referral back from the First Council meeting;
 - (b) adopting (with or without modification) the plan or strategy;
 - (c) such decisions required to comply with statutory requirements and/or Ministerial/ Governmental guidance/requirements as advised by the S.151 Officer.
- 2.7 At the Second Council meeting where there is no consensus on the matters before Council and the S.151 Officer advises that the Council is required to make decisions in accordance with 2.6(c) above, the Council shall continue to meet until such matters (as specified by the S.151 Officer) are determined. Council Procedure Rules shall apply to this meeting. The Council shall only consider the Cabinet's Budget and those alternative proposals presented to the Council for consideration at the First Council meeting.

(Note: An example of a requirement to pass a resolution in law as advised by the S.151 officer may include the setting of a lawful budget by a certain date, or the determination of the Council Tax-).

Section 31

Scrutiny and Call-In Procedure Rules

1. REPORTS TO SCRUTINY COMMITTEE

- 1.1 Cabinet, ~~Policy Development committees~~, other Committees, and Members may refer matters to the relevant Scrutiny Committee for their consideration.
- 1.2 When a Scrutiny Committee have considered a matter and reached a conclusion they will minute their decision and, if it is considered necessary, prepare a formal report and submit it to the Cabinet, or other Committee or Council as appropriate.
- 1.3 Once a report has been submitted, it shall be considered by Cabinet or the appropriate committee as soon as practicably possible. If for any reason there is an undue delay it will be referred to Council for review. The Managing Director will call a Council meeting to consider the report and make an appropriate recommendation.
- 1.4 On consideration of a called-in decision, if it is determined that the recommendations would require a departure from or a change to the agreed budget and policy framework, Cabinet will refer its recommendations to Council for consideration.

2. COMMITTEE PROCEDURE RULES

- 2.1 Council Procedure Rules applicable to committees under Council Procedure Rule 22 will apply to all Scrutiny Committee meetings.
- 2.2 Where any Member or Officer is required to attend a Scrutiny Committee the Chairman will inform the Managing Director. The Managing Director shall notify the Member or lead Officer in writing giving at least 8 working days 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 ~~e~~CCommittee. Where the account to be given to the Committee will require the production of a report, then the person who has been called to attend will be given sufficient notice to allow for preparation of that documentation and its circulation at least 5 clear working days before the meeting.
- 2.3 Where the Member or lead Officer is unable to attend on the required date, then the Chairman of the relevant Scrutiny Committee shall in consultation with that Member or lead Officer arrange an alternative date for attendance.

3. THE CALL-IN PROCEDURE

3.1 A key function of a Scrutiny Committee is to hold the Executive to account for the discharge of its functions including scrutinising Executive decisions before they are implemented – known as “Call-in”.

3.2 Call-in can be used whenever an Executive decision, which is not made under Special Urgency Rule 14 of Section ~~2833~~ is not yet implemented. The effect is to prevent implementation until the relevant Scrutiny Committee has examined the decision and made no referral and recommendation to either Cabinet or Council, or the referral has been decided by Cabinet or Council in favour of the decision.

3.3 The Statutory Guidance requires local authorities to make provision in their executive arrangements:

- (i) To ensure that there is an appropriate balance between effectively holding the executive to account, being able to question decisions before they are implemented and allowing effective and efficient decision making by the executive within the Policy Framework and Budget;
- (ii) To ensure that any call-in procedure is not abused or used unduly to delay decisions or slow down the process of decision making; and
- (iii) To develop local conventions and protocols to prevent abuse of a Scrutiny Committee’s powers to recommend that decisions made, but not yet implemented, be reconsidered.

3.4 In order to meet these requirements the Council adopts the following procedure:

- (i) The Cabinet (Executive) publishes within 3 ~~W~~working days decisions made at a Cabinet meeting. There is then a period of 5 working days during which decisions can be subject to call-in.
- (ii) To call-in a decision five Members, of whom two must be members of the relevant Scrutiny Committee and none of whom may be Cabinet Members, must complete and return a form requesting and supporting the request for a decision to be called in, within 5 ~~W~~working days after the publication of the decision.
- (iii) The call-in form should also present a motion which will be proposed at the Scrutiny Committee, and which will contain a request that the decision is referred back to Cabinet or on to Council to be re-considered, and a proposed recommendation to accompany the referral.
- (iv) The ~~c~~Call-in form must also include clear reasons why the motion is being requested. ~~The following are examples of sound reasons~~ are listed in Section 10 (Decision Making).

~~Members have evidence which suggests that the Executive did not take the decision in accordance with the following principles, set out in Section 10 (Decision Making);~~

- ~~(a) Proportionality (action was not appropriate to the outcome);~~
- ~~(b) The decision has detrimental financial or social effects;~~
- ~~(c) Professional advice had not been followed;~~
- ~~(d) The decision has not been made in accordance with the Budget and Policy Framework.~~

- (v) The Managing Director is responsible for notifying the appropriate Officer to ensure that all action to implement a decision subject to call-in is suspended and that the decision is not implemented for the duration of the call-in. The matter is then referred to the relevant Scrutiny Committee for consideration.
- (vi) A meeting of the relevant Scrutiny Committee is to be held within 20 working days from the end of the call-in period. A report will be prepared by the appropriate Officer (which identifies those Members who have made and support the call-in), containing the original Cabinet report and an extract from the Cabinet Minute.
- (vii) Arrangements will be made by the Managing Director to invite to the Scrutiny Committee those persons who the Members requesting the call-in wish to be present (as specified on the call-in form).

3.5 The procedure for debating the call-in at the meeting will be as follows:

- (i) A Proposer, who shall be one of the Members of the Scrutiny Committee requesting the call-in, shall read their motion, formally propose the motion and give the reasons for the call-in~~;~~
- (ii) If none of the members of the Scrutiny Committee who requested the call-in are present the Chairman shall ask if any other member of the Scrutiny Committee will propose the motion. If no member proposes the motion the call-in will be deemed to have been withdrawn~~;~~
- (iii) Once the motion has been seconded the Chairman shall allow those others of the five members who requested the call-in and who are present to speak before any debate~~;~~
- (iv) Scrutiny meeting Procedure Rules will apply (see 2 above)~~;~~
- (v) A Scrutiny Committee may exercise their statutory powers to invite such persons and request such information as they consider necessary to facilitate their examination of the matter and they may adjourn the meeting if necessary to facilitate this~~;~~
- (vi) Prior to Members of the Committee debating the call-in, other Members of the Council present and other invited persons who are not Members of the Scrutiny Committee will be requested to sit in the public gallery~~;~~

- (vii) The relevant Cabinet Member may remain in the chamber and answer questions put through the Chairman. The Cabinet Member may speak at any time if invited by the Chairman. The Chairman will invite the Cabinet Member to exercise a right of reply at the end of the debate before the proposer of the motion exercises their right of reply:-
- (viii) During the course of the debate Members of the Committee may propose minor amendments to the motion with the consent of the Proposer (or the stand-in Proposer):-
- (ix) The Committee may:-
 - (a) reject the motion, or
 - (b) refer the decision back to the Cabinet for reconsideration with a recommendation.
 - (c) refer the matter to full Council with a recommendation for a decision.
- (viii) A formal written decision will be made on the call-in within ten days of the Scrutiny Committee first meeting.

Call-In and Urgency

- 3.6 The call-in procedure shall not apply where the Leader of each political Group (or, in their absence, their deputy or nominee) has agreed that any delay likely to be caused by a call-in would seriously prejudice the Council's or the public's interests.
- 3.7 The record of the decision, and notice by which it is made public shall state that the decision is an urgent one, and therefore not be subject to call-in and the matter shall be reported to the next meeting of the relevant Scrutiny Committee for information.
- 3.8 In the absence of agreement in accordance with paragraph 3.6 a meeting of the relevant Scrutiny Committee shall be convened as soon as reasonably practicable to consider the matter without the necessity of the call-in procedure being invoked.

3.9 On consideration of the matter the Committee may:-

(a) —Take no action allowing the Cabinet decision to be implemented

(b) Refer the decision back to the Cabinet for reconsideration with a recommendation.

(c) Agree an amended decision with the relevant Cabinet Member which may then be implemented.

3.10 If a motion in accordance with 3.9 is proposed and seconded the debate shall be conducted in accordance with the Scrutiny Committee Procedure Rules (see 2 above)

3.11 The Chairman will invite the Cabinet Member to exercise a right of reply at the end of the debate before the proposer of the motion exercises their right of reply.

3.12 If no member of the Committee proposes a motion the Cabinet decision may be implemented.

Safe Guards

~~3.137~~ The following safeguards will apply so as to ensure that decisions are not called in unnecessarily or that the call-in process is abused:

- (i) The Cabinet (Executive) minutes contain sufficient information to explain the decision and the reasoning behind it. The Cabinet (Executive) minutes are structured in such a way as to indicate clearly which matters are subject to Call-in.
- (ii) No matter may be Called-in more than once.
- (iii) Any Member proposing that a matter be called-in should first discuss this with the appropriate portfolio Leader or in his absence the Council Leader or Deputy Leader. This provides opportunity for detailed explanation of the decision and further information.
- (iv) Members of the Scrutiny Committee should be present for all of the debate prior to them exercising their vote to ensure that Members of the Committee make an informed decision based on the evidence presented.

Support from Officers

~~3.148~~ The role of Officers is to support both the Scrutiny and Executive functions and as such they will provide impartial and objective advice to all Members. Officers will avoid being drawn into discussion of the merits of alternative policies where this is politically contentious. Any comment by Officers on the Executive's policies and actions will always be consistent with the requirement for officers to remain politically impartial.

~~3.159~~ Officers in supporting the Scrutiny function may exercise this role in person, they may be supported by other officers or they may choose to nominate a particular officer to assist a Scrutiny Committee with a specific issue.

~~3.160~~ Members of a Scrutiny Committee may wish to seek the advice of the Monitoring Officer where it is considered that a decision of the Executive might be contrary to the policy framework.

3.1~~7~~⁴ Any Member submitting a request for a matter to be called-in, will be entitled to receive advice and support from Officers as appropriate and/or the Managing Director.

4. SCRUTINY COMMITTEE ACCESS TO DOCUMENTS

4.1 Subject to the limit below, members of a Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to any business transacted at a meeting of the Cabinet, or any key decision taken by an Officer within the Terms of Reference of the Committee.

Limit on rights

4.2 Members of a Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form; or
- (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 which is contained in any programme of work for the Committee.

5. THE PARTY WHIP

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

Section 40(~~insert No.~~)

Protocol for Recording, Filming and Social Media at Meetings

Section Title

1.1 PROTOCOL(PARAGRAPH TITLE)

~~Paragraph text~~The Council welcomes engagement by the public and through the media with the decision-making processes that determine the policies and strategies that shape provision of services in Cannock Chase. Audio and video/visual recording, photography, blogging, tweeting or use of other social media at meetings open to the public (hereafter referred to as 'broadcasting activities') are allowed subject to the following restrictions:

- (i) Anyone wanting to undertake broadcasting activities at a meeting shall give written notice to the Managing Director at least 24 hours before the scheduled start of the meeting.
- (ii) All broadcasting activities should take place from the public gallery or the designated press seating in the meeting room.
- (iii) All broadcasting activities shall be carried out in such a way that no disruption is caused to the meeting and that no obstruction or inconvenience is caused to others wishing to observe the meeting or undertake their own broadcasting activities.
- (iv) Anyone undertaking broadcasting activities must comply with any instructions given by the Chairman of the meeting.
- (v) The use of flash photography, additional lighting or microphones placed outside the public gallery/press seating area in connection with audio/visual recordings at meetings, will not be permitted without prior permission.
- (vi) Democratic Services will ensure signs are displayed at meetings to remind attendees that broadcasting activities may be undertaken and that the Council has no control over where material may appear (for example posted on the internet). Meeting agendas will also carry this message.
- (vii) Where the Chairman of a meeting reasonably considers the broadcasting activity is disrupting the meeting, the operator of the equipment will be required to stop.

- (viii) Anyone refusing to stop when requested to do so may be requested by the Chairman to leave the meeting. If the person refuses to leave the meeting then the Chairman may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption. These will be in line with the disorderly conduct procedures set out in the Constitution.
- (ix) Where members of the public are involved in the meeting (e.g. when making representations to the Planning Control Committee), any member of the public may request that they are not filmed/recorded and the person carrying out the filming/recording must comply with the request and cease broadcasting activities until that person has finished their contribution to the meeting.
- (x) Where a recording is made that features a minor (under the age of 18), it is the recorder's responsibility to gain the permission of the appropriate parent/guardian, both for the initial recording and for any subsequent dissemination of it (e.g. on social media), and to ensure compliance with any prevailing legislation in relation to such activity.
- (xi) Any decision taken by the Chairman on the interpretation of this Protocol is final.
- (xii) The media and public may only be excluded from a meeting in respect of business relating to confidential or exempt information if a resolution is passed under Section 100A of the Local Government Act 1972. The media and public will be told about the nature of the exclusion relating to the business to be discussed. No broadcasting activities will be permitted during this exclusion. All cameras, recording and sound equipment must then be removed from the meeting room for the duration of the confidential or exempt business.
- (xiii) Any audio or visual recording made which is broadcast or distributed in any way shall not be edited or otherwise manipulated so as to give a distorted or unrepresentative representation of the meeting or of any part of the meeting.
- (xiv) Anyone breaching this Protocol or refusing to comply with the Chairman's requests may be refused permission to engage in broadcasting activities at future meetings.

~~(i)~~ —

Section 27

Council Procedure Rules

9. MINUTES OF MEETINGS OF THE CABINET, COMMITTEES, SUB-COMMITTEES AND PANELS

- (1) A document called The Minutes Record (the “Record”) containing the minutes of Cabinet, Committees, Sub-Committees, and Panels shall be circulated to all Members at least 5 clear working days before each Council meeting.
- (2) The Record shall contain the minutes of all meetings that have taken place since the last Record was issued. If the minutes have not at the time of publication been approved as a correct record, they shall clearly be marked as “DRAFT”.

(NB: Minutes appearing in the Record marked “DRAFT” will not appear again in the Record once approved, but will be published on the Council’s website.)

- (3) The Record will be circulated electronically but Members may request a paper copy. A paper copy of the Record will be placed in each Group Room.
- (4) Any Member who wishes to ask a question or make a comment on any item in the Record at the Council meeting must give written notice to the Managing Director at least 48 hours before the start of the meeting, giving the minute number of the item and setting out clearly the question to be asked or comment to be made. Questions may be asked of the Leader, Cabinet member who holds the relevant portfolio, or the Chairman of the relevant meeting.
- (5) The person chairing the Council meeting will call each of the Members who have given notice in the order in which the items referred to appear in the Record, and:
 - (a) Comments and questions shall be confined to the subject matter of the item;
 - (b) The Leader, the relevant Cabinet member or the Chairman of the relevant meeting may respond to a comment or question but there shall be no further discussion;
 - (c) The person to whom a question is addressed may answer the question orally, may offer a written reply, or decline to answer;
 - (d) Following an answer to a notified question, any Member may put a supplementary question arising out of the answer, but following

the answer to the supplementary questions there shall be no further discussion. Supplementary questions must only relate to the original question asked. After 10 minutes from the end of the answer to the notified question no further supplementary questions will be taken.

- (6) Any recommendations of the Cabinet, Committees, Sub-Committees, or Panels which requires a decision by Council shall be considered as a separate agenda item on the Council agenda. Any questions or comments in relation to such an item will be taken with that item.