

# Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP

Telephone 01572 722577

Email: governance@rutland.gov.uk

Members of Rutland County Council District Council are hereby summoned to attend the **TWO HUNDRED AND FORTIETH MEETING OF THE COUNCIL** to be held in the Council Chamber at Catmose, Oakham on **9 May 2022 commencing at 7.00 pm**. The business to be transacted at the meeting is specified in the Agenda set out below.

Prior to the commencement of the meeting, the Chairman will offer the opportunity for those present to join him in prayers.

**Recording of Council Meetings:** Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at [www.rutland.gov.uk/my-council/have-your-say/](http://www.rutland.gov.uk/my-council/have-your-say/)

Although social distancing requirements have been lifted there is still limited available seating for members of the public. If you would like to reserve a seat please contact the Governance Team at governance@rutland.gov.uk The meeting will also be available for listening live on Zoom using the following link: <https://us06web.zoom.us/j/84531195088>

**Mark Andrews**  
**Chief Executive**

## A G E N D A

### 1) ELECTION OF CHAIRMAN OF THE COUNCIL

The Chief Executive will invite nominations for office of Chairman of the Council for the 2022-23 Municipal Year.

Upon election, the incoming Chairman of the Council will be invested with the Chairman's Chain of Office by the outgoing Chairman. In the event of the Chairman being re-elected, the Chairman will retain the Chain of Office.

The Chairman of the Council may make a short speech of acceptance of office.

### 2) ELECTION OF VICE-CHAIRMAN OF THE COUNCIL

The Chairman of the Council will invite nominations for the office of Vice-Chairman of the Council for 2022/23 the Municipal Year.

The outgoing Vice-Chairman will invest the incoming Vice-Chairman with the Chain of Office. The Chairman of the Council will then invite the Vice-Chairman to take the Vice-Chairman's Chair. In the event of the Vice-Chairman being re-elected, the Vice-Chairman will retain the Chain of Office and remain seated.

The Vice-Chairman of the Council may make a short speech of acceptance of office.

**3) APOLOGIES**

**4) CHAIRMAN'S ANNOUNCEMENTS**

**5) ANNOUNCEMENTS FROM THE HEAD OF PAID SERVICE**

**6) DECLARATIONS OF INTEREST**

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

**7) NOTIFICATION BY THE LEADER OF APPOINTMENTS TO THE EXECUTIVE**

The Council is requested to note the appointment of members of the Executive and their portfolios as announced by the Leader.

**8) REVIEW OF THE CONSTITUTION (Pages 5 - 240)**

To receive Report No. 89/2022 from the Monitoring Officer.

**9) POLITICAL BALANCE AND ALLOCATION OF SEATS TO POLITICAL GROUPS (Pages 241 - 246)**

To receive Report No. 90/2022 from the Monitoring Officer.

**10) PROGRAMME OF MEETINGS 2022/23 (Pages 247 - 254)**

To receive Report No. 91/2022 from the Monitoring Officer.

**11) APPOINTMENTS TO OUTSIDE ORGANISATIONS, WORKING GROUP AND FORA (Pages 255 - 264)**

To receive Report No. 92/2022 from the Monitoring Officer.

**12) ANY URGENT BUSINESS**

To receive items of urgent business which have been previously notified to the person presiding and to consider any matters referred to Council by Members which in the opinion of the Chief Executive cannot wait until the next scheduled meeting of the Council to be determined.

---oOo---

**TO: MEMBERS OF THE COUNCIL**

Councillor J Dale – Chairman of the Council  
Councillor N Begy – Vice-Chairman of the Council

Councillor P Ainsley	Councillor E Baines
Councillor D Blanksby	Councillor K Bool
Councillor A Brown	Councillor G Brown
Councillor P Browne	Councillor J Burrows
Councillor W Cross	Councillor J Fox
Councillor S Harvey	Councillor O Hemsley
Councillor A MacCartney	Councillor M Oxley
Councillor K Payne	Councillor R Powell
Councillor I Razzell	Councillor L Stephenson
Councillor L Toseland	Councillor A Walters
Councillor G Waller	Councillor S Webb
Councillor D Wilby	Councillor R Wilson

---oOo---

**THE COUNCIL'S STRATEGIC AIMS**

- Delivering sustainable development
- Vibrant Communities
- Protecting the vulnerable
- Customer-focussed services

This page is intentionally left blank

## COUNCIL

9 May 2022

### REVIEW OF THE CONSTITUTION

#### Report of the Monitoring Officer

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr O Hemsley: Leader of the Council and Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure	
Contact Officer(s):	Marie Rosenthal; Interim Monitoring officer	mrosenthal@rutland.gov.uk
	Tom Delaney; Governance Manager	01572 720993 tdelaney@rutland.gov.uk
Ward Councillors	N/A	

#### DECISION RECOMMENDATIONS

That Council:

1. Notes the work of the Constitution Review Working Group and thanks its members for reviewing the Constitution and proposing the revisions detailed in the Report to ensure legal compliance.
2. Agrees to adopt the revised Contents and Part 1 - Introduction to the Constitution at Annex 1.
3. Agrees to adopt the revised Part 2 - Articles at Annex 2.
4. Agrees to adopt the revised Part 3 – Responsibility for Functions at Annex 3 including the new terms of reference for the Constitution Commission and the Strategic Overview and Scrutiny Committee agreed by Council on 11 April 2022.
5. Agrees to adopt the updated terms of reference for the Health and Wellbeing Board at Annex 5 to be substituted into Part 3 of the Constitution.
6. Agrees to adopt the revised Part 4 – Procedure Rules at Annex 4.
7. Agrees to adopt the revised Public Speaking Scheme for Planning and Licensing Committee at Annex 6 into Part 5 of the Constitution.

- 8. Agrees to remove the following Codes from Part 5 and publish them elsewhere on the council's website: The Counter Fraud Strategy, Whistleblowing Policy, Monitoring Officer Protocol, Scrutiny Function Protocol and School Governor Protocol
- 9. Authorises the Monitoring Officer to publish a definitive version of the Constitution (removing track changes, incorrect numbering, editing, or formatting errors) with a version history, Glossary, and Index together with a Public Guide to the Constitution.

## **1 PURPOSE OF THE REPORT**

- 1.1 To note the outcome of the comprehensive review of the Constitution requested by Council on 30 November 2021 and to agree the proposed changes recommended by the Constitution Review Working Group.

## **2 BACKGROUND**

- 2.1 The Audit and Risk Committee is currently responsible for oversight of the Constitution. On 9 November 2021, the Audit and Risk Committee agreed to recommend to full Council terms of reference, scope, and time scale for a Constitution Review.
- 2.2 Full Council on 30 November 2021 agreed the proposed terms of reference including a review of the overview and scrutiny function to be led by the Constitution Review Working Group (CRWG).
- 2.3 The CRWG met on the 10 November 2021; 12 January, 9 February, 2 and 23 March and 12 April 2022 to conduct the review in several phases. This included a detailed Technical Review to ensure the Constitution was legally compliant with all relevant legislation.
- 2.4 An all-member briefing session on the proposed changes and a new Model Code of Conduct was held on the 4 April 2022
- 2.5 This Report updates members on the Review and makes recommendations to improve the Constitution in line with legislation and best practice.
- 2.6 Council agreed a new Member Code of Conduct on 11 April 2022 which will be substituted for the current one in the new Constitution.
- 2.7 The Health and Wellbeing Board agreed to recommend updated terms of reference on the 5 April 2022 which are set out at Annex 5 to be substituted for the current one in Part 3 of the new Constitution.

## **3 THE CONSTITUTION**

- 3.1 The Constitution sets out how the Council operates; how decisions are made and the procedures which are followed to ensure that these are efficient, transparent, and accountable to local people.
- 3.2 The Council has a legal duty to publish an up-to-date Constitution and keep it up to date with any necessary changes being normally considered at the annual council meeting. The Council has made several changes to the Constitution over the years but there has not been a comprehensive review for some time. This has led to some

internal inconsistency e.g., in relation to Petitions and the setting up of Scrutiny Task and Finish Groups.

- 3.3 The Constitution must contain:
- a) the Council's standing orders/procedure rules.
  - b) the members' code of conduct.
  - c) such information as the Secretary of State may direct.
  - d) Such other information (if any) as the authority considers appropriate
- 3.4 The Council's Constitution currently comprises 398 pages organised into 10 Parts (many divided into several sections). The document is difficult to navigate because there is inconsistent pagination, there is no Index and no search facility. It is suggested that an updated and shortened version would assist the Council in improving its governance and accountability arrangements including providing more clarity around decision making.
- 3.5 The Local Government Act 2000 (Constitutions) (England) Direction 2000 sets out 26 matters (a-z) which should be included – The CRWG considered these in detail as Phase 1 of the review with an analysis of how the Rutland Constitution compares with recommendations for improvement. These recommendations are consolidated in the recommendations in this Report.

#### **4 TERMS OF REFERENCE FOR THE REVIEW**

- 4.1 These were agreed by Council on 30 November 2021 as follows:
- 4.1.1 Develop a shortened, streamlined, and improved Constitution to better support effective and efficient decision making
  - 4.1.2 Review the Overview and Scrutiny arrangements across the Council in accordance with the statutory government guidance published in May 2019
  - 4.1.3 Carry out a survey of all members on how the Constitution can be improved
  - 4.1.4 Review the use of remote meetings
  - 4.1.5 Assist the Interim Monitoring Officer in recommending to full council a revised version of the constitution by May 2022
  - 4.1.6 Propose a programme of training and development for members and officers on the new Constitution.

#### **5 INDEPENDENT HEALTH CHECK REVIEW**

- 5.1 The first phase of the review was carried out during November and December 2021 and comprised an independent review of compliance with legislative provisions and best practice.
- 5.2 The current version of the RCC Constitution was approved by Council on 12 May 2003. Revision dates are sometimes added in footers to specific pages but there is no formally recorded amendment history. The latest published version has a revised

date of December 2020 but a check of council minutes over the last few years suggests that it is amended on average 2-3 times a year. A Version Control Protocol will be introduced as part of the review to record and publish all changes.

- 5.3 The Constitution follows the format of the model Constitution recommended by the Association of Local Authority Lawyers in 2000. It comprises 10 Parts as detailed below. It is not proposed to make any changes to the format:
  - 5.3.1 Part 1 - Summary and Explanation including Definitions
  - 5.3.2 Part 2 - Articles 1-15
  - 5.3.3 Part 3 - Responsibility for Functions
  - 5.3.4 Part 4 - Procedure Rules (9 in total)
  - 5.3.5 Part 5 - Codes and Protocols (10 in total)
  - 5.3.6 Part 6 - Members Scheme of Allowances
  - 5.3.7 Part 7 - Strategic Management Structure Chart
  - 5.3.8 Part 8 - Register of Members of the Executive
  - 5.3.9 Part 9 - Financial Procedure Rules
  - 5.3.10 Part 10 - Contract Procedure Rules

## **6 CONSULTATION MEMBER SURVEY**

- 6.1 CRWG agreed to commission an all-member survey to alert councillors to the review and to seek ideas for improvement. A short online Survey was prepared and sent to all Members on the 18th of November 2021.
- 6.2 The Survey involved a series of questions designed to test members' appreciation of the 7 purposes of the Rutland Constitution set out in Article 1.
- 6.2.1 The Constitution provides guidance on how the Council provides leadership to the community and partnership with citizens, businesses, and other organisations.
- 6.2.2 The Constitution supports the active involvement of citizens in the process of council decision making; it is easy to understand and is up to date
- 6.2.3 The Constitution helps Councillors to represent their constituents more effectively.
- 6.2.4 The Constitution enables decisions to be taken efficiently and effectively.
- 6.2.5 The Constitution ensures that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decision
- 6.2.6 The Constitution creates a powerful and effective means of holding decision makers to public account.
- 6.2.7 the Constitution ensures that proposals and decisions are effectively and fairly reviewed.

- 6.2.8 The Constitution provides a means of improving the delivery of services to the community.
- 6.3 The Survey also asked members about their experience of the council's scrutiny function, what is working well and what could be improved.
- 6.4 Members were asked to complete the survey by the 6th of December 2021. Responses were reported back to the CRWG on the 12th of January. 18 of the current 26 councillors (69%) agreed to participate in the Survey.
- 6.5 Most members agreed that the Constitution does properly regulate decision making but that it does not support public participation. In overall terms members did not agree that the Constitution as currently drafted fully meets all its objectives.
- 6.6 The Survey suggests that there is a need to develop the capacity and capability of elected Councillors to ensure they have the relevant skills and up to date knowledge to carry out their responsibilities. A Member Development Strategy will be considered by the Constitution Review Working Group for presentation to Council in July 2022.
- 6.7 The Survey suggested that more needs to be done to ensure that the Council's scrutiny arrangements are delivering value for money for residents and making a meaningful contribution to the work of the Council. Members would like to see more done to involve the public in the work of scrutiny.

## **7 SCRUTINY REVIEW**

- 7.1 Mandatory government statutory guidance was published in May 2019 encouraging all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish. The Council agreed terms of reference for a review of the scrutiny function in line with the statutory guidance as part of this review.
- 7.2 On the 11 April 2022, Council agreed proposals to relaunch the scrutiny function by moving away from the existing 3-committee and Commission arrangements to a single Strategic Overview and Scrutiny Committee. This change was agreed subject to a review on the effectiveness of the Strategic Overview and Scrutiny Committee in March 2023 after a full year's operation.
- 7.3 The proposed revisions set out in the Report include the consequential changes necessary to implement the new scrutiny arrangements. Article 6 sets out the role and functions for the new Strategic Overview and Scrutiny Committee. The Scrutiny Rules in Part 4 have been strengthened to set out a comprehensive set of terms of reference including details of the Task and Finish groups, Working Groups and Single-Issue panels the new Committee can establish to deliver its Work Programme.
- 7.4 The new terms of reference also include details of the statutory Councillor Call for Action. This is a mechanism for enabling elected members to bring matters of ward concern to the attention of the Council, via the Scrutiny process.

## **8 PROPOSED CHANGES TO THE CONSTITUTION**

- 8.1 The review has identified that Parts 1,2, 3, 4, 5 and 8 require attention. They require

minor editing to ensure compliance with the minimum requirements of the Direction. This will allow some sections to be removed from the Constitution and published elsewhere to assist access. Parts 6 and 7 are factual. Parts 9 and 10 are regularly reviewed and do not form part of the review.

- 8.2 The proposed change to each Part is summarised below and the revised Part appended to the Report. Any new text is marked red and deleted text is struck through.

## **9 PART 1 – INTRODUCTION**

- 9.1 The Contents and Introduction have been updated to include an index using the Definitions section. The Definitions have been updated to allow for emails to be accepted for delivery of Notices and Questions.
- 9.2 A Version Control document will be created to manage all future changes to the published Constitution

## **10 PART 2 – THE ARTICLES**

- 10.1 Part 2 is divided into 15 Articles which set out the basic rules governing the Council's business. The proposed changes are detailed in Annex 4. The main proposed change is to the Policy Framework.
- 10.2 By law, the Council must have a policy framework. This is the list of plans and strategies which are required by law to be decided by the full Council, usually on the recommendation of the Cabinet. These are set out in Article 4 and need updating to reflect changes to the Local Authority (Functions and Responsibilities) (England) Regulations 2000.
- 10.3 The current policy framework includes 12 Policy Documents originally listed as required by the 2000 Regulations. It needs updating to reflect changes in legislation since 2000 as follows:

Name	Comments
Annual Library Plan	Remove as no longer required
Best Value Performance Plan	Remove as no longer required
Children's Services Plan – Should be Children and Young Persons Plan	Retain
Community Care Plan	Remove as no longer required
Community Strategy	Remove as no longer required
Crime and Disorder Reduction Strategy	Retain

Early Years Development Plan	Remove as no longer required
Education Development Plan	Remove as no longer required
Local Transport Plan	Retain
Plans and Strategies which together comprise the Development Plan and Development Plan Documents	Retain
Youth Justice Plan	Retain
Licensing Authority Policy Statement and Statement of Licensing Policy (required by s349 Gambling Act 2005)	Retain
Health and Well Being Strategy	Add

- 10.4 The current policy framework also includes 9 further Policy Documents listed as required by DETR Guidance, none of which are now required by law, although two of these are recommended to remain as detailed below:

Name	Comment
The Council's Strategic Objectives, i.e. The Corporate Plan	Retain
Admission Arrangements for its schools	Remove as no longer required
Adult Learning Plan	Remove as no longer required
Comprehensive Equality Scheme	Remove as no longer required
Quality protects Management Action Plan	Remove as no longer required
Statement of Licensing policy	Retain as no longer required
Local Agenda 21 Strategy	Remove as no longer required
Plan or Strategy for control of borrowing, investment, or capital expenditure	Retain
Food Law Enforcement Service Plan	Remove as no longer

	required
Other plans and strategies which require the approval of, or submission to, a Minister of the Crown or a Government Office.	Remove as no longer required
Plan or Strategy which comprises Housing Investment Programme	Remove as no longer required

- 10.5 The remaining changes to Part 2 relate to the new overview and scrutiny function and minor edits to improve accessibility and understanding.

## **11 PART 3 – RESPONSIBILITY FOR FUNCTIONS**

- 11.1 Part 3 deals with Responsibility for Functions and includes the Council’s Scheme of Delegation which sets out the responsibilities of the Council, those functions that the Council has reserved to itself, those elements that have been delegated to the Cabinet and the general delegations to officers. PR 22 requires the Council to agree the Scheme of Delegation at the annual council meeting. The proposed changes are set out in Annex 3 and summarised below.

### **Terms of Reference for Committees – Health and Wellbeing Board**

- 11.2 The Health and Wellbeing Board (HWB) met on the 5 April 2022 to review the Terms of Reference of the Board to ensure that there is consensus on its composition and purpose, and clarity on its operation, helping to ensure that it can fulfil its role and potential, to the benefit of Rutland residents, service users and patients.
- 11.3 The previous Terms of Reference (ToR) were last renewed in 2016. Since then, there have been a range organisational changes (e.g., the introduction of the Primary Care Network and Integrated Care System). This has resulted in changes to the membership of the HWB and the need to make it clear who is collectively accountable for delivery of the HWB’s remit and its responsibilities in relation to the Better Care Fund. The recommended ToR are set out at Annex 5 and if approved will be substituted into Part 3 of the Constitution for the previous set.

### **Terms of Reference for Committees – Constitution Commission**

- 11.4 It is recommended that the Constitution Review Working Group be formally constituted as a Committee to be called the Constitution Commission to recognise the role of members in ensuring that the Constitution remains up to date and fit for purpose. The Commission can also continue the work of the Constitution Review Working Group in delivering a Member Development Strategy.

### **Delegation To Officers**

- 11.5 Sections 4,5 and 11 of Part 3 set out a comprehensive Scheme of Officer Delegation. Section 5 deals with Proper Officer designations as required by legislation and section 11 sets out executive and council functions delegated to the Chief Executive and Chief Officers (Directors, including the Monitoring Officer). The delegations to the Strategic Director for People need updating to reflect the recent

Director of Children Services and Director of Adult Services appointments

- 11.6 The Officer Scheme has been slightly amended to ensure Officers have sufficient authority to take all relevant regulatory and enforcement action in connection with the exercise of functions, including without limitation, issuing any form of Notice, Order, Caution, an Injunction or authorising the commencement of prosecution or other proceedings. The current powers in para 11.9.5 only relate to "serving statutory notices".
- 11.7 It is recommended that the Monitoring Officer be given authority to conduct and manage legal proceedings and to authorise the compromise, settlement, withdrawal from or discontinuance of any proceedings or claim against the Council (including staffing matters and maladministration) in consultation with the Chief Finance Officer and relevant portfolio holder/ward member, as appropriate. The current powers in Article 13 to the Deputy Director: Corporate Governance are too limited.

### **Executive Functions**

- 11.8 These are not set out in full in the Constitution and a section should be added to Part 3 to correct this with details of each cabinet portfolio. Cabinet functions must be read with the Access to Information Rules and, Cabinet Procedure Rules and Scrutiny Procedure Rules to obtain a comprehensive understanding of executive decision making. This is unduly complex and difficult for the public to understand. It is recommended that the relevant aspects of these 6 parts be consolidated with a flow chart in a Public Guide to show how executive decision making especially in circumstances of urgency is dealt with.

## **12 PART 4 – RULES OF PROCEDURE**

### **Council Procedure Rules (Standing Orders) (Rules 1-69)**

- 12.1 These are clear and comprehensive. A few minor changes are suggested as follows:
- 12.2 PR 17 provides for an Emergency Committee to be established If "in the opinion of the Chairman, the Leader or the Chief Executive, an emergency situation has arisen ..." This requires amendment to provide for a politically balanced committee to be established in relation to council functions. Urgency procedures already exist for executive decisions.
- 12.3 PR21 Substitution – This has been amended to only apply to members who belong to a political group to ensure political accountability.
- 12.4 It is suggested that PR23 be amended to say prescribed items will be on the agenda only when required.
- 12.5 It is suggested that PR 24 should make clear that there should be no agenda item External Organisations and Joint Arrangements at Special Meetings of Council. Furthermore, an explicit position on whether Questions from Members should be an agenda item at special meetings.

### **Deadlines for Public Questions, Deputation and Written Question and Motions**

- 12.6 The current deadlines are very onerous both for participants and the Governance

Team in preparing for meetings. It is recommended that the stricter, more realistic virtual meeting deadlines should apply to all meetings. The Table below shows the recommended changes for Council and Committee meetings. The consequential changes are shown in red text in Annex 4.

<b>Issue</b>	<b>Current PR Timeline</b>	<b>Proposed</b>
Public Questions	PR28 (4) -No later than 4.30pm on the second working day before the meeting e.g., Thursday 4.30pm for a meeting the following Monday	No later than midday on the third working day before the meeting e.g., Wednesday 12:00 for a meeting the following Monday.
Member Written Questions	PR30 - No later than 4.30pm on the second working day before the meeting	No later than midday on the third working day before the meeting e.g., Wednesday 12:00 for a meeting the following Monday.
Notice of Motion	PR34 - No later than 4.30pm on the seventh working day before the meeting e.g., for a meeting on Monday, by 4.30pm on the second preceding Thursday	No later than midday on the tenth working day before the meeting, e.g., for a meeting on Monday, by 12.00 on the second preceding Monday
Deputations – request to make Deputation	PR28 (2) No later than 12pm on the day of the meeting	No later than midday on the third working day before the meeting e.g., Wednesday 12:00 for a meeting the following Monday.
Deputations – submission of text of deputation	PR28 (2) No later than one hour before the meeting	No later than midday on the day of the meeting.
Petitions	PR28 (2) By no later than 4.30 pm on the second working day before that meeting (e.g., for a meeting on a Monday, by 4.30 pm on the preceding Thursday).	No later than midday on the tenth working day before the meeting, e.g., for a meeting on Monday, by 12.00 on the second preceding Monday

## **Committee Procedure Rules (Procedure Rules (PR) 70-129)**

- 12.7 PR85 – It is recommended that Committees do not have power to establish sub-committees to avoid proliferation of meetings. The new Strategic Overview and Scrutiny Committee will have power to establish Task and Finish groups, Working groups and Single-issue panels. As these bodies will not have decision making powers; membership will not have to be politically balanced.

## **Cabinet Procedure Rules (PR 130-189)**

- 12.8 Rule 164 which requires cabinet meetings to finish before 12.30pm has been revised.

## **12.9 Overview and Scrutiny Committee Procedure Rules (Rules 190-230)**

- 12.10 The Scrutiny Committee Rules have been strengthened to set out comprehensive terms of reference including details of the Task and Finish groups, Working Groups and Single-Issue panels the new Committee can establish to deliver its Work Programme. The new terms of reference also include details of the statutory Councillor Call for Action. This is a mechanism for enabling elected members to bring matters of ward concern to the attention of the Council, via the Scrutiny process.

## **Access to Information Rules (Rules 230-269)**

- 12.11 The Access to Information Procedure Rules set out the procedure required to be followed when taking key decision. There is no definition of key decision in the rules apart from a reference back to Article 12. The definition has been added in full in these Rules.
- 12.12 The Access to Information Rules have been updated to refer to the public's rights to film, record, and photograph committee meetings.

## **Budget and Policy Framework Procedure Rules (Rules 270-276)**

- 12.13 No change is recommended to these Rules.

## **Officers Employment Procedure Rules (Rules 340-359)**

- 12.14 No change is recommended to these Rules.

## **Members Procedure Rules (Rules 360-389)**

- 12.15 These cover the process to be followed if a member wishes to have access to land and buildings in the occupation of the Council as well as rules on use of public funds and trade union negotiations. There is no requirement for these to be part of the Constitution. They have been included in the new Member Code of Conduct.

## **12.16 Virtual Meetings Procedure Rules**

- 12.17 It is recommended that these remain as part of the Council Procedure Rules as some council committee meetings will be held virtually where the law allows this, and it is practicable to meet virtually.

## **13 PART 5 - CODES AND PROTOCOLS**

- 13.1 It is recommended that the revised Public Speaking Scheme for Planning and Licensing Committee at Annex 6 be added to Part 5 of the Constitution to clarify the rules on interests and public speaking for ward members.
- 13.2 It is suggested that the Council agree to remove the following Parts which are out of date from the Constitution and republish them updated as appropriate on the website where they can be more easily seen and kept up to date:
  - 13.2.1 Part 5 Counter Fraud Strategy and Action Plan 2013
  - 13.2.2 Part 5 Monitoring officer Protocol
  - 13.2.3 Part 5 Scrutiny Function Protocol
  - 13.2.4 Part 5 School Governor Protocol
  - 13.2.5 Part 5 Petition Guidance

### **The Members' Code of Conduct**

- 13.3 The LGA have recently published a new Member Code which has been considered by the Conduct Committee and was adopted by Council on the 11 April 2022. It will be substituted in the new Constitution for the current version.

### **The Employee Code of Conduct**

- 13.4 No changes are recommended at this time.

### **Whistleblowing Policy**

- 13.5 No changes are recommended at this time.

### **Protocol on Officer-Member Relations**

- 13.6 No changes are recommended at this time.

### **Members Planning Code of Good Practice.**

- 13.7 No changes are recommended at this time.

### **Petition Guidance**

- 13.8 It is recommended that a new Public Guide to the Council be published setting out the various ways in which the public can participate in council business including Petitions, Deputations, Public Questions and giving evidence to the Overview and Scrutiny Committee.

## **14 CONSULTATION**

- 14.1 The cross-party Constitution Review Working Group (CRWG) have led this comprehensive review of the Constitution. All the changes proposed have been the subject of detailed consideration and debate at the working group meetings. The Group met on the 10 November, 12 January, 9 February, 2 and 23 March and 23 April to conduct the Review. Individual members made detailed comments as the review progressed.

- 14.2 The CRWG agreed to commission an all-member survey to alert councillors to the review and to seek ideas for improvement. A short online Survey was prepared and sent to all Members on the 18th of November 2021. Members were asked to complete the survey by the 6th of December 2021. Eighteen of the current 26 councillors (69%) agreed to participate in the Survey and the results are summarised in section 6 of this Report.
- 14.3 An all-member seminar was held on the 4 April to update members on the work of the review, the new member Code of Conduct and to engage in a question-and-answer session on the proposed changes.

## **15 ALTERNATIVE OPTIONS**

- 15.1 None identified as the Council has a legal obligation to keep the Constitution up to date and legally compliant.

## **16 FINANCIAL IMPLICATIONS (MANDATORY)**

- 16.1 There will be an immediate saving in two special responsibility allowances for Scrutiny Chairmen of £14,832 per year. Part of these savings can be used to invest in member development and training to support the new overview and scrutiny function.
- 16.2 Moving from 18 scheduled scrutiny committee meetings to 11 will result in some savings in administrative and clerking support. These are unquantifiable at this early stage.

## **17 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 17.1 Section 37 of the Local Government Act 2000 sets out the duty of the Council to prepare and keep up to date its constitution as follows:
  - 17.1.1 A local authority which are operating executive arrangements or alternative arrangements must prepare and keep up to date a document (referred to in this section as their constitution) which contains— (a) such information as the Secretary of State may direct, (b) a copy of the authority's standing orders for the time being, (c) a copy of the authority's code of conduct for the time being under section 51; and (d) such other information (if any) as the authority consider appropriate.
  - 17.1.2 A local authority must ensure that copies of their constitution are available at their principal office for inspection by members of the public at all reasonable hours.
  - 17.1.3 A local authority must supply a copy of their constitution to any person who requests a copy and who pays to the authority such reasonable fee as the authority may determine.

## **18 DATA PROTECTION IMPLICATIONS**

- 18.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no identifiable risks/issues to the rights and freedoms of natural persons.

## **19 EQUALITY IMPACT ASSESSMENT**

- 19.1 An Equality Impact Assessment (EqIA) has not been completed as it is not in scope

for the Constitution Review. The Review supports the effective functioning of the Council, which increases the potential for positive impacts on equality because of the Council's activities.

## **20 COMMUNITY SAFETY IMPLICATIONS**

20.1 None identified.

## **21 HEALTH AND WELLBEING IMPLICATIONS (MANDATORY)**

21.1 None identified.

## **22 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

22.1 An up to date and robust Constitution can make a real difference to the operation and governance of a council. The process of updating the Constitution ensures legal compliance and builds trust between officers and members. It also provides an opportunity for open cross-party debate about the fundamental issues of how the Council operates. It is planned to hold regular briefing sessions on the Constitution as a key part of Member Induction and Development each year.

## **23 BACKGROUND PAPERS**

23.1 Review of Overview and Scrutiny at Rutland County Council – CRWG Report 23 March 2022 and Council Report 11 April 2022

23.2 Health and Wellbeing Report 5 April – New terms of Reference

23.3 Public Speaking Scheme for Planning Applications -CRWG Report 23 March 2022

23.4 Part 5 Codes and Protocols - CRWG Report 23 March 2022

23.5 Rutland Council Constitution Review Member Survey 2021/22 12 January 2022

23.6 Constitution Review Working Group Agenda Pack 9 February 2022

23.7 Constitution Review Working Group Agenda Pack 10 November 2021

23.8 Constitution Review Working Group Agenda Pack 12 January 2022

23.9 Constitution Review Working Group Agenda Packs 2 March

23.10 Constitution Review Working Group Agenda Pack 23 March 1

23.11 Constitution Review Working Group Agenda Pack 12 April 2022

23.12 Rutland Constitution

## **24 APPENDICES**

24.1 Appendix 1 – revised Contents and Part 1 Constitution

24.2 Appendix 2 – revised Part 2 Constitution

- 24.3 Appendix 3 – revised Part 3 Constitution
- 24.4 Appendix 4 – revised Part 4 Constitution
- 24.5 Appendix 5 – revised Health and Wellbeing board terms of reference
- 24.6 Appendix 6 - Public Speaking at Planning and Licensing Committee

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

This page is intentionally left blank



# Rutland County Council

CONSTITUTION  
**& ARTICLES**

SUBMITTED FOR  
APPROVAL BY COUNCIL 9  
MAY 2022

~~SUBMITTED FOR~~  
~~APPROVAL BY COUNCIL~~  
~~12 MAY 2003~~

REVISION DATES FOR ANY PAGES CAN  
BE SEEN IN FOOTERS

# CONSTITUTION OF THE COUNCIL

Contents	<b>Part</b>
----------	-------------

## ~~Definition of Terms Used in the Constitution~~

---

Part 1 – Summary and Explanation

Part 2 – Articles of the Constitution

Article 1

The Constitution

Article 2

Members of the Council

Article 3

Citizens and the Council

Article 4

The Full Council

Article 5

Chairing the Council

Article 6

Scrutiny Committees

Article 7

The Cabinet

Article 8

Regulatory and other Committees

Article 9

Area Committees and Forums

Article 10

Joint Arrangements

Article 11

Officers

Article 12

Decision Making

Article 13

Finance, Contracts and Legal Matters

Article 14

Review and Revision of the Constitution

**Article 15**  
**Suspension, Interpretation and Publication of the Constitution**

**Schedule 1**  
**Description of Executive Arrangements**

**Part 3 – Responsibility for Functions and Scheme of Delegation**

General Principles  
Matters Reserved for Council  
General Delegated Powers  
Matters Delegated to the Chief Executive and Chief Officers of the Council  
“Proper Officer” Designation for statutory purposes  
Audit and Risk Committee  
Planning and Licensing Committee  
Employment and Appeals Committee  
Conduct Committee  
Health and Wellbeing Board  
Delegation to Officers

**Part 4 – Rules of Procedure**

Council Procedure Rules  
Committee Procedure Rules  
Cabinet Procedure Rules  
Scrutiny Committee Procedure Rules  
Access to Information Procedure Rules  
Budget and Policy Framework Procedure Rules  
Officer Employment Procedure Rules  
Members Procedure Rules

**Part 5 – Codes and Protocols**

Members’ Code of Conduct  
Officers’ Code of Conduct  
Counter Fraud Strategy  
Whistleblowing  
Member and Officer Relations  
Members Planning Code of Good Practice  
Monitoring Officer Protocol  
Scrutiny Function Protocol  
School Governor Protocol  
Petitions Guidance

**Part 6 – Members’ Allowances Scheme**

Part 7 – Management Structure

Part 8 – Members of the Executive (Cabinet)

Part 9 – Financial Procedure Rules

Part 10 – Contract Procedure Rules

[Index including definitions of terms used in the Constitution](#)

[Version Control](#)

## **DEFINITION OF TERMS USED IN THE CONSTITUTION INDEX (move to the end)**

- 1) Unless the context otherwise requires, the singular includes the plural and the plural includes the singular.
- 2) Throughout the Constitution the term "he" shall equally mean "she" and "his" shall mean "her" where the context is appropriate. Other references of a masculine nature shall also equally apply to feminine references where the context is appropriate.
- 3) Throughout this Constitution references to the term Chief Executive shall equally mean the Acting Head of the Council's Paid Service if the Chief Executive is absent.
- 4) Any reference in a part of this Constitution to a numbered paragraph is a reference to a paragraph in the same part of the Constitution unless the context demands otherwise.
- 5) In the event of any matter contained in one of the Council's Procedure Rules, Financial Procedure Rules or Contract Procedure Rules which appears to contradict or be in variance with any other matter contained in the other documents then the document which received the most recent approval from the Council will take precedence.
- 6) In this document the following terms have the meaning assigned to them unless the context demands otherwise:

**Authorised Representative of a Political Group** - a member of a political group on the Council who has been authorised by the members of that political group to act on behalf of its Leader in matters relating to the Local Government (Committees and Political Groups) Regulations 1990, as amended.

**Authority** - Rutland County Council District Council acting by any means which it may lawfully adopt.

**Budget Framework** - the detailed contents of the budget approved by the Council each year. The Cabinet may take decisions within the Budget Framework where authorised to do so by law or by the delegated authority of the Council. Should the Cabinet take a decision outside or not wholly in accordance with the Budget Framework and the decision is subsequently 'Called-In' by the non-executive members, then the decision may be referred to the Council for review. The Chief Finance Officer is responsible for determining if decisions taken by the Cabinet are outside or not wholly in accordance with the Budget Framework.

**Cabinet** - the collective name given to the Leader of the Council and the other executive members.

**Call-In** - the process by which key decisions of the Cabinet can be postponed from being implemented by Scrutiny Committee members until either the Cabinet or the Council have reconsidered the matter. If the decision is outside the policy framework or not wholly in accordance with the budget framework, the Council

may reconsider the matter. If the decision is within the policy or budget framework then the Cabinet reconsiders its earlier decision. The Monitoring Officer is responsible for determining whether a decision is within the policy framework and the Chief Finance Officer is responsible for determining whether the decision is outside or not wholly in accordance with the budget framework.

**Catmose** - any reference to Catmose shall be taken to mean the administrative headquarters of Rutland County Council. It shall also apply equally to the buildings known as Catmose Cottage and the Rutland County Museum.

**Chief Officer** - a statutory or a non-statutory chief officer such as the Head of the Paid Service, designated under Section 4(1) of the 1989 Act; a statutory Chief Officer mentioned in paragraphs (a), (c) or (d) of Section 2(6) of the Act; a non-statutory Chief Officer (within the meaning of Section 2(7) of the Act); or any officer designated as Head of a Service.

**Chief Finance Officer** - the Officer appointed under Section 151 of the 1972 Act to be responsible for the Council's financial affairs.

**Committee** - a Committee appointed by the Council to discharge any of its powers and duties. It is not a reference to a Scrutiny Committee.

**Council** - Rutland County Council District Council acting by any means which it may lawfully adopt.

**Deputation** - a submission on behalf of one or more individuals or on behalf of a body or bodies but not where any of the individuals or bodies are themselves the applicant or an applicant's agent for any planning or relevant permission.

**Employee** - an employee of the authority or the holder of a paid office under the authority other than the Chairman, Vice-Chairman and any local officer of dignity appointed by the authority under powers conferred by a Royal Charter.

**Head of Paid Service** - the person designated under Section 4 of the 1989 Act to be the Head of the Council's Paid Service.

**In writing** - a communication in a written form. An electronic communication by e-mail or by fax will be accepted as fulfilling this requirement if the originator is clearly obvious and the electronic signature conforms to statutory requirements. Most e-mails do not currently comply with this requirement but a scanned signature in a document attached to an e-mail is acceptable.

**Key Decision** - a 'key decision' means an executive decision which is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or to be significant in terms of its effects on communities living or working in an area comprising two or more wards in Rutland. In determining the meaning of 'significant' above regard must be paid to any guidance issued by the Secretary of State.

**Leader and Deputy Leader of a Political Group** - the Leader and Deputy Leader of a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990, as amended.

**Leader and Deputy Leader of the Council** – the Leader of the Council is such person as the Council shall so designate by resolution; the Deputy Leader of the Council is such person as so designated by the Leader of the Council.

**Majority Group** - a political group to which belong either:

- a) more than half of the Members of the Council; or
- b) exactly half of the Members of the Council, including the Chairman of the Council.

**Meeting** - a meeting of the Council, a Committee, Sub-Committee, Scrutiny Committee or Cabinet as the case may be.

**Member** - in relation to the Council, a councillor elected to the Council. In relation to any Committee, Sub-Committee Scrutiny Committee or Cabinet a person appointed as a Member of that body, whether or not elected as a councillor or entitled to vote.

**Minority Group** - a political group which;

- a) where there is a majority group among the Members of the Council, is not that majority group; or
- b) in any other case, is designated as such by a resolution of the Council.

**Monitoring Officer** - the person designated under Section 5 of the 1989 Act (designation and reports of Monitoring Officer) or, if that person is unable to act owing to absence or illness, the person nominated as his deputy under subsection (7) of that Section.

**Non-Executive Member** - a Member who is not appointed to the Cabinet.

**Number of Members** - the number of persons who may act at the time as Members of the Council. In relation to a Committee, Sub-Committee, Scrutiny Committee or Cabinet, the number of persons who may act at the time in question as voting members of that body.

**Person presiding** - the person entitled, or appointed, to preside at any meeting.

**Political Group** - a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990, as amended.

**Policy Framework** - the collective name given to the policy decisions taken by the Council in respect of its functions. The Cabinet may take decisions within the policy framework where authorised to do so by law or by the delegated authority of the Council. Should the Cabinet take a decision outside the Policy Framework and the decision is subsequently 'Called-In' by the non-executive members, then the decision may be referred to the Council for consideration. The Monitoring

Officer is responsible for determining if decisions taken by the Cabinet are within or outside the Policy Framework.

**Proper Officer** - the person designated by the authority to carry out a specific duty which has been assigned to a proper officer in legislation. This is also known as a Proper Officer Appointment.

**Received in writing** - where a document or written instruction must be received in writing, it is the responsibility of the person submitting the document to ensure that it is received by the intended recipient by the deadline. **It can be received electronically by Email to the Council's mailbox [Governance@rutland.gov.uk](mailto:Governance@rutland.gov.uk) or physically by post or hand.** Leaving the document in the Council's Customer Service Centre, Council's main letterbox or at any Council building does not qualify as being received by the recipient. The document must be physically received by the recipient or authorised deputy before the stated time to qualify as being received.

**Recommendation** - these are decisions of a Committee, Sub-Committee, Scrutiny Committee or Cabinet meeting for which they do not have relevant delegated authority or powers. These decisions have to be ratified by the Council before any action can be taken.

**Resolution** - decisions which are taken under delegated authority or powers. Action may be taken from the moment the decision is made subject to the expiry of any time allowed for a referral of the decision to Council or for a decision to be Called-In.

**Scrutiny Committee** - the name in Rutland which is given to overview and scrutiny Committees as defined in the Local Government Act 2000. Scrutiny Committee will also be read as Scrutiny Review Meeting in relation to procedure rules that are appropriate to this part of the scrutiny process.

**Section 151 Officer** - the Chief Finance Officer appointed under Section 151 of the 1972 Act to be responsible for the Council's financial affairs.

**Standing Committee** - ~~a Committee appointed by the Council to discharge specific functions and powers on behalf of the Council for the whole of the Municipal Year.~~

**Standing Scrutiny Committee** - ~~a Scrutiny Committee appointed by the Council to discharge specific functions in relation to overview and scrutiny functions for the whole of the Municipal Year.~~

**Sub-Committee** - a body appointed by a Committee to discharge the Committee's powers and duties under delegated authority.

**Task and Finish Scrutiny Committee** - ~~a Scrutiny Committee appointed by the Council to discharge a specific function in relation to the overview and scrutiny function and when this function has been completed the Committee is disbanded.~~

**The 1972 Act** - the Local Government Act 1972.

**The 1989 Act** - the Local Government and Housing Act 1989.

**The 2000 Act** - the Local Government Act 2000.

**The 2011 Act** – the Localism Act 2011

**The Whole Number of Members** - in relation to the Council, the total number of persons who may become Members of the Council, disregarding anyone who is a Member of the Council only by virtue of Section 3(3) or Section 5(2) of the 1972 Act (Chairman and Vice-Chairman to remain Members until replaced).

**Without comment** - in relation to the moving, seconding or putting of a Motion, without any person speaking except to indicate the wording of the Motion, the fact that it is being moved, seconded or put, or (in the case of the person presiding) the effect of adopting the Motion.

**Working Days** - working days is used as a reference to clear days within the meaning of the Access to Information Rules and excludes the day of despatch of the agenda, the day of the meeting, Bank Holidays, Saturdays and Sundays and any days set aside for public celebration or mourning.

**Working Party** - references to a Working Party shall also include a Forum, Working Group and any other meeting to which the requirements of the Local Government (Committees and Political Groups) Regulations 1990, as amended, do not apply.

# RUTLAND COUNTY COUNCIL DISTRICT COUNCIL CONSTITUTION

## PART 1 - INTRODUCTION

### Summary and Explanation

### THE COUNCIL'S CONSTITUTION

- 1) Rutland County Council District Council adopted its constitution with effect from September 2001. The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent, and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Constitution is divided into 15 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

### Purpose of the Constitution

This is a document to help residents, businesses, partners, stakeholders, councillors and officers understand how the Council works. We have included hyperlinks between different parts of the Constitution wherever possible to make it easy to navigate your way around the information. We have also included hyperlinks to other documents/sites where we think this will be helpful. All hyperlinks are coloured blue like this.

If you have any queries about anything in this Constitution, please contact: Governance Team

### What's in the Constitution?

- 2) Article 1 of the Constitution commits the Council to a series of principles for decision making on services and exercising community leadership.
- 3) Articles 2 – 15 explain the rights of citizens and how the key parts of the Council operate. These are:
  - Members of the Council (Article 2).
  - Citizens and the Council (Article 3).
  - The Full Council meeting (Article 4).
  - Chairing Meetings of the Council. (Article 5)
  - Scrutiny Committees (Overview and scrutiny of decisions) (Article 6).
  - The Cabinet (Article 7)
  - Regulatory and other Committees in the Council (Article 8).
  - Area Committees and Forums (Article 9).
  - Joint Arrangements (Article 10).
  - Officers (Article 11).
  - Decision making (Article 12).
  - Finance, contracts and legal matters (Article 13).
  - Review and revision of the Constitution (Article 14).
  - Suspension, interpretation and publication of the Constitution (Article 15).
  - Schedule 1 – Description of the Executive Function.

### HOW THE COUNCIL OPERATES

- 4) The Council is composed of 27 councillors elected every four years. The next elections will be held in 2023, and every 4 years thereafter. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.
- 5) Councillors are bound by a code of conduct to ensure high standards in the way they undertake their duties. The Conduct Committee ~~trains~~ arranges training and advises them on the code of conduct.
- 6) All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council appoints the Leader of the Council and the members of Council Committees and Overview and Scrutiny Committees, which are known as Scrutiny Committees in Rutland. The Leader of the Council appoints the other members of the Cabinet. The Council also plays a role in holding to account the Cabinet, Council Committees and Scrutiny Committees. ~~Decisions made by Council~~
- 7) ~~Committees can be referred to the Council by two members and Scrutiny Committees can refer decisions of the Cabinet to the Council if they are not made in line with the Council's overall policies and/or budget.~~

## CABINET

- 7) The Cabinet is the part of the Council which is responsible for most day-to-day decisions. There are some decisions which, by law, can only be made by the Council. These are set out in a schedule at the end of Part Three of this Constitution. The Cabinet is made up of a Leader appointed by the Council and up to nine councillors who are appointed by the Leader. When key decisions are to be discussed or made, these are published 28 days in advance in so far as they can be anticipated. If these key decisions are to be discussed with Council Officers at a meeting of the Cabinet, the meeting will generally be open for the public to attend except where personal, exempt or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

## OVERVIEW AND SCRUTINY

- 8) ~~There are three~~ The Council must have at least one overview and scrutiny committees, known locally as Scrutiny Committees, to support the work of the Cabinet and the Council as a whole. ~~The Overview and Scrutiny Committee~~ They allows Cabinet decisions to be examined and matters of local concern to be considered. These lead to reports and recommendations which to advise the Cabinet, ~~Partners~~ and the Council as a whole on its policies, budget and service delivery. ~~The Overview and Scrutiny Committee~~ also monitors the decisions of the Cabinet. It They can 'call-in' a decision which has been made by the Cabinet but not yet implemented. This enables it them to consider whether the decision is appropriate. It They may recommend that the Cabinet reconsiders the decision. It They may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

## The Council's Staff

- 9) The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationship between officers and members of the Council.

## **Citizens' Rights Rights of Residents and Members of the Public**

- 10) **Citizens have a number of rights in their dealings with the Council.** These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on an individual's legal rights.
- 11) Where members of the public use specific council services, for example as a parent of a school pupil, they have additional rights. These are not covered in this Constitution.
- 12) **Members of the Public-Citizens** have the right to:
- vote at local elections if they are registered;
  - contact their local councillor and the Leader of the Council about any matters of concern to them;
  - view the Constitution;
  - attend meetings of the Council, its Committees and Scrutiny Committees except where exempt, for example, personal, or confidential matters are being discussed;
  - petition to request a referendum on a mayoral form of executive;
  - participate by submitting petitions, deputations and questions to Council, its Committees and Scrutiny Committees and may in some instances contribute to investigations by the Scrutiny Committees as co-opted members **or witnesses**;
  - find out, from the Cabinet's Forward Plan, what key decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when;
  - attend meetings of the Cabinet where decisions are being discussed or decided (in most cases);
  - see reports and background papers, and any record of decisions made by the Council and Cabinet;
  - complain to the Council about something the Council has done, failed to do, or has done in a way that is considered unsatisfactory. A copy of the Complaint Procedure can be found online;
  - complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own Complaint Procedure;
  - complain to the Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
  - inspect the Council's accounts and make their views known to the external auditor.
- 13) The Council welcomes participation by **members of the public its-citizens** in its work. For further information **on your rights as a citizen**, please contact the Governance Team Manager who will be able to advise you on the procedures for submitting petitions, questions and deputations to meetings of the Council, its Committees and Scrutiny Committees.
- 14) **Members of the Public-Citizens** have the right to inspect agendas and reports and attend meetings of the Council, its Committees, **Overview and Scrutiny Committees** and the

Cabinet unless a matter is being discussed for which it is necessary to exclude the public and press. Agenda and reports can be inspected in the Customer Services Centre at Catmose and on the council's website on the day of publication as required by the law and in some instances these documents may be made available at an earlier date. Copies of these documents will also be made available in all the Council's public libraries.

This page is intentionally left blank

# **Rutland County Council**

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

For approval following CRWG review 2022

## Article 1 – The Constitution

### 1) Powers of the Council

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

### 2) The Constitution

This Constitution, and all its **Parts** is the Constitution of Rutland County Council District Council.

### 3) Purpose of the Constitution

The purpose of the Constitution is to **help residents, businesses, partners, stakeholders, councillors and officers understand how the Council works and will:**

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

### 4) Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

## **DEVELOPING ROLES FOR COUNCILLORS**

### **1) Composition and Eligibility**

#### **a) Composition**

The Council will comprise 27 members, otherwise called councillors. Councillors will be elected by the voters of each of the Council's 15 wards in accordance with a scheme drawn up by the Local Government Boundary Commission for England and approved by the Electoral Commission. New Ward Boundary arrangements were introduced for the elections in 2019. All wards are represented by either one, two or three councillors.

#### **b) Eligibility**

Only registered voters of Rutland or those living, working or owning property or land there will be eligible to hold the office of councillor, provided they are not disqualified from holding office and have attained the age of 18 years by the date of their nomination.

### **2) Election and Terms of Councillors**

#### **Election and terms.**

The regular election of councillors will be held on the first Thursday in May every four years. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

### **3) Roles and Functions of all Councillors**

#### **a) Key roles. All councillors will:**

- i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- iii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- iv) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- v) balance different interests identified within the ward and represent the ward or electoral division as a whole;
- vi) respond to constituents' enquiries and representations, fairly and impartially;
- vii) participate in the governance and management of the Council;
- viii) be involved in decision-making;
- ix) be available to represent the Council on other bodies; and

- x) maintain the highest standards of personal conduct and ethics even if this impinges upon the ability to act as an advocate of constituents.

**b) Rights and Duties**

- i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- iii) For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules in Part 4 of this Constitution.

**4) Election of the Leader of the Council**

- a) The term of office for the Leader of the Council will be 4 years. He **or she** will take office immediately on being appointed by the Council **by a simple majority** and will continue in office for four years unless he **or she** resigns from office or is removed from office by a simple majority of the total membership of the Council at any time.
- b) If the Council passes a resolution to remove the Leader from office, the Council will elect a new Leader at the meeting at which the Leader is removed or at a subsequent meeting.

**5) Role and Function of the Leader of the Council**

The primary role and responsibilities of the Leader of the Council will be:

- a) to lead the Council's overall cohesive corporate and strategic direction, budget, strategy and policy development;
- b) to preside over meetings of the Cabinet;
- c) to be the principal spokesman for the Council; and
- d) to co-ordinate and develop partnership working and community liaison.

Executive roles of the Leader are:

- i) to determine the size of the Cabinet;
- ii) to appoint between two and nine members of the Council to be the Cabinet in addition to himself;
- iii) to allocate areas of responsibility (portfolios) to the Cabinet members;
- iv) to remove Cabinet members from that office as he sees fit;
- v) to determine the scheme of delegation for the discharge of the executive functions of the Council;

- vi) to report to the Council on all appointments and changes to the Cabinet membership;
- vii) to appoint one of the Cabinet members to be his deputy, to hold office until the end of his term of office as Leader (unless the member resigns as Deputy Leader, ceases to be a councillor, or is disqualified or removed from office by the Leader);
- viii) if he sees fit, to remove the Deputy Leader from office, in which event he must then appoint another Cabinet member to that position.

If for any reason the Leader is unable to act or the office is vacant, the Deputy Leader must act in that position. If the Deputy Leader is unable to act or the office is vacant, the Cabinet must act in the Leader's place or arrange for a member of the Cabinet to do so.

## 6) **Conduct**

Councillors will at all times observe the Members' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

## 7) **Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

# Article 3 – **Members of the Public Citizens** and the Council

## 1) **Citizens' Public Rights**

**Members of the Public Citizens** have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution.

- a) **Voting and Petitions** **Members of the public Citizens** on the electoral roll for the area have the right to vote ~~and sign a petition to request a referendum for an elected mayor form of executive arrangements.~~
- b) **Information** **Members of the Public Citizens** have the right to:
  - i) ~~observe attend~~ meetings of the Council, its Committees, Scrutiny Committees and the Cabinet except where confidential or exempt information is likely to be disclosed, and the meeting may therefore be held in private;
  - ii) find out from the Forward Plan what key decisions will be taken by the Cabinet and when;
  - iii) see reports and background papers, and any records of decisions made by the Council and the Cabinet; and
  - iv) inspect and ask questions about the Council's accounts and make their views known to the external auditor.
- c) **Participation** **Members of the Public Citizens** have the right to participate in the Council's business by submitting petitions, deputations and questions to the Council, its Committees and Scrutiny Committees and also contribute to investigations by Scrutiny Committees.

- d) **Complaints** Members of the Public ~~Citizens~~ have the right to complain to:
- i) the Council itself under its complaints scheme;
  - ii) the Local Government Ombudsman after using the Council's own complaints scheme;
  - iii) the Monitoring Officer about a breach of the Councillor's Code of Conduct.
- 2) **Residents and Service User ~~Citizens~~' Responsibilities** Members of the Public ~~Citizens~~ must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

## Article 4 – The Full Council

### 1) Meanings

- a) **Policy Framework** The policy framework means the following plans and strategies. ~~These fall into three separate groups:~~
- i) ~~those required by the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and regulations proposed under Section 32 of the Local Government Act 2000 to be adopted by the Council:~~
    - ~~Annual Library Plan;~~
    - ~~Best Value Performance Plan;~~
    - ~~Children and Young Persons Services Plan;~~
    - ~~Community Care Plan;~~
    - ~~Community Strategy;~~
    - ~~Corporate Strategy~~
    - ~~Crime and Disorder Reduction Strategy;~~
    - ~~Health and Wellbeing Strategy~~
    - ~~Statement of Licensing Policy~~
    - ~~Early Years Development Plan;~~
    - ~~Education Development Plan;~~
    - Local Transport Plan including the Bus Service Improvement Plan;
    - Plans and ~~strategies alterations~~ which together comprise the Development Plan;
    - Development Plan Documents
    - Youth Justice Plan.
  - ii) ~~those other plans and strategies which the Council may decide should be adopted by the Council meeting as a matter of local choice .Chapter 2 of DETR Guidance recommends should be adopted by the Council as part of the Policy Framework:~~
    - ~~The Council's Strategic Objectives;~~
    - ~~Admission arrangements for its schools;~~
    - ~~Adult Learning Plan;~~
    - ~~Plan or strategy for the control of borrowing, investment or capital expenditure;~~
    - ~~Food Law Enforcement Service Plan;~~
    - ~~The plan and strategy which comprise the Housing Investment Programme;~~
    - ~~Local Agenda 21 Strategy;~~
    - ~~Quality Protects Management Action Plan.~~
    - ~~Statement of Licensing Policy.~~

- iii) other plans and strategies which the Council may decide should be adopted by the Council meeting as a matter of local choice:
- any plan which requires the approval of, or submission to, a Minister of the Crown or a Government Office.
- b) **Budget** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.
- c) **Housing Land Transfer** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.

## 2) Functions of the Full Council

Only the Council will exercise the following functions:

- a) adopting and changing the Constitution other than consequential changes which may be made by the Monitoring Officer and will be reported to the next normal meeting of the Constitution Commission.;
- b) approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the Policy Framework or the Budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/not wholly in accordance with the Budget;
- d) appointing the Leader;
- e) agreeing and/or amending the Terms of Reference for Committees, deciding on their composition and making appointments to them and appointing Chairmen ;
- f) agreeing and/or amending the Terms of Reference for Scrutiny Committees, deciding on their composition and making appointments to them;
- g) appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- h) adopting an allowances scheme under Article 2, point 7);
- i) changing the name of the area or conferring the title of Honorary Alderman or Freeman;
- j) confirming the appointment of the Head of Paid Service;

- k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- l) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
- m) all other matters which, by law, must be reserved to Council. (See also the schedule at the end of Part 3)

### 3) **Council Meetings**

There are three types of Council meeting:

- a) the annual meeting;
- b) ordinary meetings;
- c) special meetings.

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

### 4) **Responsibility for Functions**

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet.

#### Article 5 – Chairing Meetings of the Council

##### 1) **Role and Function of the Chairman of the Council**

The Chairman of the Council and in his absence, the Vice-Chairman will have the following roles and functions:

- a) **First Citizen** The Chairman of the Council shall take precedence and shall be the first citizen of Rutland.
- b) **Promotion of the Council** The Chairman will promote the Council as a whole and act as a focal point for the community.

- c) **Ceremonial Matters** The Council will decide what civic and ceremonial duties the Chairman will carry out.

##### 2) The Council will elect the Chairman annually. The Chairman will have the following responsibilities:

- a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet, who do not sit on regulatory Committees or hold appointments as Committee Chairmen, are able to

hold the Cabinet and members of the regulatory Committees and Committee Chairmen to account;

- d) to promote public involvement in the Council's activities;
- e) to be the conscience of the Council; and
- f) to attend such civic and ceremonial functions **in Rutland and neighbouring authorities** as the Council and he determines appropriate.

## Article 6 – Overview and Scrutiny Committees

### **~~OVERVIEW AND SCRUTINY – GENERAL COMMENTS~~**

#### 1) **Terms of Reference**

The Council has one Strategic Overview and Scrutiny Committee. This Committee is also the Council's designated crime and disorder committee under Section 19 of the Police and Justice Act 2006 and is responsible for local authority scrutiny of health matters under the National Health Service Act 2006.

~~The Council will appoint the Scrutiny Committees set out in the left-hand column of the table below to discharge the functions conferred by Section 21 of the Local Government Act 2000 or any regulations made under Section 32 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.~~

<b>NAME OF SCRUTINY COMMITTEE</b>	<b>AREA OF RESPONSIBILITY</b>
Adults and Health	See Part 4 – Section 4 Procedure Rule 211
Children and Young People	See Part 4 – Section 4 Procedure Rule 211
Growth, Infrastructure and Resources	See Part 4 – Section 4 Procedure Rule 211

#### 2) **Composition**

The arrangements with respect to the composition of the Overview and Scrutiny Committee will be as follows:

- The Committee will have a maximum of nine non-executive councillors, and in accordance with the provisions of the Local Government Housing Act 1989, will reflect the political balance of the Council.

ensuing opposition group The Chairman will be appointed at the Annual Meeting of the Council for the year. The Chairman of the Committee should be a Member of an unless resolved otherwise by Council.

- The Committee will appoint a Vice-Chairman, drawn from those councillors on the Committee.

- Cabinet Members will be expected to attend the Committee, and task and working groups appointed by the Committee, when invited, to contribute on matters that relate to their portfolio.
  - The Committee will have five representatives with full voting and call-in rights on education matters only; comprising one Church of England diocese representative, one Roman Catholic diocese representative and 2 parent governor representatives.
  - The Committee will be able to co-opt external representatives or appoint advisers, as it sees fit in a non-voting capacity.
- Councillors and co-optees may not be involved in scrutinising a decision in which they have been involved directly.

### **3) General Role**

The Strategic Overview and ~~Within their terms of reference~~, Scrutiny Committees will:

- review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- review, develop or propose policies in connection with the discharge of any of the Council's functions;
- make reports and/or recommendations to the full Council and/or the Cabinet and/or any policy, joint or Area Committee in connection with the discharge of any functions;
- consider any matter affecting the area or its inhabitants; and
- exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet and/or any joint or Area Committees.
- discuss initiatives put forward for consideration by individual members of the Committee and any relevant 'call-for-action' in accordance with the Scrutiny Procedure Rules set out in Part 4 of this Constitution; and
- consider petitions referred to the Overview and Scrutiny Committee in accordance with provisions set out in the Petition Scheme set out in Part 5 of this Constitution.
- Follow up on any Recommendations or reports.

### **3) Specific functions**

#### **a) Overview and Policy development and review.**

The Strategic Overview and Scrutiny Committees may:

- assist the Council and the Cabinet in the development of its Budget and Policy Framework by in-depth analysis of policy issues;

- ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question members of the Cabinet and/or Committees and senior officers about their views on issues and proposals affecting Rutland subject to the approved protocols; and
- v) liaise with other external organisations operating in Rutland, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

b) **Scrutiny**

The **Strategic Overview and Scrutiny Committees** may:

- i) review and scrutinise the decisions made by and performance of the Cabinet and/or Committees and Council officers both in relation to individual decisions and over time;
- ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- iii) question members of the Cabinet and/or Committees and senior officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- iv) make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
- v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance; and
- vi) question and gather evidence from any person (with their consent).
- vii) review and scrutinise health service provision within its area, health promotion and the health and well-being of local communities under the relevant Health legislation.
- viii) use innovative ways to scrutinise matters of concern; the issue being investigated should be matched to the most appropriate process.

c) **Finance**

The **Strategic Overview and Scrutiny Committees** may exercise overall responsibility for the finances made specifically available to them to undertake their scrutiny function.

d) **Performance Management and Review**

The Overview and Scrutiny Committee will make arrangements to review and scrutinise the performance of the Council in relation to its policy and budgetary objectives, performance targets and/or particular service areas.

- i) undertake performance reviews of the Council's functions as appropriate and prepare appropriate reports for the Cabinet and the Council.
- ii) monitor and review the outcomes of performance and process reviews and make further recommendations where necessary; and
- iii) consider the policy implications arising from reviews for other functions and services.
- iv) Monitor performance against and delivery of the Rutland Corporate Plan and the Future Rutland Vision

d) **Annual Report**

The ~~Strategic Overview and~~ Scrutiny Committees ~~may~~ will report annually to full Council on ~~its~~ their workings and make recommendations for future work programmes and amended working methods if appropriate.

e) **Officers**

The ~~Strategic Overview and~~ Scrutiny Committees may exercise overall responsibility for the work programme of the officers employed to support their work within any approved budgets.

4) **Proceedings of Scrutiny Committees**

The ~~Strategic Overview and~~ Scrutiny Committees will conduct ~~its~~ their proceedings in accordance with Scrutiny Committee Procedure Rules set out in Part 4 of this Constitution.

5) **Form and Composition**

- a) A Scrutiny Committee will consist of a Chairman, ~~Vice Chairman~~ together with the number of Members that may be appointed by the Council at its Annual Meeting and may be revised by the Council at other times.
- b) Scrutiny Committees currently comprise of 7 Members.
- c) The Chairman of the Council may decide whether he/she wishes to serve on Scrutiny Committee. All other Members who are not appointed to the Cabinet are expected to take an active role in the Scrutiny function.

Article 7 – The Cabinet

1) **Role**

The Cabinet will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

2) **Form and Composition**

The Cabinet will consist of the Leader of the Council together with up to 9 more Members appointed by him. The Leader and the other Members will be known collectively as the Cabinet in Rutland.

### 3) **Leader**

The Leader will be a councillor elected to the position of Leader by the Council. The Leader will hold office until:

- a) he resigns from the office; or
- b) he is no longer a councillor; or
- c) he completes the period of office in Article 2, part 4) or is removed from office by a simple majority or 50% of all Members plus 1 Member (for the current size of 27 Councillors this would be 14 Members) of the Council at any time, following a Notice of Motion to Council.

### 4) **Other Cabinet Members**

Other Cabinet members shall hold office until:

- a) they resign from office; or
- b) they are no longer councillors; or
- c) they are removed from office, either individually or collectively, by the Leader.

### 5) **Proceedings of the Cabinet**

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.

### 6) **Responsibility for Functions**

The Leader will maintain a ~~list setting out the Scheme of Delegation in~~ Part 3 of this Constitution setting out where appropriate which individual Members of the Cabinet, Committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular executive functions. ~~The Leader will notify the Monitoring officer of any changes to the list of delegations within 5 working days of any change~~

### 7) ~~No delegation to individual Members of the Cabinet~~

~~Individual Members of the Cabinet, including the Leader and Deputy Leader, shall not be responsible for exercising any executive functions. Executive functions can only be exercised by the Cabinet itself, a Committee of the Cabinet (minimum of three Members), officers or any other body granted delegated authority by the Cabinet.~~

## Article 8 – Regulatory and other Committees

### 1) **Regulatory and other Committees**

The Council will appoint the Committees set out below: in the left hand column of the table ~~Responsibility for Council Functions in Part 3b of this Constitution~~ to discharge the functions described in Part 3 Sections 6 – 11 of this Constitution.

Audit and Risk Committee  
Planning and Licensing Committee  
Employment and Appeals Committee  
Conduct Committee  
Health and Wellbeing Board  
Constitution Commission

## Article 9 – Area Committees and Forums

### 1) Area Committees

~~The Council has resolved not to appoint Area Committees. Although the Council may appoint Area Committees, it has decided not to appoint any, as these are not considered appropriate for Rutland.~~

## Article 10 – Joint Arrangements

### 1) Arrangements to promote Well Being

The Cabinet, in order to promote the economic, social or environmental well-being of Rutland, may:

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

### 2) Joint Arrangements

- a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions or advise the Council. Such arrangements may involve the appointment of a joint Committee with these other local authorities.
- b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint Committees with these other local authorities.
- c) Except as set out below, the Cabinet may only appoint Cabinet members to a joint Committee and those members need not reflect the political composition of the local authority as a whole.
- d) The Cabinet may appoint members to a joint Committee from outside the Cabinet in the following circumstances:
  - the joint Committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the

Cabinet may appoint to the joint Committee any councillor who is a member for any ward which is wholly or partly contained within the area. (The political balance requirements do not apply to such appointments).

- e) Where the appointment of a Committee is not required then the Head of Paid Service may establish such joint working as **they** she feels appropriate for the efficient discharge of the functions of the Authority provided always that only matters that are delegated to Officers are within the remit of such functions.
- f) Details of any joint arrangements including any delegations to joint Committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

### 3) **Access to Information**

- a) The Access to Information Rules in Part 4 of this Constitution apply.
- b) If all the members of a joint Committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the executive.
- c) If the joint Committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

### 4) **Delegation to and from other Local Authorities**

- a) The Council may delegate functions to another local authority or, in certain circumstances, to the executive of another local authority.
- b) The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.
- c) Where matters to be delegated are within the remit of functions that have been delegated to Officers then the Head of Paid Service may delegate functions to another local authority or person.

### 5) **Contracting out**

The Council, for functions which are not executive functions, and the Cabinet, for executive functions, may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contacting principles, provided there is no delegation of the Council's discretionary decision making.

## Article 11 – Officers

### 1) **Management Structure**

- a) **General** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

- b) **Chief Officers** The full Council will engage persons for the post of Chief Executive and Statutory Officers. The Chief Officers Appointment Committee will engage persons for the other posts, who will be Members of the Senior Management Team (See Part 7 RCC Constitution).
- c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer** The Council will designate the following posts as shown:

<b>POST</b>	<b>DESIGNATED OFFICER</b>
Head of Paid Service	Chief Executive
Monitoring Officer	<b>Director of Law and Governance</b>
Chief Finance Officer (Section 151 Officer)	Strategic Director for Resources

The duties of both the Monitoring Officer and Chief Finance Officer (apart from the administration of the financial affairs of the council) must be carried out personally, but can be carried out by a deputy nominated by them in cases of absence or illness. It is the function of the relevant officer to appoint each deputy, not the Council.

Such posts will have the functions described in Article 11 section 2) - 4) below.

- d) **Structure** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

## 2) **Functions of the Head of Paid Service**

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

## 3) **Functions of the Monitoring Officer**

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

- f) **Proper Officer for Access to Information** The Monitoring Officer will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
  - g) **Advising whether Cabinet Decisions are within the Policy Framework** The Monitoring Officer will advise whether decisions of the Cabinet are in accordance with the policy framework.
  - h) **Providing Advice** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
  - i) **Complaints** The Monitoring Officer has the responsibility for being the Council's Corporate Complaints Officer and will be responsible for ensuring that adequate procedures are in place to record and monitor complaints.
  - j) **Restrictions on Posts** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.
- 4) **Functions of the Chief Finance Officer**
- a) **Ensuring Lawfulness and Financial Prudence of Decision Making** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council, or to the Cabinet in relation to an executive function, and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
  - b) **Administration of Financial Affairs** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
  - c) **Duty to Act** To take action in accordance with Section 114 of the Finance Act 1988 where action is needed in his opinion. This relates to the requirement to report to all Members of the Council, in consultation with the Monitoring Officer, if there is or is likely to be unlawful expenditure or an unbalanced budget.
  - d) **Contributing to Corporate Management** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
  - e) **Advising whether Cabinet Decisions are outside or not wholly in accordance with the Budget Framework** The Chief Finance Officer will advise whether decisions of the Cabinet are outside or not wholly in accordance with the budget framework.
  - f) **Providing Advice** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
  - g) **Give Financial Information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

**5) Duty to provide sufficient Resources to the Monitoring Officer and Chief Finance Officer**

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

**6) Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

**7) Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

**Article 12 – Decision Making**

**1) Responsibility for Decision Making**

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

**2) Principles of Decision Making**

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the considering of professional advice from officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness; and
- (e) clarity of aims and desired outcomes.

**3) Types of Decision**

- a) Decisions reserved to full Council. Decisions relating to the functions listed in Article 4, will be made by the full Council and not delegated.
- b) Key decisions.

A 'key decision' means an executive decision which is likely to:

- i) result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in Rutland;
- iii) in determining the meaning of 'significant' in paragraphs i) and ii) above regard must be paid to any guidance issued by the Secretary of State.

- d) A decision taker may only make a key decision in accordance with the requirements of the Local Government Act 2000 and its Associated Regulations and in accordance with procedural rules set out in Part 4 of this Constitution. ~~the requirements of the Access to Information Procedure Rules set out in Part 4 of this Constitution.~~

4) **Decision making by the Full Council**

Subject to Article 12, Section 8) the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

5) **Decision making by the Cabinet**

Subject to Article 12, Section 8) the Cabinet will follow the Cabinet Procedures Rules set out in Part 4 of this Constitution when considering any matter.

6) **Decision making by Scrutiny Committees**

Scrutiny Committees will follow the Scrutiny Committee Procedures Rules set out in Part 4 of this Constitution when considering any matter. Scrutiny Committees do not have any authority to take any decisions to discharge services or functions on behalf of the Council or the Cabinet. Scrutiny Committees can make recommendations on services and functions and the policy for delivering these services and functions.

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

Subject to Article 12, Section 8) other Council Committees and Sub-Committees will follow the Committee Procedures Rules set out in Part 4 of this Constitution.

8) **Decision making by Council bodies acting as Tribunals**

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

9. **Decision-making by Council Officers**

Council officers shall exercise powers delegated to them in accordance with Article 11 and Part 3 of the Constitution – Scheme of Delegations and Designations of Proper Officers and shall record, in accordance with the relevant statutory provisions and regulations, any executive decisions that they may make.

Article 13 – Finance, Contracts and Legal Matters

1) **Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 9 of this Constitution.

## 2) Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 10 of this Constitution.

## 3) Legal Proceedings

The Monitoring Officer ~~Deputy Director: Corporate Governance~~ is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the ~~Deputy Director: Corporate Governance~~ considers that such action is necessary to protect the Council's interests.

## 4) Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the ~~Monitoring officer Deputy Director: Corporate Governance~~ or other person authorised by him, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

All contracts entered into on behalf of the local authority in the course of the discharge of any function shall be made in writing. Such contracts must either be signed by an officer of the authority or made under the common seal of the Council attested by at least one officer authorised to do so by the Chief Executive or the ~~Monitoring officer Deputy Director: Corporate Governance~~.

## 5) Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the ~~Monitoring officer Deputy Director: Corporate Governance~~. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the ~~Monitoring Officer Deputy Director: Corporate Governance~~ should be sealed. The affixing of the Common Seal will be attested by the Chief Executive, the ~~Monitoring Officer Deputy Director: Corporate Governance~~ or some other person authorised by them and the Leader or Deputy Leader of the Council. .

## Article 14 - Review and Revision of the Constitution

### 1) Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order to achieve better the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

- a) observe meetings of different parts of the Member and officer structure;
- b) undertake an audit trail of a sample of decisions;

- c) record and analyse issues raised with him by Members, officers, the public and other relevant stakeholders; and
- d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

## 2) Changes to the Constitution

- a) **Approval** Changes to the constitution, other than consequential changes which may be made by the Monitoring Officer **and reported to the Constitution Commission**, will only be approved by the full Council after consideration of the proposal by the Monitoring Officer.
- b) **Change from a Leader and Cabinet form of executive to other arrangements** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

Article 15 – Suspension, Interpretation and Publication of the Constitution

### 1) Suspension of the Constitution

- a) **Limit to suspension** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- b) **Procedure to suspend** A motion to suspend any rules will not be moved without notice unless at least one half of the total number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- c) **Rules capable of suspension** The following Rules may be suspended in accordance with Article 15, Section 1

All procedural Rules in Part 4 of the Constitution that are not statutory core Procedural Rules.

### 2) Interpretation

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

### 3) Publication

- a) The Monitoring Officer will ensure that the Constitution is available through the Council's Web Site.
- b) The Monitoring Officer will ensure that copies are available for inspection at Council Offices and libraries, and can be purchased by members of the local press and the public on payment of a reasonable fee.

Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

- 1) **Article 6 (Overview and Scrutiny Committees)** - and the Scrutiny Committee Procedure Rules;
- 2) **Article 7 (The Cabinet)** - and the Cabinet Procedure Rules;
- 3) **Article 9 (Area Committees and Forums)** - Not applicable as there are no Area Committees;
- 4) **Article 10 (Joint Arrangements)** ;
- 5) **Article 12 (Decision making)** - and the Access to Information Procedure Rules;
- 6) **Part 3 (Responsibility for Functions)**.

Rutland County Council

PARTS 3 OF THE CONSTITUTION

SCHEME OF DELEGATION

For approval following CRWG review 2022

## **CONTENTS**

SECTION 1– GENERAL PRINCIPLES .....
SECTION 2 – MATTERS RESERVED FOR COUNCIL .....
SECTION 3 – GENERAL DELEGATED POWERS .....
SECTION 4 – MATTERS DELEGATED TO THE CHIEF EXECUTIVE AND CHIEF OFFICERS OF THE COUNCIL .....
SECTION 5 – ‘PROPER OFFICER’ DESIGNATION FOR STATUTORY PURPOSES....
SECTION 6 – AUDIT AND RISK COMMITTEE.....
SECTION 7 – PLANNING AND LICENSING COMMITTEE .....
SECTION 8 – EMPLOYMENT AND APPEALS COMMITTEE
SECTION 9 – CONDUCT COMMITTEE .....
SECTION 10 – HEALTH AND WELLBEING BOARD .....
<b>SECTION 11 – CONSTITUTION COMMISSION.....</b>
SECTION 12 – DELEGATION TO OFFICERS
<b>SECTION 13 – CABINET/EXECUTIVE SCHEME OF DELEGATION – Move Part 8 Members of the Executive to this Part</b>
.....
.....

## **SECTION 1 - GENERAL PRINCIPLES**

- 1.1 The Scheme is subject to other provisions of the Council's Constitution and in particular the parts relating to the responsibility for functions, the provisions contained in the Council's Procedure Rules and also to the roles of the officers appointed as the Council's Head of Paid Service, Monitoring Officer and Section 151 Officer.
- 1.2 Any arrangements made by the Council or Cabinet for the discharge of functions by a Committee, Sub-Committee or Officer shall not prevent the Council or Cabinet by whom such arrangements were made from exercising those functions, subject to Procedure Rule 110 (Referral of Decisions) or the provisions for the call-in of decisions in the Constitution and the Council's Procedure Rules.
- 1.3 Delegated powers may only be exercised within the Terms of Reference of the Committee or Sub-Committee exercising the power and within the framework of the Council's policy.
- 1.4 Delegated powers to purchase property, goods or services may only be exercised if provision is made in the Annual Budget or if a Supplementary Estimate has been approved.
- 1.5 All references to Acts, Orders, Regulations etc., in this Scheme shall be deemed to include references to amending or extending legislation in force from time to time.
- 1.6 No Working Party or Working Group shall have any executive powers. Their functions will be of investigation, consultation, research and reporting any recommendations to their appointing body for approval. No Working Party, or Working Group has any authority to commit the Authority to any expenditure.
- 1.7 Where a function is not reserved specifically for a Committee or Sub-Committee, it shall be deemed to be delegated to the Chief Officer responsible for the function.
- 1.8 Project Boards may be established **in accordance with the Council's Project Management Framework** to advise those with delegated powers in the exercise of those powers.

## **SECTION 2 - MATTERS RESERVED TO COUNCIL**

- 2.1 Local choice functions are mainly set out in Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (the "Functions Regulations"). These functions may be, but need not be, the responsibility of the Council's Executive. This means that the Council can decide whether the function is to be the responsibility of the Executive (an 'executive function') or the responsibility of the Council (a 'non-executive' function).
- 2.2 Having regard to government guidance full Council has decided that the local choice functions will be executive or non-executive as set out in the schedule below. Where a function is allocated to the Executive Board, the Board will be able to delegate decisions within that function to a committee or sub-committee of itself or to an officer. Similarly, where a function is allocated to the Council, the Council

may delegate it to a committee or sub-committee or to an officer. Where the function is not specified then this will remain the responsibility of the Council.

<b>No.</b>	<b>Local Choice Function</b>	<b>Status of Function: 'Executive' or 'Non- Executive'</b>
1.	Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Local Authorities Functions Regulations or specified within the terms of reference of any non-executive committee.	Executive
2.	The determination of an appeal against any decision made by or on behalf of the authority.	Non-Executive
3.	The making of arrangements pursuant to section 52 of the Education Act 2002 and the Education (Pupil Exclusions and Appeals (Maintained Schools) (England) Regulations 2002 and the Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (England) Regulations 2008 (making arrangements for appeals against exclusion of pupils).	Non-Executive
4.	The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the Schools Standards and Framework Act 1998 (making arrangements for admission appeals).	Non-Executive
5.	The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the Schools Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	Non-Executive
6.	Any function relating to contaminated land.	Executive
7.	The discharge of any function relating to the control of pollution or the management of air quality.	Executive
8.	The service of an abatement notice in respect of a statutory nuisance.	Executive
9.	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Executive

10.	The inspection of the authority's area to detect any statutory nuisance.	Executive
11.	The investigation of any complaint as to the existence of a statutory nuisance.	Executive
12.	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Executive
13.	The making of agreements for the execution of highways works.	Executive
14.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Executive
15.	The appointment of any individual: (a) to any office other than an office in which he/she is employed by the Council; (b) to anybody other than: (i) the Council; (ii) a joint committee of two or more authorities; or (iii) to any committee or sub-committee of such a body, and the revocation of any such appointment.	Non -Executive where the body exercises Non- Executive powers, the Executive where the body exercises Executive Powers and Non-Executive where there is any doubt.
16.	The making of agreements with other local authorities for placing staff at the disposal of those other local authorities.	Executive
17.	Functions under sections 106, 110, 111, 113 of the Local Government and Public Involvement in Health Act 2007 relating to local Area Agreements	Executive
18.	Unless specifically catered for elsewhere, the adoption or approval of any plan or strategy relating to the Licensing and Regulatory functions listed in Part B of Schedule 1 of the Functions Regulations 2000.	Non-Executive

### **SECTION 3 - GENERAL DELEGATED POWERS**

- 3.1 The General Scheme of Delegation to all Committees is contained in Part 3, Section 11 of the Council's Constitution.

## **SECTION 4 - MATTERS DELEGATED TO OFFICERS OF THE AUTHORITY**

- 4.1 The matters delegated to the Chief Executive and other Chief Officers are contained in Part 3, Section 11 of the Council's Constitution.

## **SECTION 5 - "PROPER OFFICER" DESIGNATIONS FOR STATUTORY PURPOSES**

- 5.1 The following officers are authorised to undertake the duties of the proper officer as determined by the relevant requirements of the appropriate legislation. The Chief Executive acting at **his or her** absolute discretion may reallocate functions to ensure the efficient running of the Council.

No	Act Section of Schedule	FUNCTION	PROPER OFFICER
1.	LOCAL GOVERNMENT ACT 1972 S.13(3) AND S.97	Parish Trustee	Chief Executive
2.	LOCAL GOVERNMENT ACT 1972 S.83(1)	Receipt of declaration of acceptance of office	Chief Executive and Monitoring Officer
3.	LOCAL GOVERNMENT ACT 1972 S.84	Receipt of notice of resignation	Chief Executive
4.	LOCAL GOVERNMENT ACT 1972 S.88(2)	Convening a Council meeting to fill casual vacancy in office of Chair	Chief Executive
5.	LOCAL GOVERNMENT ACT 1972 S.89(1)(b)	Receipt of notice of casual vacancy in office of Councillor from two local government electors	Chief Executive
6.	LOCALISM ACT 2011 S.29(1) and LOCAL GOVERNMENT ACT 1972 S. 117	Receipt of notice and record of pecuniary interests under S.29 in respect of members and S.117 in respect of officers	Monitoring Officer
7.	LOCAL GOVERNMENT ACT 1972 S.111	Registrar of Bonds	Section 151 Officer
8.	LOCAL GOVERNMENT ACT 1972 S.101	Statutory determinations regarding borrowing limits	Section 151 Officer
9.	LOCAL GOVERNMENT ACT 1972 S.115	Receipt of monies due from officers required to account	Section 151 Officer
10.	LOCAL GOVERNMENT ACT 1972 S.146(1)(a)(b)	Declarations and certificates relating to securities in case of transfer	Section 151 Officer

<b>No</b>	<b>Act Section of Schedule</b>	<b>FUNCTION</b>	<b>PROPER OFFICER</b>
11.	LOCAL GOVERNMENT ACT 1972 S.151	The officer responsible for financial administration (Section 151 Officer)	Section 151 Officer
12.	LOCAL GOVERNMENT ACT 1972 S.191(2)	Matters relative to Ordnance Survey	Chief Executive
13.	LOCAL GOVERNMENT ACT 1972 S.210(6) & (7)	Charity functions transferred to the District Council	Chief Executive
14.	LOCAL LAND CHARGES ACT 1975 (c.76, SIF 98:2), S.19(1), Sch. 2	Local Land Charges Registrar under the Land Charges Act 1925	Chief Executive
15.	THE REGULATORY REFORM (GAME) ORDER 2007 (S.I. 2007/2007), art.6. Sch.para.1(m)	The Collection of Licence Duties	Strategic Director for Places
16.	LOCAL GOVERNMENT ACT 1972 S.223(1)	The conduct of Legal proceedings before Magistrates' Court	Section 151 Officer or Director of Law and Governance or Chief Executive
17.	LOCAL GOVERNMENT ACT 1972 S.225(1)	Deposit of documents	Chief Executive OR Monitoring Officer
18.	LOCAL GOVERNMENT ACT 1972 S.228(3) & (4)	The Proper Officer whose accounts are open to inspection by members and whose audited accounts are open to public inspection	Section 151 Officer
19.	LOCAL GOVERNMENT ACT 1972 S.229(5)	Certificate of photographic copies of documents	Any Director
20.	LOCAL GOVERNMENT ACT 1972 S.234(1) & (2)	Authentication of Documents	Any Director
21.	LOCAL GOVERNMENT ACT 1972 S.236(9)	Service and receipt of copies of bylaws made by the County or District Council	Chief Executive
22.	LOCAL GOVERNMENT ACT 1972 S.238	Certification of bylaws	Chief Executive
23.	LOCAL GOVERNMENT ACT 1972 Sch 12 para 4(2)(b) & (3)	Signatures of Summons to Council meetings, receipt of Notices of addresses to which summons should be sent	Chief Executive

<b>No</b>	<b>Act Section of Schedule</b>	<b>FUNCTION</b>	<b>PROPER OFFICER</b>
24.	LOCAL GOVERNMENT ACT 1972 s.12(a)	Certification of resolutions under the paragraph	Chief Executive
25.	PLANNING (CONSEQUENTIAL PROVISIONS) ACT 1990 (c. 11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6	Receipt of deposit of lists of protected buildings S54(4) of Town & Country Planning Act 1971	Strategic Director for Places
26.	LOCAL GOVERNMENT ACT 1972 Sch 29 para 4(1)(a) and (c)	General provisions of existing legislation, not expressly covered by preceding provisions where reference is made to specific officers; for references to Surveyor, Public Health Inspector and Medical Officer of Health except in respect of matters which can only be dealt with by registered Medical practitioners	Strategic Director for Places
27.	LOCAL GOVERNMENT ACT 1972	For references to Town Clerk or Clerk of the Council	Chief Executive
28.	LOCAL GOVERNMENT ACT 1972 S.100B(2)	Circulation of reports and agenda	Chief Executive
29.	LOCAL GOVERNMENT ACT 1972 S.100B(7)(c)	Supply of papers to the press	Chief Executive
30.	LOCAL GOVERNMENT ACT 1972 S.100C(2)	Summaries of minutes	Chief Executive
31.	LOCAL GOVERNANCE ACT 1972 SCHEDULE 12A	Access to information	Chief Executive
32.	LOCAL GOVERNMENT ACT 1972 S.100D(1)(a)	Compilation of lists of background papers and S.100D(5)(a) Identification of background papers	Directors having responsibility for subject matter of report with the first named officer being designated in case of a joint report.
33.	LOCAL GOVERNMENT ACT 1974 S.30(5)	Public notice of publication of a Local Commissioner's report	Chief Executive

<b>No</b>	<b>Act Section of Schedule</b>	<b>FUNCTION</b>	<b>PROPER OFFICER</b>
34.	REGISTRATION SERVICE ACT 1953	Registration of Births Deaths and Marriages	Strategic Director for Places
35.	REPRESENTATION OF THE PEOPLE ACT 1983 S.8	Electoral Registration Officer	Chief Executive
36.	REPRESENTATION OF THE PEOPLE ACT 1983 S.52(2)	Deputy Electoral Registration Officer	Electoral Services Manager
37.	REPRESENTATION OF THE PEOPLE ACT 1983 S.35	Returning Officer for Parish and District Council elections	Chief Executive
38.	REPRESENTATION OF THE PEOPLE ACT 1983 S.24	Returning Officer Parliamentary Elections	Mayor of Melton Borough Council
39.	REPRESENTATION OF THE PEOPLE ACT 1983 S.28	Acting Returning Officer for Parliamentary Elections	Chief Executive Melton Borough Council
40.	LOCAL GOVERNMENT AND HOUSING ACT 1989 P1.S4.1(a)	Head of the Paid Service	Chief Executive
41.	LOCAL GOVERNMENT AND HOUSING ACT 1989	Acting Head of the Paid Service in the Head of Paid Service's absence	Strategic Director for People Any Director nominated by the Head of Paid Service
42.	LOCAL GOVERNMENT AND HOUSING ACT 1989 S.5	Monitoring Officer	Director for Law and Governance
43.	LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990 P3, S.8	Receipt of notice of formation and membership of a political group	Chief Executive
44.	LOCAL GOVERNMENT AND HOUSING ACT 1989 S.16	Receipt of notice of wishes of political groups as to appointments to committees and sub-committees and termination of appointments	Chief Executive
45.	LOCAL GOVERNMENT AND HOUSING ACT 1989 S.18 and Reg 14 of Local Authorities (Members' Allowances)	Receipt of notice in writing that a Councillor wishes to forgo any part of his entitlement to an allowance	Section 151 Officer
46.	The Local Authorities (Referendums)(Petitions) (England) Regulations 2011 P2 S.4(1)	Publication of 5% of local government electors for validating petitions	Electoral Registration Officer

<b>No</b>	<b>Act Section of Schedule</b>	<b>FUNCTION</b>	<b>PROPER OFFICER</b>
47.	PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984	The Proper Officer for the purposes of the Public Health (Infectious Diseases) Regulations	Director of Public Health
48.	NATIONAL ASSISTANCE ACT 1948	The Proper Officer for the Purposes of Section 47	Director of Public Health
49.	LOCAL GOVERNMENT ACT 2000 S.52	Undertakings by Members and Co-opted Members to observe the Council's Code of Conduct	Chief Executive and Monitoring Officer
50.	FREEDOM OF INFORMATION ACT 2000 S 36(2) and (5)	The qualified person for the purposes of deciding whether information is exempt from disclosure to the public relating to the prejudice to the conduct of public affairs	Strategic Director for Resources and/or Monitoring Officer
51.	FREEDOM OF INFORMATION ACT 2000 S 36	Determination of all exemptions apart from those relating to the prejudice to the conduct of public affairs	Director for Law and Governance or Director or representative appointed by a Director
52.	REGULATION OF INVESTIGATORY POWERS ACT 2000	Authorising Officer and Designated Person for the use of surveillance and the acquisition and disclosure of communications data	Chief Executive or Any Director or Director for Law and Governance
53.	THE LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009 S 31	The Statutory Scrutiny Officer responsible for the promotion of the authority's scrutiny function and the provision of support and guidance to Members and Officers of the authority.	Governance Manager
54.	GENERAL DATA PROTECTION REGULATION 2016	Data Protection Officer	Information Governance Officer
55.	GENERAL DATA PROTECTION REGULATION 2016	Senior Information Risk Owner	Monitoring Officer
56.	CALDICOTT REVIEW 1997	Caldicott Guardian	Strategic Director for Adult Services and Health

No	Act Section of Schedule	FUNCTION	PROPER OFFICER
57.	CHILDREN ACT 2004 S 11	Local Authority Designated Officer (LADO)	Head of Safeguarding Children's Social Care

## 5.2 Deputy Proper Officer Provisions

- 5.2.1 Returning Officer - The Chief Executive can designate an individual Officer (in writing) who is authorised to act as a Deputy Returning Officer for Elections when the Chief Executive is unable to act
- 5.2.2 In other cases where the designated Proper Officer is unable to act, the following are designated Deputy Proper Officers:
  - For the Chief Executive or in their absence any Strategic Director
  - For any Strategic Director, any Director or Deputy Director
- 5.2.3 The Chief Executive is designated as Proper Officer for any purposes where no other Officer has been specifically designated. If neither the Proper Officer nor the Deputy Proper Officer is able to act the Chief Executive may designate an appropriate Officer to act as Proper Officer or Deputy Proper Officer.
- 5.2.4 If the Chief Executive is unable to exercise this power, then it shall be exercised by the Strategic Director for Resources or a second tier Officer.
- 5.2.5 The Monitoring Officer and the Section 151 officer designate their own deputy direct and are not covered by the above.

## TERMS OF REFERENCE FOR REGULATORY COMMITTEES

### SECTION 6 – AUDIT AND RISK COMMITTEE

- 6.1 The purpose of the Committee is to undertake the County Council's responsibilities under the Accounts and Audit Regulations as follows:
  - a) to consider and approve the annual statement of accounts
  - b) to ensure that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions and which includes arrangements for the management of risk
  - c) to ensure that the financial management of the Council is adequate and effective
  - d) to review annually the Council's system of internal control and to agree an Annual Governance Statement for inclusion in the statement of accounts
  - e) to ensure that the Council has an adequate and effective internal audit function

## 6.2 Audit Activity

- a) To consider the Head of Internal Audit's annual report and opinion, and a summary of Internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements.
- b) To approve the risk-based internal audit plan and resource requirements
- c) To consider summaries of specific Internal Audit reports as requested
- d) To consider reports dealing with the management and performance of the providers of Internal Audit Services.
- e) To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale.
- f) To approve the Internal Audit Charter
- g) To consider the External Auditor's Annual Letter, relevant reports, and the report to those charged with governance
- h) To consider specific reports as agreed with the External Auditor
- i) To comment on the scope and depth of external audit work and to ensure it gives value for money
- j) To liaise with the Public Sector Audit Appointments Ltd (PSAA) over the appointment of the Council's External auditor
- k) To commission work from Internal and External Audit

### **6.3 Regulatory Framework**

- ~~a) To maintain an overview of the Council's Constitution with the exception of those matters under the remit of the Executive or a regulatory committee.~~
- b) To review any issue referred to it by the Chief Executive or a Director, or any Council body.
- c) To monitor the effective development and operation of risk management and corporate governance in the Council.
- d) To advise and monitor council policies on 'Whistle Blowing' and the 'Anti-fraud and corruption strategy' and the Council's complaints process.
- e) To oversee the production of the authority's Annual Governance Statement and to recommend its adoption.
- f) To consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice.
- g) To consider The Council's compliance with its own and other published standards and controls.

### **6.4 Accounts**

- a) To approve the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council
- b) To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

### **6.5 Accountability Arrangements**

- a) To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.

- b) To report to Full Council **at least annually** ~~on a regular basis~~ on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

## **6.6 Delegations to Officers**

- a) The Section 151 Officer, in consultation with the Chair of the Committee, is authorised to make changes to the Internal Audit plan. Such changes must be reported to the Committee at the earliest opportunity.

# **SECTION 7 - PLANNING AND LICENSING COMMITTEE**

## **7.1 Planning**

- a) The determination of all and any planning, listed building, advertisement or other allied applications and functions not specifically delegated to officers;
- b) Any agreement regulating development or use of land under Sections 106 and/or 106A of the Town and Country Planning Act (TCPA)1990;
- c) Any enforcement powers under any legislation relating to town and country planning or associated matters;
- d) Any formal comment or view on applications or proposals to be determined by any Statutory Body and government departments relating to matters within the remit of the Committee;
- e) Making any Direction, Order or issuing or serving any Notice under any legislation relating to town and country planning; and
- f) Any function under the Planning (Hazardous Substances) Act 1990 or the Planning (Listed Buildings and Conservation Areas) Act (LBA) 1990.

## **7.2 Licensing**

- a) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the Council as licensing authority under Licensing Act 2003.
- b) Except in relation to the statement of Licensing Policy, to discharge all functions conferred upon the Council as licensing authority under Gambling Act 2005.
- c) To exercise all other functions relating to licensing and registration including taxi, gaming, entertainment, food, scrap metal dealers and other miscellaneous licensing.
- d) To hear and determine licensing applications and appeals where objections and/or representations have been received in relation to any of the above functions.
- e) Any other matters relating to licensing which may be referred to the Committee for consideration.

## **7.3 Licensing Sub-Committees**

- a) To establish Panels (sub-committees) to determine matters that do not sit within the scope of delegation to officers, usually where representations have been received against a grant of a licence, or from the applicant against intended refusal or revocation of a licence/registration.

## **7.4 Commons Registration**

- a) To exercise all those functions and responsibilities relating to common land, town and village greens under the Commons Act 2006

## **7.5 Highways Use and Regulation**

- a) To exercise all those functions and responsibilities relating to highways and rights of way under the Highways Act 1980 and Wildlife and Countryside Act 1981

## **7.6 Health and Safety**

- a) All those functions and responsibilities under any of the “relevant statutory provisions” within the meaning of Part 1 of the Health and Safety at Work Act 1974 to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer

## **7.7 Delegations to Officers**

7.7.1 The Strategic Director for Places, Planning Services Manager or Nominated Deputy is authorised to deal with the following matters:

- a) Any application under the TCPA 1990, LBA 1990, the Planning (Hazardous Substances) Act 1990, the Control of Advertisements Regulations 2007 and the determination and expression of the Council’s views where the Council, as local planning authority, is a statutory or other consultee and the making of observations on proposals made by or being determined by any other body subject to the following exceptions:
  - i. The applicant is the Council or someone acting as applicant on its behalf, with the exception of minor proposals.
  - ii. An application is submitted by or on behalf of a Rutland County Councillor, or an Officer of the Council directly or indirectly involved in planning work, a member of the Council’s Strategic Management Team or any other officer where the Strategic Director for Places considers that the application should be determined by the Committee in the interests of openness and transparency. Other than Prior Notifications, applications relating to trees, discharge of conditions, Lawful Development Certificates and such other matters as the Strategic Director for Places in consultation with the Monitoring Officer deem appropriate, including where necessary to ensure the Authority is able to ensure that statutory deadlines are met
  - iii. An application which has been requested by a Member to be determined by the Committee (which must include the reason for the request, and the Strategic Director for Place considers that the reasons given are sufficient) shall be subject to specific additional assessment by the Operational Strategic Director for Places or the Development Control Manager, in consultation with the Chairman or Vice-Chairman of the Planning and Licensing Committee, who will decide whether the application should go to that Committee.

- iv. An application which officers consider would normally be approved under delegated powers, but which has been submitted by a Member or Officer of the Council acting as an agent, shall be subject to specific additional assessment in consultation with the Chairman or Vice-Chairman of the Planning & Licensing Committee.
- v. There is an Officer recommendation of approval which is materially contrary to the National Planning Policy Framework and/or the Development Plan.
- vi. There is an Officer recommendation of approval contrary to a previous refusal by the Planning and Licensing Committee and the policy framework has remained substantially unchanged since the refusal.
- vii. Material planning objections have been received from a town/parish council or local resident, unless it is considered upon assessment that the development will result in no significant adverse impact. Such assessment to be carried out in consultation with the Chairman or Vice-Chairman of the Planning and Licensing Committee.
- b) All functions, applications and powers in respect of enforcement. Any decision to issue an enforcement notice, serve an injunction, issue a stop notice, issue a planning enforcement order, or serve a discontinuance notice shall be carried out in consultation with the Chair or Vice-Chair of the Planning & Licensing Committee.
- c) All functions, applications and powers under The Hedgerow Regulations 1997, Tree Preservation Orders and Trees in Conservation Areas under the TCPA 1990 and Part 8 (High Hedges) of the Anti-Social Behaviour Act 2003.
- d) To consult and respond to consultations from neighbouring authorities, government departments and other bodies on all day to day matters.
- e) To determine applications to discharge conditions on any planning or related applications
- f) To exercise powers under the General Permitted Development Order, the Development Management Procedure Order, any other such Regulations present and future and all directions and prior notifications in these Orders.
- g) To formulate conditions and reasons for refusal the substance of which has been determined by Committee
- h) Any certificate of existing or proposed lawful use or development under the TCPA 1990
  - i) To negotiate, agree and where appropriate amend terms of legal agreements and secure their fulfilment
  - j) To defend appeals against the Council's decisions and to represent the council at Hearings, Inquiries and the Courts
  - k) To decline to determine any application pursuant to Section 70(A) of the TCPA 1990
  - l) Determination of any matter under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and any similar or successor regulations
- m) Any application for a certificate of appropriate alternative development under Section 17 of the Land Compensation Act 1961 (as amended)

- n) Determinations on overhead lines matters under Section 37 of the Electricity Act 1989 and subordinate Regulations.
- o) All Officers in Development Control team are authorised to enter onto land for any purpose permitted by any provision under TCPA 1990, LBA 1990 or any other legislation relating to town and country planning

- 7.7.2 The Strategic Director for Places is authorised to deal with the following matters:
- a) The agreement and operation of protocols, management agreements and/or Service Level Agreements
  - b) The determination of applications for licences where no objections are received. This includes all applications made under the Licensing Act 2003 and Gambling Act 2005.
- 7.7.3 Delegations set out in Part 3 also apply.

## **SECTION 8 - EMPLOYMENT AND APPEALS COMMITTEE**

### **8.1 Employment**

- a) To establish panels to appoint Chief Officers and Officers that are part of the Strategic Management Team. Such Panels to consist of three members of the committee plus the relevant Cabinet Member. Political balance applies to the panel.
- b) To consider employee procedures, including dismissal procedures.
- c) To hear, consider and determine appeals against dismissal by employees in line with procedures agreed by the Committee.
- d) The constitution of any Appeal or Hearing panels or working parties as may be required from time to time.
- e) The discharge of such human resources functions that cannot be delegated under statute to the Cabinet or have not been delegated to officers, as may be delegated by the Council from time to time.
- f) To consider and approve HR policies (this requires two thirds voting members present to approve a policy subject to its financial impact not exceeding the budget. If this cannot be achieved the policy in question will be referred to Full Council for further consideration and determination).

### **8.2 Appeals Panels**

- 8.2.1 To hear, consider and determine any other appeals made under a statutory appeals process and/or where no other appeals body has been established for the specific purpose.
- 8.2.2 The panel will consist of three members drawn from the Committee. For this purpose, officers may draw upon members in order to ensure sufficient members are available to conduct the hearing, and to avoid involving any member who was involved in the

original decision which is the subject of the appeal. Political balance applies to any such panel and appropriate training will be provided in relation to the subject matter.

## **SECTION 9 - CONDUCT COMMITTEE**

### **9.1 The Committee is authorised to:**

- a) To promote and maintain high standards of conduct by Members of the authority.
- b) To assist Members of the authority to observe the authority's code of conduct.
- c) To advise the authority on the adoption or revision of a Code of Conduct.
- d) To monitor the operation of the authority's Code of Conduct for Members.
- e) To assess, consider and determine complaints of breaches of the authority's Code of Conduct, in accordance with the Council's approved procedures.
- f) To consider granting dispensations to Members from requirements relating to interests set out in the authority's Code of Conduct.
- g) To advise the Council on maintaining high standards of ethics and probity and to review all codes of conduct relating to ethic and probity affecting officers and Members.
- h) To consider reports which may come from Government, the Ombudsman or other external sources relating to standards of conduct and to make recommendations to the Council.
- i) To consider any Monitoring Officer reports relating to Members' conduct and probity.
- j) To carry out all of the functions contained within paragraphs 1 to 9 above inclusive in relation to parish councils within the county and their Members.

## **SECTION 10 - HEALTH AND WELLBEING BOARD**

**On 5 April 2022 ,the Health and Well Being Board REVIEWED and ENDORSED  
the Terms of Reference attached at Annex 5 to this Report for  
recommendation to be adopted by full Council**

The Health and Wellbeing Board has been appointed by Rutland County Council as a statutory committee of the Local Authority. It will discharge directly the functions conferred on Rutland County Council by Section 196 of the Health and Social Care Act 2012 and any other such legislation as may be in force for the time being.

### **10.1 Aim**

**10.1.1 To achieve better health, wellbeing and social care outcomes for Rutland's whole population and a better quality of care for patients and other people using services through the provision of:**

- a) collaborative leadership that influences, shapes and drives a wide range of services and interventions that span health care, social care and public health.
- b) strategic oversight of, and challenge to, the planning, strategy, commissioning and delivery of services across Health, Social Care, Public Health, Children's Services and other services that the Board agrees impact on the wider determinants of health.

## **10.2 Statutory Functions**

10.2.1 Under the Health and Social Care Act 2012, the Health & Wellbeing Board has the following duties and functions:

- a) To encourage integrated working between health and social care commissioners, including arrangements under Section 75 of the National Health Service Act 2006 in connection with the provision of health and social care services.
- b) To prepare and publish a Joint Strategic Needs Assessment (JSNA) and Joint Health and Wellbeing Strategy (JHWS) that is evidence based and supported by all stakeholders to set out Rutland's objectives, trajectory for achievement and how members of the Board will be jointly held accountable for delivery.
- c) To encourage close working between commissioners of health-related services and the Board itself.
- d) To encourage close working between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services.
- e) Any other functions that may be delegated by the council under section 196(2) of the Health and Social Care Act 2012.

## **10.3 Additional Responsibilities**

10.3.1 The Board has also agreed a number of additional responsibilities which complement its statutory functions:

- a) To challenge and hold to account partners to ensure that their strategies, plans and services are aligned to Rutland's JHWS priorities, and to consider what is best for Rutland within all they plan and do.
- b) To have oversight of the use of relevant public sector resources across a wide range of services and interventions, with greater focus and integration across outcomes spanning health care, social care and public health.
- c) To task sub-groups (whether standing or time-limited) to develop solutions to challenges outlined in the JSNA and JHWS.

- d) To facilitate partnership working across health and social care to ensure that services are joined up around the needs of service users.
- e) To join up partnership working across Rutland, particularly linking to the Safer Rutland Partnership and ensure there are appropriate links with the Local Safeguarding Children's Board and the Leicestershire and Rutland Safeguarding Adults Board (The Joint Protocol for the HWB and LRSCB/LRSAB is in Appendix A).
- f) To focus resources on the agreed set of priorities for health, wellbeing and social care (as outlined in the JSNA and JHWS).
- g) To ensure that the work of the Board is aligned with policy developments both locally and nationally.

## **10.4 Principles**

### **10.4.1 The Board agree to work to the following principles:**

- a) Shared ownership of the Board by all its members (with commitment from their nominating organisations) and accountability to the communities it serves for delivering our priorities;
- b) Commit to driving real action and change to integrate services and to improve services and outcomes;
- c) Target resources in support of strategic objectives;
- d) Aim to reduce disparities in health and wellbeing in Rutland by prioritising those in greatest need;
- e) Support people to maintain their independence and make informed healthy choices;
- f) Share success and learning to make improvements cross-organisationally for the wider benefit of Rutland;
- g) Be open and transparent in the way that the Board carries out its work – listening to service users/patients and the public, and acting on what they tell us
- h) Take advantage of Rutland's small size to utilise our resources and assets;
- i) Represent Rutland at LLR, regional and national platforms to ensure Rutland's voice is heard.

## **10.5 Sub-groups**

~~10.5.1 There will be two permanent sub-groups of the Board:~~

- a) ~~**Children's Trust Board**: Responsible for the development and improvement of services for children and young people 0 – 19 years, (and to the age of 25 years for some vulnerable young people), overseeing the delivery of the agreed vision and priorities of the Children, Young People and Families Plan and ensure that relevant information is provided to those responsible for care for 19 – 25 years where appropriate~~
- b) ~~**Rutland Health and Care Board**: Responsible for health and care needs in Rutland, managing the resources available to do this and working in partnership to provide leadership, direction and assurance to the integration and enhancement of health and care services in Rutland, with a particular focus on key local change programmes contributing to this aim.~~

~~10.5.2 The Terms of Reference for each of these sub-groups is attached in Appendix A, also addressing reporting requirements and timescales. Additional sub-groups may be formed on a time limited basis at the request of the Board to address specific issues or undertake specific pieces of work. Where additional sub-groups are formed, the Chair of the Board will appoint a Chair for the sub-groups and agree reporting requirements and timescales.~~

## **10.6 Safeguarding**

~~10.6.1 The Board works in line with the agreed protocol in place with the Leicestershire & Rutland Children's Safeguarding Board (LRSCB) and the Leicestershire & Rutland Safeguarding Adults Board (LRSAB). The protocol outlines the relationship between the Boards, how safeguarding shall be taken into account within the business of the HWB, and how health & wellbeing shall be taken into account within the business of the LRSCB and the LRSAB.~~

~~10.6.2 The protocol shall be approved by both the Board and by the LRSCB and the LRSAB, and reviewed at least three yearly.~~

## **10.7 Membership**

~~10.7.1 The minimum membership of the Board shall consist of:~~

- a) ~~Two representatives from the East Leicestershire and Rutland Clinical Commissioning Group (2).~~
- b) ~~Two local elected representatives (2) to be the Portfolio Holder for Health and the Portfolio Holder for Children's Services~~
- c) ~~The Strategic Director of Adult Services and Health for Rutland County Council (1).~~
- d) ~~The Director of Public Health for Rutland County Council (1).~~
- e) ~~One representative of Rutland Healthwatch (1)~~

- ~~f) One representative from the Voluntary and Community Sector (1) (Non statutory member).~~
  - ~~g) One representative from NHS England (1).~~
  - ~~h) One representative from a Registered Social Landlord (1) (Non statutory member).~~
  - ~~i) One representative from Leicestershire Constabulary (1) (Non statutory member).~~
  - ~~j) and such other persons as the local authority and/or the Board thinks appropriate in order to bring particular skills, knowledge and/or perspectives, including, but not limited to: additional voluntary sector representatives; clinicians; provider representatives.~~
- ~~10.7.2 Members can appoint a maximum of one deputy to attend meetings in their absence. Members (and their nominated deputy) will act with the necessary delegated responsibility from their organisation and take decisions on behalf of that organisation in relation to the work of the Board.~~

## **10.8 Voting**

- ~~10.8.1 All members of the Health and Wellbeing Board are allowed to vote (unless the County Council directs otherwise).~~
- ~~10.8.2 Rutland County Council's Meeting Procedure Rules in relation to voting apply; however it is hoped that decisions of the Board can be reached by consensus without the need for formal voting.~~
- ~~10.8.3 Decisions can be taken by the Chairman where necessary for reasons of urgency outside of formal meetings. Any decisions taken outside of formal meetings shall be recorded at the following meeting along with the reasons for the urgency and the basis for the decision.~~

## **10.9 Standing Orders and Meetings**

- ~~10.9.1 The Access to Information Procedure Rules and Meeting Procedure Rules (Standing Orders) laid down by Rutland County Council will apply with any necessary modifications including the following:-~~
  - ~~a) The Chairperson will be Rutland County Council's Leader or Portfolio Holder for Health; the vice chair will be elected from one of the other statutory members of the Board.~~
  - ~~b) The quorum for a meeting shall be a quarter of the membership including at least one elected member from the County Council and one representative of the East Leicestershire and Rutland Clinical Commissioning Group.~~
- ~~10.9.2 Administration support will be provided by Rutland County Council~~

~~10.9.3 There will be standing items on each agenda to include:~~

- ~~Declarations of Interest~~
- ~~Minutes of the Previous Meeting~~
- ~~Matters Arising~~
- ~~Updates from each of the subgroups of the Health & Wellbeing Board~~

~~10.9.4 Meetings will be held in public at least quarterly (4 times a year).~~

~~10.9.5 The Board may also meet for workshops or seminar sessions and for Board learning and development. These meetings will be informal and not held in public.~~

## **10.10 Review**

~~10.10.1 These Terms of Reference will be reviewed at least annually, and more frequently where circumstances dictate appropriate.~~

## **SECTION 11 – CONSTITUTION COMMISSION**

The Constitution Commission has been appointed by Rutland County Council to review, monitor, and where necessary, recommend changes to the Constitution to full Council, in consultation with the Monitoring Officer, to ensure that it is fit for purpose.

It will undertake this role by:

- a) Reviewing areas in the Constitution to ensure that they are fit for purpose and put forward appropriate changes;
- b) Receiving requests to review certain areas of the Constitution;
- c) Considering changes proposed by Members, Officers and Committees;
- d) Recommending proposed changes to Council for approval.
- e) Being informed by the Monitoring officer where minor or consequential amendments to the Constitution have been made.

The Constitution Commission shall comprise of seven members and will be politically balanced. The Chairman and Members will be appointed at the Annual Council Meeting.

## **SECTION 12 - DELEGATION TO OFFICERS - GENERAL**

### **Officer Scheme of Delegation**

#### **11.1 Introduction**

11.1.1 This scheme has been adopted by Rutland County Council and sets out the extent to which the powers and duties of the Council are delegated to officers under the Local Government Act 1972, the Local Government Act 2000 and all other powers enabling delegation to officers. It is adopted with the intention of giving a streamlined, clear and simple decision-making process. It should be interpreted widely.

- 11.1.2 Under this scheme officers must keep Members properly informed of action arising within the scope of these delegations. Officers must liaise closely with the relevant Portfolio Holder on executive functions and the relevant Chairman of the regulatory committee when the matter falls within the remit of that committee.
- 11.1.3 All references to legislation shall be deemed to include any subsequent amendments to such legislation.
- 11.1.4 Under section 101 of the Local Government Act 1972 the Council may authorise an officer of the authority to commission and monitor work for and on behalf of the Council by people who are not officers of the authority and such people will be bound by this scheme, and the obligations contained in it, at all times when engaged on Council business (e.g.. Peterborough Legal Services).
- 11.1.5 References to powers of ‘the Council’ include functions of Cabinet.
- 11.1.6 Any reference to a function/service area shall be deemed to include a reference to all statutory powers relating to that function and shall be deemed to include authority to exercise all such powers.
- 11.1.7 All delegations are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.
- 11.1.8 The specific delegations should not weaken the general delegations and are included to ensure that it is clear that those powers have been granted.
- 11.1.9 All delegations to officers are subject to:
- Statutory requirements
  - Contract Procedure Rules
  - Financial Procedure Rules
  - Consideration of the policies and plans of the Council
  - The Employee Code of Conduct and adopted protocols
  - Any financial limits set out in any budget agreed by Council and in accordance with Financial, Contract and Property Procedure Rules
  - The Budget and Policy Framework set by Council and any other Council policy having regard to any report by the Head of Paid Service, the Monitoring Officer or the Officer designated under section 151 of the Local Government Act 1972
  - Any provision contained within this Constitution
- 11.1.10 Where an officer has delegated powers, the Council or the Cabinet or a Committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so. Equally it is always open to an Officer not to exercise delegated powers but to refer the matter as appropriate.

## **11.2 Exclusions**

- 11.2.1 This Scheme does not delegate:
- Any matter which by law may not be delegated to an officer

- Any matter which is specifically excluded from delegation by this scheme, by a decision of the Council, the Cabinet/Executive or a Committee or Sub-Committee.

### **11.3 Authorisations to other Officers**

- 11.3.1 Officers with delegated powers may in writing authorise another officer or officers to exercise those powers. Such authorisations may be subject to limitations and conditions. The officer with the delegated powers must keep a register of all authorisations granted. Copies must also be sent to the Governance Manager.
- 11.3.2 In relation to the exercise of the authority in relation to budgets the Agresso system will contain the definitive list of budgetary authority in addition to any specific written delegations provided by either officers, committee, Cabinet or Council.

### **11.4 Reserve Delegations**

- 11.4.1 The delegated powers held by a post may be exercised by the line manager of that post (or by their line manager) if:
- that post is vacant
  - the post-holder is not at work for any reason
- 11.4.2 This does not apply to Proper Officer appointments

### **11.5 Consultation**

- 11.5.1 Officers shall consult as appropriate and have due regard to the advice given. If for any reason it is not practical to consult a person required to be consulted in the exercise of a delegation then the person with the delegated power must consult someone else whom he/she considers to be an appropriate substitute. In particular, consultation must take place with legal, finance and human resources as appropriate.

### **11.6 Restriction on delegations to Chief Officers/Deputy Chief Officers**

- 11.6.1 Delegations to Chief Officers/Deputy Chief Officers shall not be exercised if the Head of Paid Service, or a Director, or the Monitoring Officer, or Section 151 Officer, has given a direction to that effect.
- 11.6.2 The Chief Executive may consider in respect of any matter that the delegated authority should not be exercised and that it should be referred for consideration to the appropriate Cabinet, Committee or Health and Wellbeing Board.
- 11.6.3 In the absence of the Chief Executive the Directors may exercise any delegated power possessed by the Chief Executive
- 11.6.4 In the absence of a Director, another Director or Deputy Director may exercise any delegated power possessed by that Director.

### **11.7 Transfer of Functions**

- 11.7.1 Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet or a Committee/Sub Committee.
- 11.7.2 Where a service is restructured, the Chief Executive and/or relevant Director shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer.

## **11.8 Proper Officers**

- 11.8.1 In addition to the specific powers delegated to Strategic Management Team, local government legislation specifies that certain officers must have responsibility for a number of specific functions as set out in the various acts of parliament. Each officer with such responsibility is known as the “Proper Officer” in relation to that task. The list of Proper Officers is approved by the Council and is attached at Appendix One
- 11.8.2 The Council is also required to appoint certain officers known as Statutory Officers to take responsibility for functions specified in local authority legislation. These functions are in addition to the Scheme of Delegation and are set out below.

## **11.9 General Powers delegated to Strategic Management Team**

	<b>Delegation</b>	<b>Exception</b>
11.9.1	To exercise within approved budgets all matters of day to day administration and operational management of the services and functions for which they are responsible.	
11.9.2	To take all necessary action to achieve and implement the objectives and actions set out in approved policies, strategies, plans and decisions of Council or committees.	
11.9.3	To make orders, sign licenses and notices relevant to their service areas.	
11.9.4	To make decisions on any objection submitted which relates to a proposal, application or other matter within their service area, subject to Committee Terms of Reference.	
11.9.5	<b>To take all relevant regulatory and enforcement action in connection with the exercise of functions, including without limitation, issuing any form of Notice, Order, Caution, an injunction or authorising the commencement of proceedings in relation to such matters.</b>	

	<b>Service of any statutory notices affecting their service area.</b>	
11.9.6	To exercise the Council's powers to enter land and premises (and to authorise others to enter land and premises) for the purposes of any of the Council's functions which the officer has responsibility for enforcing or investigating.	
11.9.7	To instruct the Council's Legal Service with respect to any legal matter concerning their department or services in consultation with the Monitoring Officer.	
11.9.10	To exercise the Council's power to publish information about its services including deciding the content of any publication.	
11.9.11	To respond to consultations including statutory consultations if there is not sufficient period of time to take to the relevant formal body for their comments.	
11.9.12	To decide the terms upon which services will be provided to the public (which may include providing services on different terms to different individuals or classes of individuals).	
11.9.13	The employment of all employees below Outside SMT level including determining the most appropriate means of recruitment and selection	
11.9.14	The decision to recruit permanent, temporary or agency staff within the services budget	
11.9.15	Formulation, review and revision of person specifications and job descriptions for posts within their service areas	
11.9.16	Application of conditions of service including the authorisation of leave of absence, payment of honoraria and scales of pay	
11.9.17	Suspension or dismissal of employees at or below Head of Service level	
11.9.18	To authorise payments for overtime in accordance with Council procedures.	

11.9.19	To deal with procurement matters acting at all times within the Council's Financial and Contract Procedure Rules	
11.9.20	To acquire, dispose of, grant and obtain rights in land and premises on such terms and conditions as considered appropriate	Limitations are as set out in the Financial Procedure Rules
11.9.20	To acquire, dispose of, grant and obtain rights in vehicles and other equipment and property	Limitations are as set out in the Financial Procedure Rules
11.9.21	To commission goods, services and works within approved budgets.	
11.9.22	To deal with media enquiries and press releases in conjunction with the Communications Officer who will contact the relevant Members.	
11.9.23	To represent the views of the Council in responding to consultations with the Council by any outside body where it is expedient to do so or where the period for a response does not allow the consultation paper to be reported to Members, subject to contacting the relevant Portfolio Holder.	Where the matter is politically contentious (as determined by the Leader/Deputy Leader) it must subsequently be reported to the next Cabinet/Council as appropriate.
11.9.24	To work with partners to achieve and implement the objectives and actions set out in the approved Corporate Plan, policies, strategies or other plans.	
11.9.25	Responding as the Responsible Authority within responsible service area	
11.9.26	To authorise Inspectors, officers and persons required to perform statutory duties, including the issuing of fixed penalty notices, the inspection of premises and the issuing of notices	

### **Specific Delegations**

#### **11.10 Chief Executive Officer**

	<b>Delegations</b>	<b>Exceptions</b>
11.10.1	In accordance with the strategies, policies and priorities of the Council and the	

	general conditions of this Scheme, to exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff)	
11.10.2	To do, or authorise to be done, any act or thing necessary to effect any decision of the Council	
11.10.3	To determine the list of politically restricted posts within the Council and to issue certificates under Section 3 of the Local Government and Housing Act 1989	
11.10.4	To express the views of the Council with regard to Local Government and the functions associated with it, within the general policy laid down from time to time by the Council or its Committees and to act thereon	
11.10.5	<p>To take any urgent action necessary in the event of a civil emergency and deal with matters relating to civil protection/emergency planning arising from the Council's powers and duties under the appropriate legislation.</p> <p>These powers are only to be used to address issues that directly relate to the civil emergency and the recovery from that emergency. All other decisions should be made using either powers contained elsewhere in the Scheme of Delegation or through Council, Cabinet or Committee as appropriate”</p> <p>A log of all decisions relating to the emergency will be kept and circulated regularly to all Councillors</p>	
11.10.5A	<b>To take any action necessary action in relation to executive functions on the ground of urgency, efficiency, or cost where the Council has not elected a leader or deputy leader and the posts are vacant.</b>	
11.10.6	If there is an urgent need for a commercial decision, the Chief Executive Officer, following consultation with the Leader	

	and/or Deputy Leader shall make the decision and endorsement will be sought from the Cabinet or Council as appropriate.	
11.10.7	To consider and report on any report of the Local Government Ombudsman or the Housing Ombudsman and to decide on and implement the action to be taken and to approve and make compensation payments on the recommendation of the Ombudsman whether or not a budget exists	Decisions above £5000 must be decided by Cabinet
11.10.8	To implement or remove shared services with another local authority or public sector body by taking any action necessary to facilitate the arrangements including entering into and terminating agreements and granting delegations.	Subject to any agreements being within existing delegated powers and budget where it is proposed to grant and within existing budgets where it is proposed to remove such an arrangement.
11.10.9	To make authorisations of officers from services at Rutland County Council to carry out appropriate statutory powers within another Local Authority.	
11.10.10	To issue/grant such authorisations as may be necessary to enable any employee to undertake with full legal force the full range of their duties subject to such authorisation remaining only in force until the next ordinary meeting of the Committee which has authority to issue/grant such authorisations.	
11.10.11	To determine all staffing matters (within approved budgets) including but not limited to: (i) determining matters relating to structure (additions, reductions post title changes and other changes to the establishment) (ii) the appointment, dismissal, suspension or discipline of staff save that in relation to the Chief Executive Officer and any of the Chief Officers	Major restructures (as determined by the Leader/Deputy Leader) should be determined by Council Suspension of Monitoring Officer and Section 151 Officer limited to suspension for a maximum of 2 months.
11.10.12	To deal as Parish Trustee, with applications for dispensation under Section	

	97 of the Local Government Act 1972 unless they are of such a sensitive nature as to require them being considered by the Cabinet.	
11.10.13	To make and revoke Member appointments to outside bodies in consultation with the Leader.	
11.10.14	To approve expenditure in pursuance or determination of any employment related disputes including settlement agreements	
11.10.15	To amend the Polling Place Scheme between reviews.	
11.10.16	In common with the Monitoring Officer in consultation with the Chairman of Council to decide on any application for extended absence by a Councillor.	
11.10.17	Amend and update any policies in line with changes to employment legislation/regulation. Members of the Employment and Appeals Committee should be advised in writing. For the avoidance of doubt this applies to procedures and policies that Members have previously approved	

### 11.11 Strategic Director **Children for People**

	<b>Delegations</b>	<b>Exceptions</b>
11.11.1	In accordance with the strategies, policies and priorities of the Council and the general conditions of this Scheme, to exercise the Council's functions relating to Adults and Children's Services, including social care and intervention services for adults, children and young people, adoption, youth offending residential establishments, schools, further education, the youth service, care packages <b>for children and young people</b> .	
11.11.2	Following consultation with the Portfolio Holder for Children and Young People's Services to agree minor amendments to the Local Management of Schools Scheme	

11.11.3	<p>To approve and authorise payment of mandatory and discretionary awards, grants, including the approval and payment of fees, loans and travelling expenses with the functions responsible for. In cases of students who are not eligible for awards including (to a maximum of £1,000).</p>	<p>Payments to be made in accordance with Approved Schemes</p> <p><u>Maximum of £1000 to any one organisation per year</u></p> <p>Boarding Grants, assistance to pupils for out of school courses and individual grants to talented students in schools and colleges</p> <p>Grants to youth organisations to cover equipment, maintenance and rent of premises</p> <p><u>Maximum of £200 in any one case</u></p> <p>Grants for Youth Leaders and members of organisations attending approved courses</p>
11.11.4	<p>To exercise any of the Chief Executive Officers delegations in their absence.</p>	

11.11.5	Implementing or determining, subject to any rights of review or appeal which may apply, all matters concerning the Statutory Public Health complaints procedure.	
11.11.6	Setting, varying and recovering charges in respect of certain steps taken in the exercise of health improvement duties.	
11.11.7	To arrange care for Children and Young Persons in need and in response to the directions of the Court, including those young persons in transition.	
11.11.8	To prepare reports to the Court relating to care proceedings.	
11.11.9	To report to the Portfolio Holder for Children and Young People's Services and OFSTED, as appropriate, the death of a child in care.	
11.11.10	Power to give approval to County pupils and students attending schools and colleges outside the County and authorisation of recoupment charges.	
11.11.11	To agree allocation, transport and attendance of pupils and welfare of schools, colleges and other establishments where those powers are not delegated to Governing and Managing Bodies, Heads and Principals.	
11.11.12	To allocate responsibility allowances within the approved scheme where those powers are not delegated to Governing Bodies	
11.11.13	To exercise the powers and duties through authorisation of the Education Welfare Officer under Sections 443 and 444 of the Education Act 1996.	
11.11.14	Power to apply approved arrangements for centrally appointed teachers.	
11.11.15	Power, in consultation with the Portfolio Holder for Children and Young People's Services to approve claims for compensation up to a maximum of £1,000 in those cases which are not covered by the County Council's insurance.	
11.11.16	Power to approve applications from teachers for premature retirement.	

11.11.17	Power to implement payments and make all necessary arrangements depending on local circumstances, for the supply of meals to pupils eligible for free school meals.	
11.11.18	Power to publish annually information required by the Education Act 1996.	
11.11.19	Power to authorise appropriate transport arrangements where necessary in cases where there has been a difficulty or embarrassing pupil history at a school.	
11.11.20	Power to authorise amendments to Instruments of Government for schools under the responsibility of the Local Authority.	
11.11.21	To respond to National Curriculum Consultation Documents where the timescale for consultation does not allow consideration of responses by the appropriate body.	
11.11.22	Power to give grants to youth organisations to cover equipment, maintenance and rent of premises, not exceeding £1,000 to any one organisation per year and the authorisation of grants for Youth Leaders and members of organisations attending approved courses, not exceeding £200 in any one case.	
11.11.23	To deal with day-to-day management of property under the control of the Services for Children People department including location of mobile classrooms and property consideration of requests by Governors for disposal of small pieces of land.	
11.11.24	Following consultation with the relevant Portfolio Holder to agree minor amendments to the Local Management of Schools Scheme.	
11.11.25	Power to make arrangements to comply with the Local Authority duty under Section 19 of the Education Act 1996 to make exceptional provision of education otherwise than at school, through service provision based on a minimum of 25 hours per week education.	
11.11.26	To deal with all matters under Part IV of the Education Act 1996 relating to special educational needs provision for children in the County.	
11.11.27	<del>To approve and authorise payment of mandatory and discretionary awards, grants, including the approval and</del>	<del>Maximum £1000</del>

	<del>payment of fees, loans and travelling expenses in cases of students who are not eligible for awards. Payments to be made in accordance with Approved Schemes including Boarding Grants, assistance to pupils for out of school courses and individual grants to talented students in schools and colleges.</del>	
11.11.28	To arrange appropriate care for persons in need, including young persons in transition.	
11.11.29	To prepare reports to Courts relating to individuals as requested by the Court.	
11.11.30	To report to the Portfolio Holder , the Schools Commissioner and the Office for Standards in Education, Children's Services and Skills , as appropriate, significant events relating to persons receiving services provided or arranged by the Department.	
	<b>1.11A Strategic Director for Adult Services</b>	
11.11A.01A	In accordance with the strategies, policies and priorities of the Council and the general conditions of this Scheme, to exercise the Council's functions relating to Adults Services, including social care and intervention services for adults and care packages.	
11.11A.01	To receive persons into the Guardianship of the Authority under the Mental Health Act.	
11.11A.02	To apply to the Courts for the displacement of the nearest relative or to the Court of Protection under the Mental Health Act.	
11.11A.03	Payment of grants and negotiation of Service Level Agreements with Voluntary Organisations .	
11.11A.04	To report to the Portfolio Holder and the Care Quality Commission, as appropriate, significant events relating to persons receiving services provided or arranged by the Department excluding the expected death or natural illness of elderly persons.	
11.11A.05	In accordance with the strategies, policies and priorities of the Council and the general conditions of this Scheme, to exercise the Council's functions relating to Adults, including social care and intervention services for adults.	
11.11A.06	To deal with day-to-day management of such property under the control of the Services for People that fall within the Directors area of responsibility.	

11.11A.07	To administer the day-to-day arrangement of the following functions under Housing legislation:  a) Homelessness  b) the Council's Housing waiting list  c) Shared Ownership	
11.11A.37	To prepare all legal documents associated with the provision of housing and the administration of social service functions	

## 11.12 Strategic Director for Places

11.12.1	In accordance with the strategies, policies and priorities of the Council and the general conditions set out in this Scheme, to exercise the Council's functions with regard to Libraries, Museums, Archaeology, Archives and the Arts Town and Country Planning, Highways, Transportation, the Environment, Waste Disposal, Waste Management, Trading Standards, Consumer Protection, Animal Health and Welfare, Fire and Rescue, Emergency Planning and Economic Development, Consumer Protection, Environmental Health, Pest Control, Health and Safety, Food Safety, Drainage, Cemeteries and Burial Grounds under the control of the Council, Sunday Trading, Animals, Pollution, Emergency Planning, Gypsies and Travellers, Building Control, Anti-Social Behaviour Act(s) and other functions as may be allocated to the role from time to time.	<p>Withdrawal or major modification of public facilities should be determined by Cabinet</p> <p>Approval of planning applications and proposals in accordance with the Development Plans where objections are raised by statutory consultees or/and have more than four individual representations raising planning related objections;</p> <p>Approval of minerals and waste applications requiring Environmental Impact Assessments;</p> <p>Approval of applications for County Council development where no more than four individual representations raising planning-related</p>
---------	--	---

		objection are received and the Executive Director of Community and Environmental Services determines, in consultation with the Chairman of the Planning (Regulatory) Committee, that the application should be determined by the Committee.
11.12.2	To add small schemes (less than £50k) to the capital programme on the condition that all decisions are reported in the Quarterly Finance Report	
11.12.3	To agree variations from the total amount of developer contributions required by agreements made under section 106 TCPA 1990 or in accordance with Supplementary Planning Documents (SPD) up to and including £50,000	Variation must not exceed 20% for all developments except for affordable housing which is subject to a Cabinet proposal dated 19 March 2013
11.12.4	<p>To agree variations of payment of developer contributions of any amount where:-</p> <ul style="list-style-type: none"> <li>a) affordable housing payments from developments of one or two dwellings are deferred until completion or occupation (in accordance with Cabinet Decision No 831 of 2012/13), provided that the full affordable housing contribution still has to be paid by that time; or</li> <li>b) where development of a single new dwelling or annexe is within the curtilage of the existing family home and is to be occupied for up to seven years by a direct family member or carer with no transfer of ownership, with both properties remaining in direct family ownership (in accordance with Cabinet Decision No 831 of 2012/13); or</li> <li>c) the payment is capped to anticipated CIL levels pending the introduction of CIL (in accordance with Cabinet Decision No 830 of 2012/13)</li> </ul>	

11.12.5	To certify interim and final adoption certificates for highways built to standards specified by the Council and put forward for adoption	
11.12.6	To make minor changes to Traffic Regulation Orders in consultation with the ward Member(s)	
11.12.7	To make amendments to approved highway schemes subject to consultation with the Portfolio Holder To substitute highway schemes in place of the approved programme where it is not possible to progress an approved scheme within the year, subject to there being no change in the approved budget and subject to consultation with the Portfolio Holder	
11.12.8	To carry out a periodic review of housing needs under S.8 of the Housing Act 1985	
11.12.9	To authorise officers to enter premises in order to carry out duties	
11.12.10	To administer the day to day arrangement of the following functions under Housing legislation  a) Heating Grants, Improvement Grants b) Improvement Notices c) Slum Clearance d) Overcrowding e) Houses in multiple occupation and common lodging houses f) Unfit Housing	
11.12.11	To authorise Inspectors, officers and persons required to perform statutory duties, including the issuing of fixed penalty notices, the inspection of premises and the issuing of notices.	
11.12.12	To arrange for the day-to-day management of Consumer Protection, Control of Environmental Health, Pest Control, Health and Safety, Food Safety, Drainage, Cemeteries and Burial Grounds under the control of the Council, Sunday Trading, Animals, Pollution, Emergency Planning, Gypsies and Travellers, Community Safety and Anti-Social Behaviour.	

11.12.13	<p>To undertake the functions of the Council as Weights and Measures authority by virtue of</p> <ul style="list-style-type: none"> <li>(a) Section 8(2) Customs and Excise Management Act 1979 (as amended)</li> <li>(b) Section 169 Licensing Act 1964 (as amended)</li> <li>(c) Part 8 Enterprise Act 2002           <ul style="list-style-type: none"> <li>(a) Tobacco Advertising and Promotion Act 2002</li> </ul> </li> </ul>	
11.12.14	To approve drainage of buildings in combination	
11.12.15	To take all appropriate action under statute to abate Environmental Nuisance including requiring culverting of watercourses, dealing with watercourses, ponds and sanitary appliances	
11.12.16	To carry out, in accordance with Statutory Powers available to this Authority, the maintenance of all registers, issuing and making representations with regard to all Licences or Consents and exercising associated control and day to day administration, inspection of premises including powers of entry (including obtaining warrants), service of notices and execution of works in default, compliance on behalf of owners or occupiers.	
11.12.17	Provided always that any such matters which relate to infectious diseases and of food poisoning should be carried out in consultation with a medically qualified proper officer or which relate to meat hygiene for which the Council has appointed an official veterinary surgeon.	
11.12.18	To carry out all powers and duties of the Council contained in Statutes relating to matters delegated to the Strategic Director for Places above.	
11.12.19	Day to day grounds management and maintenance	
11.12.20	To make observations and responses in relation to planning policy consultation documents and	

	to make planning policy related submissions in circumstances where it is not practicable or appropriate to obtain formal Committee approval in advance.	
11.12.21	To make minor wording and other amendments to planning policy documents in the course of their preparation to correct errors, to update their content and to ensure consistency.	
11.12.22	To administer the Building Act 1984 and Building regulations, make decisions on applications and exercise the Council's powers, duties and responsibilities thereunder, including the issuing of notices, execution of work and recovery of expenses and authorisation of approved inspections and to implement and administer the duties of the council in respect of the receipt of Approved Inspectors and public bodies notices and certificates.	
11.12.23	To be the designated Proper Officer who will undertake the specific responsibilities for ensuring the duties stated within the Counter Terrorism and Security Act 2015 (CTSA) (in particular Section 36) are upheld by the Council and have delegated authority to do so.	

### 11.13 Strategic Director of Resources

11.13.1	To determine whether an employee who has left the employment of the Councils shall be granted early release of pension subject to approval of the budgetary implications.	
11.13.2	To act as the Section 151 Officer for the Council in accordance with the duties set out in the legislation.	
11.13.3	To approve the Draft Statement of Accounts prior to consideration by External Audit.	
11.13.4	After consultation with the relevant Portfolio Holder to authorise the write off of bad debts	Approval limit of £2,500. Larger debts will be included in a report for information to the Cabinet.

11.13.5	To authorise any amendments to the list of named officers that may prove necessary during the course of the financial year in relation to the duties identified in accordance with s.223 of the Local Government Act 1972.	
11.13.6	Changes to the Audit Plan in consultation with the Chair of Audit and Risk Committee	Changes must be reported to Audit and Risk Committee at the earliest opportunity
11.13.7	To arrange the Council's borrowing	
11.13.8	To effect Loan Debt Management, including taking up and repayment of loans and approval of terms	
11.13.9	To implement rent reviews in accordance with Valuer's instructions	
11.13.10	To invest surplus funds	
11.13.11	To administer all matters relating to Housing, Council Tax and Rating administration including billing collection recovery administration of benefits representation at Court and Tribunals (in consultation with the Chief Executive where appropriate) determination of exemptions maintenance of the valuation list refunds and relief	
11.13.12	To collect revenues and disbursements from the collection fund and general fund.	
11.13.13	To administer Pt.XIV of the Housing Act 1985 – Housing Advances	
11.13.14	The functions of the Council in relation to the naming of streets and numbering of houses	
11.13.15	To undertake the necessary work to approve the National Non Domestic Rates (NNDR) 1 form as required by The Local Government Finance Act 2012.	

#### **11.14 Deputy Director: Corporate Governance Director of Law and Governance and Monitoring Officer**

11.14.1	In accordance with the strategies, policies and priorities of the Council and the general	
---------	---	--

	conditions set out in this Scheme, to exercise the Council's functions with regard to Legal Services, Governance, Business Support and Projects	
11.14.2	To monitor the use of the Gifts and Hospitality Registers and to maintain and sign acknowledgement of entries in the Gifts and Hospitality Register.	
11.14.3	To make amendments or corrections to the Constitution as necessary and any amendment necessary to ensure compliance with the law	In Consultation with the Chief Executive <b>and subject to reporting to the next meeting of the Constitution Commission.</b>
11.14.4	To receive petitions in accordance with the Council's Petitions Scheme.	
11.14.5	To receive applications in accordance with Chapter 2 of the Localism Act 2011.	
11.14.6	To receive applications in accordance with Chapter 3 of the Localism Act 2011.	
11.14.7	To take all actions necessary and appropriate in order to protect the legal position of the Council and where necessary to preserve the options of the Council where a formal decision of Cabinet, Council or a Committee is required	Where the proposed action is likely to exceed the service budget the decision is to be taken in consultation with the Director of Resources.
11.14.7A	<b>To take all relevant regulatory and enforcement action in connection with the exercise of functions, including without limitation, issuing any form of Notice, Order, Caution, an injunction or authorising the commencement for proceedings.</b>	
11.14.8	In common with the Chief Executive in consultation with the Chairman of Council to decide on any application for extended absence by a Councillor	

**SECTION 13 – CABINET/EXECUTIVE SCHEME OF DELEGATION – Move Part 8  
Members of the Executive to this Part**

This page is intentionally left blank

**Rutland County Council**

**PART 4 - OF THE CONSTITUTION**

**RULES OF PROCEDURE**

**For approval following CRWG 12 April 2022**

## **CONTENTS**

INTRODUCTION AND GUIDANCE TO USING PROCEDURE RULES .....	2
GUIDANCE ON PROCEDURE RULES .....	2
ADVISORY NOTES ON COUNCIL PROCEDURE (These notes apply to all Council and Committee Meetings) .....	2
SECTION 1 - COUNCIL PROCEDURE RULES .....	3
SECTION 2 - COMMITTEE PROCEDURE RULES .....	42
SECTION 3 - CABINET PROCEDURE RULES .....	73
SECTION 4 - SCRUTINY COMMITTEE PROCEDURE RULES.....	87
SECTION 5 - ACCESS TO INFORMATION PROCEDURE RULES.....	106
SECTION 6 - BUDGET AND POLICY.....	118
SECTION 7 - OFFICERS EMPLOYMENT PROCEDURE RULES .....	123
<del>SECTION 8 - MEMBERS PROCEDURE RULES .....</del>	<del>129</del>

**Section 8 has moved to the new Code of Conduct agreed by Council on 11 April 2022**

## **INTRODUCTION AND GUIDANCE TO USING PROCEDURE RULES**

- 1) Procedure Rules are the Council's internal regulations for ensuring good practice and compliance with the law in the conduct of its business. They are divided into the following sections:

Failure to comply with Procedure Rules can have serious consequences both for the Council and for any individual Members and/or Officers concerned. Procedure Rules should be followed regardless of whether they were designed by the Council or imposed by statute. Failure to do so may result in any of the following serious consequences:

- a) A successful complaint to the Ombudsman for maladministration.
- b) Judicial Review of the Council's decision.
- c) A District Auditor ruling that expenditure is unauthorised and unlawful.

## **GUIDANCE ON PROCEDURE RULES**

If you need help in understanding or implementing these regulations, advice and guidance can be obtained from the Governance Team in the first instance (governance@rutland.gov.uk).

### **ADVISORY NOTES ON COUNCIL PROCEDURE (These notes apply to all Council and Committee Meetings)**

#### **1) Debate, Relevance and Involvement**

Members should refrain from raising matters not strictly relevant to the business contained in the agenda.

Members participating in debate should bear in mind the principle of speaking only once. Excessive involvement by some Members can restrict contributions from others and lengthen meetings. In addition, the person presiding has the discretion not to invite additional comment or questions where they feel this appropriate.

#### **2) Entering or leaving a Meeting in Progress**

Members entering, leaving or re-entering a meeting which is in progress should clearly indicate their arrival, departure or re-entry to the Chairman and should receive an acknowledgement before doing so.

#### **3) Information**

In the interests of efficiency, Members should obtain factual information on agenda items from Officers prior to a meeting.

Members wishing to submit written information on an agenda item should refer the matter to the Chief Executive and the Chairman of the Council at least 24 hours before the meeting.

**4) Interests**

Members should try to avoid seeking an Officer's advice on pecuniary or Code of Conduct interests either immediately before or during a meeting. If Officer advice is needed, it is important to give adequate time for consideration before a meeting.

The decision whether or not to declare an interest is the individual Member's responsibility. See RCC Constitution Part 5 - Members Code of Conduct relating to Members' Interests and Procedure Rule 26(3) relating to the Chairman's duty to ensure that everything to be discussed is lawful.

**5) Smoking**

Smoking is not permitted in any of Rutland County Council's premises, including perimeter grounds such as car parks.

**6) Voting**

Members are expected to indicate their intentions when voting on any issues by clearly raising their hands until the Committee Administrator announces the result. This will not apply when there is a secret ballot.

**7) Standards of Dress**

~~Members are asked to observe a standard of dress in keeping with Council Meetings, guidance can be obtained from the Governance Team.~~

**SECTION 1 - COUNCIL PROCEDURE RULES**

**(Procedure Rules 1-69)**

**PROCEDURE RULE 1**  
**DEFINITION AND INTERPRETATION OF PROCEDURE RULES**

- 1) The ruling of the Chairman on the definition, interpretation or application of these Procedure Rules, or on any proceedings of the Council, shall not be challenged at any meeting of the Council.
- 2) The definitions of terms used in the Constitution shall apply to these Procedure Rules. See also Page iii-vi of the Introduction to the Constitution.

## **PROCEDURE RULE 2**

### **MEETINGS OF THE COUNCIL**

#### **1) Annual Meeting of Council**

- a) The Annual Meeting of the Council shall be held:
  - i) in the year of the ordinary election of councillors to the Council within 8 to 21 days of the retirement of the outgoing councillors. This will normally be on the third Monday after the day of the election unless the Chief Executive determines otherwise.
  - ii) in other years within the months of March, April or May.
- b) The Order of the Agenda for the Annual Meeting of the Council is prescribed in Procedure Rule 22.

#### **2) Ordinary Meetings of Council**

- a) Ordinary Meetings of the Council shall be held on dates fixed by the Council at its Annual Meeting.
- b) Any dates can be varied by the Chairman and/or the Vice-Chairman of the Council with good reason.
- c) The order of the agenda for an Ordinary Meeting of the Council is prescribed in Procedure Rule 23.

#### **3) Special Meetings of the Council**

- a) A Special Meeting can only be called for a specific purpose and only an item or report appearing on the agenda can be considered at the meeting.
- b) Those listed below may request the Chief Executive to summon a Special Council Meeting at any time in addition to ordinary meetings:
  - i) the Council by resolution.
  - ii) the Chairman of the Council.
  - iii) the Vice-Chairman of the Council in the Chairman of the Council's absence.
  - iv) the Monitoring Officer.
  - v) any five members of the Council in accordance with 3) e) below.
- c) When the Chairman or Vice-Chairman of the Council decides to call a Special Meeting of the Council, he shall immediately inform the Chief Executive in writing that he has done so, the business to be transacted and the date, time and place for which the meeting is called. The Chief Executive will then ensure that the Notice and summons are properly issued, published and distributed.

- d) The Monitoring Officer can require the Chief Executive to call a Special Meeting of the Council by submitting a **written request** and giving the reasons for the request. This meeting must be held within 15 days of the receipt of the request unless the Monitoring Officer agrees to a later date.
- e) Five Members of the Council can require the Chief Executive to call a Special Meeting of the Council by submitting a written request. This meeting must be held within 15 working days of the receipt of the request unless the Members requesting the meeting agree to a later date.
- f) The order of the Agenda for a Special Meeting is prescribed in Procedure Rule 24.
- g) The Chief Executive may summon a Special Council Meeting.

### **PROCEDURE RULE 3**

#### **PLACE AND TIME OF MEETINGS**

- 1) Ordinary Meetings shall be held at Catmose and shall not start before 7.00pm, unless the Chairman of the Council and the Chief Executive decide otherwise for good reason.
- 2) The Chief Executive, in consultation with the Chairman and Vice-Chairman of the Council, may make arrangements to hold Meetings elsewhere if this is expedient to the business to be transacted. The start of a Meeting shall not be before 7.00pm unless varied by the Council or Chairman of the Council and the Chief Executive.

### **PROCEDURE RULE 4**

#### **NOTICE OF, AND SUMMONS TO A COUNCIL MEETING**

The Head of Paid Service will give notice to the public of the time and place of any meeting, in accordance with the Access to Information Procedure Rules. At least five clear working days before a meeting, the Head of Paid Service will send a summons, signed by him/her, by post or other electronic means, to every member of the Council, or leave it at their usual place of residence. The summons will be accompanied by all reports which are available. If a Special Meeting is called exceptionally within the specified time scale for an ordinary meeting the required Notice must be delivered to every member of the Council, published and displayed as soon as possible in accordance with the Rules (Access to Information Procedure Rules 230 - 269)

### **PROCEDURE RULE 5**

Reserved

### **PROCEDURE RULE 6**

#### **RECORDING OF COUNCIL MEETINGS**

- 1) In accordance with the Openness of Local Government Bodies Regulations the filming and recording of the public sessions **by the public** of any Council, Cabinet, committee or Committee meetings through any audio, visual or written methods will be allowed, providing this does not disturb the conduct of the meeting.
- 2) The Chairperson of the relevant meeting will have the power to withdraw this permission should it prove necessary due to disruptive behaviour, for example, through flash photography, intrusive camera or lighting equipment, noise interrupting the meeting or those observing the meeting or the behaviour of the person filming the meeting.
- 3) Whilst notice is not formally required, anyone intending to film or record at a meeting is asked to contact the relevant Governance Officer in advance of the meeting so that the Chairperson, other Members and any members of the public present can be informed, and the necessary arrangements made.
- 4) A designated area for those wishing to record proceedings will be provided and clearly sign-posted. All those visually recording a meeting must remain in designated areas within the meeting room and are requested to only focus on recording Members, officers and the public directly involved in the conduct of the meeting, members of the public who are not part of the meeting have not consented to being recorded, therefore should not be included in any recording activity.
- 5) Access to record proceedings is only available to meetings, which are open to the public. In limited defined circumstances, for example when confidential or exempt items are discussed, some meetings may need to be held in private or move to a private session during the meeting. In these cases, recording will not be permitted as the public will be excluded for the relevant part of the meeting.
- 6) This procedure rule should be read in conjunction with the Council's Protocol on Recording at Public Meetings.
- 7) The Council may arrange for any of its meetings to be filmed or recorded for live or subsequent broadcast via the council's internet site, or other social media platforms.

## **PROCEDURE RULE 7** **ACCESS TO INFORMATION**

The Access to Information Rules (Procedure Rules 230 to 269) apply to meetings of the Council.

## **PROCEDURE RULE 8** Reserved

## **PROCEDURE RULE 9** **RECORD OF ATTENDANCE**

~~Every Member attending a meeting shall sign his name on the attendance sheet provided for that purpose.~~ The name of every Member attending will be recorded in the official record of the meeting.

## **PROCEDURE RULE 10**

### **VOTING**

- 1) 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) If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.
- 3) Unless a recorded vote is demanded under rule 10.4 below, the Chair will take the vote by show of hands, or, if there is no dissent, by the affirmation of the Meeting.
- 4) The vote will take place by recorded vote if any five Members who are not disqualified from voting and clearly indicate their request before a vote is taken on a proposition. If any Members are disqualified from voting this number may be reduced to a quarter of those present who are not disqualified. The names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
  - 5) A recorded vote must take place when setting the County Council's budget and determining the level of council tax to be levied for each financial year. This rule will apply to both the substantive motion and any amendments. There is no necessity for one quarter of members present to request a recorded vote in these circumstances as this is now a legal requirement for Budget Meetings.
- 6) Any member may request immediately after the vote is taken, that their vote is recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

## **PROCEDURE RULE 11**

Reserved

## **PROCEDURE RULE 12**

### **QUORUM AT COUNCIL**

**NOTE: It is not permissible to transact any business at a Council meeting unless at least one quarter of the whole number of Members of the Council are present. In the event of more than one third of the Members of the Council becoming disqualified at the same time, the quorum shall be determined by reference to the number of Members remaining qualified – Local Government**

**Act 1972, Schedule 12, Paragraphs 6 and 45. The quorum of Rutland County Council while it has a membership of 27 is, therefore, 7.**

- 1) No business can be dealt with at any meeting of the Council unless there is a quorum present. If a quorum is not present the meeting must be adjourned immediately for 15 minutes. If after 15 minutes, there are still fewer Members than a quorum then the person presiding shall adjourn the meeting.
  - i) Should the number of apologies make it apparent that the meeting cannot proceed then the Chairman and/or the Chief Executive may postpone or cancel the meeting subject to clause 2 below.
- 2) The business remaining on the Agenda of that meeting will be postponed to a time fixed by the Chairman at the adjournment, or if no time is fixed, to the next Ordinary Meeting.

**PROCEDURE RULE 13**  
**APPOINTMENT OF STANDING COMMITTEES**

- 1) The Council at its Annual Meeting will appoint those Standing Committees it considers necessary in accordance with the Local Government Act 2000 to carry out the Council functions, non-executive functions and regulatory matters and shall determine the following:
  - a) the Terms of Reference of each Committee.
  - b) the number of places and voting places on each Committee.
  - c) the allocation of places to each political group.
  - d) the appointment of the Members of the Committee allocated to political groups in accordance with their wishes (although this may be altered at the discretion of the Group Leader).
  - e) the appointment of any non-voting members and advisers to any Committee providing that the majority of voting Members on the Committee are Members of the Council. The Council shall also specify the number of appointments that are to be made and what functions in relation to the Committee each person appointed may exercise.
  - f) the appointment of the Chairman from amongst the voting Members of the Committee (Vice-Chairman will be appointed by the relevant Committee at the first meeting of the Municipal Year).
  - g) the placing of any limitations on the powers of a Committee to arrange for the discharge of any of its functions by a Sub-Committee; and
  - h) the proposed date and time of each Ordinary Meeting in the Municipal Year.

- i) Members of the Cabinet can be Members of Standing Committees but cannot be appointed to ~~the Strategic Overview and Scrutiny Committees~~.
  - ii) Members of the Cabinet can be appointed to ~~Regulatory and Other Committees~~ but cannot be appointed as Chairman or Vice-Chairman (unless agreed by Council).
- 2) The Council may at any time revise resolutions under paragraph 1.
- 3) Every Committee shall continue to discharge the functions given to it and exercise any delegated powers until the Council resolves otherwise.
- 4) Every person who is appointed as a voting member of a Committee and every person appointed to exercise other functions in relation to a Committee shall continue to act until the appointment is terminated either by the Council, by virtue of their appointment to Cabinet or by the wishes expressed by a political group as appropriate.

#### **PROCEDURE RULE 14 – APPOINTMENT OF SUB-COMMITTEES**

##### **Reserved**

The Council at its Annual Meeting will appoint those Sub- Committees it considers necessary

in accordance with the Local Government Act 2000 to carry out the Council functions,

non-executive functions and regulatory matters and shall determine the following:

1. establish any Standing Sub-Committees and their Terms of Reference.
2. the number of places and voting places on any Sub-Committee.
3. allocate the number of voting places on any Sub-Committee to each political group.
4. appoint the Members of any Sub-Committee in accordance with the wishes of the political groups.
5. the dates of meetings of Sub-Committees.

The procedures for meetings of such groups/committees shall be the same as those for the

Regulatory and Other Committees of the Council

#### **PROCEDURE RULE 15**

#### **APPOINTMENT OF SPECIAL or ADVISORY COMMITTEES AND TASK AND FINISH GROUPS**

- 1) The Council may establish such groups/committees for the purposes of discharging Council functions and may also establish a Committee of a purely advisory nature.
- 2) A Committee may also establish such groups/committees provided that the Council agree.

- 3) On establishing a such groups/committees, the Council shall determine each of the following:
- a) the Terms of Reference of each group/committee;
  - b) the number of places and voting places on each group/committee;
  - c) the allocation of places to each political group;
  - d) the appointment of the Members of such groups/committees allocated to political groups in accordance with their wishes;
  - e) the appointment of the Chairman and Vice-Chairman of the Committee from amongst the voting Members of the group/Committee;
  - f) the appointment of any non-voting members and advisers to any group/Committee providing that the majority of voting Members on the group/Committee are Members of the Council. The Council shall also specify the number of appointments that are to be made and what functions in relation to the group/Committee each person appointed may exercise;
  - g) the placing of any limitations on the powers of a group/committee to arrange for the discharge of any of its functions by a Sub-Committee; and
  - h) ~~the date and time of each ordinary meeting in the municipal year.~~

- 4) The procedures for meetings of such groups/committees shall be the same as those for the Standing ~~Regulatory and Other~~ Committees of the Council.

**PROCEDURE RULE 16**  
**APPOINTMENT OF JOINT COMMITTEES AND HOLDING OF JOINT MEETINGS**  
**OF COMMITTEES**

**1) Joint Committees**

- a) The Council may set up a Joint Committee of two or more Committees or Sub-Committees to consider a matter which falls within their Terms of Reference.
- b) The Council must approve the formation, appoint the Chairman and Vice-Chairman, and approve the Terms of Reference of the Joint Committee.
- c) The date of the first ordinary meeting of a Joint Committee may be set by the Council or may be summoned by the Chairman of a Committee forming part of the Joint Committee.
- d) The quorum of a Joint Committee shall be the equivalent of the combined quorum for each of the constituent Committees and/or Sub-Committees forming the Joint Committee. A Member present who is a Member of more than one of the Committees or Sub-Committees concerned shall indicate which one he represents for the purposes of the quorum. If a quorum is not present for each of the

constituent Committees and/or Sub-Committees then the Joint Committee will not have a quorum.

## 2) **Joint Meetings of Committees**

- a) The procedure for meetings of Joint Committees shall be the same as those for the Council's Standing Committees.
- b) Two or more Committees or Sub-Committees may meet together for the purposes of common consultation regardless of paragraphs 1 to 5 above. However, any such meeting shall have no executive powers and any decision taken shall be of an advisory nature only. Committees and Sub-Committees meeting in this way must then present a report to the Council requesting that their recommendations be approved.

## **PROCEDURE RULE 17 CIVIL EMERGENCY OR DISASTER APPOINTMENT OF EMERGENCY COMMITTEE**

- 1) If in the opinion of the Chairman of the Council, the Leader of the Council or the Chief Executive, an emergency situation **or disaster** has arisen or is likely to arise, they may summon a meeting of the Emergency Committee **to make democratically accountable decisions in the public interest.**
- 2) The Emergency Committee shall be the Chairman of the Council and Leader and Deputy Leader of the Council. The Chairman of the Emergency Committee shall be Leader of the Council and the quorum shall be two. If any two of the Emergency Committee are not available, the Chief Executive, in consultation with the remaining Member of the Committee, may contact any other Cabinet Member, Chairman of a Council Committee, Chairman of a Scrutiny Committee (if a Member) or any other Member in that order, to ensure that there are three Members on the Committee. If all three Members are unavailable, the Chief Executive may follow the same procedure as in the previous sentence to ensure that the Emergency Committee can function.
- 3) **The Chairman of the Council will be authorised to discharge functions of the Council as appropriate and the Leader and Deputy Leader will be authorised to discharge executive functions.** Members attending in place of these Members are authorised to exercise the same functions.
- 4) The Emergency Committee shall be authorised to declare an emergency and, subject to statutory restrictions, to discharge with full delegated power, such functions of the Council as the Committee chooses to exercise including :
  - To approve new or amended policy necessary to respond to the emergency situation
  - To approve departure from existing policy and practice necessary to respond to the emergency situation
  - To approve the virement of approved budgets and authorise the treatment of reserves and balances
  - To approve amendments to the Capital Programme

- To make any decision delegated to the two policy committees until such time as normal business is resumed
  - To delegate decision making to officers on the Council's full range of responsibility when required
- 5) The decision of the Emergency Committee in declaring an emergency or the revocation may be revoked by the Council, but that decision, and any decisions made by the Emergency Committee as a result, shall not be invalid.
- 6) Any restrictions imposed on the discharge of functions by Committees under Procedure Rules, the scheme of delegation of powers and duties of Committees and Financial Procedure Rules shall not apply, so far as is lawful, to decisions of the Emergency Committee during an emergency.
- 7) The Emergency Committee, the Cabinet or the Council shall make a declaration that an emergency that has been declared has ended.
- 8) At the end of an emergency the Emergency Committee shall report to the Council on the action taken.

#### **PROCEDURE RULE 18**

#### **APPOINTMENT OF CHARMEN AND VICE-CHARMEN OF COMMITTEES**

- 1) Chairmen and Vice-Chairmen of Committees shall be appointed by the Council in accordance with Procedure Rule 13(1) (Appointment of Standing Committees) unless an appointment needs to be made at any other time in which case it shall be made at the first Ordinary Meeting after the vacancy occurs.
- 1A Vice-Chairmen of Committees will be appointed by the Committee at its first meeting
- 2) Chairmen and Vice-Chairmen of Committees may resign by giving notice in writing to the Chief Executive. A notice of resignation shall take effect from the time it is received by the Chief Executive unless it states that it is to take effect at a later date. In that event, the resignation shall be effective from the date stated in the resignation letter.
- 3) The Council may also remove Chairmen and Vice-Chairmen of Committees.

#### **PROCEDURE RULE 19**

#### **DISAGREEMENT BETWEEN COMMITTEES**

- 1) When there is a disagreement on any matter between any of the Council's Committees it shall be referred to the Council for consideration. This shall not apply to the Regulatory or Conduct Committee.
- 2) While a matter is being considered by the Council, Committees shall not report on it to the Council or submit a decision on it for confirmation by the Council or deal with it in exercise of delegated powers.

- 3) Any Committee concerned shall accept the decision of the Council on how a disagreement should be resolved.

**PROCEDURE RULE 20**  
**POLITICAL BALANCE FOR COMMITTEES**

- 1) The Annual Council Meeting shall determine the allocation of Committee places to political groups, if any, to ensure, so far as is practicable:
  - a) that all seats are not allocated to the same political group;
  - b) the majority of seats go to the political group with the majority on the Council;
  - c) subject to the above two principles the number of seats on the total of all ordinary Committees allocated to each political group bears the same proportion as the proportion of members of the group in relation to the total number of Members on the Council; and
  - d) subject to the above three principles the number of seats on each ordinary Committee is allocated to each political group in the same proportion as the proportion of members of each political group in relation to the total number of Members on the Council.
- 2) The Monitoring Officer shall submit a report showing what allocation of seats would, in his opinion, best meet the requirements of Section 15(4) of the 1989 Act whenever:
  - a) The Council is required to review the allocation of seats on Committees between political groups, or
  - b) the Council resolves to carry out such a review.
- 3) In the light of such a report, the Council shall determine the allocation of seats to political groups in accordance with the principles in paragraph 1 unless the Secretary of State makes regulations contrary to that effect or if no Member of the Council votes against any proposed arrangements that depart from paragraph 1. An abstention will not be regarded as a vote against any proposed arrangement. If there is a vote against then seats must be allocated in accordance with the political balance requirements
- 4) When an appointment of a voting Member of a Committee needs to be made in accordance with the wishes of a political group then the Council shall be notified of the appointment at the next meeting following that appointment. This shall also apply in instances where a political group indicates a wish to terminate an appointment.

**PROCEDURE RULE 21**  
**SUBSTITUTION**

An authorised representative of a political group may notify the substitution of a member of that group to attend a given meeting or a number of meetings within a specific time period on its behalf. ~~A non-aligned member may notify the substitution of another non-aligned member to attend a given meeting or a number of meetings within a specific time period on their behalf.~~ There will be no right of substitution for the Planning and Licensing Committee. The notification must be received in writing by the Monitoring Officer and the Governance Manager (or have been sent to [governance@rutland.gov.uk](mailto:governance@rutland.gov.uk) if notification is given by email) by 12 Noon on the day of the meeting of the intended substitution.

## **PROCEDURE RULE 22**

### **AGENDA FOR ANNUAL MEETING**

- 1) Subject to the provisions of Procedure Rule 23(2) (Variation of Order of Business) the order of business at the Annual Council Meeting shall be as follows:
  - a) To hear prayers.
  - b) To appoint a person to preside if the Chairman is not present.
  - c) To elect the Chairman of the Council.
  - d) To elect the Vice-Chairman of the Council.
  - e) To receive apologies for absence.
  - f) To receive the Chairman's announcements.
  - g) To receive any announcements from the Head of Paid Service.
  - h) To receive Declarations of Interest and any declarations under Section 106 of the Local Government Finance Act 1992.
  - i) In the year where there is an ordinary election of councillors, to elect a Leader to serve for a four-year term or until the next Annual Meeting after ordinary whole Council elections.
  - j) To note the decision of the Leader as to the number of Members of the Executive; who he/she has appointed to those roles; the scope of their respective portfolios and the terms of any delegation to them and officers.
  - k) Appoint at least one **Overview and Scrutiny Committee**, and any other Committees **or Sub-Committees** which the Council considers appropriate to deal with those matters which are not reserved to the Council itself or which are not executive functions.
  - l) Selection of Councillors on Committees and Outside Bodies.

At the annual meeting Council will:

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

- ii) decide the size and terms of reference for those committees;
- iii) decide the allocation of seats to political groups in accordance with the political balance requirements;
- iv) receive nominations of councillors to serve on each committee and other authorities;
- v) authorise members of Standing Committees in accordance with the wishes of any political groups and to authorise the appointment of persons to be co-opted onto a Committee.
- vi) appoint to those committees, standing sub-committees and other authorities except where appointment to those bodies has been delegated by the Council or is exercisable only by the executive; and
- vii) appoint the Chairman of all the Council's committees.
- viii) ~~appoint the Chairman of Scrutiny Commission who will be one of the Chairmen of a Scrutiny Committee appointed at vii) above.~~

- m) To agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree (as set out in Part 3, Table 3 of this Constitution).
- n) To approve a programme of dates for ordinary meetings of the Council and Standing Committees for the year.
- o) To consider any matters referred to Council by Members which in the opinion of the Chief Executive cannot wait until the next scheduled meeting of the Council to be determined.

## **PROCEDURE RULE 23**

### **AGENDA FOR ORDINARY MEETING OF COUNCIL (ORDER OF BUSINESS)**

- 1) The order of business at Ordinary Meetings shall be as follows unless it has been varied in accordance with paragraph 2:
  - a) To hear prayers.
  - b) To elect a Member to preside at the meeting in the absence of the Chairman and Vice Chairman of the Council.
  - c) To receive apologies for absence.
  - d) To receive the Chairman's Announcements.
  - e) To receive any announcements from the Leader, members of the Cabinet or the Head of Paid Service.
  - f) To receive Declarations of Interest (pecuniary and non-pecuniary interests) and any declarations under Section 106 of the Local Government Finance Act 1992.

- g) To elect a Chairman at the first meeting after which the office has become vacant.
- h) To elect a Vice Chairman at the first meeting after which the office has become vacant.
- i) To approve as a correct record and sign the minutes of the last meeting of the Council;
- j) To consider any of the following items:
  - i) the promotion or opposition of a Bill under Section 239 of the Local Government Act 1972;
  - ii) a report from the Chief Financial Officer under section 114 of the Local Government Finance Act 1988;
  - iii) a report of the Monitoring Officer under section 5 of the Local Government and Housing Act 1989 to consider the business for which the meeting has been summoned.
- k) To consider the setting of an amount for the Council Tax where the meeting is the last one before 11 March (or any date prescribed by legislation) and an amount has not already been set for the Council Tax for the ensuing financial year.
- l) To receive petitions, deputations and questions from members of the public under Procedure Rule 28.
- m) To receive petitions from Members and the asking and answering of questions from Members under Procedure Rule 30.
- n) To consider any item of business which remains from the agenda of a previous Council Meeting.
- o) To determine matters where a decision taken by a Committee has been referred to the Council by two members.
- p) To determine matters where a decision taken by the Cabinet has been referred to Council by the call-in procedure of Scrutiny Committees, as a result of the decision being deemed to be outside the Council's Policy Framework by the Monitoring Officer or outside or not wholly in accordance with the Budget by the Section 151 Officer.
- q) To receive reports from the Cabinet and receive questions and answers on any of those reports.
- r) To receive reports from a Committee on matters which require Council approval because the Committee does not have the delegated authority to act on the Council's behalf.
- s) To receive reports from Council Committees on any other matters and to receive questions and answers on any of those reports.

- t) To receive reports from the **Overview and Scrutiny Committees** on any other matters and to receive questions and answers on any of those reports.
  - u) To receive reports about and receive questions and answers on the business of any joint arrangements or external organisations. (See Procedure Rule 31 (6))
  - v) To consider Notices of Motions submitted by Members of the Council in accordance with Procedure Rule 34 in the order in which they are recorded as having been received.
  - w) To consider other business specified in the summons to the meeting.
  - x) To consider Any Other Urgent Business at the discretion of the person presiding provided that it has previously been notified to him.
- 2) The order of business in paragraph 1 may be varied by:
- a) the direction of the person presiding, , but not so as to alter the order of items a) to i) or
  - b) a resolution of the Council, moved, seconded and put without comment, but not so as to alter the order of items a) to i)

#### **PROCEDURE RULE 24** **AGENDA FOR A SPECIAL MEETING**

The agenda for a Special Meeting can include any items which may be considered at an ordinary meeting, except for the approval of minutes and notices of motion, **items on External Organisations and Joint Arrangements** provided that items relating to any petitions, deputations or questions received shall only be considered if they relate to the item on the agenda. Any Other Urgent Business may not be transacted at a Special Meeting. (See also Procedure Rule 28 for Petitions, Deputations and Questions)

#### **PROCEDURE RULE 25** **CHAIRMAN/PERSON PRESIDING AT MEETINGS OF THE COUNCIL**

- 1) **Chairman of the Council**
- a) The Chairman shall be elected annually and is eligible for re-election in subsequent years.
  - b) Any power of the Chairman in relation to the conduct of a Council Meeting may be exercised by the person presiding.
- 2) **Vice-Chairman of the Council**
- a) The Vice-Chairman shall be elected annually and may continue to serve for an unlimited period provided that the person is re-elected each year.

**3) Absence of the Chairman**

- a) In the absence of the Chairman, the Vice-Chairman of the Council shall preside over the conduct of the meeting.

**4) Absence of the Chairman and the Vice-Chairman of Council**

- a) If the Chairman and the Vice-Chairman of the Council are absent from a meeting, the Chief Executive will invite Members to nominate a non-executive Member of the Council to take the chair. If discussion arises on that Motion the Chief Executive will exercise the powers of the person presiding until a Member is elected.
- b) If the Chairman of the Council arrives at a meeting when the Vice Chairman of the Council is in the Chair, the Chairman shall not preside until the item under consideration when they arrive has been determined. This shall also apply if either the Chairman or the Vice-Chairman of the Council arrive at a meeting when another Member is presiding.

**PROCEDURE RULE 26**

**RESPONSIBILITY OF A CHAIRMAN, VICE-CHAIRMAN OR A PERSON PRESIDING AT A MEETING**

- 1) To preside over Council Meetings.
- 2) To protect Council Meetings from outside interference.
- 3) To seek to ensure that the proceedings of the meeting are lawful.
- 4) To ensure that reasonable efforts are taken to explain issues being discussed so that Members are clear on what they are being asked to vote.
- 5) To ensure that as far as possible information is complete.
- 6) To permit every point of view to have a fair hearing.
- 7) To ensure the opinions expressed are relevant to the matter in hand.
- 8) To ensure business is transacted with reasonable speed.
- 9) To ensure as far as possible that proceedings are friendly and free from personal vilification.
- 10) To co-operate with Officers and other Members.
- 11) To ensure that a Council Meeting has a quorum at all times and to adjourn the meeting immediately if a quorum is not present.
- 12) To ensure that the order of the agenda for Council Meetings is followed.

- 13) To move the Minutes of previous Council Meetings.
- 14) To put any proposition to a vote which is moved and seconded by Members who are not disqualified from voting.
- 15) To exercise a second or casting vote in the event of a tied vote upon a proposition.  
The person exercising a second or casting vote shall be expected to use it in support of an Officer's recommendation or in favour of maintaining an existing policy or situation unless he is of the opinion that there are exceptional circumstances which require him to vote otherwise.
- 16) To allow petitions, deputations and questions to be presented and to respond accordingly.
- 17) To ensure that the Council's Rules of Debate are followed.
- 18) To make rulings on the application of Procedure Rules during a meeting of the Council.
- 19) To make rulings on points of order, points of personal explanation and points of information.
- 20) To move that a Member named be not heard further and put it to the vote without a seconder or discussion.
- 21) To move that a Member named shall leave the meeting and put it to the vote without a seconder or discussion.
- 22) To adjourn meetings in the event of disorderly conduct by Members.
- 23) To warn members of the public from interrupting proceedings and if necessary order that the public area is cleared and/or the meeting is adjourned.
- 24) To determine if items of Any Other Urgent Business should be included on the Council's agenda.
- 25) To make statements to the press on the outcome of Council Meetings.
- 26) To summon a Special Council Meeting.
- 27) To postpone or cancel a Council Meeting and to approve holding a Special Council Meeting at a place other than Catmose or Oakham Castle.

**PROCEDURE RULE 27**  
**MINUTES**

- 1) The Minutes of Council Meetings will be produced in accordance with the style prescribed by the Chief Executive to comply with any statutory requirements.

Minutes are there to record the decisions taken and the thrust of the debate and not a verbatim record of what was said.

- 2) The Minutes of each meeting of the Council shall be made available for public inspection at the Council's Catmose Offices, on the Council's Website and shall be sent to each Member of the Council together with or before the issue of the summons to attend the meeting at which the Minutes are to be submitted for approval.
- 3) **The Minutes of a meeting of the Council shall be submitted by the Chief Executive for approval of their accuracy at the next Ordinary Council Meeting. (CORE PROCEDURE RULE)**
- 4) Minutes of every Council Meeting shall be submitted to the following Ordinary Meeting for approval. The person presiding shall move that the Minutes be taken as read, approved and signed by him as a correct record.
- 5) No Motion on the Council Minutes shall be accepted except upon their accuracy.

#### **PROCEDURE RULE 28**

#### **SUBMISSION OF PETITIONS, DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC**

- 1) **General Issues common to all Petitions, Deputations and Questions**
  - a) Subject to paragraph 4 of this Procedure Rule any person may present a petition, deputation or question to an Ordinary Meeting of the Council which is relevant to some matter in relation to which the Authority has functions, or which affects Rutland or any of its inhabitants. See also Procedure Rule 24 for provisions relating to a Special Meeting.
  - b) The Chief Executive shall not accept a petition, deputation, or question from a member of the public which:
    - i) is not about a matter for which the Council has a responsibility or which affects Rutland;
    - ii) which is offensive, frivolous, defamatory or is of a personal nature;
    - iii) is substantially the same as a petition, deputation or question which has been put at a meeting of the Council within the previous six months;
    - iv) appears to be from a staff group which has an alternative consultative forum;
    - v) is about any matter where there is a right of appeal to the courts, a tribunal or to a Government Minister or on any matter which, in the opinion of the Chief Executive, is of a quasi-judicial nature;
    - vi) is about any specific matter which would require confidential or exempt information to be divulged as defined in the Access to Information Rules (Procedure Rules 230 to 269).

- c) Any decision not to accept a petition, deputation or question shall be reported by the Chief Executive to the Council together with a reason for refusal.

## 2) Petitions

- a) Full details on the format and submission of petitions can be found in the Rutland County Council Petitions Scheme Guidance under Section 5 of the Rutland County Council Constitution
- b) A person wishing to submit a petition to a specific meeting of the Council, or any Scrutiny or Committee meeting shall give notice in writing of his or her intention to do so to the Governance Team providing details of the subject matter and number of signatures by **no later than midday on the third working day before the meeting** e.g. Wednesday 12:00 for a meeting the following Monday.  
~~no later than 4.30 pm on the second working day before the meeting (e.g. for a meeting on a Monday, by 4.30 pm on the preceding Thursday)~~. The person submitting the petition must also indicate who will present the petition to the meeting.
- c) The person presenting the petition will read out, or summarise, the prayer of the petition, indicate the number of signatories, and make further supporting remarks relevant to the petition. **The time for this shall be a maximum of three minutes.** The Chairman will refer the matter to another appropriate body of the Council within whose terms of reference it falls without discussion and in accordance with the Council's petition guidance, detailed in Part 5 of the Constitution, unless a relevant item appears elsewhere on the Agenda
- d) If a petition is presented to a meeting at which there is an agenda item on the same subject, a Member may propose that the item and the petition should be considered together and that the item be moved forward on the agenda.
- e) Petitions may be referred to the appropriate Committee or Sub-Committee without debate. If after the meeting it becomes apparent that the petition is more relevant to some other Committee or Sub-Committee, the Chief Executive, in consultation with the Chairmen of all the Committees and Sub-Committees involved, may refer it to another Committee or Sub-Committee.
- f) When a petition has been referred to a Committee or a Sub-Committee by Council, a report shall be submitted to the Council on the action taken as soon as practicable and in any case not later than the second Ordinary Meeting of Council after the meeting at which it was presented. The person submitting and presenting the petition shall be informed of the response and the date of the meeting at which it will be considered.
- g) A valid petition containing more than 1500 signatures ~~from people who live, work or study in Rutland and in accordance with the RCC Petitions Guidance~~ will trigger a Full Council Debate. The petition organiser will be given **5 minutes** to present the petition. The Members of the Council may discuss the

petition and/or ask questions of the petition organiser for a further period of not more than **15 minutes**.

## 2) Deputations – Other than Planning Applications

- a) A request to present a deputation should be made to the Governance Team in full by no later than **no later than midday on the third working day before the meeting e.g. Wednesday 12:00 for a meeting the following Monday.**  
~~12 pm on the day of the meeting to which it relates (e.g. for a meeting on a Monday, by 12 pm on the Monday).~~ The person making the request shall indicate the matter to which the request relates, the number, names and addresses of the persons who will form the deputation and who will speak. The Chief Executive in consultation with the Chairman or Vice Chairman of the Council has the authority to determine whether such requests are granted. The Governance Team will advise the Chief Executive of any deputation received.
- b) The maximum time for presenting each deputation is 5 minutes. Any remarks shall relate to the subject matter and should not constitute a personal attack upon any person or contain any offensive language or aggressive gestures. A person speaking for a deputation shall be heard in silence. A copy of the text of the deputation shall be provided to the Governance Team (governance @rutland.gov.uk) **no later than midday on the day of the meeting less than one hour before the start of the meeting** or the deputation will not be received.
- c) The Members of the Council may ask questions of the members of the deputation for a further period of not more than five minutes. Such questions shall be asked and answered without discussion.

## 3) Deputations – Relating to Planning Applications

Deputations on planning applications may only be made to the Planning Committee.

## 4) Public Questions at Meetings

- a) Each question and any subsequent question shall be restricted to a single topic.
- b) Any person may put a written question to any Council Meeting provided that the Governance Team has received the question in full by no later than **midday on the third working day before the meeting at which that person wishes to put the question e.g. Wednesday 12:00 for a meeting the following Monday.**  
~~4.30 pm on the second working day before the meeting at which that person wishes to put the question (e.g. for a meeting on a Monday by 4.30 pm on the preceding Thursday).~~ The notice shall be signed by the questioner and shall include the questioner's address. The Governance Team will advise the Chief Executive of any questions received.

- c) The Governance Team Manager and/or the Chief Executive may reword the question with the agreement of the questioner.
- d) All questions shall be addressed to the person presiding at that meeting who may authorise another Member or Officer to provide an answer.
- e) The total time allowed for each questioner including the response shall be five minutes.
- f) The person who gave notice of the question may ask a representative to put the question on his behalf, provided that this is notified to the Governance Team when the notice of the question is given.
- g) All questions shall be circulated to all Members at or before the Council Meeting at which they are to be asked.
- h) If a person who is to ask the question is not present at the meeting when the question is reached on the agenda, the question shall not be considered, except that where the question was to be asked by a representative and he is absent, then the person who gave the notice may still ask the question.
- i) After a question has received a reply, the questioner may ask one supplementary question which must arise directly out of the original question or reply.
- j) Every question shall be put and answered without discussion. No discussion nor resolution shall be permitted on any question or in reply to a question.
- k) The name of the person who gave notice of the question, the text of the question and a summary of the response shall be recorded in the Minutes.
- l) An answer to a question may be given by the person to whom it is addressed or by a Member or Officer on their behalf, and may take the form of:
  - i) an oral answer;
  - ii) a reference to information contained in some publication;
  - iii) a written answer circulated to Members of the Council before or with the summons for the next meeting.
  - iv) a written answer submitted after the meeting where the reply cannot be conveniently given orally or in writing before or at the meeting.
- m) Any questions not disposed of at the end of thirty minutes shall be answered in writing and reported for information to the next Ordinary Meeting.

**PROCEDURE RULE 29**  
**TIME ALLOWED FOR PETITIONS DEPUTATIONS AND QUESTIONS FROM**  
**MEMBERS OF THE PUBLIC**

- 1) The maximum time allowed for presenting petitions, deputations and questions at meetings shall be 30 minutes.
- 2) In addition to the time limit in (1) above, the maximum time allowed for valid petitions containing over 1500 signatures which have been accepted for a Full Council Debate shall be 20 minutes. The petition organiser will be given 5 minutes to present the petition. The Members of the Council may discuss the petition and ask the petition organiser questions for a further period of not more than 15 minutes.
- 3) Petitions, deputations and questions from members of the public shall be considered in the order in which they have been received. A member of the public may submit one petition, deputation or ask one question (not including a supplementary question) at the same meeting.

### **PROCEDURE RULE 30** **QUESTIONS FROM MEMBERS**

- 1) Any Member may ask **one** a question at a Council Meeting provided he **or she** shall give notice in writing to the Governance Team of the question by no later than **midday on the third working day before the meeting at which the question is to be asked e.g. Wednesday 12:00 for a meeting the following Monday**.  
~~4.30 pm on the second working day before the meeting at which the question is to be asked (e.g. for a meeting on a Monday, by 4.30 pm on the preceding Thursday).~~  
The Governance Team will advise the Chief Executive and Monitoring Officer of any questions received.
- 2) The Chairman of the Council may take questions with shorter notice in cases of urgency provided that they are submitted in writing to the Chairman and passed to the Governance Team at the first available opportunity.
- 3) Procedure Rule 28 1) a) and 1) b) (Submission of Petitions) shall apply to questions asked by Members.
- 4) Questions may be asked of:
  - a) the Chairman of the Council;
  - b) the Chairman of a Committee or Sub-Committee;
  - c) representatives of the Council on outside bodies;
  - d) the Leader of the Council or a member of the Cabinet;
  - e) the Leader of any political groups on the Council;
  - f) the Chairman of a Scrutiny Committee.

- 5) A list of the questions of which notice has been given shall be circulated to Members of the Council at, or before, the meeting at which they are to be asked. Questions will be asked in the order in which they have been received.
- 6) Every question shall be put and answered without discussion, but the Member to whom the question has been put may decline to answer it. The Member asking a question may ask one relevant supplementary question which shall be put and answered without discussion, even if no answer is forthcoming from the first question. The Member to whom the second question has been put may decline to answer it.
- 7) An answer to a question may be given by the person to whom it is addressed or by a Member or Officer on his behalf, and may take the form of:
  - a) an oral answer;
  - b) a reference to information contained in some publication;
  - c) a written answer circulated to Members of the Council before or with the summons for the next meeting;
  - d) a written answer submitted after the meeting where the reply cannot be conveniently given orally or in writing before or at the meeting.
- 8) Every question shall be relevant to some matter in relation to which the Authority has functions, or which affects any part of Rutland or its inhabitants.
- 9) No discussion will be permitted nor any resolution moved with reference to any question or reply to a question.
- 10) The Chairman may authorise another Member or an Officer to answer any question.
- 11) The name of the Member asking the question, the text of the question and a summary of the response shall be recorded in the Minutes.

#### **PROCEDURE RULE 30A**

#### **TIME ALLOWED FOR QUESTIONS FROM MEMBERS**

- 1) The maximum time allowed for asking questions at meetings shall be 30 minutes.
- 2) Questions from Members shall be considered in the order in which they have been received. When a Member wishes to ask more than one question (not having a supplementary question at the same meeting, paragraph 3 will apply to determine the order in which they will be considered).
- 3) A second question from the same Member will only be considered when the first question of all the other questioners have been received, and so on for any subsequent questions.

## **PROCEDURE RULE 31**

### **REPORTS TO COUNCIL**

#### **1) Reports of Committees**

- a) The decisions of Committee Meetings which have not been taken under the delegated authority of the Council shall be reported to the next Ordinary Meeting of the Council, except when the meeting took place less than six working days before the date of the Council Meeting when they will be reported to the following Ordinary Meeting of the Council.
- b) Paragraph 1 shall not apply to a Special Council Meeting or a Council Meeting summoned to set the level of Housing Rents or Council Tax.
- c) Committees may report to the Council on any issue which they have considered but **must** report matters reserved to the Council or matters which the Committee has considered but does not have delegated authority to determine.

#### **2) Reports of the Executive**

- a) The Cabinet has the right to submit reports directly to Council on any matters that they have considered.

#### **3) Reports of Scrutiny Committee**

- a) **The Overveiw and** Scrutiny Committees **has** the right to submit reports directly to Council on any matters that they have considered.

#### **4) Reports of the Conduct Committee**

- a) The Conduct Committee has the right to submit reports directly to Council on any matters that they have considered.

#### **5) Reports generally**

- a) With the exception of reports made under paragraph 6, reports to the Council may either be in the form of the Minutes of the relevant Meeting or in the form of a specific report.
- b) All Reports to be considered at a Council Meeting shall be sent to every Councillor before the meeting in accordance with the Access to Information Rules (Procedure Rules 230 to 269).
- c) Any plan or document mentioned in a Report and not circulated with the report, shall also be available for public inspection at least three working days before the meeting at which it is to be considered. This does not apply when it is proposed to consider them when the public and press are excluded from the meeting. Plans may also be displayed in the area outside the meeting room

during the afternoon of the meeting. No further documents will be circulated or tabled at meetings by Officers without the prior approval of the Chief Executive unless they are required to do so by legislation.

- d) The decisions of bodies shall be presented in two parts and shall be identified clearly on the agenda for the meeting:
  - i) The first part shall consist of recommendations to the Council for confirmation. These shall be presented by the Chairman of the Committee, or Cabinet concerned who shall move the confirmation of each recommendation individually. Each recommendation shall be moved and determined by the Council before any further recommendations for confirmation are moved by the Chairman of the Committee, or Cabinet.
  - ii) The second part shall consist of any other matters which the Committee or Cabinet wishes to report for information. The Chairman of the appropriate body shall present these en bloc for the information of the Council, and may summarise the work of the body as necessary since the last Council Meeting. Members may ask questions on the summary. After the Chairman has disposed of questions arising from the presentation, Members may ask questions on the Committee, or Cabinet's powers and duties generally.
- e) The Chairman of the Committee, or Cabinet submitting the report shall propose any necessary Motion to secure the approval of the report by the Council, unless the Council agrees that the report be withdrawn. The Chairman, before proposing the Motion to approve the report, may request the Council to agree to alterations to the report and if this is agreed the report shall be approved as amended. The Vice-Chairman of the Committee or any member of the Cabinet submitting the report shall have the first right of seconding the Motion to approve the report.
- f) In the absence of the Chairman of the Committee submitting the report, the Vice-Chairman of the Committee shall propose any necessary Motion to seek approval of the report. Any other voting Member of the Committee concerned may second the Motion. In the absence of the Leader of the Council, any member of the Cabinet may propose and second any necessary Motion to seek approval of the report.
- g) In the absence of both the Chairman and the Vice-Chairman of the Committee submitting the report any two voting Members of the Committee concerned may move and second any necessary Motion to approve the report. In the absence of two members of the Committee, or Cabinet submitting the report consideration of the report shall be deferred to the next ordinary meeting of the Council.
- h) A Member of the Council may, without notice, ask the Chairman of the Committee, or Cabinet a question relevant to a report while the report is being considered.
- i) Reports shall not be considered at the Annual Meeting of the Council. No Reports, other than on setting the Budget, shall be considered at any meeting

summoned specifically for the purpose of setting the Budget and no reports other than the appointment of Freeman and/or Aldermen shall be considered at a meeting called specifically.

- j) In exceptional circumstances, the Chief Executive, in consultation with the Chairman of the Council and the Leader of the Council, may authorise the submission of any Committee Report at either of these meetings.

## 6) Reports on joint arrangements and external organisations

- a) Members representing the Council on bodies exercising joint arrangements of local authority functions or on external organisations are expected to submit reports to the Council from time to time on the work of those bodies or organisations and to answer questions from other Members about such work. If the representative Member considers that the subject matter of any report does not warrant it being made to a meeting of the Council, the Member shall submit the report to the Chief Executive for circulation to all Members at a convenient time. The Chief Executive, after discussion with the representative Member, may decide that a report should be made to a meeting of the Council.
- b) Reports to the Council may be in the form either of a written report or an oral report.
- c) A Member wishing to make a report should advise the Governance Manager as soon as possible to enable best practice compliance with the Access to Information Rules (Procedure Rules 230 to 269) but in any event no later than noon on the working day immediately before the meeting (e.g. noon on the Friday before a meeting to be held on the following Monday). If the report is to be made in writing, the text must be submitted by that deadline. The Chief Executive, after discussion with the Member if time permits, may decline to accept a report for consideration at the meeting and instead may circulate it to all Members at a convenient time.
- d) Any other Member may, without notice, ask the Member making a report a question relevant to that report while the report is being considered. An answer may take the form set out in Procedural Rule 30 (7).

## **PROCEDURE RULE 32** **REPORTS FOR INFORMATION**

- 1) Reports for information that do not require a decision will not be included on the agenda for a Council meeting, unless the Chief Executive and the Chairman of the Council consider that it is essential to do so.

## **PROCEDURE RULE 33**

Reserved

## **PROCEDURE RULE 34** **NOTICES OF MOTION**

- 1) Except for motions which can be moved without notice under Procedure Rule 36, written notice of every motion must be signed by at least two members and delivered to the Chief Executive A no later than ~~midday on the tenth working day before the meeting, e.g. for a meeting on Monday, by 12:00 on the second preceding Monday. 4.30pm on the seventh working day before the date of the relevant meeting (e.g. for a meeting on a Monday, by 4.30pm on the second preceding Thursday)~~. These will be entered in a book open for inspection.
- 2) Motion set out in agenda  
Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting.
- 3) A Member may only be party to one Motion.
- 4) Motions will not be accepted at a Special Meeting.
- 5) A Motion must relate to a matter where the Council has a duty and;
  - a) affects any part of Rutland or its inhabitants; or
  - b) where a Member has been unable to raise at a Committee Meeting or a Scrutiny Committee, although this requirement may be waived by the Chief Executive, in consultation with the Chairman of the Council, if it is considered justified in the circumstances.
- 6) The Chief Executive will determine if it is in order to place a Motion on the Council agenda which has been submitted in accordance with paragraphs 1-6 above.
- 7) The Chief Executive may, with the consent of the Members moving the Motion, refer it to any Committee for consideration. A Motion referred in this way will automatically be deemed moved and seconded when the Committee considers it.

## **PROCEDURE RULE 35** **MOTIONS GENERALLY**

- 1) All Motions must be proposed, the purpose of it explained and then seconded before any discussion is allowed.
- 2) A Member may not propose or second a Motion on an issue on which he has an interest and/or is disqualified from voting.
- 3) A Motion that is not set out in writing as part of the Agenda papers shall be read out by the Chief Executive or the Committee Administrator before a vote takes place. The person presiding at the meeting may require Motions of which notice is not given to be put in writing and given to the Chief Executive or the Committee Administrator immediately upon being seconded and before it is further discussed.

- 4) A proposer of a Motion may alter the Motion, if the alteration is such that it could be achieved by an amendment and the seconder consents to the alteration. The person presiding may require that the altered Motion be written down and handed to the Chief Executive or the Committee Administrator before it is considered.
- 5) The proposer may withdraw a Motion with the consent of the seconder. No other Member may speak on the Motion after the mover has asked for its withdrawal. If the seconder does not consent to the Motion being withdrawn the debate shall continue.
- 6) A Member, when seconding a Motion may reserve the right to speak until later in the debate as long as the intention to do this is indicated at the time the Motion is seconded.

#### **PROCEDURE RULE 36**

#### **MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE**

- 1) When a Motion is under debate no other Motion shall be moved except the following which may be moved without notice:
  - a) To elect a person to preside at the meeting.
  - b) To amend minutes on the grounds of accuracy.
  - c) To annotate a point of clarification to the minutes of a previous meeting.
  - d) To vary the order of the items on the summons for the meeting.
  - e) To withdraw or alter a report submitted for consideration.
  - f) To adopt reports and recommendations of Committees, Scrutiny Committees and the Cabinet.
  - g) To refer an action to an appropriate body or organisation.
  - h) To amend the Motion.
  - i) To withdraw a Motion or amendment.
  - j) To propose a Motion arising out of consideration of a Committee or Cabinet report or of a decision of the body submitted for separate confirmation or a matter considered as an item of any other urgent business.
  - k) That a Councillor not be heard further in accordance with Procedure Rule 50 (Disorderly Conduct by Members).
  - l) That a Councillor leave the meeting in accordance with Procedure Rule 50 (Disorderly Conduct by Members).
  - m) That the subject of debate be referred to a Committee.

- n) To extend the time limit for speeches in accordance with Procedure Rule 43 (Length of Speeches).
  - o) To exclude the public from a meeting, in accordance with Access to Information Rules (Procedure Rules 230 to 269); where the discussion is likely to lead to the disclosure of exempt or confidential information.
  - p) That a Procedure Rule be suspended or varied in accordance with Procedure Rule 55 (Variation of Procedure Rules).
  - q) That the question under consideration be put to the vote immediately in accordance with Procedure Rule 48 2) r) (Motions moved without Notice).
  - r) That the Council move to the next business on the agenda in accordance with Procedure Rule 48 2) r) (Motions moved without Notice).
  - s) To adjourn the debate in accordance with Procedure Rule 48 2) r) (Motions moved without Notice).
  - t) To adjourn the meeting in accordance with Procedure Rule 48 2) r) (Motions moved without Notice).
  - u) To extend the allocation of time of the meeting in accordance with Procedure Rule 58 (Close of Meeting).
  - v) To give the consent of the Council where it is required under the Constitution.
  - w) To appoint a Special Committee, Sub-Committee or Working Party to consider a matter and to appoint the Chairman and Vice-Chairman and determine the Terms of Reference.
  - x) To authorise the sealing of documents.
  - y) To consider business required by or under statute to be transacted at the Annual Meeting.
  - z) To adopt a report or recommendation made by a Committee, Sub-Committee, Cabinet or officer, or any resolution consequential upon that adoption.
- 2) Procedure Rule 35 3) (Motions Generally) shall also apply to this Procedure Rule (Request to put a Motion in writing).

### **PROCEDURE RULE 37**

#### **AMENDMENTS AND ALTERATIONS TO MOTIONS**

- 1) Procedure Rule 35 (Motions Generally) shall apply to this Procedure Rule with the word amendment substituted for Motion.
- 2) An amendment may be moved without notice and shall be directly relevant to the Motion. It shall be either to leave out words or insert or add others or a combination

of both. It must not be a direct negative of the Motion. No amendment shall be moved to an amendment.

- 3) A Member may alter a Motion he has moved with the consent of the seconder.
- 4) Only one amendment shall be dealt with at a time.
- 5) If an amendment is carried, the Motion as amended will take the place of the original Motion and shall become the substantive Motion upon which any further amendment may be moved.
- 6) If an amendment is rejected, another amendment may be moved on the original Motion but it must not have the same effect as an earlier amendment which has been rejected.

**PROCEDURE RULE 38**  
**RESCINDING A DECISION OF THE COUNCIL MADE IN THE PREVIOUS 6 MONTHS**

- 1) No Motion or amendment shall be moved to rescind any resolution of the Council which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period unless:
  - a) it is recommended by a Committee, or the Cabinet;
  - b) notice of such Motion has been given by five Members of the Council; or
  - c) only one such Notice of Motion shall be allowed to rescind a decision under this Rule.

**PROCEDURE RULE 39**  
**MOTIONS ON EXPENDITURE**

A Motion which would substantially increase expenditure or reduce the revenue of the Council or involve capital expenditure other than arising from a recommendation of a Standing Committee or the Cabinet shall, when proposed and seconded, stand adjourned without discussion to the next Ordinary Council Meeting. Any Committee or the Cabinet affected by such Motion shall consider whether it wishes to submit a report on the Motion to the Council.

**PROCEDURE RULE 40**  
**MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL**

No discussion must take place on any question arising from the appointment, promotion, dismissal, salary, superannuation, conditions of service or conduct in respect of any Council employee, until a decision has been taken on whether to exclude the public under the Access to Information Rules (Procedure Rules 230 to 269).

## **PROCEDURE RULE 41**

### **SPEECHES BY COUNCILLORS**

- 1) Apart from the person presiding, a Member shall stand when speaking unless the person presiding is satisfied that he is unable or would be in discomfort to do so.
- 2) Only one Member shall speak at a time. If two or more Members stand at the same time, the person presiding shall call one to speak and indicate the order in which anyone else will be heard. Anyone standing other than the first speaker shall then sit down until called to speak by the person presiding. This does not prevent a person standing to raise a point of order, point of information or give a personal explanation.
- 3) When a Member is speaking, the other Members shall remain seated, unless rising to make a point of order, point of information or in personal explanation.
- 4) Whenever the person presiding rises during a debate, any Member then standing shall resume his seat, and the Council shall be silent.
- 5) A Member may only speak once on a Motion and shall not speak again while it is the subject of debate, except:
  - a) to second an amendment;
  - b) speak once on an amendment moved by another Member;
  - c) if the Motion has been amended since he last spoke, to move a further amendment;
  - d) if his first speech was on an amendment moved by another member, to speak on the main issue after the amendment had been disposed of;
  - e) in exercise of a right of reply of the proposer under Procedure Rule 44 (Right of Reply);
  - f) on a point of order or to give a personal explanation, or to raise a point of information under Procedure Rules 45, 46 and 47.
- 6) A Member shall confine a speech to the matter under discussion unless it is to make a point of order, raise a point of information or to offer a personal explanation.
- 7) A Member must refrain from malice to retain the protection of speaking on privileged occasions.
- 8) The mover of a Motion has a right of reply at the close of the debate on the Motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original Motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment. The mover of an amendment shall have no right of reply to the debate on that amendment.
- 9) The person presiding shall have the right to determine that an issue has had a fair hearing and draw the debate to a close and put any Motion or amendment under discussion to a vote. He may also indicate whether any more, or, a limited number of speakers, will be heard in the conclusion of a debate before a vote is taken.

## **PROCEDURE RULE 42**

Reserved

## **PROCEDURE RULE 43**

### **LENGTH OF SPEECHES**

- 1) This Procedure Rule shall apply to both Motions and amendments.
- 2) No Member shall speak for more than five minutes even if the speech includes an amendment. The time permitted for a right of reply is in addition to the length of time allotted to the mover of a Motion.
- 3) Any two Members can submit a Motion without Notice to extend the time allowed for a speech by a maximum of five minutes. It shall be moved, seconded and put to the vote without discussion. In the absence of a time being specified in the Motion it shall be presumed to be for five minutes.
- 4) No more than two five minute extensions of time may be moved in relation to a single speech.
- 5) If the majority of Members present who are eligible to vote on the Motion/Amendment as appropriate agree to Procedure Rule 43 2) being suspended the maximum time for a speech shall be 10 minutes.
- 6) Paragraph 5 shall not apply to debates on the Budget when the Council Tax is being set or on a debate on the Council's overall Strategic Objectives. In these instances the mover of the motion will be allowed 15 minutes and paragraphs 1 to 4 above will apply.

## **PROCEDURE RULE 44**

### **RIGHT OF REPLY**

- 1) The proposer of a Motion shall have the right to reply to the debate at the following times:
  - a) At the close of the debate on the Motion.
  - b) At the close of the debate on an amendment to the Motion.
  - c) Before a Motion to proceed to the next business is put to the vote.
  - d) Before a Motion to adjourn the debate or refer the item to a Committee is put to the vote.
  - e) After a closure Motion described in Procedure Rule 48 2) r) i) and ii) is carried.  
(Motions moved without Notice)
- 2) The proposer of an amendment to a Motion shall not have the right of reply to either the debate on the amendment or to the debate on a substantive Motion formed by the carrying of the amendment.
- 3) When exercising the right of reply, a Member shall confine himself to replying to previous speakers where he has not already had this opportunity.

- 4) After a Member has exercised the right of reply a vote shall be taken immediately on the Motion or amendment under discussion.

#### **PROCEDURE RULE 45**

##### **POINT OF ORDER**

- 1) A Member may stand at any time in order to raise a point of order, and, with the consent of the person presiding shall be entitled to be heard immediately.
- 2) A point of order must relate only to an alleged breach of a specified statutory provision or a specified Procedure Rule, and how the Member raising it considers it has been broken.
- 3) A ruling on the point must be given by the person presiding before the debate continues. His ruling shall not be open to discussion.

##### **NOTE OF EXPLANATION ONLY**

##### **(NOT TO BE READ AS PART OF THE PROCEDURE RULE)**

A Point of Order is essentially related to matters of procedure, e.g. whether Procedure Rules are being complied with, whether a Member is in order in speaking; whether a Motion or amendment is admissible, whether a Member is speaking to the point. Nothing relating to the substance of the debate nor to the accuracy of facts given, etc, can be a point of order. A point of order is a request by a Councillor to the person presiding at the meeting (the Chairman) to rule on an alleged irregularity in the constitution or conduct of the meeting.

#### **PROCEDURE RULE 46**

##### **POINT OF PERSONAL EXPLANATION**

- 1) If a Member makes a statement which is misunderstood or misquoted by another Member at a meeting, the Member may stand to make a personal explanation and with the consent of the person presiding at the meeting, be given the opportunity to correct the misunderstanding.
- 2) A personal explanation is not a point of order and shall be confined to some material part of a former speech by him which may appear to have been misunderstood in the present debate.
- 3) The ruling of the person presiding at the meeting on the admissibility of a personal explanation shall be final and not open to discussion.

##### **NOTE OF EXPLANATION ONLY**

##### **(NOT TO BE READ AS PART OF THE PROCEDURE RULE)**

A personal explanation is not a point of order and therefore only the person who made the original statement can make a personal explanation, which in any case must be confined to clarifying something already said which may have been misunderstood and must not introduce new matters.

## **PROCEDURE RULE 47**

### **POINT OF INFORMATION**

A Member may ask that a point of information, a matter of fact which should be drawn to the attention of the debate, be provided at any time during a debate. The person presiding may require that it be written on a piece of paper by the Member wishing to raise the point of information and passed to the Committee Administrator who shall immediately pass it to the person presiding.

## **PROCEDURE RULE 48**

### **RULES OF DEBATE FOR COUNCIL MEETINGS**

- 1) Except in cases where a recommendation has been tabled on the Agenda a Motion or amendment shall not be discussed unless it has been proposed and seconded.
- 2) The rules of debate are listed below. The Procedure Rule quoted applies in full in addition to any other requirements shown.
  - a) Motions and Amendments Procedure Rules 34-37 apply
  - b) Seconder's Speech Procedure Rule 35 applies
  - c) Only One Member to stand at a Time Procedure Rule 41 applies
  - d) Respect for the Chair Procedure Rule 41 applies
  - e) Content of Speeches Procedure Rule 41 applies
  - f) Length of Speeches Procedure Rule 43 applies
  - g) When a Member May speak again Procedure Rule 41 applies
  - h) Amendments to Motions Procedure Rule 37 applies
  - i) One Amendment at a Time Procedure Rule 37 applies
  - j) Further Amendments Procedure Rule 37 applies
  - k) Alteration of Motion by Proposer Procedure Rule 35 applies
  - l) Withdrawal of Motion or Amendment Procedure Rule 35 applies
  - m) Right of reply Procedure Rule 44 applies
  - n) Motions moved without Notice Procedure Rule 36 applies

- o) Points of Order Procedure Rule 45 applies
- p) Personal Explanation Procedure Rule 46 applies
- q) Points of Information Procedure Rule 47 applies
- r) Closure Motions
  - i) Member may at the conclusion of a speech of another Member move without comment:
    - “That the question be now put”;
    - “That the Council proceed to the next business”;
    - “That the debate be now adjourned”;
    - “That the Council do now adjourn”.
  - ii) If any of the these Motions are seconded, the person presiding shall, subject to a Member’s right of reply in Procedure Rule 44 e), put the Motion to the vote unless he determines that the matter under discussion has not been sufficiently debated.
  - iii) If the Motion “That the question be now put” is carried, the matter under discussion shall be put to the vote without discussion.
  - iv) If the Motion “That the Council proceed to the next business” is carried, the matter under discussion shall be deemed to have been determined.
  - v) If the Motion “That the debate be now adjourned” is carried, the matter under discussion shall be deemed to be disposed of for that meeting.
  - vi) If the Motion “That the Council do now adjourn” is carried, the matter under discussion shall be deemed to be disposed of until the meeting resumes after the adjournment.
  - vii) If a Motion under Procedure Rule 48 2) r) i) ii) iii) or iv) has already been put to the vote and been defeated, a similar Motion on the same item of business shall not be put to the vote unless the person presiding determines that the matter has already received a fair hearing.
- s) During consideration of any item relating to a planning application Procedure Rule 104 (Rules of Debate in Committees and Sub-Committees) shall apply.
- t) Ruling of Chairman on Points of Order, Personal Explanation and Points of Information

The ruling of the person presiding is final and shall be accepted without discussion.

#### **PROCEDURE RULE 49** **APPOINTMENTS BY THE COUNCIL**

- 1) Any candidate nominated for a position to be filled by the Council shall be openly proposed and seconded.
- 2) At the close of nominations the Chairman shall state the names of the candidates who have been proposed and seconded.

- 3) If the number of nominations does not exceed the number of vacancies or if the number of vacancies is not limited the Chairman shall without any debate put the appointment of the nominated candidates collectively as a substantive Motion upon which no amendments may be moved.
- 4) If there are more nominations than vacancies and no nominations are subsequently withdrawn the matter will be put to the vote. Unless a recorded vote is requested under Procedure Rule 10 the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.
- 5) If there are more candidates than vacancies and there is no absolute majority in favour of one person, the candidate with the least number of votes is withdrawn and a further ballot will be conducted. Ballots will continue until one candidate is elected with an absolute majority. In the event of a tie the election will be decided by the drawing of lots under the supervision of the Chief Executive or Committee Administrator.

## **PROCEDURE RULE 50**

### **DISORDERLY CONDUCT BY MEMBERS**

- 1) If the person presiding considers that a Member is behaving improperly by persistently disregarding his ruling, behaving irregularly, offensively, wilfully obstructing the business of the Council, being tediously repetitious or using unbecoming language, he may do any of the following, either separately or in sequence:
  - a) Move that the Member named be not further heard. This Motion does not need to be seconded and shall be put and decided without comment. If it is carried, the Member named shall not speak further at that meeting.
  - b) Move that the Member named shall leave the meeting. This Motion does not need to be seconded and shall be put and decided without comment. If it is carried, the Member shall forthwith leave the meeting immediately.
  - c) Suspend the sitting of the Council for a period not exceeding 30 minutes without discussion or a vote.
- 2) Any Member who considers that a named Member is behaving improperly, as illustrated in paragraph 1) may also move that the named Member be not further heard or shall leave the meeting immediately. If seconded, the Motion shall be put and determined without discussion.

## **PROCEDURE RULE 51**

### **DISORDERLY CONDUCT BY THE PUBLIC**

- 1) If a member of the public interrupts the proceedings, the person presiding shall warn him. If he continues the interruption, the person presiding shall order him to leave the room or order his removal. If a member of the public persistently creates a disturbance, the person presiding may adjourn the meeting for any period that he considers expedient in the circumstances.
- 2) If the person presiding considers that any general disturbance, misconduct or obstruction impedes the proper conduct of business he may, without taking a vote, order the room to be cleared and suspend the meeting for any period that he considers expedient in the circumstances.
- 3) The powers conferred by this Procedure Rule are in addition to any other powers which a person may lawfully exercise.

#### **PROCEDURE RULE 52**

#### **SEAL OF THE COUNCIL**

- 1) The Common Seal of the Council shall be kept in a safe place in the custody of the officer authorised by the Chief Executive.
- 2) The Common Seal of the Council shall not be affixed to a document unless the sealing, or the action requiring the sealing of a document has been properly authorised by the Council, a Committee, Sub-Committee, Cabinet or by an officer exercising delegated power.
- 4) When the Common Seal is placed on a document ~~a Member and the Chief Executive must sign it~~ it must be affixed by the Monitoring Officer or in their absence, the Deputy Monitoring Officer, or a member of the Senior Management Team and the Leader or Deputy Leader.
- 5) Every document, which has the Common Seal on it, must be recorded and consecutively numbered in a book kept for that purpose which shall be open to inspection by any Member of the Council.

#### **PROCEDURE RULE 53**

#### **AUTHENTICATION OF DOCUMENTS**

Where any document will be a necessary step in legal proceedings on behalf of the Council it shall be signed by the Chief Executive or the Monitoring Officer unless any enactment otherwise requires or authorises, or the Council gives the necessary authority to some other person for the purpose of such proceedings.

#### **PROCEDURE RULE 54**

#### **GENERAL LEGAL AUTHORITIES**

- 1) Authority to take Urgent Legal Action

- a) The Chief Executive shall be authorised to defend any legal proceedings brought against the Council and to take any steps necessary to protect the Council's legal position until the institution of proceedings can be reported to the Committee responsible for the function concerned.

## **2) Authority to sign Documents in Legal Proceedings**

- a) The Chief Executive and the Monitoring Officer shall be authorised to sign the following on behalf of the Council:
  - i) any document necessary in legal proceedings on behalf of the Council, and
  - ii) information and complaints and to lay them on behalf of the Council for the purpose of Magistrates and other Courts proceedings.

## **3) Authority to sign Contracts and Other Documents**

- a) The Chief Executive, the Monitoring Officer and Chief Officers shall be authorised to sign on behalf of the Council the following:
  - i) any contract not under seal; and
  - ii) any document necessary to give effect to a resolution of the Council, a Committee or Sub-Committee.

## **4) Other Persons Authority to sign Documents**

- a) Other persons may be specifically authorised by the Chief Executive to sign documents described under paragraphs 2) and 3) above.

## **PROCEDURE RULE 55**

### **VARIATION AND SUSPENSION OF PROCEDURE RULES**

#### **1) Change or Revocation of Procedure Rules**

- a) No Procedure Rule shall be changed or revoked or no new Procedure Rule shall be made until it is recommended in a report to Council and approved by the Council.

#### **2) Suspension**

- a) The Council may suspend any Procedure Rule, subject to the exceptions in paragraph 3, so far as is lawful:
  - i) further to the recommendation of a Committee; or
  - ii) by notice of Motion given under Procedure Rule 34 (Notices of Motion); or
  - iii) by Motion without notice under Procedure Rule 36 (Motions which may be moved without notice), provided that at least half the Council are present.

- b) A suspension under this Procedure Rule shall last for the period specified by the Council, but not beyond the next Annual Meeting of the Council. Where no period is specified the suspension shall last only for the meeting at which it is adopted.

### **3) Procedure Rules Which May Not Be Changed, Suspended or Revoked**

- a) Procedure Rules where the heading and the entire text is shown in bold print are Core Procedure Rules required by the Local Government and Housing Act 1989 and their substance must not be changed, suspended or revoked except by or as a result of further legislation.
- b) Procedure Rule 55 (Variation and Suspension of Procedure Rules) shall not be suspended.

### **4) Ruling on Procedure Rules**

- a) The ruling of the person presiding at any meeting as to the construction or application of any of these Procedure Rules is final and shall not be challenged.
- b) The person presiding at the meeting shall determine any matter when a point of procedure is not covered by any Procedure Rule. Any such ruling is final and shall not be challenged.

## **PROCEDURE RULE 56** **ANY OTHER URGENT BUSINESS**

- 1) Any business which is not included on the agenda may only be considered if the person presiding decides that the item should be considered as a matter of urgency in view of its special circumstances. The reason for the urgency shall be stated in the Minutes and in any report relating to the item.
- 2) A Member wishing to have an item considered as an item of Any Other Urgent Business should seek the permission of the person presiding before the start of the meeting.
- 3) An Officer who wishes to have an item considered as an item of Any Other Urgent Business at a meeting must obtain the approval of the Chief Executive before asking the person presiding to accept it on the agenda.
- 4) All items of Any Other Urgent Business shall, wherever possible, be in writing and notified to the Chief Executive and the Monitoring Officer at least 24 hours before the meeting in a manner to be prescribed by Chief Executive.
- 5) Any resolution arising from discussion on the item shall be subject to Procedure Rules 35, 36 and 37 (Motions Generally, Motions and Amendments moved without notice and Amendments and Alterations to Motions).

## **PROCEDURE RULE 57** **ALLOCATION OF TIME FOR BUSINESS**

- 1) A Member may move, without comment that the time of any meeting shall be allocated between the items of business to be considered.
- 2) The Motion shall be seconded and put to the vote without comment. The Motion may only be put once at any meeting.
- 3) When the Council resolves that the time of the meeting shall be allocated among any remaining items of business on the agenda, each item shall be put to the vote without discussion when the time allocated to it has expired. The mover of the Motion which is put may, however, exercise the right of reply for a period not exceeding three minutes.

#### **PROCEDURE RULE 58**

#### **CLOSE OF MEETINGS**

- 1) No meeting of the Council shall continue after 9.30pm unless a Motion to extend the time is approved.
- 2) A Member may move that the time for the meeting be extended by 15 minutes in order to deal with any specific or any outstanding matter on the agenda.
- 3) No more than two extensions of 15 minutes shall be allowed.

#### **PROCEDURE RULES 59 to 69**

Reserved

#### **END OF SECTION 1**

## **SECTION 2 - COMMITTEE PROCEDURE RULES**

### **(Procedure Rule 70-129)**

#### **PROCEDURE RULE 70**

#### **DEFINITION AND INTERPRETATION OF PROCEDURE RULES**

Procedure Rule 1 shall apply as printed.

Any reference to Committee shall also mean Sub-Committee unless the context demands otherwise.

## **PROCEDURE RULE 71**

### **PLACE AND TIME OF MEETINGS**

- 1) Ordinary Meetings shall be held at Catmose on the dates approved by the Council and shall not start before 7.00pm, unless approved by the Chief Executive in consultation with the Chairman of the Committee.
- 2) This shall not apply to meetings of Committees which consider staffing matters only.
- 3) The Chief Executive, in consultation with the Chairman and Vice-Chairman of the Committee, ~~may make arrangements~~ **decide** to hold Special Meetings elsewhere if this is expedient to the business to be transacted. The start of a Special Meeting shall not be before 7.00pm unless varied in exceptional circumstances by the Chief Executive in consultation with the Chairman and Vice-Chairman of the Committee.
- 4) A Special Meeting of a Committee may be called by the Chairman, or Vice Chairman in his absence or by a quorum of the voting members of the Committee.
- 5) If three voting Members of a Committee or Sub-Committee decide to call a Special Meeting in accordance with paragraph 4, they shall immediately inform the Chief Executive, specifying the business proposed to be transacted. The Chief Executive shall then immediately give notice to all Members of the Committee and all persons entitled to receive their papers that a Special Meeting has been called. This meeting must be held within 15 working days of the receipt of the request unless the Members requesting the meeting agree to a later date. The order for an agenda for a Special Meeting is prescribed in Procedure Rule 87 (Agenda for Special Meetings).

## **PROCEDURE RULE 72**

### **NOTICE OF AND SUMMONS TO A COMMITTEE MEETING**

Procedure Rule 4 shall apply with the word “Council” replaced by the words “Committee and Sub-Committee”.

## **PROCEDURE RULE 73**

Reserved

## **PROCEDURE RULE 74**

### **RECORDING OF COMMITTEE MEETINGS**

Procedure Rule 6 shall apply.

## **PROCEDURE RULE 75**

### **ACCESS TO INFORMATION**

The Access to Information Rules (Procedure Rules 230 to 269) apply to meetings of Committees.

## **PROCEDURE RULE 76**

### **COMMITTEE DECISION-MAKING SYSTEM**

- 1) Subject to paragraphs 4 and 5, all agendas, minutes and reports submitted to Committee Meetings shall be presented in accordance with the style prescribed by the Chief Executive.
- 2) Subject to paragraphs 4 and 5, all Officers submitting reports shall adhere to the deadlines for receipt of Committee papers issued by the Chief Executive.
- 3) Subject to paragraphs 4 and 5, Officers shall submit a written summary of any oral report included on an agenda to the Chief Executive at least 24 hours before the time the meeting is due to commence.
- 4) The Chief Executive shall have the discretion to waive the requirements of this Procedure Rule when she is satisfied that there are special circumstances.
- 5) Paragraphs 1, 2 and 3 shall not apply to any business dealt with under Procedure Rule 117 (Any Other Urgent Business).
- 6) The Chief Executive may place an item on an agenda which he considers requires the attention of the Committee.
- 7) Members' Ability to Place Item on an Agenda

Any Member of the Council may submit an item of business for inclusion on the agenda and it shall be included with the approval of the Chairman of the Committee which shall not be unreasonably withheld unless:

- a) it is covered by an item already included on the agenda;
- b) less than five working days' notice of the item has been given in writing to the Chief Executive;
- c) the Chief Executive is not provided with any additional information he considers necessary to enable Members to consider the item in accordance with the Access to Information Rules (Procedure Rules 230 to 269).
- d) is covered by the procedure for a Member to ask for action under Procedure Rule 92 (Committee Business).

#### **PROCEDURE RULE 77** **RECORD OF ATTENDANCE**

Every Member attending a meeting shall sign his name on the attendance sheet provided for that purpose. The name of every Member attending will be recorded in the official record of the meeting.

#### **PROCEDURE RULE 78** **VOTING**

Procedure Rule 10 shall apply

## **PROCEDURE RULE 79**

Reserved

## **PROCEDURE RULE 80**

### **QUORUM AT COMMITTEE AND SUB-COMMITTEE MEETINGS**

#### **1) Committees**

- a) The quorum of every Standing Committee shall be one quarter of the voting Members on the Committee (rounded up) with the exception of the Planning and Licensing Committee which will have a quorum of six (6) voting members.
- b) A quorum for a Standing Committee with not less than 10 or more than 12 voting Members shall, therefore, be 3.

#### **2) Sub-Committees**

- a) The quorum of a Sub-Committee shall be one quarter of the voting Members on the Sub-Committee (rounded up).
- b) A quorum for a Sub-Committee with not less than 5 or more than 8 voting Members shall, therefore, be 2.

#### **3) Absence of a Quorum**

- a) In the absence of quorum for a Committee or Sub-Committee either at the start or during a meeting the Chairman may take any of the following courses of action:
  - i) Adjourn the meeting for a period of 15 minutes if it is expected that a Member will arrive in that period and, together with any Member or Members already present, will form a quorum so that the business on the agenda can proceed;
  - ii) If it is expected that an additional Member or Members will be present later, the Members present may proceed to discuss the business on the agenda on the understanding that, as soon as a quorum is present, the business already transacted will be approved by those then present to authorise any action which was previously taken;
  - iii) If the Committee or Sub-Committee only has authority to consider the item on the agenda and report to its appointing body, there is no reason why the meeting cannot proceed and a recommendation be made as normal;
  - iv) If the Committee or Sub-Committee has delegated power to consider the item then instead of taking executive decisions the Members present can put forward a recommendation for consideration by its appointing body.

#### **4) Substitution**

Procedure Rule 21 shall apply

**PROCEDURE RULE 81**  
**APPOINTMENT OF SUB-COMMITTEES**

- 1) A Committee at its first meeting after the Annual Council Meeting may appoint any Standing Sub-Committees it considers necessary to carry out its work, subject to restriction placed upon it by either the Council relating to the number of Sub-Committees, and shall determine the following:
  - a) the Terms of Reference of each Sub-Committee;
  - b) the number of places and voting places on each Sub-Committee;
  - c) the allocation of places to each political group;
  - d) the appointment of the Members of the Sub-Committee allocated to political groups in accordance with their wishes;
  - e) the appointment of the Chairman and Vice-Chairman of the Sub-Committee from amongst the voting Members of the Sub-Committee;
  - f) the appointment of any non-voting members and advisers to any Sub-Committee providing that the majority of voting Members on the Sub-Committee are Members of the appointing Committee. The Committee shall also specify the number of appointments that are to be made and what functions in relation to the Sub-Committee each person appointed may exercise;
  - g) the placing of any limitations on the powers of a Sub-Committee to arrange for the discharge of any of its functions by any other body; and
  - h) the date and time of each ordinary meeting in the municipal year.
- 2) The Committee may at any time revise resolutions under paragraph 1.
- 3) The Council may review and place restrictions on Committees appointing Sub-Committees at any time.
- 4) Every Sub-Committee shall continue to discharge the functions given to it and exercise any delegated powers until the appointing Committee resolves otherwise.
- 5) Every person who is appointed as a voting member of a Sub-Committee and every person appointed to exercise other functions in relation to a Sub-Committee shall continue to act until the appointment is terminated either by the Committee or by the wishes expressed by a political group as appropriate.

**PROCEDURE RULE 82**  
**APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF SUB-COMMITTEES**

- 1) Standing Committees shall appoint the Chairman and Vice-Chairman of any Sub-Committees they appoint in accordance with Procedure Rule 82(1) unless an

~~appointment needs to be made at any other time in which case it shall be made at the first Ordinary Meeting after the vacancy occurs.~~

- 2) ~~Chairmen and Vice-Chairmen of Sub-Committees may resign by giving notice in writing to the Chief Executive. A notice of resignation shall take effect from the time it is received by the Chief Executive unless it states that it is to take effect at a later date. In that event, the resignation shall be effective from the date stated in the resignation letter.~~
- 3) ~~A Committee may remove the Chairman and Vice-Chairman of any Sub-Committee it establishes **by way of a resolution**.~~

### **PROCEDURE RULE 83**

Reserved

### **PROCEDURE RULE 84**

#### **DISAGREEMENT BETWEEN SUB-COMMITTEES**

- 1) When there is a disagreement on any matter between any of an appointing Committee's Sub-Committees it shall be referred to the **Council appointing Committee** for consideration.
- 2) Any disagreement between Sub-Committees of two different appointing Committees shall be referred to the Council. This also applies to any Sub-Committees of the Standards Committee.
- 3) Whilst a matter is being considered by the appointing Committee or the Council, the Sub-Committees shall not report on it to the Council or submit a decision on it for confirmation by its appointing Committee or deal with it in exercise of delegated powers.
- 4) Any Sub-Committee concerned shall, unless the Council rejects it, accept the decision of its appointing Committee on how a disagreement should be resolved.

### **PROCEDURE RULE 85**

#### **AGENDA FOR FIRST MEETING IN THE MUNICIPAL YEAR**

##### **1) Committees**

- a) Subject to the provisions of Procedure Rule 86(3) (Variation of Order of Business) the order of business at the first meeting of a Committee shall be as follows:
  - i) To appoint a **Vice-Chairman Member** of the Committee to preside at the meeting in the absence of the Chairman and the Vice-Chairman.
  - ii) To receive apologies for absence
  - iii) To receive Declarations of Interest (pecuniary and non-pecuniary) and any declarations under Section 106 of the Local Government Finance Act 1992.
  - iv) To Note the Terms of Reference, Number of Places and Voting Places, Membership, and dates of meetings of the Committee.
  - v) ~~To establish any Standing Sub-Committees and their Terms of Reference.~~

- vi) To determine the number of places and voting places on any Standing Sub-Committee.
- vii) To allocate the number of voting places on any Standing Sub-Committee to each political group.
- viii) To appoint the Members of any Standing Sub-Committee in accordance with the wishes of the political groups.
- ix) To determine the dates of meetings of Standing Sub-Committees.
- x) To appoint Designated Members as required.
- xi) To appoint Working Parties with their Terms of Reference, number of places, and Chairman and Vice-Chairman.
- xii) To appoint representative on outside bodies.
- xiii) To consider any questions from Members received under Procedure Rule 95.
- xiv) To consider any Notices of Motion from Members submitted under Procedure Rule 97.
- xv) To consider and determine any matters referred to the Committee by Members which in the opinion of the Chief Executive cannot wait until the next scheduled meeting.

## 2) Sub-Committees

- a) Subject to the provisions of Procedure Rule 86 3) (Variation of Order of Business) the order of business at the first meeting of a Sub-Committee shall be as follows:
  - i) To appoint a Member of the Sub-Committee to preside at the meeting in the absence of the Chairman and Vice-Chairman.
  - ii) To receive apologies for absence.
  - iii) To receive Declarations of Interest (pecuniary and non-pecuniary) and any declarations under Section 106 of the Local Government Finance Act 1992.
  - iv) To Note the Terms of Reference, Number of Places and Voting Places, Membership, and dates of meetings of the Sub-Committee.
  - v) To appoint Designated Members as required.
  - vi) To appoint Working Parties with their Terms of Reference, number of places, and Chairman and Vice-Chairman.
  - vii) To appoint representative on outside bodies.
  - viii) To consider any questions from Members received under Procedure Rule 95.
  - ix) To consider any Notices of Motion from Members submitted under Procedure Rule 97.
  - x) To consider and determine any matters referred to the Sub-Committee by Members which in the opinion of the Chief Executive cannot wait until the next scheduled meeting.

**PROCEDURE RULE 86**  
**AGENDA FOR ORDINARY MEETING OF COMMITTEE AND SUB-COMMITTEE**

**1) Committees**

- a) Subject to the provisions of Procedure Rule 86 3) (Variation of Order of Business) the order of business for an Ordinary Committee Meeting shall be as follows:
- i) To appoint a Member to preside at the meeting in the absence of the Chairman and Vice-Chairman.
  - ii) To receive apologies for absence.
  - iii) To receive any changes to the membership, number of places, voting places or Terms of Reference of the Committee.
  - iv) To receive Declarations of Interest (pecuniary and non-pecuniary) and any declarations under Section 106 of the Local Government Finance Act 1992.
  - v) To confirm the Minutes of any Ordinary and Special Meetings of the Committee  
*and receive an update on actions agreed in the minutes of the previous meeting.*
  - vi) To receive reports from Sub-Committees which require Committee approval because the Sub-Committee do not have the delegated authority to act on the Council's behalf.
  - vii) To confirm Sub-Committee decisions which have been taken under the delegated authority of the Committee.
  - viii) To approve recommendations contained in all Working Party/Task and Finish Minutes.
  - ix) To receive petitions, deputations and questions from members of the public in accordance with Procedure Rule 93.
  - x) To consider any item of business which remains from the agenda of a previous meeting.
  - xi) ~~To appoint the Members, vary the number of places and amend the Terms of Reference of any Sub-Committees.~~
  - xii) ~~To review, when required, the number of voting places on any Sub-Committees.~~
  - xiii) ~~To allocate the number of voting places on Sub-Committees to each political group when required.~~
  - xiv) ~~To appoint the Members of Standing Sub-Committees in accordance with the wishes of the political groups.~~
  - xv) To appoint Designated Members as required.
  - xvi) To appoint or review the appointment of Working Parties with their Terms of Reference, number of places, and Chairman and Vice-Chairman.
  - xvii) To appoint representative on outside bodies.
  - xviii) To consider any questions from Members received under Procedure Rule 95.
  - xix) To consider any Notices of Motion from Members submitted under Procedure Rule 97.
  - xx) To consider any matters referred to a Committee or Sub-Committee by Members which in the opinion of the Chief Executive cannot wait until the next scheduled meeting of the Committee or Sub-Committee to be determined.
  - xxi) To consider any other business specified on the agenda.

- xxii) To approve the fixing of the Council's seal on any documents, other than those authorised in any item or report on the agenda, which are necessary to implement any of the Committee's decisions taken under the delegated authority of the Council or to implement any decision taken by an Officer under delegated authority of either the Council or the Committee.
- xxiii) To renew the delegated powers to officers and to renew Proper Officer's appointments until the next Ordinary Meeting.
- xxiv) To consider Any Other Urgent Business at the discretion of the person presiding provided that it has been previously notified to him. (See Procedure Rule 117).

## 2) Sub-Committees

- a) Subject to the provisions of Procedure Rule 86 3) (Variation of Order of Business) the order of business for an Ordinary Meeting of a Sub-Committee shall be as follows:
  - i) To receive apologies for absence.
  - ii) To receive any changes to the membership, number of places, voting places or Terms of Reference of the Sub-Committee.
  - iii) To receive Declarations of Interest (pecuniary and non-pecuniary) and any declarations under Section 106 of the Local Government Finance Act 1992.
  - iv) To appoint a Member to preside at the meeting in the absence of the Chairman and Vice-Chairman.
  - v) To confirm the Minutes of any Ordinary and Special Meetings of the Sub-Committee.
  - vi) To approve recommendations contained in Working Party Minutes.
  - vii) To receive petitions, deputations and questions from members of the public in accordance with Procedure Rule 93.
  - viii) To consider any item of business which remains from the agenda of a previous meeting.
  - ix) To appoint Designated Members as required.
  - x) To appoint or review the appointment of Working Parties with their Terms of Reference, number of places, and Chairman and Vice-Chairman.
  - xi) To appoint representatives on outside bodies.
  - xii) To consider any questions from Members received under Procedure Rule 95.
  - xiii) To consider any Notices of Motion from Members submitted under Procedure Rule 97.
  - xiv) To consider any matters referred to a Committee or Sub-Committee by Members which in the opinion of the Chief Executive cannot wait until the next scheduled meeting of the Committee or Sub-Committee to be determined.
  - xv) To consider any other business specified on the agenda.
  - xvi) To approve the fixing of the Council's seal on any documents, other than those authorised in any item or report on the agenda, which are necessary to implement any of the Sub-Committee's decisions taken under the delegated authority of the Council or to implement any decision taken by an Officer under delegated authority of either the Council or the Sub-Committee.
  - xvii) To renew the delegated powers to officers and to renew Proper Officer's appointments until the next Ordinary Meeting.

xviii) To consider Any Other Urgent Business at the discretion of the person presiding provided that it has been previously notified to him. (See Procedure Rule 117).

**3) The order of business in paragraphs 1) and 2) may be varied by**

- a) the direction of the person presiding, made with the unanimous consent of the Members present, but not so as to alter the order of items a) to f) but item x) in paragraph 1 above for a Committee or item r) in paragraph 2 above for a Sub-Committee may not be displaced or
- b) a resolution of the Committee, moved, seconded and put without comment, but not so as to alter the order of items a) to f) but item x) in paragraph 1 above for a Committee or item r) in paragraph 2 above for a Sub-Committee may not be displaced.

**PROCEDURE RULE 87**

**AGENDA FOR SPECIAL MEETINGS OF COMMITTEES AND SUB-COMMITTEES**

1) The agenda for Special Meetings shall include items 1) a) i), ii) and iii) of Procedure Rule 86 1) (Agenda for Ordinary Meeting) plus the item or report for which the Special Meeting has been called. Item i) of Procedure Rule 86 1) a) may also be included provided that any petitions, deputations or questions received shall only be considered if they relate to an item on the agenda. No further business may be transacted. See also Procedure Rule 93 for Petitions, Deputations and Questions.

**PROCEDURE RULE 88**

**CHAIRMAN/PERSON PRESIDING AT MEETINGS OF ALL COMMITTEES AND SUB-COMMITTEES, (INCLUDING SCRUTINY COMMITTEES)**

**1) Chairman**

- a) The Chairman and Vice-Chairman shall be elected annually and shall not serve beyond the Municipal Year in which they were appointed. They are eligible for re-election in subsequent years.
- b) The Chairman shall be elected by Council at the Annual Meeting. The Vice-Chairman shall be elected by the Committee at the first meeting of the municipal year.
- c) Any power of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding.

**2) Absence of the Chairman**

In the absence of the Chairman the Vice-Chairman shall preside over the meeting.

**3) Absence of the Chairman and the Vice-Chairman**

- a) If the Chairman and the Vice-Chairman are absent from a meeting, the Chief Executive (or her representative) will invite Members to nominate a Member of the

Council to take the chair. If discussion arises on that Motion the Chief Executive will exercise the powers of the person presiding until a Member is elected.

- b) If the Chairman arrives at a meeting when the Vice Chairman is in the Chair, the Chairman shall not preside until the item under consideration when he arrived has been determined. This shall also apply if either the Chairman or the Vice-Chairman arrive at a meeting when another Member is presiding.

#### **PROCEDURE RULE 89**

#### **RESPONSIBILITY OF A CHAIRMAN/VICE-CHAIRMAN OR PERSON PRESIDING**

- 1) To preside over the meeting.
- 2) To protect the meeting from outside interference.
- 3) To seek to ensure that the proceedings of the meeting are lawful.
- 4) To ensure that reasonable efforts are taken to explain issues being discussed so that Members are clear on what they are being asked to vote.
- 5) To ensure that as far as possible information is complete.
- 6) To permit every point of view to have a fair hearing.
- 7) To ensure the opinions expressed are relevant to the matter in hand.
- 8) To ensure business is transacted with reasonable speed.
- 9) To ensure as far as possible that proceedings are friendly and free from personal vilification.
- 10) To co-operate with officers and Members.
- 11) To monitor if the meeting has a quorum at all times and to take appropriate action under Procedure Rule 80.
- 12) To ensure that the order of the agenda for the meetings is followed.
- 13) To move the Minutes of previous meetings.
- 14) To put any proposition moved and seconded by Members to a vote.
- 15) To exercise a second or casting vote in the event of equal voting upon a proposition.
- 16) To invite petitions, deputations and questions and respond accordingly.
- 17) To ensure that the Council's Rules of Debate relating to Committee and Sub-Committee meetings are followed.

- 18) To make rulings on the application of Procedure Rules.
- 19) To make rulings on points of order, points of personal explanation and points of information.
- 20) To move that a Member named be not heard further and put it to the vote without a seconder or a discussion.
- 21) To move that a Member named shall leave the meeting and to put it to the vote without a seconder or a discussion.
- 22) To adjourn meetings in the event of disorderly conduct by members.
- 23) To warn members of the public from interrupting proceedings and if necessary order that the public area is cleared and/or the meeting is adjourned.
- 24) To determine if items of Any Other Urgent Business should be included on the agenda.
- 25) To make statements to the press on the outcome of meetings.
- 26) To summon Special Meetings.
- 27) To postpone or cancel meetings and to approve holding Special Meetings at places other than Catmose or Oakham Castle.
- 28) To be consulted on taking urgent action between meetings.

#### **PROCEDURE RULE 90**

#### **ATTENDANCE AT MEETINGS BY MEMBERS WHO ARE NOT MEMBERS OF THAT COMMITTEE**

- 1) A Member may attend any meeting of a Committee of which he **or she** is not a Member, and he **or she** may be invited to speak at the Chairman's discretion. The Chairman will normally invite voting Members to speak first on an item but may allow a Member who is not a voting Member of the Committee to speak first if he **or she** considers this to be conducive to the issue under consideration. A Member who is attending in this capacity cannot vote.
- 2) The ability of a Member to speak is subject to any restrictions placed upon him **or her** arising from any pecuniary or Code of Conduct interests. Having declared an interest, he **or she** may not speak unless he **or she** has a dispensation in law or from the Secretary of State. Depending upon the interest, he **or she** may be permitted to remain, or be required to withdraw, under the same procedures as if he **or she** were a member of the Committee.
- 3) The right to attend does not apply to a meeting when a report is considered which contains exempt information in accordance with the Access to Information Rules (Procedure Rules 230 to 269), and the public and press have been excluded. Any Member who is not a Member of the Committee shall leave unless the Chief

Executive and the Committee is satisfied that the Member needs to be present in order properly to carry out his **or her** duties as a Member and the Committee resolves to allow the Member to stay.

- 4) A Member who attends a meeting of which he **or she** is not a member must sit at the table provided for the meeting if he **or she** intends to be marked present and/or speak to the meeting. A Member must not sit in the public gallery and address comments to the meeting.

### **PROCEDURE RULE 91**

#### **MINUTES**

The Minutes of Committee Meetings will be produced in accordance with the style prescribed by the Chief Executive to comply with any statutory requirements.

- 1) The Minutes of each Committee meeting shall be made available for public inspection at the Council's Catmose Offices and shall be sent to each Member of the Council together with or before the issue of the summons to attend the meeting at which the Minutes are to be submitted for approval.
- 2) The Minutes of each meeting of the Council shall be submitted by the Chief Executive for approval of their accuracy at the next Ordinary Council Meeting. (CORE PROCEDURE RULE)
- 3) Minutes of every Meeting shall be submitted to the following Ordinary Meeting for approval. The person presiding shall move that the Minutes be taken as read, approved and signed by him **or her** as a correct record.
- 4) No Motion on the Council Minutes shall be accepted except upon their accuracy.

### **PROCEDURE RULE 92**

#### **REPORTS FOR INFORMATION**

- 1) Reports for information that do not require a decision will not be included on the agenda for a Committee meeting, unless the Chief Executive and the Chairman of the Committee consider that it essential to do so.

### **PROCEDURE RULE 93**

#### **SUBMISSION OF PETITIONS DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC**

- 1) **General Issues Common To All Petitions, Deputations And Questions**
  - a) Subject to paragraph 4 of this Procedure Rule any person may present a petition, deputation or question to an Ordinary Meeting of the Council which is relevant to some matter in relation to which the Authority has functions, or which affects Rutland or any of its inhabitants. See also Procedure Rule 24 for provisions relating to a Special Meeting.

- b) The Chief Executive shall not accept a petition, deputation or question from a member of the public which:
- i) is not about a matter for which the Council has a responsibility or which affects Rutland;
  - ii) which is offensive, frivolous, defamatory or is of a personal nature;
  - iii) is substantially the same as a petition, deputation or question which has been put at a meeting of the Council within the previous six months;
  - iv) appears to be from a staff group which has an alternative consultative forum;
  - v) is about any matter where there is a right of appeal to the courts, a tribunal or to a Government Minister or on any matter which, in the opinion of the Chief Executive, is of a quasi-judicial nature;
  - vi) is about any specific matter which would require confidential or exempt information to be divulged as defined in the Access to Information Rules (Procedure Rules 230 to 269).
- c) Any decision not to accept a petition, deputation or question shall be reported by the Chief Executive to the Committee together with a reason for refusal.

## 2) Petitions

- a) Full details on the format and submission of petitions can be found in the Rutland County Council Petitions Guidance under Section 5 of the Rutland County Council Constitution.
- b) A person wishing to submit a petition to a specific meeting of the Council, or any Scrutiny or Committee meeting shall give notice in writing of his intention to do so to the Governance Team providing details of the subject matter and number of signatures by no later than **midday on the tenth working day before the meeting, e.g. for a meeting on M Monday, by 12:00 on the second preceding Monday.**  
~~4.30 pm on the second working day before the meeting (e.g. for a meeting on a Monday, by 4.30 pm on the preceding Thursday).~~ The person submitting the petition must also indicate who will present the petition to the meeting.
- c) The person presenting the petition will read out, or summarise, the prayer of the petition, indicate the number of signatories, and make further supporting remarks relevant to the petition. **The time for this shall be a maximum of three minutes.** The Chairman will refer the matter to another appropriate body of the Council within whose terms of reference it falls without discussion and in accordance with the Council's petition guidance, detailed in Part 5 of the Constitution, unless a relevant item appears elsewhere on the Agenda
- d) If a petition is presented to a meeting at which there is an agenda item on the same subject, a Member may propose that the item and the petition should be considered together and that the item be moved forward on the agenda.

- e) Petitions may be referred to the appropriate Committee or Sub-Committee without debate. If after the meeting it becomes apparent that the petition is more relevant to some other Committee or Sub-Committee, the Chief Executive, in consultation with the Chairmen of all the Committees and Sub-Committees involved, may refer it to another Committee or Sub-Committee.
- f) When a petition has been referred to a Committee or a Sub-Committee, a report shall be submitted to the Council on the action taken as soon as practicable and in any case not later than the second Ordinary Meeting after the meeting at which it was presented. The person submitting and presenting the petition shall be informed of the response and the date of the meeting at which it will be considered.
- g) Any petition presented to an Officer shall be reported to the appropriate Committee either individually or as part of a report on the same topic as the petition.

### **3) Deputations – Other than Planning Applications**

A request to present a deputation should be made to the Governance team by no later than midday on the third working day before the meeting at which that person wishes to put the question e.g. Wednesday 12:00 for a meeting the following Monday.

~~than 12 pm on the day of the meeting at which the deputation is to be made (e.g. for a meeting on a Monday, by 12 pm that Monday).~~ The person making the request shall indicate the matter to which the request relates, the number, names and addresses of the persons who will form the deputation and who will speak. The Governance Team Manager will advise the Chief Executive of any deputation received. The Chief Executive in consultation with the Chairman or Vice Chairman of the Committee has the authority to determine whether such requests are granted.

- a) The maximum time for presenting each deputation is 5 minutes. Any remarks shall relate to the subject matter and should not constitute a personal attack upon any person or contain any offensive language or aggressive gestures. A person speaking for a deputation shall be heard in silence. A copy of the text of the deputation shall be provided to the Governance Team ([governance@rutland.gov.uk](mailto:governance@rutland.gov.uk)) no less than one hour before the start of the meeting or the deputation will not be received.
- b) The Members of the Committee may ask questions of the members of the deputation for a further period of not more than five minutes. These questions shall be asked and answered without discussion.

### **4) Speaking in Relation to a Planning Application**

- a) The rules regarding members of the public and other parties wishing to speak on a planning application can be found in the Rutland County Council Public Speaking Scheme **in Part 5 of the Constitution**.

- b) When notice of a request to speak at planning committee is received, planning shall arrange for the applicant (or the applicant's agent) to be notified that the request has been received.
- c) Requests to speak in relation to a planning application that is to be considered at the same meeting shall be heard at the same time as the planning application is considered.
- d) Where a large number of people have indicated a wish to speak on a particular application, the Chairman will ask that representatives of groups of people be nominated to speak in the interests of the efficient conduct of the meeting. The Chairman shall use his discretion as to whether to allow more than one person to address the meeting in relation to deputations that have been submitted.
- e) Comments shall relate to the subject matter and should not constitute a personal attack upon any person or contain any offensive language or aggressive gestures. Speakers shall be heard in silence.
- f) Speakers may be questioned at the meeting by Members of the Committee, but any public speaker may not question other speakers, Councillors or Officers.

## 5) Public Questions at Meetings

### **General**

- a) Each question and any subsequent questions shall be restricted to a single topic.
- b) Questions at Committee Meetings may be submitted under either the written procedure (paragraphs 5) c) to 5) m)) or the question's submitted at shorter notice procedure (paragraphs 5) n) to 5) w)).

### **Written Notice of Questions**

- c) Any person may put a written question to any Committee Meeting provided that the Governance Team has received the question in full by no later ~~than midday on the third working day before the meeting at which that person wishes to put the question e.g. Wednesday 12:00 for a meeting the following Monday. 4.30 pm on the second two working day before the meeting at which that person wishes to put the question (e.g. for a meeting on a Monday, by 4.30 pm on the preceding Thursday).~~ The notice shall be signed and shall include the questioner's address. The Governance Team will advise the Chief Executive of any questions received.
- d) The Governance Team Manager and/or the Chief Executive may reward the question with the agreement of the questioner.
- e) All questions shall be addressed to the person presiding at that meeting who may authorise another Member or Officer to provide an answer

- f) The total time allowed for each questioner including the response shall be five minutes.
- g) The person who gave notice of the question may ask a representative to put the question on his behalf, provided that this is notified to the Governance Team when the notice of the question is given.
- h) All questions shall be circulated to all Members at or before the Committee Meeting at which they are to be asked.
- i) If a person who is to ask the question is not present at the meeting when the question is reached on the agenda, the question shall be taken as printed on the agenda and answered. A copy of the answer shall then be sent to the person asking the question. Where the question was to be asked by a representative and he is absent, then the person who gave notice of the question may still ask the question.
- j) After a question has received a reply, the questioner may ask one supplementary question for the purposes of clarifying the reply.
- k) Every question shall be put and answered without discussion. No discussion shall be permitted nor a resolution moved with reference to any question or reply to a question.
- l) The name of the person who gave notice of the question, the text of the question and a summary of the response shall be recorded in the Minutes.
- m) The name of the person who gave notice of the question, the text of the question and a summary of the response shall be recorded in the Minutes.
- n) Any questions not disposed of at the end of 30 minutes shall be answered in writing and reported for information to the next meeting.

#### **Questions submitted at short Notice**

- o) A member of the public may ask a question on any matter forming part of the agenda for the meeting provided that the question is restricted to a single topic and that a written copy of the question is given to the Committee Administrator 15 minutes before the meeting starts.
- p) The questioner should conform with the requirements set out in paragraph 1.2 otherwise the person presiding can rule that the question will not be answered and move onto the next question.
- q) The time allowed for any questions submitted under this procedure shall be a maximum of 15 minutes provided that it falls within the total time of 30 minutes allowed for petitions, deputations and questions where notice has been given under paragraph 4.3.

- r) A maximum of one minute shall be allowed to ask each question and no supplementary question will be allowed. The maximum time for answering a question shall be two minutes.
- s) Questions shall be asked in the order in which the Committee Administrator receives them, except that the person presiding may take any questions of a similar nature together.
- t) When called to ask a question by the person presiding, the questioner will state his name and address for the record before he reads his question.
- u) The Chief Executive or Committee Administrator may offer advice to reword a question if this is acceptable to the questioner.
- v) All questions shall be addressed to the person presiding at the meeting who may authorise another Member or Officer to provide an answer. If it is not possible or reasonable to answer the question at the meeting a written response will be supplied later. Any questions answered in writing will be reported for information to the next Ordinary Meeting.
- w) Every question shall be put and answered without discussion. No discussion shall be permitted nor a resolution moved with reference to any question or reply to a question.
- x) The name of the person who asked the question, a summary of the question and the response shall be recorded in the Minutes.

#### **PROCEDURE RULE 94**

#### **TIME ALLOWED FOR PETITIONS DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC**

- 1) The maximum time allowed for presenting petitions, deputations and questions at a meeting shall be 30 minutes.
- 2) Petitions, deputations and questions from members of the public shall be considered in the order in which they have been received. A member of the public may submit one petition, deputation or ask one question (not including a supplementary question) at the same meeting. Questions submitted without notice shall be asked in the order in which the questioner indicated his intention to ask a question to the Committee Administrator before the meeting. Questions without notice shall be asked when all other petitions, deputations and questions with notice have been considered.

#### **PROCEDURE RULE 95**

#### **QUESTIONS WITH NOTICE FROM MEMBERS**

- 1) Any Member may ask a question with notice at a meeting provided the Chief Executive receives a written copy of the question **no later than midday on the third**

~~working day before the meeting at which that person wishes to put the question e.g. Wednesday 12:00 for a meeting the following Monday.~~

~~by no later than 4.30 pm on the second working day before, the meeting at which the question is to be asked (e.g. for a meeting on a Monday, by 4.30 pm on the preceding Thursday.~~

- 2) The person presiding may take questions without notice provided they are related to an item on the agenda.
- 3) Procedure Rule 93 a) and b) shall apply to questions asked by Members.
- 4) Questions may be asked of the Chairman of the Committee, a Designated Member or a representative on an outside body appointed by the Committee.
- 5) A list of the questions of which notice has been given shall be circulated to Members of the Council at, or before, the meeting at which they are to be asked. Questions will be asked in the order in which they have been received.
- 6) Each question shall be put and answered without discussion, but the Member to whom the question has been put may decline to answer it. The Member asking a question may ask one relevant supplementary question which shall be put and answered without discussion.
- 7) An answer to a question may be given by the person to whom it is addressed or by a Member or Officer on their behalf, and may take the form of
  - a) an oral answer;
  - b) a reference to information contained in some publication;
  - c) a written answer circulated to Members of the Committee before or with the summons for the next meeting at the latest.
- 8) Every question shall be relevant to some matter in relation to which the Committee has powers or a duty and which affects any part of Rutland or its inhabitants.
- 9) No discussion will be permitted nor any resolution moved with reference to any question or reply to a question.
- 10) The Chairman may authorise another Member or an Officer to answer any question.
- 11) The name of the Member asking the question, the text of the question and a summary of the response shall be recorded in the Minutes.

**PROCEDURE RULE 95A**  
**TIME ALLOWED FOR QUESTIONS FROM MEMBERS**

- 1) The maximum time allowed for asking questions at meetings shall be 30 minutes.

- 2) Questions from Members shall be considered in the order in which they have been received. When a Member wishes to ask more than one question (not including a supplementary question) at the same meeting, paragraph 3 will apply to determine the order in which they will be considered.
- 3) A second question from the same Member will only be considered when the first question of all other questioners have been received, and so on for any subsequent questions.

#### **PROCEDURE RULE 96**

Reserved

#### **PROCEDURE RULE 97**

#### **NOTICES OF MOTION FOR COMMITTEES**

- 1) Except for motions which can be moved without notice under Procedure Rule 99, written notice of every motion must be signed by at least two members and delivered to the Chief Executive **no later than midday on the tenth working day before the meeting, e.g. For a meeting on Monday, by 12:00 on the second preceding Monday**. ~~not less than five working days before the date of the relevant meeting.~~ These will be entered in a book open for inspection.
- 2) Motion set out in agenda

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

- 3) A Member may only be party to one Motion.
- 4) Motions will not be accepted at a Special Meeting.
- 5) A Motion must relate to a matter where the Council has a duty and;
  - a) affects any part of Rutland or its inhabitants; or
  - b) where a Member has been unable to raise at a Committee Meeting or a Scrutiny Committee, although this requirement may be waived by the Chief Executive, in consultation with the Chairman of the Council, if it is considered justified in the circumstances.
- 6) The Chief Executive will determine if it is in order to place a Motion on the Council agenda which has been submitted in accordance with paragraphs 1-6 above.
- 7) The Chief Executive may, with the consent of the Members moving the Motion, refer it to any Committee for consideration. A Motion referred in this way will automatically be deemed moved and seconded when the Committee considers it.

#### **PROCEDURE RULE 98**

#### **MOTIONS GENERALLY**

- 1) All Motions must be proposed and seconded before any discussion is allowed.
- 2) A Member may not propose or second a Motion on an issue on which he has an interest which would prevent him from speaking and/or disqualify him from voting on the Motion.
- 3) A Motion that is not set out in writing as part of the Agenda papers shall be read out by the Chief Executive or the Committee Administrator before a vote takes place. The person presiding at the meeting may require Motions of which notice is not given to be put in writing and given to the Chief Executive or the Committee Administrator immediately upon being seconded and before it is further discussed.
- 4) A proposer of a Motion may alter the Motion, if the alteration is such that it could be achieved by an amendment and the seconder consents to the alteration. The person presiding may require that the altered Motion be written down and handed to the Chief Executive or the Committee Administrator before it is considered.
- 5) The proposer may withdraw a Motion with the consent of the seconder. No other Member may speak on the Motion after the mover has asked for its withdrawal. If the seconder does not consent to the Motion being withdrawn the debate shall continue.
- 6) A Member, when seconding a Motion may reserve the right to speak until later in the debate as long as the intention to do this is indicated at the time the Motion is seconded.

#### **PROCEDURE RULE 99**

#### **MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE**

- 1) When a Motion is under debate no other Motion shall be moved except the following which may be moved without notice:
  - a) To elect a person to preside at the meeting.
  - b) To amend minutes on the grounds of accuracy.
  - c) To annotate a point of clarification to the minutes of a previous meeting.
  - d) To vary the order of the items on the summons for the meeting.
  - e) To withdraw or alter a report submitted for consideration.
  - f) To adopt reports and recommendations of Sub-Committees.
  - g) To confirm Sub-Committee decisions.
  - h) To amend the Motion.

- i) To withdraw a Motion or amendment.
- j) To propose a Motion arising out of consideration of a Sub-Committee report or of a decision of the Sub-Committee submitted for separate confirmation or a matter considered as an item of Any Other Urgent Business.
- k) That a Member not be heard further in accordance with Procedure Rule 107 (Disorderly Conduct by Members).
- l) That a Member leave the meeting in accordance with the provisions of Procedure Rule 107 (Disorderly Conduct by Members).
- m) That the subject of debate be referred to a Sub-Committee.
- n) To extend the time limit for speeches in accordance with Procedure Rule 43 (Length of Speeches).
- o) To exclude the public from a meeting, in accordance with the Access to Information Rules (Procedure Rules 230 to 269); where the discussion is likely to lead to the disclosure of exempt or confidential information.
- p) That a Procedure Rule be suspended or varied in accordance with Procedure Rule 109 (Variation of Procedure Rules).
- q) That the question under consideration be put to the vote immediately in accordance with Procedure Rule 48 2) r) (Motions Moved Without Notice).
- r) That the Committee move to the next business on the agenda in accordance with Procedure Rule 48 2) r) (Motions Moved Without Notice).
- s) To adjourn the debate in accordance with Procedure Rule 48 2) r) (Motions Moved Without Notice).
- t) To adjourn the meeting in accordance with Procedure Rule 48 2) r) (Motions Moved Without Notice).
- u) To extend the allocation of time of the meeting in accordance with Procedure Rule 119 (Close of Meeting).
- v) To give the consent of the Committee or Sub-Committee where it is required under these Procedure Rules.
- w) To appoint a special sub-Committee or working party to consider a matter and to appoint the Chairman and Vice-Chairman and determine the Terms of Reference.
- x) To authorise the sealing of documents.
- y) To consider business required by or under statute to be transacted at the first Meeting.

- z) To adopt a report or recommendation arising from a sub-Committee or an officer, or any resolution consequential upon that adoption
- 2) Procedure Rule 98 3) shall also apply to this Procedure Rule (Request to put a Motion in writing).

## **PROCEDURE RULE 100**

### **AMENDMENTS TO MOTIONS**

- 1) Procedure Rule 98 (Motions Generally) shall apply to this Procedure Rule with the word amendment substituted for Motion.
- 2) An amendment may be moved without notice and shall be directly relevant to the Motion. It shall be either to leave out words or insert or add others or a combination of both. It must not be a direct negative of the Motion. No amendment shall be moved to an amendment.
- 3) A Member may alter a Motion he has moved with the consent of the seconder, or alter a Motion which has been moved and seconded with the consent of the mover and the seconder.
- 4) Only one amendment shall be dealt with at a time.
- 5) If an amendment is carried, the Motion as amended will take the place of the original Motion and shall become the substantive Motion upon which any further amendment may be moved.
- 6) If an amendment is rejected, another amendment may be moved on the original Motion but it must not have the same effect as an earlier amendment which has been rejected.

## **PROCEDURE RULE 101**

Reserved

## **PROCEDURE RULE 102**

### **RESCINDING A DECISION OF A COMMITTEE MADE IN THE PREVIOUS 6 MONTHS**

- 1) No Motion or amendment shall be moved to rescind any resolution of a Committee or Sub-Committee which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period unless:
  - a) it is recommended by a Sub-Committee;
  - b) Notice of such Motion has been given by as many Members as would constitute a quorum of the Committee; or
  - c) only one such Notice of Motion shall be allowed to rescind a decision under this Rule.

**PROCEDURE RULE 103**  
**MOTIONS AFFECTING PERSONS EMPLOYED BY THE COUNCIL**

No discussion must take place on any question arising from the appointment, promotion, dismissal, salary, superannuation, conditions of service or the conduct of any Council employee, until a decision has been taken on whether to exclude the public and press under the Access to Information Rules (Procedure Rules 230 to 269).

**PROCEDURE RULE 104**  
**RULES OF DEBATE IN COMMITTEES AND SUB-COMMITTEES**

- 1) Only one member shall speak at a time. If two or more members indicate a wish to speak, the person presiding shall call one to speak and indicate the order in which the others shall be heard. This does not prevent a person raising a point of order, a point of information or giving a personal explanation.
- 2) Whenever the person presiding stands up or speaks during a debate, any Member then speaking shall fall silent, and the meeting shall be silent.
- 3) The person presiding shall subject to paragraph 4, call upon Members of the Committee to speak before any other Member who may be present.
- 4) The person presiding may call upon a Member who is not a Member of the Committee to speak first if he feels that this would be conducive to the issue being considered.
- 5) A Member shall confine a speech to the matter under discussion unless it is to make a point of order, point of information or to offer a personal explanation.
- 6) A Member must refrain from malice to retain the protection of speaking on privileged occasions.
- 7) The person presiding will determine the length of time Members are allowed to speak on an item under consideration and will give every Member of the Committee or Sub-Committee an opportunity to speak on the item if the Member so wishes.
- 8) The person presiding may allow a Member to speak on more than one occasion on an item.
- 9) The person presiding may ask a Member to refrain from speaking if the Member is merely repeating comments already put forward by previous speakers.
- 10) The proposer of a Motion shall have the right to reply to the debate at the following times:
  - a) At the close of the debate on the Motion.

- b) At the close of the debate on an amendment to the Motion.
  - c) Before a Motion to proceed to the next business is put to the vote.
  - d) Before a Motion to adjourn the debate or refer the item to a Committee is put to the vote.
  - e) After a closure Motion described in Procedure Rule 99 1) r) and s) is carried.
- 11) The proposer of an amendment to a Motion shall not have the right of reply to either the debate on the amendment or to the debate on a substantive Motion formed by the carrying of the amendment.
- 12) When exercising the right of reply, a Member shall confine himself to replying to previous speakers where he has not already had this opportunity.
- 13) After a Member has exercised the right of reply a vote shall be taken immediately on the Motion or amendment under discussion.
- 14) The person presiding shall have the right to determine when an issue has had a fair hearing and can indicate at any time that he intends to bring the debate to a close.

#### **PROCEDURE RULE 105**

#### **POINTS OF ORDER, PERSONAL EXPLANATION and INFORMATION**

Procedure Rules 45, 46 and 47 shall apply with the word "Council" replaced by the words "Committee and Sub-Committees" and that a Member need not stand but can politely indicate a wish to speak to the person presiding.

#### **PROCEDURE RULE 106**

#### **APPOINTMENTS MADE BY COMMITTEES AND SUB-COMMITTEES**

- 1) Any candidate for any position to be filled by a Committee shall be openly proposed and seconded.
- 2) At the close of nominations the Chairman shall state the names of the candidates who have been proposed and seconded.
- 3) If the number of nominations does not exceed the number of vacancies or if the number of vacancies is not limited the Chairman shall without any debate put the appointment of the nominated candidates collectively as a substantive Motion upon which no amendments may be moved.
- 4) If there are more nominations than vacancies and no nominations are subsequently withdrawn, the Committee Administrator will provide a ballot paper, or other suitable method, to enable each Member of the Council present to cast a vote. Alternatively the Chairman, with the unanimous consent of the meeting, may choose to make an appointment by means of a show of hands for each of the Members nominated.

- 5) The conduct of the ballot will be under the sole direction of the Chief Executive or the Committee Administrator and only those Members who are present, and are not disqualified from voting, when the ballot is taken shall be entitled to vote. The Committee Administrator will hand a ballot paper to each member present. Members wishing to vote will then be required to place the ballot paper in a box or other suitable receptacle provided by the Committee Administrator.
- 6) The period for voting shall not be more than five minutes at the end of which the Chief Executive or the Committee Administrator will count the votes and announce the result.
- 7) If there are more candidates than vacancies and there is no absolute majority in favour of one person, the candidate with the least number of votes is withdrawn and a further ballot will be conducted. Ballots will continue until one candidate is elected with an absolute majority. In the event of a tie the election will be decided by the drawing of lots under the supervision of the Chief Executive or Committee Administrator.

**PROCEDURE RULE 107**  
**DISORDERLY CONDUCT BY MEMBERS**

- 1) If the person presiding considers that a Member is behaving improperly by persistently disregarding his ruling, by behaving irregularly, offensively, wilfully obstructing the business of the Committee, being tediously repetitious or using unbecoming language, he may do any of the following either separately or in sequence:
  - a) Move that the Member named be not further heard. This Motion does not need to be seconded and shall be put and decided without comment. If it is carried, the Member named shall not speak further at that meeting.
  - b) Move that the Member named shall leave the meeting. This Motion does not need to be seconded and shall be put and decided without comment. If it is carried, the Member shall leave the meeting immediately.
  - c) Suspend the meeting for a period not exceeding 30 minutes without discussion or a vote.
- 2) Any Member who considers that a named Member is behaving improperly as indicated in paragraph 1) may also move that the named Member be not further heard or shall leave the meeting immediately. If seconded, the Motion shall be put and determined without discussion.

**PROCEDURE RULE 108**  
**DISORDERLY CONDUCT BY THE PUBLIC**

- 1) If a member of the public interrupts the proceedings, the person presiding shall warn him. If he continues the interruption, the person presiding shall order him to leave the room or order his removal. If a member of the public persistently creates a

disturbance, the person presiding may adjourn the meeting for any period that he considers expedient in the circumstances.

- 2) If the person presiding considers that any general disturbance, misconduct or obstruction impedes the proper conduct of business he may, without taking a vote, order the room to be cleared and suspend the meeting for any period he considers expedient in the circumstances.
- 3) The powers conferred by this Procedure Rule are in addition to any other powers which a person may lawfully exercise.

#### **PROCEDURE RULE 109**

#### **VARIATION AND SUSPENSION OF PROCEDURE RULES**

##### **1) Change or Revocation of Procedure Rules**

- a) No Procedure Rule shall be changed or revoked and no new Procedure Rule shall be made until it has been recommended in a report to Council and approved by the Council.

##### **2) Suspension**

- a) The Committee may suspend any Procedure Rule so far as is lawful:
  - i) further to the recommendation of a Sub-Committee; or,
  - ii) by notice of Motion given under Procedure Rule 97 (Notices of Motion); or
  - iii) by Motion without notice under Procedure Rule 99 (Motions which may be moved without notice), provided that at least half the voting members of the Committee are present.
- b) A suspension under this Procedure Rule shall last for the meeting at which it is adopted. If a Committee wishes for a suspension longer than this it may request the Council to suspend the Procedure Rule to the next Annual Council Meeting or for a shorter period as required.

##### **3) Procedure Rules which may not be changed, suspended or revoked**

- a) Procedure Rules where the heading and the entire text is shown in bold print are Core Procedure Rules required by the Local Government and Housing Act 1989 and other legislation and their substance must not be changed, suspended or revoked except by or as a result of further legislation.
- b) Procedure Rule 109 (Procedure Rules) shall not be suspended.

##### **4) Ruling on Procedure Rules**

- a) The ruling of the person presiding at any meeting as to the construction or application of any of these Procedure Rules is final and shall not be challenged.

- b) The person presiding at the meeting shall determine any matter when a point of procedure is not covered by any Procedure Rule. Any such ruling is final and shall not be challenged.

## **PROCEDURE RULE 110**

### **REFERRAL OF DECISIONS**

A decision of a Committee or Sub-Committee having delegated powers may be referred to Council by one-third (rounded up) of the Members of that Committee or Sub-Committee giving notice either verbally at the meeting or by submitting a notice in writing to the Chief Executive within five **WORKING DAYS** of the decision being made.

- 1) A Member may not refer a decision of a Committee or Sub-Committee to Council where he has an interest which would prevent him from speaking or voting on the matter.
- 2) Anyone who has reasonable grounds to believe that a Member has referred a decision of a Committee or Sub-Committee to the Council when they have an interest which would prevent them from speaking and/or disqualify them from voting on the matter may refer the matter to the Monitoring Officer. The Monitoring Officer shall determine whether it is reasonable to consider that the Member has such an interest and whether it is in order for the Member to refer the decision to the Council. The Monitoring Officer will submit a report to the Council in all instances where action has been requested or taken under this Procedure Rule. The Council will then determine whether to refer the matter to the Standards Committee.
- 3) If any decision is referred under paragraph 1) it shall be considered at the next Ordinary Council Meeting provided that it is received in time to be included on the agenda. Otherwise, it shall be reconsidered at the first subsequent Ordinary Council Meeting. However, if the Chief Executive considers that it is in the Council's interests to determine any matter which has been referred before the next scheduled Ordinary Meeting of the Council, the matter may be considered at a Special Council Meeting.
- 4) When a decision has been referred to the Council, no further action will be taken to implement the decision until the Council has determined the matter.
- 5) When a decision of a Committee has been referred to the Council and it has been referred back to the Committee for reconsideration there shall be no right of referral to the subsequent decision of the Committee on the matter.
- 6) When it is essential that action must be taken within the period normally allowed Members to refer a decision, officers will indicate on the agenda that the Committee or Sub-Committee will be asked to decide that the matter is of such urgency that no referral should be allowed. The referral procedure can only be removed if more than half of the voting members of the Committee agree. For a Committee of ten voting Members it will need at least six Members to vote in favour of this provision. The person presiding may not use a second or casting vote to vote in favour of removing the right of referral.

- 7) No referral shall be made in respect of the following decisions:
- a) Election of Chairman or Vice-Chairman.
  - b) Exclusion of the public and press.
  - c) Dates and/or times of meetings.
  - d) Approval of minutes for accuracy and the confirmation of Sub-Committee decisions, but not the confirmation of Working Party minutes.
  - e) Matters relating to the membership, functions and Terms of Reference of Committees and Sub-Committees.
  - f) A decision that no referral may be made on grounds of urgency.
  - g) Items submitted for information only.
  - h) Decisions of a Committee or Sub-Committee summoned to hear a staff or statutory appeal.
  - i) Decisions in respect of specific licensing applications and/or enforcement action, decisions in respect of specific discretionary rate relief applications, and other matters which, in the opinion of the Chief Executive, are considered to be of a quasi-judicial nature.

#### **PROCEDURE RULE 111**

Reserved

#### **PROCEDURE RULE 112**

#### **APPOINTMENT OF JOINT COMMITTEES AND JOINT MEETINGS OF COMMITTEES**

##### **1) Joint Committees**

- a) The date of the first ordinary meeting of a Joint Committee may be set by the Council or may be summoned by the Chairman of a Committee forming part of the Joint Committee.
- b) At the first meeting of the Joint Committee, the Committee may determine dates of future meetings. In the absence of dates of future meetings being determined, the Chairman of the Joint Committee may summon a meeting as he thinks fit.
- c) The quorum of a Joint Committee shall be the equivalent of the combined quorum for each of the constituent Committees and/or Sub-Committees forming the Joint Committee. A Member present who is a Member of more than one of the Committees or Sub-Committees concerned shall indicate which one he represents for the purposes of the quorum. If a quorum is not present for each of the constituent Committees and/or Sub-Committees then the Joint Committee will not have a quorum.

- d) The procedure for meetings of Joint Committees shall be the same as those for the Council's Standing Committees.

## 2) **Joint Meetings of Committees**

- a) Two or more Committees or Sub-Committees may meet together for the purposes of common consultation regardless of paragraph 1) above. However, any such meeting shall have no executive powers and any decision taken shall be of an advisory nature only. Committees and Sub-Committees meeting in this way must then present a report to the Council requesting that their recommendations be approved.
- b) The agenda for a Joint Meeting of Committees or Sub-Committees shall include items 1) a) of Procedure Rule 86 plus the item or report for which the meeting has been called. Item ix) of Procedure Rule 86 may also be included provided that any petitions, deputations or questions received shall only be considered if they related to the item on the agenda. No further business may be transacted.

## **PROCEDURE RULE 113** **WORKING PARTIES**

- 1) Committees and Sub-Committees may establish a Working Party of Members, Officers and others to discuss any matter within the Committee's or Sub-Committee's powers.
- 2) Working Parties shall have no power to exercise any function or take any action on behalf of the Council, nor incur any expenditure.
- 3) On establishing a Working Party, a Committee shall define its membership, constitution, Terms of Reference and the manner and time at which it shall report. The appointing Committee can determine that the Working Party shall report to another Committee or Sub-Committee.
- 4) Working Parties shall be appointed to serve until the first meeting of the appointing Committee after the next Annual Meeting of the Council or for a shorter period as the Committee may determine.
- 5) When a Working Party is established, the approval of the Council must be obtained to authorise the attendance at the Working Party as an approved duty for the purposes of payments for travelling and subsistence etc in accordance with the Members' Allowance Scheme. No Special Responsibility Allowance will be paid in respect of Working Party Chairmen or Vice-Chairmen.
- 6) The lead officer present shall record the attendance of those present at any meetings of a Working Party and forward the list to the Senior Committee Administrator. In the absence of any officer this shall be done by the Chairman of the Working Party.

**PROCEDURE RULE 114**  
**DESIGNATED MEMBERS - Appointment and Responsibilities**

Designated Members can be appointed by Committees and Sub-Committees to provide advice and to brief Members and Officers on a specific activity which is a function of the Council and has been delegated to the Committee or Sub-Committee. Designated Members have no executive authority to act or to incur expenditure. Any executive action may only be taken in consultation with an Officer, where delegated authority already exists, or through a formal resolution of a Committee or a Sub-Committee provided they have delegated authority to take the decision.

**PROCEDURE RULE 115**  
**RESPONSIBILITIES OF MEMBERS**

See Article 2 of the Constitution.

**PROCEDURE RULE 116**  
**URGENT ACTION BETWEEN MEETINGS**

A Chief Officer may, after consultation with the Chairman and Vice-Chairman of the appropriate Committee or Sub-Committee, take any urgent action which he considers necessary prior to the next meeting of the Committee or Sub-Committee. Any such action shall be reported for the information and approval of the Committee or Sub-Committee at its next meeting.

**PROCEDURE RULE 117**  
**ANY OTHER URGENT BUSINESS**

Procedure Rule 56 shall apply with the word "Council" replaced by the words "Committee and Sub-Committees".

**PROCEDURE RULE 118**  
**ALLOCATION OF TIME**

Procedure Rule 57 shall apply with the word "Council" replaced by the words "Committee and Sub-Committees".

**PROCEDURE RULE 119**  
**CLOSE OF MEETINGS**

- 1) Procedure Rule 58 shall apply with the word "Council" replaced by the words "Committee and Sub-Committees".
- 2) ~~No meeting of Planning and Licensing Committee starting at 7.00pm shall continue after 9.30pm unless a Motion to extend the time is approved.~~

## **PROCEDURE RULES 120 – 129**

Reserved

### **SECTION 3 - CABINET PROCEDURE RULES (Procedure Rules 130-189)**

#### **PROCEDURE RULE 130 DISCHARGE OF FUNCTIONS**

- 1) The Leader may provide executive functions to be discharged by:
  - a) The Cabinet as a whole
  - b) a Committee of the Cabinet;
  - c) an individual Member of the Cabinet
  - d) an officer;
  - e) joint arrangements; or
  - f) another local authority.
- 2) The Leader will present to the Annual Meeting of the Council a written record of delegations to be made by him or her for inclusion in the Council's Scheme of Delegation as set out in Part 3 of this Constitution. The document presented by the Leader will contain the following information about Executive functions in relation to the coming year:
  - a) the names and wards of the Members appointed to the Cabinet;
  - b) the extent of any authority delegated to Cabinet Members individually, including details on the limitation on their authority;
  - c) the terms of reference and constitution of such Executive Committees as the Leader appoints and the names of the Cabinet members appointed to them;
  - d) the nature and extent of any delegation of Executive functions to any other authority or any joint arrangements, and the names of those Cabinet Members appointed to any joint committee for the coming year; and
  - e) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

#### **PROCEDURE RULE 131 SUB-DELEGATION OF EXECUTIVE FUNCTIONS**

- 1) Where the Cabinet, a Committee of the Cabinet or an individual Member of the Cabinet is responsible for an executive function, they may not delegate further to a sub-committee, joint arrangements or an officer without the consent of the Leader
- 2) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the body who delegated.
- 3) Where the Cabinet or a Cabinet Member delegates to a Committee, or joint arrangements, it or they shall make known publicly the terms of reference and constitution of the committee. Likewise, when delegating to an officer, it or they shall make known the nature and extent of the delegation, together with the details of any limitation on that delegation.

**PROCEDURE RULE 132**  
**AMENDMENTS TO DELEGATIONS**

- 1) The Leader may amend the scheme of delegation relating to executive functions at any time. To do so, the Leader must give written notice to the Monitoring Officer and to the person, body or Committee concerned as soon as possible after the decision. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body Committee or the Cabinet as a whole. The Monitoring Officer will present a report to the next Ordinary meeting of the Council setting out the changes made by the Leader.
- 2) Where the Leader seeks to withdraw delegation from a Committee of the Cabinet, notice will be deemed to be served on that Committee when he or she has served it on its Chairman.

**PROCEDURE RULE 133**  
**PUBLIC AND PRIVATE MEETINGS**

- 1) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules (Procedure Rules 230-269).
- 2) Where Executive decisions are delegated to a Committee of the Cabinet, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.
- 3) All Cabinet meetings to any sub-committees where executive decisions are to be made will be held in public except when the Leader or Cabinet has resolved to:
  - a) exclude the press and public from all or part of the meeting in accordance with the Access to Information Rules or
  - b) exclude a member or members of the public in order to maintain orderly conduct or prevent misbehaviour at the meeting in accordance with Procedure Rule 51.

- 4) Where the Cabinet or a sub-committee will need to meet in private to take a decision which involves exempt or confidential information, the meeting may only take place if:
  - a) Notice has been published at the Council Offices and on the Council's website giving the reasons for holding the meeting in private at least 28 clear (calendar) days before the meeting. This notice will be included in the Forward Plan.
  - b) A further notice is published at the Council Offices and the Council's website at least 5 clear working days before the meeting giving reasons for holding the meeting in private and any representations received. This notice will form part of the Cabinet agenda.
- 5) Where the date of a private meeting of the Cabinet or its sub-committees makes compliance with 4 (a) and (b) impractical, the meeting may only be held and any decision taken if agreement is obtained that the meeting is urgent and cannot reasonably be deferred from:
  - a) The Chairman of the relevant Scrutiny Committee
  - b) If there is no Chairman or he/she is unable to act, then the Chair of Council or
  - c) In his/her absence the Vice Chair of Council
- 6) A notice setting out the reasons why the private meeting is urgent and cannot reasonably be deferred must be published at the Council Offices and on the Council's website as soon as reasonably practicable after the agreement has been obtained.

#### **PROCEDURE RULE 134 MEETINGS OF THE CABINET**

- 1) The Cabinet will meet at least 10 times per year at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another public location to be agreed by the Leader.
- 2) Meetings of the Cabinet will be held at a time determined by the majority of the Cabinet Members so as to enable all Cabinet Members to play an active role within the Cabinet.

#### **PROCEDURE RULE 135 THE CABINET AGENDA**

- 1) The Leader will decide upon the schedule for meetings of the Cabinet. He may put on the agenda of any Cabinet meeting any matter which he wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or officer in respect of that matter. The Chief Executive will comply with the Leader's requests in this respect.

- 2) Any member of the Cabinet may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. The Chief Executive will comply with such a request.
- 3) The Chief Executive will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet.
- 4) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Scrutiny Committees.
- 5) Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. The number of such items will be at the discretion of the Leader.
- 6) The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

**PROCEDURE RULE 136**  
**PROCEDURE BEFORE TAKING EXECUTIVE DECISIONS**

Subject to Procedure Rules 138 and 139 below, a key decision may not be taken unless:

- 1) The Forward Plan of Executive Decisions has been published and includes the matter in question for a period of at least 28 clear (calendar) days;
- 2) At least five clear working days have elapsed since the publication of a report;
- 3) Where the decision is to be taken at a meeting of the Cabinet or its Committees, notice of the meeting has been given in accordance with Access to Information Rules in Part 4 of this Constitution.

**PROCEDURE RULE 137**  
**THE FORWARD PLAN OF EXECUTVE DECISIONS**

- 1) The Forward Plan of Executive Decisions will contain all matters subject to an executive decision to be taken by the Cabinet, a Committee of the Cabinet, individual Cabinet Members, officer key decisions, or under joint arrangements in

the course of the discharge of an Executive function during the period covered by the Forward Plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- a) that a key decision is being made on behalf of the local authority
  - b) the matter in respect of which a decision is to be made;
  - c) where the decision taker is an individual, his or her name and title, if any and where the decision taker is a body, its name and details of membership;
  - d) the date on which, or the period within which, the decision will be taken;
  - e) a list of the documents submitted to the decision taker for consideration in relation to the matter.
  - f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available.
  - g) that other documents relevant to those matters may be submitted to the decision maker; and
  - h) the procedure for requesting details of those documents (if any) as they become available.
- 2) Exempt information need not be included in the Forward Plan and confidential information cannot be included.
  - 3) By agreement with the relevant Cabinet Member, the executive decision making timetable can be delayed to allow a Scrutiny Committee to consider and make recommendations on a policy proposal or proposed decision, prior to the decision being taken. If the Cabinet Member and Scrutiny Chair are unable to reach agreement upon whether a matter should be referred for pre-scrutiny, the Leader will make the final decision as to whether the matter should be referred to a Scrutiny Committee before the decision is made.

### **PROCEDURE RULE 138**

#### **GENERAL EXCEPTION – URGENCY**

- 1) If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Procedure Rule 139 below, the decision may still be taken if:
  - a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first period to which the next forward plan relates;
  - b) the Chief Executive has informed the Chairman of the relevant Scrutiny Committee, or if there is no such person, each Member of that Committee by notice in writing, of the matter to which the decision is to be made;
  - c) the Chief Executive has made copies of that notice available to the public at the offices of the Council; and
  - d) at least five clear working days have elapsed since the Chief Executive complied with paragraphs 6.1 (b) and (c) above.
- 2) Where such a decision is taken collectively, it must be taken in public subject to these provisions.

## **PROCEDURE RULE 139**

### **SPECIAL URGENCY**

- 1) If by virtue of the date by which a decision must be taken the provisions in Procedure Rule 138 above cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the agreement of the Chairman of the relevant Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairman of the relevant Scrutiny Committee, or if the Chairman is unable to act, then the agreement of the Chair of Council, or in his absence the Vice Chair will suffice.

## **PROCEDURE RULE 140**

### **REPORTS ON SPECIAL URGENCY DECISIONS**

- 1) The Leader will submit reports to the Council on any Executive decisions taken in the circumstances set out in Procedure Rule 139 (Special Urgency) above in the preceding six months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

## **PROCEDURE RULE 141**

### **ATTENDANCE AT MEETINGS OF THE CABINET**

- 1) **Cabinet Members:** Members of the Cabinet or its Committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.
- 2) All Cabinet Members will be served notice of all meetings of Committees of the Cabinet, whether or not they are Members of that Committee.
- 3) **Officers:** Directors with an item to be discussed at a public meeting of the Cabinet shall be invited to attend the meeting and speak to that item and to have their views recorded.
- 4) **Non-executive Members:** Non-executive Members may attend meetings of the Cabinet except where exempt and confidential matters are being discussed and the Cabinet decides to exclude the public and press in accordance with the Access to Information Rules.
- 5) If the Cabinet decides to exclude the public and press in accordance with the Access to Information Rules, the Cabinet may resolve to allow any non-executive Members to remain in the meeting.
- 6) Non-executive Members may only speak at the prior invitation of the person presiding at meetings of the Cabinet.

## **PROCEDURE RULE 142**

### **QUORUM OF THE CABINET**

- 1) The quorum for a meeting of the Cabinet, or a Committee of it, shall be 3 members.

- 2) If a quorum is not present the person presiding may either:
  - a) adjourn the meeting for a period to allow other Cabinet Members to attend and make the meeting quorate;
  - b) continue with the business if it is known that other Cabinet Members will attend during the course of the meeting. At the point the other Members attend and make the meeting quorate, the business already discussed will be explained and a decision taken in the usual manner;
  - c) adjourn the meeting to another date and time.

**PROCEDURE RULE 143**  
**RECORDING OF MEETING**

Procedure Rule 6 shall apply

**PROCEDURE RULE 144**  
**RECORD OF ATTENDANCE**

~~Every Member attending a Cabinet Meeting shall sign his name on the attendance sheet provided for that purpose. The name of every Memerbs attending will be recorded in the official record of the meeting.~~

**PROCEDURE RULE 145**  
**METHOD OF VOTING**

- 1) Every proposition shall, unless otherwise required by these Procedure Rules or Statute, be determined by show of hands.
- 2) In taking the votes on any proposition, only those Members of the Cabinet who are present when the Chairman puts the proposition shall be entitled to vote provided that they are not disqualified from voting on the item.
- 3) In the case of a tied vote, the person presiding shall have a second or casting vote.

**PROCEDURE RULE 146**  
**RECORDING OF VOTING**

- 1) Any Members forming a quorum for the meeting who are not disqualified from voting and clearly indicate their request before a vote is taken on a proposition can require that the voting shall be recorded. If any Members are disqualified from voting this number may be reduced to a quarter of those present who are not disqualified. The Minutes of the meeting shall then show whether a Member gave his vote for or against the proposition or whether he abstained.
- 2) If paragraph 1 has not been invoked, any Member may indicate immediately after any vote that he requires the Minutes to record whether he gave his vote for or against the proposition or whether he abstained.

**PROCEDURE RULE 147**  
**RECORD OF CABINET DECISIONS**

- 1) After any meeting of the Cabinet or any of its Committees, whether held in public or in private, a Record of Decisions will be produced as soon as is practicable and within the timetable for call-in arrangements. The record will include a statement of reasons for each decision and any alternative options considered and rejected at the meeting.
- 2) **The Record of a Cabinet Meeting shall be submitted by the Chief Executive for approval of their accuracy at the next Ordinary Cabinet Meeting. (CORE PROCEDURE RULE)**
- 3) Records of an Ordinary Meeting shall not be put to a Special Meeting for approval.
- 4) When the Record of a meeting is submitted to a meeting for approval, the person presiding shall move that the record be taken as read, approved and signed by him as a correct record. Only a Motion to change the accuracy of record submitted for approval shall be accepted.

**PROCEDURE RULE 148**  
**POLITICAL BALANCE RULES FOR THE CABINET**

The rules relating to political balance do not apply to meetings of the Cabinet.

**PROCEDURE RULE 149**

**PETITIONS, DEPUTATIONS AND QUESTIONS TO THE CABINET**

There is no provision for the public to submit petitions, deputations and questions to meetings of the Cabinet. Members of the public can submit petitions, deputations and questions to meetings of the Council and its Committees.

**PROCEDURE RULE 150**  
**QUESTIONS AND NOTICE OF MOTION FROM MEMBERS**

There is no provision for Members to ask formal questions or submit motions at meetings of the Cabinet. Members of the Cabinet can be summoned to meetings of Scrutiny Committees to answer questions and can be asked questions at Council meetings.

**PROCEDURE RULE 151**  
**PERSON PRESIDING**

- 1) If the Leader of the Council is present, he will preside over meetings of the Cabinet.
- 2) In the absence of the Leader, the Deputy Leader shall preside over the meeting.

- 3) If the Leader and Deputy Leader are absent from a meeting, the Chief Executive will invite Members of the Cabinet to nominate one of their number to take the chair. If discussion arises on that Motion the Chief Executive will exercise the powers of the person presiding until a Member is elected.
- 4) Any power of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding.

**PROCEDURE RULE 152**  
**RESPONSIBILITY OF THE PERSON PRESIDING**

- 1) To preside over the meeting.
- 2) To protect the meeting from outside interference.
- 3) To ensure that everything to be discussed is lawful.
- 4) To ensure that reasonable efforts are taken to explain issues being discussed so that Members are clear on what they are being asked to vote.
- 5) To ensure that as far as possible information is complete.
- 6) To permit every point of view to have a fair hearing.
- 7) To ensure the opinions expressed are relevant to the matter in hand.
- 8) To ensure business is transacted with reasonable speed.
- 9) To ensure as far as possible that proceedings are friendly and free from personal vilification.
- 10) To co-operate with officers and Members.
- 11) To monitor if the meeting has a quorum at all times and to take appropriate action under Procedure Rule 142.
- 12) To ensure that the order of the agenda for the meetings is followed.
- 13) To move the record of previous meetings.
- 14) To put any proposition moved and seconded by Members to a vote.
- 15) To exercise a second or casting vote in the event of equal voting upon a proposition.
- 16) To ensure that the Council's Rules of Debate relating to Cabinet meetings are followed.
- 17) To make rulings on the application of Procedure Rules.
- 18) To make rulings on points of order, points of personal explanation and points of information.
- 19) To move that a Member named be not heard further and put it to the vote without a seconder or a discussion.
- 20) To move that a Member named shall leave the meeting and to put it to the vote without a seconder or a discussion.
- 21) To adjourn meetings in the event of disorderly conduct by members.

- 22) To warn members of the public from interrupting proceedings and if necessary order that the public area is cleared and/or the meeting is adjourned.
- 23) To determine if items of Any Other Urgent Business should be included on the agenda.
- 24) To make statements to the press on the outcome of meetings.
- 25) To summon Special Meetings.
- 26) To postpone or cancel meetings and to approve holding Special Meetings at places other than Catmose or Oakham Castle.
- 27) To be consulted on taking urgent action between meetings.

**PROCEDURE RULE 153**  
**RESPONSIBILITY OF CABINET MEMBERS**

- 1) To lead the community planning process.
- 2) To develop and implement corporate policy, plans and strategies.
- 3) To prepare the Annual Budget.
- 4) To take in-year decisions on resources and priorities to deliver the strategies and budgets within the framework approved by Full Council.
- 5) Exercise all powers collectively or by delegation to Officers except those reserved to Full Council and the Quasi-Judicial Committees.
- 6) To act as portfolio holders within the Cabinet for any functions considered necessary by the Leader.

**PROCEDURE RULE 154**  
**RESPONSIBILITY OF CABINET PORTFOLIO HOLDERS**

- 1) To lead in the preparation, review, development and implementation of strategies and plans.
- 2) To lead the achievement of best value in the delivery of services and the Council's objectives.
- 3) To develop and maintain effective consultation with non-executive councillors., other portfolio holders, the Community and Stakeholders and Partners
- 4) To assist in the community planning process.
- 5) To be the spokesperson for the relevant portfolio.
- 6) To take in-year decisions following consultation by an officer with delegated powers on financial matters within the framework approved by the Council.

**PROCEDURE RULE 155**  
**BUSINESS TO BE DISCUSSED**

- 1) At each meeting of the Cabinet the following business will be conducted:
  - a) Apologies for absence from Members;
  - b) Announcements from the Chairman and/or Head of Paid Service;
  - c) Declarations of interest, if any;
  - d) Consideration of the record of the last meeting;
  - e) Matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for reconsideration by the Cabinet;
  - f) Consideration of reports from Scrutiny Committees;
  - g) Matters set out in the agenda for the meeting. The agenda shall indicate which are key decisions and which are not; and
  - h) Urgent items of business with the consent of the Leader provided Procedure Rule 136 to 140 above have been followed. The Leader will explain why the matter is urgent and the reasons given will be recorded in the Record of Decisions.

#### **PROCEDURE RULE 156 RULES OF DEBATE AT CABINET**

- 1) Only one member shall speak at a time. If two or more members indicate a wish to speak, the person presiding shall call one to speak and indicate the order in which the others shall be heard. This does not prevent a person raising a point of order, a point of information or giving a personal explanation.
- 2) Whenever the person presiding stands up or speaks during a debate, any Member then speaking shall fall silent, and the meeting shall be silent.
- 3) The person presiding shall subject to paragraph 4) call upon Members of the Cabinet Committee to speak before any other Member who may be present.
- 4) The person presiding may invite a Member who is not a Member of the Cabinet to speak if he feels that this would be conducive to the issue being considered.
- 5) A Member shall confine a speech to the matter under discussion unless it is to make a point of order, point of information or to offer a personal explanation.
- 6) A Member must refrain from malice to retain the protection of speaking on privileged occasions.
- 7) The person presiding will determine the length of time Members are allowed to speak on an item under consideration and will give every Member of the Cabinet or Cabinet Committee an opportunity to speak on the item if the Member so wishes.
- 8) The person presiding may allow a Member to speak on more than one occasion on an item.
- 9) The person presiding may ask a Member to refrain from speaking if the Member is merely repeating comments already put forward by himself or previous speakers.

- 10) The proposer of a Motion shall have the right to reply to the debate at the following times:
  - a) At the close of the debate on the Motion.
  - b) At the close of the debate on an amendment to the Motion.
  - c) Before a Motion to proceed to the next business is put to the vote.
  - d) Before a Motion to adjourn the debate or refer the item to a Committee is put to the vote.
  - e) After a closure Motion described in Procedure Rule 48 2) r) i) and ii) is carried.
- 11) The proposer of an amendment to a Motion shall not have the right of reply to either the debate on the amendment or to the debate on a substantive Motion formed by the carrying of the amendment.
- 12) When exercising the right of reply, a Member shall confine himself to replying to previous speakers where he has not already had this opportunity.
- 13) After a Member has exercised the right of reply a vote shall be taken immediately on the Motion or amendment under discussion.
- 14) The person presiding shall have the right to determine when an issue has had a fair hearing and can indicate at any time that he intends to bring the debate to a close.

#### **PROCEDURE RULE 157**

#### **POINTS OF ORDER, PERSONAL EXPLANATION and INFORMATION**

Procedure Rules 45, 46 and 47 shall apply with the word "Council" replaced by the words "Committee and Sub-Committees" and that a Member need not stand but can politely indicate a wish to speak to the person presiding.

#### **PROCEDURE RULE 158**

#### **APPOINTMENTS MADE BY THE CABINET**

- 1) Any candidate for any position to be filled by a Cabinet shall be openly proposed and seconded.
- 2) At the close of nominations the Chairman shall state the names of the candidates who have been proposed and seconded.
- 3) If the number of nominations does not exceed the number of vacancies or if the number of vacancies is not limited the Chairman shall without any debate put the appointment of the nominated candidates collectively as a substantive Motion upon which no amendments may be moved.
- 4) If there are more nominations than vacancies and no nominations are subsequently withdrawn, the Committee Administrator will provide a ballot paper, or other suitable method, to enable each Member of the Cabinet present to cast a vote. Alternatively the Chairman, with the unanimous consent of the meeting, may choose to make an appointment by means of a show of hands for each of the Members nominated.

- 5) The conduct of the ballot will be under the sole direction of the Chief Executive or the Committee Administrator and only those Members who are present, and are not disqualified from voting, when the ballot is taken shall be entitled to vote. The Committee Administrator will hand a ballot paper to each member present. Members wishing to vote will then be required to place the ballot paper in a box or other suitable receptacle provided by the Committee Administrator.
- 6) The period for voting shall not be more than five minutes at the end of which the Chief Executive or the Committee Administrator will count the votes and announce the result.
- 7) If there are more candidates than vacancies and there is no absolute majority in favour of one person, the candidate with the least number of votes is withdrawn and a further ballot will be conducted. Ballots will continue until one candidate is elected with an absolute majority. In the event of a tie the election will be decided by the drawing of lots under the supervision of the Chief Executive or Committee Administrator.

## **PROCEDURE RULE 159**

### **CONSULTATION ON CABINET MATTERS**

- 1) **Budget and Policy Framework Matters**
  - a) All reports to the Cabinet from any Member of the Cabinet or an officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and relevant Scrutiny Committees, and the outcome of that consultation.
- 2) **All other Matters**
  - b) Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

## **PROCEDURE RULE 160**

### **CONFLICTS OF INTEREST**

- 1) Where any Cabinet Member has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- 2) If the exercise of an executive function has been delegated to a Committee of the Cabinet, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made.

**PROCEDURE RULE 161**  
**RULES FOR DEALING WITH MOTIONS AT CABINET**

Procedure Rules 97 to 100 shall apply as printed except references to the words 'Committee or Sub-Committee' shall also be read as a reference to 'Cabinet' where this is implicit in the meaning of the individual rule.

**PROCEDURE RULE 162**  
**STATEMENTS TO THE CABINET**

With the consent of the person presiding and the Cabinet Member making the statement, questions on the statement may be put and answered without discussion. The maximum time allowed for questions and answers to statements shall be five minutes.

**PROCEDURE RULE 163**  
**RESCINDING A DECISION MADE IN THE PREVIOUS SIX MONTHS**

- 1) No Motion or amendment shall be moved to rescind any resolution of the Cabinet, which was passed within the preceding six months or which is to the same effect as one which has been rejected within that period unless:
  - a) notice of such Motion has been given by as many Members as would constitute a quorum of the Cabinet.
  - b) only one such Notice of Motion shall be allowed to rescind a decision under this Rule.
- 2) This Rule shall not apply to any resolution of the Cabinet which has been referred to the Council under the Call-In procedure in Procedure Rule 206.

**PROCEDURE RULE 164**  
**CLOSE OF MEETING**

- 1) No meeting of the Cabinet shall continue after 12.30pm (for meetings commencing at 10am) unless a Motion to extend the time is approved.
- 2) A Member may move that the time for the meeting be extended by 15 minutes in order to deal with any specific or any outstanding matter on the agenda.
- 3) No more than two extensions of 15 minutes shall be allowed.

**PROCEDURE RULES 165 – 189**  
Reserved

## **(Procedure SECTION 4 – OVEVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES**

**Rules 190-230)**

### **PROCEDURE RULE 190**

#### **NUMBER OF THE OVERVIEW AND SCRUTINY COMMITTEES**

- 1) The Council will appoint the Overview and Scrutiny Committees set out in Article 6 and will appoint to it them as it considers appropriate from time to time.

~~Scrutiny Committees may appoint Sub Committees or groups~~

### **PROCEDURE RULE 191**

#### **CHAIRMAN AND VICECHAIRMAN OF OVERVIEW AND SCRUTINY COMMITTEES**

- 1) The Chairman of the Overview and Scrutiny Committees will be appointed at the Annual Meeting of Council to serve for the Municipal Year in which they are appointed.
- 2) A person may not be appointed as Chairman of more than one Standing Scrutiny Committee. The Vice Chairman of the Overview and Scrutiny Committee will be elected at the first meeting of the Committee.
- 3) The Chairman of the Overview and Scrutiny Committee may resign by giving notice in writing to the Monitoring Officer.
- 4) The Council may remove the Chairman of any Overview and Scrutiny Committee it establishes.

### **PROCEDURE RULE 192**

#### **TASK AND FINISH GROUPS, WORKING GROUPS AND SINGLE-ISSUE PANELS**

1. The Overview and Scrutiny Committee will have responsibility for establishing such task and finish groups (including working groups and single-issue panels) as it considers necessary to assist it in discharging its functions.
2. The terms of reference and working arrangements for each group or panel Group will be determined by the Committee. The requirements of the Local Government (Committees and Political Groups) Regulations 1990 will not apply to these bodies .
3. Task and finish groups should be reviewed annually and be time limited.
4. Working Groups can be established to develop expertise in a significant area of interest or concern.
5. Panels are more suited for evidence gathering activity
6. All non-executive Members, whether they are members of the Committee or not, may be appointed to a task and finish group, working group and single -issue panel.

### **SCRUTINY COMMISSION**

- 1) The Chairmen of the Scrutiny Committees set out in Article 6 will be automatically appointed to the Scrutiny Commission for the period of their office.
- 2) The Scrutiny Commission will co-ordinate the work of the Scrutiny Committees, but it is not itself a Scrutiny Committee. The Scrutiny Commission has no power to establish any Committees or amend its Terms of Reference.

#### **PROCEDURE RULE 193**

#### **SCRUTINY COMMISSION - TERMS OF REFERENCE**

- 1) To approve an annual scrutiny work programme, including the programme of any Sub-Committee appointed by a Scrutiny Committee, to ensure that there is efficient use of all Committees' and sub-Committees' time, and that the potential for duplication of effort is minimised.
- 2) Where matters fall within the remit of more than one Scrutiny Committee or Sub-Committee, to determine which of them will assume responsibility for any particular issue, and to resolve any issues of dispute between Scrutiny Committees.
- 3) To receive requests from the Cabinet and/or the full Council for reports from Scrutiny Committees and to allocate them if appropriate to one or more Scrutiny Committees.
- 4) To put in place and maintain a system to ensure that referrals from scrutiny to the Cabinet, either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in this Constitution.
- 5) At the request of the Cabinet, to make decisions about the priority of referrals made in the event of reports to the Cabinet exceeding limits in this Constitution, or if the volume of such reports creates difficulty for the management of Cabinet business or jeopardises the efficient running of Council business.
- 6) To have the powers of a Scrutiny Committee in relation to Cabinet decisions made but not implemented as set out in section 21(3) of the Local Government Act 2000, as do all other Scrutiny Committees. See Procedure Rule 206 (Call-In of decisions).

#### **PROCEDURE RULE 194**

#### **MEMBERSHIP OF SCRUTINY COMMITTEES - MEMBERS**

##### **1) Elected Members**

- a) All councillors, except members of the Cabinet, may be appointed by the Council as members of a **the Overview and** Scrutiny Committee.

##### **2) Co-opted Members**

- a) ~~The Overveiw and Each~~ Scrutiny Committee or a Scrutiny Sub-Committee may recommend to Council the appointment of a number of people as non-voting co-optees to assist in a specific scrutiny task. They will be required to observe the Members Code of Conduct. The number of co-opted Members on a Scrutiny Committee shall not exceed the number of elected Members.

### 3) **Statutory Members - Education Representatives**

- a) ~~The Overview and Each relevant~~ Scrutiny Committee/Sub-Committee ~~when~~ dealing with education matters shall include in its membership the following voting representatives:
- i) 1 Church of England diocese representative;
  - ii) 1 Roman Catholic diocese representative ;
  - iii) 2 parent governor representatives (the law allows between 2 and 5); and
  - iv) 0 representatives of other faiths or denominations.
- b) ~~An Overview and~~ Scrutiny Committee/Sub-Committee in this paragraph is a Scrutiny Committee or Sub-Committee of a local education authority, where the Committee or Sub-Committee's functions relate wholly or in part to any education functions which are the responsibility of the Cabinet. If the Scrutiny Committee/sub-Committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

### 4) **Designated Members**

- a) Designated Members can be appointed by ~~the Overveiw and~~ Scrutiny Committees and ~~its~~ Sub-Committees from their membership to provide advice and brief Members and Officers on a specific activity. Designated Members appointed by ~~a Scrutiny Committee or Sub-Committee~~ have no executive authority to act or to incur expenditure.

### 5) **Scrutiny of Decisions**

- a) Article 1.3 (f) states that no one will review or scrutinise a decision made by a body of which they were a member.

## **PROCEDURE RULE 195 MEETINGS OF SCRUTINY COMMITTEES**

There shall be at least 6 ordinary meetings of the ~~Overview and~~ Scrutiny Committee in each year. Additional meetings may be called from time to time as and when appropriate. A Scrutiny Committee meeting may be called by the Chairman of the Committee, by any 3 members of the Committee or by the Monitoring Officer if he ~~or she~~ considers it necessary or appropriate.

## **PROCEDURE RULE 195A RECORDING OF SCRUTINY MEETINGS**

Procedure Rule 6 shall apply

## **PROCEDURE RULE 196**

### **QUORUM**

The quorum for a Scrutiny Committee shall be **50% of the voting members of the Committee** ( at least four voting members of the Committee).

## **PROCEDURE RULE 197**

### **SCHEME OF DELEGATION**

Scrutiny Committees do not have any executive authority to take decisions in the delivery of services and cannot have such authority delegated to them. Scrutiny Committees can make recommendations to the Cabinet and Council on any matter it considers.

## **PROCEDURE RULE 198**

### **WORK PROGRAMME**

~~The Scrutiny Committees/Sub-Committees will, subject to the direction of the Scrutiny Commission, be responsible for setting their own work programme and in doing so they shall take into account wishes of members on that Committee.~~

1. The Overview and Scrutiny Committee will be responsible for setting its own work programme and shall take into account the wishes of councillors who are not members of the largest political group on the Council.
2. The Committee's work programme should be guided by the Council's agreed priorities as set out in the Rutland Corporate Strategy and the Future Rutland Vision.
3. The overall work programme should take account of:
  - Whether the proposed work furthers corporate priorities
  - The likelihood of something significant or valuable coming from the work
  - The importance of the issue for users and the public generally
  - Whether there is evidence of user dissatisfaction with the service
  - Issues raised through audit or inspections
  - Whether there is a high level of budgetary commitment to the service
  - Public interest covered in the local media
4. The Committee should adopt a project management approach to any in-depth review of existing Council policy:
  - Consider setting up a task and finish group, evidence gathering session, scrutiny panel or working group
    - Identify a Lead Member for the Review
    - Agree terms of reference and objectives for the work
    - Agree a project plan to include timescales, who will participate, how evidence will be collected, the key issues/question to be addressed.
    - Preparation of a final report with recommendations

## **PROCEDURE RULE 199**

### **AGENDA ITEMS FOR OVERVIEW AND SCRUTINY COMMITTEES**

- 1) Any Councillor shall be entitled to request that the Chairman add an item relevant to the functions of the **Overview and Scrutiny Committee** to the ~~relevant Scrutiny Work Programme~~. The Councillor requesting it will be entitled to speak at the meeting where the item is considered.
- 2) Any 3 members of the **Overview and Scrutiny Committee** may give written notice to the Monitoring Officer that they wish an item to be included on the agenda of a ~~relevant Scrutiny Committee~~. On receipt of such a request, the Monitoring Officer, in consultation with the Chairman, will ensure that it is included on the next available agenda.
- 3) The **Overview and Scrutiny Committees** shall also respond, as soon as their work programme permits, to requests from the Council and, if it considers it appropriate, the Cabinet to review particular areas of Council activity. Where they do so, the **Overview and Scrutiny Committee** shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the **Overview and Scrutiny Committee** within two months of receiving it.

#### **PROCEDURE RULE 200**

##### **ROLE OF THE OVERVIEW AND SCRUTINY COMMITTEES**

- 1) Development of the Council's Budget and Policy Framework.
- 2) In relation to the development of the Council's approach to other matters not forming part of its policy and Budget Framework, the **Overview and Scrutiny Committee** or sub-Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- 3) The **Overview and Scrutiny Committees** may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

#### **PROCEDURE RULE 201**

##### **REPORTS FROM THE OVERVIEW AND SCRUTINY COMMITTEES**

- 1) All formal reports from Sub-Committees; Task and Finish groups; Working groups or Single Issue Panels will be reported to the Scrutiny Committee, before submission to the Cabinet or the Council, except where the agreement of the Chairman of the Scrutiny Committee has been given not to do so.
- 2) Once it has formed recommendations, the **Overview and Scrutiny Committee** will prepare a formal report and submit it to the Monitoring Officer for consideration by the Cabinet (if the proposals are consistent with the existing Budgetary and Policy

Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework) the request at the earliest opportunity, and make arrangements for the matter to be included on the agenda at the next available meeting of ~~the~~ that Scrutiny Committee/Sub-Committee.

- 3) The Council or the Cabinet shall consider the reports of the ~~Overview and~~ Scrutiny Committee within 2 months unless the Forward Plan requires otherwise.

#### **PROCEDURE RULE 202**

#### **CONSIDERATION OF ~~OVERVIEW AND~~ SCRUTINY COMMITTEE REPORTS BY CABINET**

- 1) Once an ~~Overview and~~ Scrutiny Committee report on any matter which is the responsibility of the Cabinet has been completed, it shall be included as an agenda item on a Cabinet meeting as soon as practicable. If for any reason the Cabinet does not consider the ~~Scrutiny Committee~~ report within two months the Cabinet will give an explanation of the reasons to the Chairman of the ~~Overview and~~ Scrutiny Committee as soon as practicable.
- 2) ~~The Overview and~~ Scrutiny Committees will have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from ~~the Overview and~~ Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

#### **PROCEDURE RULE 203**

#### **RIGHT OF INSPECTION OF DOCUMENTS**

- 1) In addition to their rights as councillors, members of ~~the Overview and~~ Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 5 of this Constitution.
- 2) Nothing in this paragraph prevents more detailed liaison between the Cabinet and ~~the Overview and~~ Scrutiny Committee as appropriate depending on the particular matter under consideration.

#### **PROCEDURE RULE 204**

#### **MEMBERS AND OFFICERS GIVING ACCOUNT**

- 1) ~~The Overview and~~ Scrutiny Committee or Sub-Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require Leader and Cabinet members and/or any senior officer to attend before it to explain in relation to matters within their remit:
  - a) any particular decision or series of decisions;
  - b) the extent to which the actions taken implement Council policy; and/or

c) their performance.

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

- 2) The term senior officer in this Rule applies to the Chief Executive, a Chief Officer, a Deputy Chief Officer or a Second Tier Officer responsible for managing or delivering a Council service.
- 3) Where any member or officer is required to attend **the Overview and Scrutiny** Committee under this provision, the Chairman of that Committee will inform the Monitoring Officer. The Monitoring Officer shall inform the member or officer in writing giving at least 7 working days notice of the meeting at which he **or she** is required to attend. The notice will state the nature of the item on which he **or she** is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 4) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the **Scrutiny** Committee shall in consultation with the member or officer arrange an alternative date for attendance.
- 5) **The Overview and Scrutiny** Committee can request an officer below second tier level to attend before it to explain in relation to matters within their remit. Where there are concerns about the appropriateness of the officer who should attend, the relevant chief officer will discuss this with the Scrutiny Chairman with a view to achieving consensus.
- 6) Members of **the Overview and Scrutiny** Committees must at all times have regard to any approved codes of conduct and protocols relating to the treatment of officers when conducting a scrutiny process.

## **PROCEDURE RULE 205**

### **ATTENDANCE BY OTHERS**

- 1) **The Overview and** A Scrutiny Committee may invite people other than those people referred to in Procedure Rule 204 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

## **PROCEDURE RULE 206**

### **CALL-IN**

- 1) Call-In should only be used in exceptional circumstances. These are where members of the **Overview and appropriate** Scrutiny Committee can provide sufficient evidence to suggest that the Cabinet did not take the decision in accordance with the principles set out in Article 12 (Decision Making).

- 2) When a decision is made by the Cabinet, or a Committee of the Cabinet, or a key decision is made by an officer with delegated authority from the Cabinet, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 days of being made. ~~The Chairman of the Overview and all Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.~~
- 3) That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless ~~the Overview and a~~ Scrutiny Committee objects to it and calls it in.
- 4) During that period, the Monitoring Officer shall Call-In a decision for scrutiny by the Committee if so requested by the Chairman or any three members of the Committee, and shall then notify the decision-taker of the Call-In. He ~~or she~~ shall call a meeting of the Committee on such date as he ~~or she~~ may determine, where possible after consultation with the Chairman of the Committee, and in any case within 5 days of the decision to Call-In.
- 5) If, having considered the decision, the ~~Overview and~~ Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. If referred to the decision maker they shall then reconsider within a further 5 working days, amending the decision or not, before adopting a final decision.
- 6) If following an objection to the decision, the ~~Overview and~~ Scrutiny Committee does not meet in the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the ~~Overview and~~ Scrutiny Committee or the expiry of that further 5 working day period, whichever is the earlier.
- 7) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of a Cabinet decision unless the Monitoring Officer decides that it is contrary to the Policy Framework, or the Chief Finance Officer decides it is contrary to or not wholly consistent with the Budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a Committee of it, a meeting will be convened to reconsider within 15 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 15 working days of the Council request.
- 8) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the

date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

## **PROCEDURE RULE 207**

### **EXCEPTIONS TO CALL-IN**

- 1) In order to ensure that Call-In is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are listed below:
  - a) only decisions involving expenditure or reductions in service over a value of £25,000 may be Called-In;
  - b) three members of **the Overview and Scrutiny Committee** or the Chairman are needed for a decision to be Called-In;
  - c) each decision may only be subjected to one Call-In procedure. Once a decision has been reconsidered no further Call-In of the decision will be allowed on the reconsideration of a decision.
  - d) Call-In procedures shall not apply to decisions taken on the grounds of urgency in accordance with Procedure Rule 208 below.

## **PROCEDURE RULE 208**

### **CALL-IN AND URGENCY**

1. The Call-In procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call in process would, for example, seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to Call-In. The Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Head of Paid Service or their nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
2. The operation of the provisions relating to Call-In and urgency shall be monitored annually by the Monitoring Officer and a report submitted to Council with proposals for review if necessary.

## **PROCEDURE RULE 209**

### **THE PARTY WHIP**

Political Groups should not pressure their members over how they speak or vote at **the Overview and Scrutiny Committees**.

**PROCEDURE RULE 210**  
**AGENDA FOR OVERVIEW AND SCRUTINY COMMITTEE MEETINGS**

- 1) The Overview and Scrutiny Committees and its Sub-Committees shall consider the following business:
  - a) To appoint a Member to preside if the Chairman or Vice Chairman is not present
  - b) To confirm the minutes of the last meeting;
  - c) To receive apologies for absence and declarations of interest;
  - d) To receive petitions, deputations and questions from members of the public;
  - e) To consider any questions from Members received under Procedure Rule 218 .
  - f) To consider any matter referred to the Committee for a decision in relation to Call-In of a decision;
  - g) To receive responses of the Cabinet to reports of the Overview and Scrutiny Committee;
  - h) To receive the business otherwise set out on the agenda for the meeting;
    - i) To review the work programme
    - j) To receive any urgent business
- 2) Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:
  - a) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - b) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
  - c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

Following any investigation or review, the Committee/sub-Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

**PROCEDURE RULE 211**  
**TERMS OF REFERENCE OF THE OVERVIEW AND SCRUTINY COMMITTEES**

The general terms of reference of the Overview and Scrutiny Committee are set out below:

- To perform all overview and scrutiny functions on behalf of the Council.
- To appoint such informal task and finish groups as it considers appropriate to fulfil those overview and scrutiny functions.
- To approve the overview and scrutiny work programme to ensure that the Committee's time is effectively and efficiently utilised.
- To undertake investigations into such matters relating to the Council's functions and powers as may be referred by the Council, Committees, the Cabinet, or the Leader; or the Committee may consider appropriate or have been referred to the Committee pursuant to the "call-in" procedure set out in these Scrutiny Procedure Rules. (These can be decisions taken by the Cabinet, a Cabinet Member, key decisions taken by an officer or under joint arrangements).
- To monitor and review the performance of the Council and services against relevant performance indicators and adopted plans.
- To review and/or scrutinise decisions proposed to be made (pre-decision scrutiny) or actions taken in connection with the discharge of any of the Council's functions.
- To review existing policy and strategy with a view to securing continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- To make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions.
- To review and/or scrutinise any matter affecting the area or its inhabitants.
- To discuss initiatives put forward for consideration by individual members of the Committee and any relevant 'call-for-action' in accordance with these Scrutiny Procedure Rules; and
- To consider petitions referred to the Overview and Scrutiny Committee in accordance with provisions set out in the Petition Scheme set out in Part 5 of this Constitution.

The Council has established the following Scrutiny Committees under Article 6. They shall have responsibility for overview and scrutiny in relation to the matters set out below:

<b><u>1. Adults and Health Scrutiny Committee</u></b>	
<b>Number of Elected Members appointed by Council:</b> Seven, none of whom may be a Cabinet Member	<b>Chair</b> Appointed by Council
<b>Quorum</b>	<b>Co-opted Members to be appointed by the Committee/Council:</b>

<del>Four</del>	<del>None</del>
<b>Functions determined by Council</b>	
<ol style="list-style-type: none"> <li>1. Adult Social Care</li> <li>2. Safeguarding</li> <li>3. Public Health</li> <li>4. All Health related matters including Children's Health</li> <li>5. Scrutiny of NHS and NHS providers</li> </ol>	

<b><u>2. Children &amp; Young People Scrutiny Committee</u></b>	
<b>Number of Elected Members appointed by Council:</b> <del>Seven, none of whom may be a Cabinet Member</del>	<b>Chair</b> <del>Appointed by Council</del>
<b>Quorum</b> <del>Four</del>	<b>Co-opted Members to be appointed by the Committee/Council:</b> <del>Five representatives as follows with full voting and call-in rights on education matters only:</del> <ol style="list-style-type: none"> <li>(a) 1 Church of England diocese representative;</li> <li>(b) 1 Roman Catholic diocese representative;</li> <li>(c) 2 parent governor representatives (the law allows between 2 and 5)</li> </ol>

<b>Functions determined by Council</b>	
<ol style="list-style-type: none"> <li>1. Education             <ol style="list-style-type: none"> <li>a. All matters pertaining to schools for which the Local Authority has responsibility</li> <li>b. Further and Higher Education</li> <li>c. Careers</li> <li>d. Special Needs and Inclusion</li> </ol> </li> <li>2. Children's Services             <ol style="list-style-type: none"> <li>a. Children's Social Care</li> <li>b. Youth Service</li> </ol> </li> </ol>	

- c. Safeguarding  
 3. Adult Learning and Skills

**Functions Determined by Statute**

N/A

**3. Growth, Infrastructure and Resources Scrutiny Committee**

<b>Number of Elected Members appointed by Council:</b> Seven, none of whom may be a Cabinet Member	<b>Chair</b> Appointed by Council
<b>Quorum</b> Four	<b>Co-opted Members to be appointed by the Committee/Council:</b> None

**Functions determined by Council**

- |                                   |  |
|-----------------------------------|--|
| 1. Planning                       | 9. Housing                             |
| 2. Environment                    | 10. Asset Management                   |
| 3. Highways & Transport           | 11. Strategic Financial Planning       |
| 4. Libraries & Museums            | 12. Communication/Digital Services/ICT |
| 5. Culture, Recreation & Sport    | 13. Customer Service                   |
| 6. Tourism & Economic Development | 14. Support Services (Legal, HR etc.)  |
| 7. Flood Risk Management          |  |
| 8. Community Safety               |  |

**Functions Determined by Statute**

1. To review and scrutinise flood risk management in accordance with Section 21F of the Local Government Act 2000 (as amended by the Flood and Water Management Act 2010 and under the Flood Management Overview and Scrutiny (England) Regulations 2011 No.697)
2. To review and scrutinise crime and disorder matters, including acting as the Council's crime and disorder committee in accordance with Section 19 of the Police and Justice Act 2006.

**PROCEDURE RULE 212**

**CHAIRMAN PRESIDING AT MEETINGS OF SCRUTINY COMMITTEES**

**1) Chairman**

- a) The Chairman of **the Overview and** Scrutiny Committees will be appointed at the Annual Meeting of Council to serve for the Municipal Year in which they are appointed.
- b) A person may not be appointed as Chairman of more than one Standing Scrutiny Committee.
- c) **The** A Chairman of **the Overview and** a Scrutiny Committee may resign by giving notice in writing to the Monitoring Officer.

d) The Council may remove the Chairman of ~~the Overview and~~ any Scrutiny Committee it establishes.

e) Any power of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding.

## 2) Chairmen of Task and Finish Groups

The Chairman of each Task and Finish Group will be appointed by the relevant Scrutiny Committee.

## 3) Absence of the Chairman or Vice Chairman

- a) If the Chairman or Vice Chairman is absent from a meeting, the Monitoring Officer or their representative will invite Members to nominate a Member of the Committee to take the chair.
- b) If the Chairman or Vice Chairman arrives at a meeting when another Member is presiding, they Chairman shall not preside until the item under consideration when he or she arrived has been determined.

## PROCEDURE RULE 213

### RESPONSIBILITY OF A CHAIRMAN OR PERSON PRESIDING

1) Procedure Rule 26 (1)-(27) will apply.

2) In addition, the Chairman will be consulted on taking urgent action between meetings.

## PROCEDURE RULE 214

### ATTENDANCE AT MEETINGS BY MEMBERS WHO ARE NOT MEMBERS OF THAT SCRUTINY COMMITTEE

- 1) Apart from the provisions of Procedure Rule 204, a Member may attend any meeting of ~~the Overview and~~ a Scrutiny Committee of which he or she is not a Member, and he or she may be invited to speak at the Chairman's discretion. A Member who is attending in this capacity cannot vote.
- 2) The ability of a Member to attend or speak is subject to any restrictions placed upon him or her arising from the Council's Code of Conduct.
- 3) The right to attend does not apply to a meeting when a report is considered which contains exempt information in accordance with the Access to Information Rules and the public and press have been excluded unless the Monitoring Officer or their representative and the Scrutiny Committee is satisfied that the Member needs to be present and the Scrutiny Committee resolves to allow the Member to stay.

- 4) A Member who attends a meeting of which he or she is not a Member must sit in a designated area so that it is clear for any member of the public that the Member is not a Member of the Scrutiny Committee.

#### **PROCEDURE RULE 215** **RECORD OF MEETINGS**

- 1) Records of every Overview and Scrutiny Committee shall be submitted to, and signed at the following Ordinary Meeting. Minutes of an Ordinary Meeting shall not be put to a Special Meeting for confirmation.

#### **PROCEDURE RULE 216** **SUBMISSION OF PETITIONS DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC**

Procedure Rule 28 (1) – (5) shall apply for Petitions, Deputations and Written Notice of Questions to the Overview and Scrutiny Committees.

##### **The following rules shall apply to Questions submitted at short Notice to the Overview and Scrutiny Committees:**

- a) A member of the public may ask a question on any matter forming part of the agenda for the meeting provided that the question is restricted to a single topic and that a written copy of the question is given to the Committee Administrator 15 minutes before the meeting starts.
- b) The questioner should conform with the requirements set out in paragraph 1.2 otherwise the person presiding can rule that the question will not be answered and move onto the next question.
- c) The time allowed for any questions submitted under this procedure shall be a maximum of 15 minutes provided that it falls within the total time of 30 minutes allowed for petitions, deputations and questions where notice has been given under paragraph 4.3.
- d) A maximum of one minute shall be allowed to ask each question and no supplementary question will be allowed. The maximum time for answering a question shall be two minutes.
- e) Questions shall be asked in the order in which the Committee Administrator receives them, except that the person presiding may take any questions of a similar nature together.
- f) When called to ask a question by the person presiding, the questioner will state their name and address for the record before he reads their question.
- g) The Chief Executive or Committee Administrator may offer advice to reword a question if this is acceptable to the questioner.

- h) All questions shall be addressed to the person presiding at the meeting who may authorise another Member or Officer to provide an answer. If it is not possible or reasonable to answer the question at the meeting a written response will be supplied later. Any questions answered in writing will be reported for information to the next Ordinary Meeting.
- i) Every question shall be put and answered without discussion. No discussion shall be permitted, nor a resolution moved with reference to any question or reply to a question.
- j) The name of the person who asked the question, a summary of the question and the response shall be recorded in the Record of the meeting.

**PROCEDURE RULE 217**

**TIME ALLOWED FOR PETITIONS DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC**

- 1) The maximum time allowed for presenting petitions, deputations and questions at a meeting shall be 30 minutes.
- 2) Petitions, deputations and questions from members of the public shall be considered in the order in which they have been received. A member of the public may submit one petition, deputation or ask one question (not including a supplementary question) at a meeting. Questions submitted without notice shall be asked in the order in which the questioner indicated their intention to ask a question to the Committee Administrator before the meeting. Questions without notice shall be asked when all other petitions, deputations and questions with notice have been considered.
- 3) Petitions, Deputations or Questions will be subject to the same rules as **other Committees of the Council as set out in Procedure Rule 93 Full Council**.

**PROCEDURE RULE 218**

**QUESTIONS WITH NOTICE FROM MEMBERS**

- 1) Any Member may ask a question with notice at a meeting provided the Governance Manager receives a written copy of the question by no later than **no later than midday on the third working day before the meeting at which that person wishes to put the question e.g. Wednesday 12:00 for a meeting the following Monday.**  
**4.30 pm on the second working day before (e.g. for a meeting on a Monday, by 4.30 pm on the preceding Thursday) the meeting at which the question is to be asked.**
- 2) The person presiding may take questions without notice provided they are related to an item on the agenda.
- 3) Procedure Rule 95 1) and 2) shall apply to questions asked by Members.

- 4) Questions may be asked of the Chairman of the Overview and Scrutiny Committee, a Designated Member or a representative on an outside body appointed by the Overview and Scrutiny Committee.
- 5) A list of the questions of which notice has been given shall be circulated to Members of the Council at, or before, the meeting at which they are to be asked. Questions will be asked in the order in which they have been received.
- 6) Each question shall be put and answered without discussion, but the Member to whom the question has been put may decline to answer it. The Member asking a question may ask one relevant supplementary question which shall be put and answered without discussion.
- 7) An answer to a question may be given by the person to whom it is addressed or by a Member or Officer on their behalf, and may take the form of
  - a) an oral answer.
  - b) a reference to information contained in some publication.
  - c) a written answer circulated to Members of the Scrutiny Committee before or with the agenda for the next meeting at the latest.
- 8) Every question shall be relevant to some matter in relation to which the Scrutiny Committee has powers or a duty and which affects any part of Rutland or its inhabitants.
- 9) No discussion will be permitted, nor any resolution moved with reference to any question or reply to a question.
- 10) The Chairman may authorise another Member or an Officer to answer any question.
- 11) The name of the Member asking the question, the text of the question and a summary of the response shall be detailed in the Record of the meeting.

#### **PROCEDURE RULE 218A**

#### **TIME ALLOWED FOR QUESTIONS FROM MEMBERS**

Procedure Rule 30A shall apply.

#### **PROCEDURE RULE 219**

#### **NOTICES OF MOTION FOR OVERVIEW AND SCRUTINY COMMITTEES**

- 1) Only a Motion which relates to a matter where the Scrutiny Committee has powers or a duty and which affects any part of Rutland, or its inhabitants will be accepted and will be subject to Procedure Rule 97.
- 2) A Motion must relate to a matter where the Scrutiny Committee has powers or a duty and which affects any part of Rutland or its inhabitants.

**PROCEDURE RULE 220**  
**MOTIONS GENERALLY**

Procedure Rule 98 shall apply.

**PROCEDURE RULE 221**  
**MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE**

Procedure Rule 99 shall apply.

**PROCEDURE RULE 222**  
**AMENDMENTS TO MOTIONS**

Procedure Rule 100 shall apply.

**PROCEDURE RULE 223**  
**RULES OF DEBATE IN THE OVERVIEW AND SCRUTINY COMMITTEES**

- 1) Only one member shall speak at a time. If two or more members indicate a wish to speak, the person presiding shall call one to speak and indicate the order in which the others shall be heard.
- 2) Whenever the person presiding stands up or speaks during a debate, any Member then speaking shall fall silent, and the meeting shall be silent.
- 3) The person presiding shall call upon Members of the Scrutiny Committee to speak before any other Member who may be present.
- 4) A Member shall confine a speech to the matter under discussion unless it is to make a point of order, point of information or to offer a personal explanation.
- 5) A Member must refrain from malice to retain the protection of speaking on privileged occasions.
- 6) The person presiding will determine the length of time Members are allowed to speak on an item under consideration and will give every Member of the Overveiw and Scrutiny Committee an opportunity to speak on the item if the Member so wishes.
- 7) The person presiding may allow a Member to speak on more than one occasion on an item.
- 8) The person presiding may ask a Member to refrain from speaking if the Member is merely repeating comments already put forward by previous speakers.
- 9) The proposer of a Motion shall have the right to reply to the debate at the following times:

- a) At the close of the debate on the Motion.
  - b) At the close of the debate on an amendment to the Motion.
  - c) Before a Motion to proceed to the next business is put to the vote.
  - d) Before a Motion to adjourn the debate or refer the item to a Committee is put to the vote.
  - e) After a closure Motion described in Procedure Rule 99 1) r) and 1) s) is carried.
- 10) The proposer of an amendment to a Motion shall not have the right of reply to either the debate on the amendment or to the debate on a substantive Motion formed by the carrying of the amendment.
- 11) When exercising the right of reply, a Member shall confine himself to replying to previous speakers where he has not already had this opportunity.
- 12) After a Member has exercised the right of reply to a vote shall be taken immediately on the Motion or amendment under discussion.
- 13) The person presiding shall have the right to determine when an issue has had a fair hearing and can indicate at any time that he intends to bring the debate to a close.

#### **PROCEDURE RULE 224**

#### **DISORDERLY CONDUCT BY MEMBERS**

Procedure Rule 50 shall apply.

#### **PROCEDURE RULE 225**

#### **DISORDERLY CONDUCT BY THE PUBLIC**

Procedure Rule 51 shall apply.

#### **PROCEDURE RULE 226**

#### **DESIGNATED MEMBERS - Appointment and Responsibilities**

Designated Members can be appointed by **the Overview and Scrutiny Committees** to provide advice and to brief Members and Officers on a specific activity which is a function of the Council and has been delegated to the Scrutiny Committees.

Designated Members have no executive authority to act or to incur expenditure. Any executive action may only be taken in consultation with an Officer, where delegated authority already exists, or through a formal resolution of a Scrutiny Committee provided they have delegated authority to take the decision.

#### **PROCEDURE RULE 227**

#### **CLOSE OF MEETINGS**

- 1) Procedure Rule 58 shall apply with the word "Council" replaced by the words "**Overview and Scrutiny Committee**".

#### **PROCEDURE RULE 228 – ANNUAL REPORT**

The Overview and Scrutiny Committee shall report annually to the full Council on the outcomes of its work for the year.

### **PROCEDURE RULE 229 – COUNCILLOR CALL FOR ACTION**

- 1 ) Any Member of the Council shall be entitled to give notice to the Statutory Scrutiny Officer that they wish a local government matter relevant to the functions of the Overview and Scrutiny Committee to be included on the agenda for and discussed at the next available meeting of the Committee.
- 2) A local government matter is one relating to a local government function affecting the electoral area of the Member or any person who lives or works in the area, unless it is an excluded matter. An excluded matter is a planning or licensing matter, one relating to an individual where a right of appeal exists or any matter which is vexatious, discriminatory or not reasonable to be included in the agenda or discussed at a meeting of the Overview and Scrutiny Committee.
- 3) If the Scrutiny Committee decides not to accept a referral from a Member under Procedure Rule 229, the committee must notify the Member of their decision and the reasons for it. In considering whether to accept a referral the committee may have regard to the representations made by the local Member as to why it would be appropriate for the committee to consider the matter.

## **SECTION 5 - ACCESS TO INFORMATION PROCEDURE RULES**

**(Procedure rules 230 – 269)**

### **PROCEDURE RULE 230 SCOPE OF ACCESS TO INFORMATION RULES**

These rules apply to all meetings of the Council, its Committees, Scrutiny Committees, the Conduct Committee and regulatory Committees and public meetings of the Cabinet collectively called meetings.

### **PROCEDURE RULE 231 ADDITIONAL RIGHTS OF INFORMATION**

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

### **PROCEDURE RULE 232 RIGHTS TO ATTEND AND RECORD MEETINGS**

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

While a meeting is open to the public any member of the public attending may report on that meeting by:

- (a) filming, photographing or making an audio recording of proceedings at a meeting.
- (b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later; or
- (c) reporting or providing commentary, in writing, on proceedings at a meeting so that the report or commentary is available as the meeting takes place or later to persons not present (oral reporting or commentary is not permitted during a meeting but may be provided outside or after the meeting).

**PROCEDURE RULE 233**  
**NOTICE OF MEETINGS**

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at Catmose, Oakham, which is the designated office.

**PROCEDURE RULE 234**  
**ACCESS TO AGENDA AND REPORTS BEFORE A MEETING**

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

**PROCEDURE RULE 235**  
**SUPPLY OF COPIES**

- 1) The Council will supply **a reasonable number of** copies of:
  - a) any agenda and reports which are open to public inspection.
  - b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
  - c) if the Chief Executive thinks fit, copies of any other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs.

**PROCEDURE RULE 236**  
**ACCESS TO MINUTES etc AFTER A MEETING**

- 1) The Council will make available copies **for inspection** of the following for six years after a meeting:

- a) the minutes of the meeting or records of decisions 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 do not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- c) the agenda for the meeting; and
- d) reports relating to items when the meeting was open to the public.

### **PROCEDURE RULE 237**

#### **BACKGROUND PAPERS**

##### **1) List of background papers**

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

- a) disclose any facts or matters on which the report or an important part of the report is based; and
- b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Procedure Rule 239) and in respect of Cabinet reports, the advice of a political advisor.

##### **2) Public inspection of background papers**

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

### **PROCEDURE RULE 238**

#### **SUMMARY OF PUBLIC RIGHTS**

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and made available to the public at Catmose, Oakham. As the Constitution must be available to the public then these Rules constitute the written summary.

### **PROCEDURE RULE 239**

#### **EXCLUSION OF ACCESS BY THE PUBLIC AND PRESS**

##### **1) Confidential Information – requirement to exclude Public**

The public and press 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. (See also paragraph 5 for elected Members)

## 2) Exempt Information – discretion to exclude Public

- a) 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. (See also paragraph 5 for elected Members).
- b) Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

## 3) Meaning of confidential Information

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

## 4) Meaning of Exempt Information

Exempt Information means information falling within the following categories (subject to the qualifications) and to the following conditions: -

- a) Information falling within any of the paragraphs below is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.
- b) Information which falls within any of paragraphs 1 to 7 below is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## SCHEDULE 12A OF LOCAL GOVERNMENT ACT 1972 (As amended)

Description of exempt information	Qualification	Notes
1. Information relating to any individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption	Names, addresses or telephone numbers can identify individuals.

<b>Description of exempt information</b>	<b>Qualification</b>	<b>Notes</b>
	outweighs the public interest in disclosing the information – see note on public interest at end of table	Also consider the Council's Data Protection Act responsibilities.
2. Information which is likely to reveal the identity of an individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table	Names, addresses or telephone numbers can identify individuals.  Also consider the Council's Data Protection Act responsibilities.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table  Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under –	The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined [etc]  Financial or business affairs includes contemplated, as well as past or current activities

<b>Description of exempt information</b>	<b>Qualification</b>	<b>Notes</b>
	<ul style="list-style-type: none"> <li>(a) the Companies Act 1985</li> <li>(b) the Friendly Societies Act 1974</li> <li>(c) the Friendly Societies Act 1992</li> <li>(d) the Industrial and Provident Societies Acts 1965 to 1978</li> <li>(e) the Building Societies Act 1986</li> <li>(f) the Charities Act 1993</li> </ul>	Registered in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table	<p>The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined [etc]</p> <p>Employee means a person employed under a contract of service</p> <p>Labour relations matter means:-</p>

<b>Description of exempt information</b>	<b>Qualification</b>	<b>Notes</b>
		<p>(a) any of the matters specified in paragraphs (a) to (g) of section 218 of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or</p> <p>(b) any dispute about a matter falling within paragraph (a) above</p> <p>(applies to trade disputes relating to office holders as well as employees)</p> <p>Office holder in relation to the authority, means the holder of any paid office appointments which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or</p>

<b>Description of exempt information</b>	<b>Qualification</b>	<b>Notes</b>
		is an employee of the authority
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table	Privilege lies with the “client” which broadly is the council. Seek the view of the relevant Chief Officer whether they wish to waive privilege.
6. Information which reveals that the authority proposes –  (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or  (b) to make an order or direction under any enactment	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table	The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined [etc]
7. Information relating to any action taken or to be taken in connection with the	Exempt information if and so long, as in all the circumstances of the case, the public interest in	

<b>Description of exempt information</b>	<b>Qualification</b>	<b>Notes</b>
prevention, investigation or prosecution of crime	maintaining the exemption outweighs the public interest in disclosing the information – see note on public interest at end of table	

- 5) Elected Members who are not appointed Members of the meeting at which exempt or confidential information is to be discussed may remain in the meeting during consideration of the item provided the meeting resolves to allow them to remain.
- 6) All Elected Members of the Council will receive all papers relating to exempt items to enable them to discharge their duties as a Member of the Council.

**PROCEDURE RULE 240**  
**EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If Chief Executive thinks fit, the Council may exclude access by the public to reports which in his opinion relate to items during which, in accordance with Procedure Rule 239, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

**PROCEDURE RULE 241**  
**APPLICATION OF THE RULES TO THE CABINET**

- 1) Procedure Rules 242 – 249 apply to the Cabinet and its Committees. If the Cabinet or its Committees meet to take a key decision then it must also comply with Procedure rules 230 – 240 unless Procedure rule 244 (general exception) or Procedure rule 245 (special urgency) apply. A key decision is as defined in Article 13(3) of this Constitution.
- 2) If the Cabinet or its Committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the Forward Plan by which it is to be decided, then it must also comply with Procedure Rules 230 – 240 unless Procedure Rule 244 (general exception) or Procedure Rule 245 (special urgency) apply. A key decision is as defined in Article 13(3) of this Constitution. This requirement does not include meetings whose sole purpose is for officers to brief members.

**PROCEDURE RULE 242**  
**PROCEDURE BEFORE TAKING KEY DECISIONS**

- 1) Subject to Procedure Rule 244 (General Exception) and Procedure Rule 245 (Special Urgency), a key decision may not be taken unless:
  - a) At least 28 clear days' notice has been published in connection with the matter in question in accordance with Procedure Rule 243; and
  - b) where the decision is to be taken at a meeting of the Cabinet or its Committees, notice of the meeting has been given in accordance with Procedure Rule 136 (Notice of Meetings).

**PROCEDURE RULE 243**  
**PUBLICITY IN CONNECTION WITH KEY DECISIONS**

- 1) The document published under Procedure Rule 242 1) a) shall state:
  - a) the matter in respect of which a decision is to be made.
  - b) where the decision taker is an individual, his name and title, if any and where the decision taker is a body, its name and details of membership.
  - c) the date on which, or the period within which, the decision will be taken.
  - d) a list of the documents submitted to the decision taker for consideration in relation to the matter.
  - e) The address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available.
  - f) That other documents relevant to the matter may be submitted to the decision taker; and
  - g) The procedure for requesting details of those documents (if any) as they become available.

**PROCEDURE RULE 244**  
**GENERAL EXCEPTION FOR KEY DECISIONS**

- 1) Where the publication of the intention to make a key decision under Procedure Rule 243 is impracticable, then subject to Procedure Rule 245 (Special Urgency), the decision may only be made:
  - a) Where the Chief Executive has informed the Chairman of the relevant Scrutiny Committee, or if there is no such person, each member of that Committee in writing, by notice, of the matter about which the decision is to be made.
  - b) the Chief Executive has made copies of that notice available to the public at the offices of the Council and on the Council's website; and

- c) at least 5 clear days have elapsed since the proper officer complied with a) and b).
- 2) As soon as reasonably practicable the Chief Executive must publish a notice setting out the reasons why compliance with Procedure Rule 243 is impracticable.

## **PROCEDURE RULE 245**

### **SPECIAL URGENCY FOR KEY DECISIONS**

- 1) If by virtue of the date by which a decision must be taken Procedure Rule 244 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chairman of the body making the decision, obtains the agreement of the chairman of the relevant Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no chairman of a relevant Scrutiny Committee, or if the chairman of each relevant Scrutiny Committee is unable to act, then the agreement of the Chairman of the Council, or in his absence the Vice Chairman will suffice.
- 2) As soon as reasonably practicable after the decision taker has obtained agreement under paragraph a), he must publish a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred.

## **PROCEDURE RULE 246**

### **REPORT TO COUNCIL**

#### **1) When a Scrutiny Committee can require a Report**

If a Scrutiny Committee thinks that a decision has been taken which was not:

- a) treated as being a key decision when the Committee is of the opinion that it should have been so treated the Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rest with the Committee, but is also delegated to the Monitoring Officer, who shall require such a report on behalf of the Committee when so requested by the Chairman (or any 5 members).
- 2) Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Scrutiny Committee.
- 3) **Cabinet's Report to Council**

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

#### **4) Quarterly Reports on special urgency Decisions**

In any event the Leader will submit quarterly (or other frequency determined by the Council) reports to the Council on the Cabinet decisions taken in the circumstances set out in Procedure Rule 245 (special urgency) in the preceding period. The report will include the particulars of each decision so taken and a summary of the matters in respect of which those decisions were taken.

#### **PROCEDURE RULE 247 RECORD OF DECISIONS**

After any meeting of the Cabinet or any of its Committees, whether held in public or private, the Monitoring Officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting within any time limits prescribed by law. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

#### **PROCEDURE RULE 248 CABINET RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS AND PROCEDURES PRIOR TO PRIVATE MEETINGS**

- 1) The Cabinet will consider all matters which are not key decisions in public unless there is a need to exclude the public and press in accordance with Access to Information Rules.
- 2) If the Cabinet intends to hold a meeting in private, then at least 28 clear days before the meeting, it must publish a notice of that intention at the Council offices and on its website, including a statement of the reasons for the meeting to be held in private.
- 3) At least 5 clear days before a private meeting, a further notice must be published including a statement of the reasons, details of any representations received about why the meeting should be open to the public, and a statement of the response to such representations.
- 4) Where the date by which a meeting must be held makes compliance with the above impracticable, the meeting may only be held in private where the chairman of the relevant Scrutiny Committee agrees that the meeting is urgent and cannot reasonably be deferred. In the absence of a chairman, the Chairman of the Council or, in his absence, the Vice-Chairman, may agree.
- 5) As soon as reasonably practicable after agreement has been obtained under paragraph 4), a notice must be published setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

#### **PROCEDURE RULE 249 ATTENDANCE AT BRIEFING MEETINGS OF THE CABINET**

- 1) Non-Cabinet Members are not entitled to attend briefing meetings of the Cabinet or its Committees unless invited to do so by the Members of the Cabinet or its Committee.
- 2) A briefing meeting of the Cabinet or its Committees is one where officers or others are requested to brief Members on an issue, but no decision will be made and no formal agenda is issued in accordance with the Access to Information Rules.

## **PROCEDURE RULE 250**

### **BRIEFING MEETINGS FOR MEMBERS OF THE OVERVIEW AND SCRUTINY COMMITTEES**

Members of the Overview and Scrutiny Committees may request briefing meetings from officers of the Council and may invite members of the Cabinet to attend.

## **PROCEDURE RULES 251 – 269**

Reserved

## **SECTION 6 - BUDGET AND POLICY**

**(Procedure rules 270 – 276)**

## **PROCEDURE 270**

### **FRAMEWORK FOR EXECUTIVE DECISIONS**

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Cabinet to implement it. See also references to the Budget and Policy Frameworks in the Definition of Terms used in the Constitution.

## **PROCEDURE RULE 271**

### **PROCESS FOR DEVELOPING THE FRAMEWORK**

- 1) The process by which the Budget and Policy Framework shall be developed is:
  - a) The Cabinet will publicise by including in the Forward Plan which will be published on the Council's website and at the Council's offices. 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 Chairmen of Scrutiny Committees will also be notified. The consultation period shall in each instance be not less than 3 weeks.
  - b) At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If a relevant Scrutiny Committee wishes to respond to the Cabinet in that consultation process, then it may do so. As the Scrutiny Committees have responsibility for fixing their

own work programme, it is open to the Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from a Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.

- c) Once the Cabinet has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.
- d) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place.
- e) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- f) The decision will be publicised in accordance with Article 4 and a copy shall be given to the Cabinet Members.
- g) An in-principle decision will automatically become effective 5 working days from the date of the Council's decision, unless 2 Cabinet Members inform the Chief Executive in writing within 5 days that they object to the decision becoming effective and provide reasons why.
- h) In that case, the Chief Executive will call a Council meeting within a further 2 days. The Council will be required to re-consider its decision and Cabinet Member's written submission within 15 days. The Council may
  - i) approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or
  - ii) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority.
- i) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately.
- j) In approving the Budget and Policy Framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the Policy Framework which may be undertaken by the Cabinet, in accordance with Procedure Rules 274 and 275 (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

## **PROCEDURE RULE 272** **DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- 1) Subject to the provisions of Procedure Rule 274 (virement) the Cabinet, Committees of the Cabinet, and any officers, area Committees or joint

arrangements discharging Cabinet functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by full Council, then that decision may only be taken by the Council, subject to Procedure Rule 273 below.

- 2) If the Cabinet, Committees of the Cabinet, and any officers, area Committees or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer as to whether the decision they want to make would be contrary to the Policy Framework, or take advice from the Chief Finance Officer as to whether the decision they want to make would be contrary to or not wholly in accordance with the Budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in Procedure Rule 273 (urgent decisions outside the Budget and Policy Framework) shall apply.

#### **PROCEDURE RULE 273**

#### **URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- 1) The Cabinet, a Committee of the Cabinet, officers or joint arrangements discharging executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
  - a) if it is not practical to convene a quorate meeting of the full Council; and
  - b) if the chair of a relevant Scrutiny Committee agrees that the decision is a matter of urgency.
- 2) The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the relevant Scrutiny Committees' consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of a relevant Scrutiny Committee the consent of the Chairman of the Council, and in the absence of both the Vice-Chairman, the approval of the Chief Executive will be sufficient.
- 3) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

#### **PROCEDURE RULE 274**

#### **VIREMENTS AND IN-YEAR BUDGET CHANGES**

- 1) The Council shall agree a Council budget (this is defined as the total of all Directorate budgets) which will set out budget ceilings within each Directorate for specific functions. Budget ceilings will be determined during the annual budget process. They will take into account any statutory guidance or ring-fenced budgets,

e.g., public health.

- 2) Steps taken by the Cabinet, a Committee of the Cabinet, Officers, area Committees or joint arrangements discharging Cabinet functions to implement Council policy shall not exceed those ceilings allocated to each function. However, such bodies or individuals shall be entitled to vire within functions and between functions in accordance with the rules set out below. Directors shall be entitled to undertake unlimited virement within functional budgets. These virements must not result in a change to any functional budget.
- 3) Directors shall be entitled to undertake individual virements across functions within their Directorate of up to £25k thereby increasing/decreasing functional budget ceilings on the assumption that any increase/decrease does not change the overall Directorate budget ceiling. Directors shall be required to report such virements to Cabinet.
- 4) The Chief Executive and Chief Finance Officer shall be entitled to undertake individual virements within Directorates and across functions of up to £100k thereby increasing/decreasing functional budgets on the assumption that any increase/decrease does not change the overall Council budget. The Chief Executive/Chief Finance Officer shall be required to report such virements to Cabinet.
- 5) Cabinet shall be entitled to increase any functional budget by £250k in any one year to a cumulative value of £500k across all functions from earmarked reserves or general fund resources
- 6) Cabinet is authorised to approve virements from earmarked reserves without limits on the basis that use of the reserve is consistent with its original purpose. Cabinet is authorised to approve virements to earmarked reserves up the maximum limit for that reserve set by Council.
- 7) Only Council is entitled to establish new earmarked reserves including a maximum ceiling for those reserves, allocate any funds received after the budget was approved or authorise changes to individual functional ceilings in excess of £250k and authorise cumulative changes in excess of £250k

#### **PROCEDURE RULE 275 IN YEAR CHANGES TO POLICY FRAMEWORK**

- 1) The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Cabinet, a Committee of the Cabinet, officers or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the Policy Framework may be made by those bodies or individuals except those changes of which a number of possibilities are presented below:
  - a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint.

- b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- c) in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

Others may be designed to be specific to each strategy contained in the Policy Framework, for example:

- d) ***which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.***

## **PROCEDURE RULE 276**

### **CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- 1) Where a Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the Policy Framework then it shall seek advice from the Monitoring Officer. Where a Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to or not wholly in accordance with the Council's Budget, then it shall seek advice from the Chief Finance Officer.
- 2) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's and/or Chief Finance Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- 3) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget as appropriate, the Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 working days of the request by the Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may take any of the following actions:
  - a) endorse a decision or proposal of the Cabinet decision taker as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be recorded and circulated to all councillors in the normal way.
  - b) amend the Council's Financial Procedure Rules or policy concerned to

encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be recorded and circulated to all councillors in the normal way.

- c) where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

## **PROCEDURE RULES 277 - 289**

Reserved

## **SECTION 7 - OFFICERS EMPLOYMENT PROCEDURE RULES**

**(Procedure rules 340 – 359)**

### **PROCEDURE RULE 340 RECRUITMENT AND APPOINTMENT RELATIVES OF MEMBERS OR OFFICERS**

- 1) Any candidate for an appointment with the Council shall disclose in writing to the Chief Executive whether to his knowledge he is related to any Member or any senior officer of the Council. Relation in this instance means parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council, or of the partner of such persons.
- 2) A candidate who fails to do so shall be disqualified and if appointed shall be liable to dismissal without notice. Every Member and senior officer of the Council shall notify the Chief Executive of any relationship which is known to exist between himself and a candidate. The Chief Executive shall report any such disclosures to the appropriate Committee.
- 3) Where relationship to a Member of the Council is disclosed the Procedure Rule 368 shall apply. The meaning of this Procedure Rule shall be stated either in the advertisement inviting applications for appointment or in any application form supplied by the Council.
- 4) No candidate so related to a councillor, or an officer will be appointed without the authority of the relevant chief officer, or an officer nominated by him.
- 5) For the purpose of this Procedure Rule “senior office” and “senior officer” means those designated as such for Human Resources matters.
- 6) **Seeking Support for Appointment**

- a) Subject to paragraph 3), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- b) Subject to paragraph 3), no councillor will seek support for any person for any appointment with the Council.

**PROCEDURE RULE 341**  
**RECRUITMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS**

- 1) Where the Council proposes to appoint a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will draw up a statement specifying:
  - a) the duties of the officer concerned; and
  - b) any qualifications or qualities to be sought in the person to be appointed.
  - c) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - d) make arrangements for a copy of the statement mentioned in paragraph a) to be sent to any person on request.

**PROCEDURE RULE 342**  
**APPOINTMENT OF HEAD OF PAID SERVICE**

- 1) This process is subject to mandatory regulations.
- a) The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a Committee or sub-Committee of the Council. That Committee or sub-Committee must include at least one member of the Cabinet.
- b) The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

**PROCEDURE RULE 343**  
**APPOINTMENT OF CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS**

- 1) This process is subject to proposed mandatory regulations.
- 2) For the purposes of this Procedure Rule “Chief Officer” means:
  - a) the Head of the Paid Service, designated under Section 4(1) of the 1989 Act.
  - b) a statutory Chief Officer mentioned in paragraphs (a), (c) or (d) of Section 2(6) of the 1989 Act, or/and

- c) any reference to an appointment or purported appointment of a Chief Officer includes a reference to the engagement or purported engagement of such an Officer under a contract of employment.
- 3) When the Council proposes to appoint a Chief Officer, and it is not proposed that the appointment be made exclusively from among their existing officers, it will:
- a) draw up a statement specifying -
    - i) the job description of the officer concerned, and
    - ii) the person specification listing any qualifications or qualities to be sought in the person to be appointed;
  - b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
  - d) where a post has been advertised as provided in paragraph (b), the Council shall
    - i) interview all qualified applicants for the post, or
    - ii) select a short list of such qualified applicants and interview those included on the short list.
- 4) If no qualified person applies, the authority shall make further arrangements for advertisement in accordance with paragraph (b).
- 5) Before the Council appoints a person as a Chief Officer, the Monitoring Officer shall report to the Council:
- a) whether, in his opinion, the appointment can be made
    - i) without the contravention of any provision of Part I of the Local Government and Housing Act 1989, and
    - ii) without taking into account any matter which ought not to be taken into account either because of any statute, enactment or any provisions of these Procedure Rules; and
  - b) if in his opinion the appointment cannot be made as mentioned in sub paragraphs i) and ii) of paragraph a) above, his reasons for that opinion.
- 6) A Committee or sub-Committee of the Council will appoint Chief Officers and any officer that is part of the Council's Strategic Management Team. This committee will be called the Chief Officer Appointment Committee and shall consist of three members of the Employment and Appeals Committee plus the relevant Cabinet Member(s). Political balance applies to this Committee.
- 7) An offer of employment as a Chief Officer, as an officer that is part of the Council's Strategic Management Team or as an officer that reports directly to the Director for People (other than administrative posts) shall only be made where no well-founded objection from any member of the Cabinet has been received.

## **PROCEDURE RULE 344**

### **OTHER STAFF APPOINTMENTS**

- 1) Officers below deputy chief officer. Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his **or her** nominee and may not be made by councillors.
- 2) Assistants to political groups. Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

## **PROCEDURE RULE 345**

Reserved

## **PROCEDURE RULE 346**

### **DISCIPLINARY ACTION - CHIEF EXECUTIVE, MONITORING OFFICER AND CHIEF FINANCIAL OFFICER**

(CORE PROCEDURE RULE)

- 1) A decision to dismiss any of the Council's statutory officers – Head of Paid Service, Monitoring Officer or Chief Financial Officer can only be made by resolution of the Full Council and that the following procedures have been complied with. This is as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- 2) The Council will appoint a Committee under section 102(4) of the Local Government Act 1972(d) for the purposes of advising the Council on matters relating to the dismissal of relevant officers of the Council. Such Committee will include the appointment of two relevant Independent Persons.
- 3) Relevant Independent Persons means any independent person who has been appointed by the Council or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Council considers appropriate.
- 4) Subject to paragraph 6, the Council must appoint to the Committee such relevant independent persons who have accepted an invitation in accordance with paragraph 2 and in accordance with the following priority order –
  - a) a relevant independent person who has been appointed by the Council and who is a local government elector
  - b) any other relevant independent person who has been appointed by the Council
  - c) a relevant independent person who has been appointed by another Council or authorities.

- 5) The Council must appoint the Committee at least 20 working days before the meeting at which the Council will decide whether or not to approve a proposal to dismiss.
- 6) Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Council must take into account, in particular –
  - a) any advice, views or recommendations of the Committee
  - b) the conclusions of any investigation into the proposed dismissal, and
  - c) any representations from the relevant officer.
- 7) Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Committee will not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 act.

**PROCEDURE RULE 347**  
**DISCIPLINARY ACTION - OTHER STAFF**

Councillors will not be involved in disciplinary action against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of disciplinary action.

**PROCEDURE RULE 348**  
**DISMISSAL OF OFFICERS**

- 1) Councillors will not be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to members in respect of dismissals.
- 2) In this Procedure Rule, "Dismissal Procedure" means any action related to:
  - a) misconduct by; or
  - b) the lack of capability of an employee of the Authority

where it is intended that such action should be recorded or would be recorded according to the usual practice of the Authority, on the personal file of the employee, and it shall include dismissal for any reason except redundancy or failure to renew a fixed-term contract which has expired.

- 3) In this Procedure Rule, the "Appeals Committee" means the group of Members of the Authority appointed to consider appeals by employees against Dismissal Procedures taken against them.

- 4) No Dismissal Procedures shall be taken except in a manner which is fair to the employee concerned, and which is in accordance with procedures approved by the Council from time to time upon consideration of a report by the Head of the Authority's Paid Service under section 4(3)(d) of the 1989 Act.
- 5) Except in relation to Chief Officers no Dismissal Procedures shall be initiated or taken by any person or body of persons other than the Head of the Authority's Paid Service or the Chief Officer of the department in which the employee works or such other officer as the Head of the Authority's Paid Service or that Chief Officer may authorise for that purpose.
- 6) Where an appeal against Dismissal Procedures taken under paragraph 5) is made to the Appeals Committee, a report shall be submitted to that Committee setting out the facts which led to the disciplinary action against which the appeal is made, the Dismissal Procedure taken, the reasons for that action, and the recommendations on the appeal of the person preparing the report. The report shall be prepared in accordance with the procedures approved by the Council, by the Head of the Authority's Paid Service, the Chief Officer of the department in which the employee works, or such other Chief Officer as the Head of the Authority's Paid Service shall designate.
- 7) A copy of the report under the last paragraph shall be given to the employee concerned.
- 8) The Members of the Appeals Committee shall be supplied, at the Authority's expense, with a copy of any representations in writing submitted by the person making the appeal. The Appeals Committee shall be advised by the Head of the Authority's Paid Service (if he did not prepare the report under paragraph 6) or by a Chief Officer other than one who prepared the report under paragraph 6).
- 9) The Appeals Committee shall not make any decision on the appeal which would result in the employee concerned suffering a disciplinary penalty more severe than that recommended in the report under paragraph 6).

#### **PROCEDURE RULE 349 OFFICERS' INTERESTS**

- 1) In addition to his duty under section 117 of the 1972 Act an officer must disclose in writing to the Monitoring Officer any pecuniary or non-pecuniary interest he has in any contract or matter to be considered at any meeting as soon as possible after he becomes aware of the interest. The Monitoring Officer shall keep a register for this purpose. This does not apply to his contract of employment with the authority, or the tenancy of a dwelling provided by the authority
- 2) A disclosable pecuniary interest is one that, if the officer were a Member of the Council, and if the contract or other matter were to be considered at a meeting of the Council at which he **or she** were present, he would have to disclose under section 94 of the 1972 Act.

- 3) The Monitoring Officer shall keep a separate record of any notice of a pecuniary interest given by an officer of the authority under Section 117 of the 1972 Act or paragraph 1). The record shall be open for inspection by any Member of the Council during office hours, and at times when the Council Offices are open for meetings.
- 4) When an officer submits a report to a meeting on a matter in which he has declared an interest under section 117 of the 1972 Act or paragraph 1), he shall state that a declaration has been made and given brief details of it in a separate paragraph at the beginning of the report.
- 5) When an officer provides advice at a meeting on any matter in which he has declared a pecuniary interest, whether under the requirements of Section 117 of the 1972 Act, or of paragraph 1), he shall remind the meeting of that interest.
- 6) An officer must not, in the course of his duty as an officer or employee of the Council, accept any fee or reward whatsoever other than his proper remuneration.

#### **PROCEDURE RULE 350**

#### **NON-DIRECTION TO PERSONS MAKING APPOINTMENTS OR TAKING DISCIPLINARY ACTION**

- 1) Anybody or person who is appointed to take any step in relation to an appointment, take disciplinary action or follow a dismissal procedure, may give any direction as may be necessary to give effect to a decision taken in pursuance of that appointment, subject to paragraph 3).
- 2) The Council or any Committee or Sub-Committee may call for a review of the conduct or capability of any employees, subject to paragraph 3).
- 3) The Council, a Committee, a Sub-Committee nor any body or person appointed to carry out any matters in paragraph 1 shall:
  - a) give directions to anyone taking any step in relation to an appointment to a post in the paid service of the Authority as to the identity of the person to be appointed to that post;
  - b) give directions to anyone about the taking of any disciplinary action or following a dismissal procedure against a person in the paid service of the Authority; or
  - c) otherwise interfere with the making of any appointment, the taking of disciplinary action or the following of a dismissal procedure.

#### **~~SECTION 8 - MEMBERS PROCEDURE RULES~~**

**(Procedure rules 360-389) To be moved to new Member Code of Conduct**

**PROCEDURE RULE 363**  
**INSPECTION OF LAND**

- 1) If a Member of the Council wishes to have access to land or buildings in the occupation of the Council to which the public do not have access and to which Members of the Council do not regularly have access, he shall apply to the appropriate Chief Officer giving at least 24 hours notice. Unless the Chief Officer considers that there is good reason why such access should not be given, he shall give permission, but may attach conditions to that permission, including in particular a condition that the Member shall be accompanied by an Officer of the Authority. No Member shall make any orders on such premises.
- 2) No Member of the Council and no other Member (whether voting or non-voting) of a Committee or Sub-Committee or Scrutiny Committee or Sub-Committee shall have any claim by virtue of his position:
  - a) to enter any land or buildings occupied by the Authority to which the public do not have access or to which Members of the Council do not regularly have access except with the permission of the Chief Executive.
  - b) to exercise any power of the Authority to enter or inspect other land or buildings, except where specifically authorised to do so by the Authority.
  - c) to exercise any other power of the Authority.
  - d) to issue an order, with respect to any works which are being carried out by, or on behalf of, the Authority, or with respect to goods or services which are being, or might be, purchased by the Authority.
- 3) The Proper Officer for the purposes of section 100(F)(2) of the 1972 Act and for the purposes of this Procedure Rule is the Chief Executive.

**PROCEDURE RULE 364**  
**USE OF PUBLIC FUNDS**

Members must not use public funds to publish any material that appears to be designed to influence public support for a particular political party. This would include comments on policies that are associated with a political or particular party.

**PROCEDURE RULE 365**  
**TRADE UNION NEGOTIATIONS**

A Member may not represent the Council in negotiations over the terms and conditions of the Council's workforce if the Member is either a local government employee or is an official of, or employed by, a trade union which contains local authority employees in its membership.

**PROCEDURE RULES 366 TO 389**

Reserved

This page is intentionally left blank



## Rutland Health and Wellbeing Board Terms of Reference

---

The Health and Wellbeing Board (HWB) has been appointed by Rutland County Council as a statutory committee of the Local Authority. It will discharge directly the functions conferred on Rutland County Council by Section 196 of the Health and Social Care Act 2012 and any other such legislation as may be in force for the time being.

### 1. Aim

To achieve better health, wellbeing and social care outcomes for Rutland's whole population, reducing health inequalities and delivering a better quality of care for people using services through the provision of:

- 1) collaborative leadership that influences, shapes and drives a wide range of services and interventions spanning health care, social care and public health.
- 2) strategic oversight of, and challenge to, the planning, strategy, commissioning and delivery of services across health, social care, public health, children's and young people's services and other services that the Board agrees impact on the wider determinants of health.

### 2. Statutory Functions

Under the Health and Social Care Act 2012, the HWB has the following duties and functions:

- 1) To encourage integrated working between health and social care commissioners, including arrangements under Section 75 of the National Health Service Act 2006 in connection with the provision of health and social care services.
- 2) To prepare and publish successive Joint Strategic Needs Assessments (JSNA) and Joint Health and Wellbeing Strategies (JHWS) that are evidence based and supported by all stakeholders to set out Rutland's objectives, trajectory for achievement and how members of the Board will be jointly held accountable for delivery.
- 3) To encourage close working between commissioners of health-related services and the Board itself.
- 4) To encourage close working between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services.

## **Revised March 2022**

- 5) Any other functions that may be delegated by the council under section 196(2) of the Health and Social Care Act 2012.

The HWB has an additional responsibility derived from the amended NHS Act 2006, under which NHS England has powers to attach conditions to the payment of the Better Care Fund (BCF):

- 1) The HWB is required to jointly agree plans for how BCF pooled funds will be spent to progress health and care integration in Rutland, with plans signed off by the relevant Local Authority and Clinical Commissioning Group or its successor body.

### **3. Additional Responsibilities**

The Board has also agreed additional responsibilities which complement its statutory functions:

- 1) To constructively challenge and hold to account partners (including local partners, those delivering services, projects and programmes across LLR, and those delivering services outside the ICS area that have significant Rutland implications), to ensure that their strategies, plans and services are aligned to Rutland's JHWS priorities, and to consider what is best for Rutland within their plans and actions.
- 2) To have oversight of the use of relevant public sector resources across a wide range of services and interventions, with greater focus and integration across outcomes spanning health care, social care and public health.
- 3) To task relevant groups, whether standing or time-limited, including the sub-groups of the HWB, to develop solutions to challenges outlined in the JSNA and JHWS.
- 4) To inform the development and assure the delivery of the Rutland BCF programme.
- 5) To facilitate partnership working across health and social care to ensure that services are joined up around the needs of service users.
- 6) To focus resources on the agreed set of priorities for health, wellbeing and social care (as outlined in the JSNA and JHWS).
- 7) To ensure alignment, where appropriate, between ICS commissioning plans and the Rutland JHWS and BCF programme.
- 8) To ensure that the work of the Board is aligned with policy developments both locally and nationally.
- 9) To communicate with the public about Rutland's health, care and wellbeing needs, services and developments and to use their experiences and views to inform the work of the HWB.

### **4. Principles**

The Board agree to work to the following principles:

## **Revised March 2022**

- 1) Shared ownership of the Board by all its members (with commitment from their nominating organisations) and accountability to the communities it serves for delivering the Board's priorities.
- 2) Commit to driving real action and change to integrate services and to improve services and outcomes, also by making investment decisions that support shared aims.
- 3) To adapt a proportionate universalism approach that targets resources to prioritise the most vulnerable and reduce health inequalities and improve wellbeing opportunities and outcomes.
- 4) Support people to maintain their independence and play a full role in looking after themselves, encouraging and enabling people to make informed healthy choices.
- 5) Share success and learning to make improvements cross-organisationally for the wider benefit of Rutland.
- 6) Be evidence led, open and transparent in the way that the Board carries out its work, using local data and intelligence, and listening to service users/patients and the public, and acting on what this tells us.
- 7) Represent Rutland at LLR, regional and national platforms to ensure Rutland's voice is heard.

## **5. Position within wider governance**

The Board will coordinate its work with that of the system-level LLR Integrated Care Partnership (the Health and Wellbeing Partnership), the former fulfilling the responsibilities of 'place' (Rutland) and the latter of 'system' (Leicester, Leicestershire and Rutland).

There will be two permanent sub-groups of the Board:

**a. Children and Young People's Partnership (CYPP):**

Responsible for the development and improvement of services for children and young people 0-19 years, (and to the age of 25 years for some vulnerable young people), overseeing the delivery of the agreed vision and priorities of the Children, Young People and Families Plan.

**b. Rutland Integrated Delivery Group (IDG):**

Responsible for health and care needs in Rutland, managing the resources available to do this and working in partnership to provide leadership, direction and assurance to the integration and enhancement of health and care services in Rutland, with a particular focus on key local change programmes contributing to this aim, notably the JHWS and BCF programme.

The Terms of Reference for each of these sub-groups is attached.

Additional sub-groups may be formed on a time-limited basis at the request of the Board to address specific issues or undertake specific pieces of work. Where additional sub-groups are formed, the Chair of the Board will appoint a Chair for the sub-groups and agree reporting requirements and timescales.

Other temporary or permanent groups taking forward relevant work may also be asked to provide updates to the HWB.

## **6. Safeguarding**

The Board work in line with the agreed protocol in place between the Leicestershire & Rutland Children's Safeguarding Board (LRCSB), the Leicestershire & Rutland Safeguarding Adults Board (LRSAB) and the HWB. The protocol outlines the relationship between the Boards, how safeguarding shall be taken into account within the business of the HWB, and how health & wellbeing shall be taken into account within the business of the LRCSB and the LRSAB.

The protocol shall be approved by both the Board and by the LRCSB and the LRSAB and reviewed at least three yearly. [Updated protocol to follow].

## **7. Membership**

The minimum membership of the Board shall consist of the following voting members:

- Two representatives from the Leicester, Leicestershire and Rutland Clinical Commissioning Groups or their successor body. (2)
- Two local elected representatives (2) at least one to be the Portfolio Holder for Health.
- The Director of Adult Services and Health for Rutland County Council. (1)
- The Director for Children and Families for Rutland County Council. (1)
- The Director of Public Health for Rutland County Council. (1)
- One representative of Rutland Healthwatch. (1)
- One representative of NHS England. (1)
- The Clinical Director of the Rutland Health Primary Care Network. (1) (Non statutory member)
- One senior representative of the Leicestershire Partnership Trust. (1) (Non statutory member)
- One representative from the Voluntary and Community Sector (1) on behalf of this sector. (Non-statutory member)
- One representative from a Registered Social Landlord on behalf of social landlords. (1) (Non statutory member)
- One representative from Leicestershire Constabulary. (1) (Non statutory member)
- One representative of current and veteran Armed Forces. (1) (Non statutory member)

and such other members as the Board thinks appropriate, including, but not limited to: - additional system and place representatives from neighbouring areas, voluntary sector representatives; clinicians; and provider representatives, to be added to the Terms of Reference at the next review point.

Meetings may also be attended by non-members, bringing agenda items or supporting with particular skills and knowledge. They are non-voting.

Members are kindly asked to attend all HWB meetings. All members can appoint a maximum of one deputy to attend meetings by exception in their absence.

## **Revised March 2022**

Members (and their deputies where required) will act with the necessary delegated responsibility from their organisation and take decisions on behalf of that organisation in relation to the work of the Board. It is acknowledged that resource allocation and formal approval will need to be sought from the members' respective governing bodies.

### **8. Voting**

All members of the Health and Wellbeing Board are allowed to vote (unless the County Council directs otherwise).

Rutland County Council's Meeting Procedure Rules in relation to voting apply; however, it is hoped that decisions of the Board can be reached by consensus without the need for formal voting.

Decisions can be taken by the Chair where necessary for reasons of urgency outside of formal meetings. Any decisions taken outside of formal meetings shall be recorded at the following meeting along with the reasons for the urgency and the basis for the decision.

Under current legislation, decisions may only be formally taken in meetings held face to face. Decisions in principle can be taken during virtual meetings and carried forward to the next in-person HWB meeting for ratification.

### **9. Standing Orders and Meetings**

The Access to Information Procedure Rules and Meeting Procedure Rules (Standing Orders) laid down by Rutland County Council will apply with any necessary modifications including the following:

- a. The Chairperson will be Rutland County Council's Portfolio Holder for Health; the vice-chair will be elected from one of the other statutory members of the Board.
- b. The quorum for a meeting shall be a quarter of the membership including at least one elected member from the County Council and one representative of the East Leicestershire and Rutland Clinical Commissioning Group/LLR Integrated Care Board.

The business of the Board will be supported by Officers of the Board, the Rutland Consultant for Public Health and the Health and Wellbeing Integration Lead at Rutland County Council. Administration support will be provided by Rutland County Council.

There will be standing items on each agenda to include:

1. Declarations of interest
2. Minutes of the previous meeting
3. Matters arising
4. JHWS, JSNA and BCF update
5. Updates from each of the subgroups of the Board

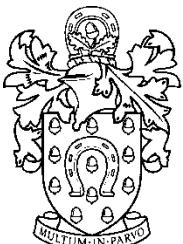
Meetings will be held online and in public at least quarterly (4 times a year), unless members agree otherwise, or as guided by decision-making requirements or any pandemic-related guidelines in force. In particular, significant decisions must currently be taken in person.

Public meetings will be up to three hours in duration.

The Board may also meet for workshops or seminar sessions and for Board learning and development. These meetings, to include an annual review of the JSNA and JHWS, will be informal and not held in public, although outcomes will be made public (e.g., as relates to the JSNA and JHWS) as part of subsequent main Board meetings.

## **10. Review**

These Terms of Reference will be reviewed at least annually, and more frequently where circumstances dictate.



## RUTLAND COUNTY COUNCIL PLANNING AND LICENSING COMMITTEE MEETINGS

### PUBLIC SPEAKING SCHEME

The scheme gives the opportunity for a member of the public and other parties identified below to speak to the Council's elected Councillors when they are deciding a planning application.

#### **TO WHICH MEETINGS DOES THIS SCHEME APPLY?**

This scheme applies to all meetings of the Planning and Licensing Committee and to meetings of Council when a planning application is considered. Planning and Licensing Committee meetings are normally held in the Council Chamber at the Council Offices, Catmose, Oakham, usually beginning at 7.00 pm.

#### **WHO CAN ADDRESS THE COMMITTEE**

1. One member of the public who wishes to comment on or to speak for the application;
2. One member of the public who wishes to comment on or to speak against the application;
3. One Parish (or Town) Council or Parish Meeting representative. Where an application affects multiple Parishes, the Chair may allow additional Parish representatives to speak.
4. All Rutland County Councillors for the ward where the development is situated ("Ward Member") where the Ward Member is not a Member of the Committee.
5. The applicant, their agent or representative.

A Parish Councillor or Ward Member with a disclosable pecuniary interest in the matter may only attend for the purpose of speaking as a member of the public or as the applicant and must not speak in their capacity as a Councillor, and must then leave the meeting as soon as they have spoken.

No speaker (with the exception of ward members) may speak for more than 3 minutes and related applications are treated as one for these purposes. Each Ward Member may speak for up to 5 minutes. Ward Members may remain in their designated seat during the debate and contribute to the meeting again at the discretion of the Chair.

Speakers may be questioned at the meeting by Members of the Committee at the discretion of the Chair, but any public speaker may not question other speakers, Councillors or Officers. Speakers are not permitted to introduce any photograph, drawing or written material as part of their public speaking.

Public speaking on any matter is only allowed at one meeting. There will be no further public speaking at any second or subsequent meeting unless officers advise that there has been a significant change in planning circumstances since the first meeting.

## **HOW CAN I FIND OUT WHEN A MATTER WILL BE CONSIDERED?**

In addition to the publication of Agendas with written reports, the dates and times of the Planning Committee meetings are shown on the Council's [website](#). It should be noted that some applications may be withdrawn at short notice and others may be deferred because of new information or for procedural reasons. This may mean that deferral takes place during the meeting and you will not be able to speak at that meeting, but will be able to do so at the meeting when the application is reconsidered.

## **DO I HAVE TO ATTEND THE PLANNING AND LICENSING COMMITTEE MEETING TO MAKE THE COMMITTEE AWARE OF MY VIEWS?**

No. If you have made written representations, their substance will be taken into account and the Committee report, which is available to all Councillors, will contain a summary of the representations received.

## **HOW DO I ARRANGE TO SPEAK AT THE MEETING?**

You can:-

Telephone the Governance Team (01572 720972 / 01572 720993) during normal working hours on any weekday after the reports and agenda have been published,

**OR**

Send an email to [Governance@rutland.gov.uk](mailto:Governance@rutland.gov.uk)

**OR**

On the day of the Planning Committee meeting, you can arrive in the Council Chamber at least 15 minutes before the beginning of the meeting (meetings normally begin at 7.00pm) and speak to the Committee Clerk.

If more than one person wants to speak who is eligible under a particular category (e.g. a member of the public within the description set out in numbered paragraph 1 and 2 above), the right to speak will be on a "first come, first served" basis in the first instance. Multiple speakers in the same category may share the allocated time subject to prior agreement from the person presiding at the meeting.

## **WHAT WILL HAPPEN WHEN THE MATTER CONCERNED IS CONSIDERED?**

- Planning Officer will present the report.
- Public speaking takes place in the order set out above under the heading "Who Can Speak?"
- Members of the Committee can ask questions of any public speaker;
- Committee Members will debate the merits of the application and once a motion has been moved and seconded proceed to a vote. Ward Members may contribute to the meeting again during the debate at the discretion of the Chair.

## **WHAT SHOULD I SAY AT THE MEETING?**

Please be straightforward and concise and try to keep your comments to planning matters which are directly relevant to the application or matter concerned. Planning matters may include things such as planning policy, previous decisions of the Council on the same site or in similar circumstances, design, appearance, layout, effects on amenity, overlooking, loss of light, overshadowing, loss of privacy, noise or smell nuisance, impact on trees, listed buildings or highway safety.

The following are not relevant planning matters, namely the effect of the development on property values, loss of view, personality or motive of the applicant, covenants, private rights or easements and boundary or access disputes.

You may wish to come to the meeting with a written statement of exactly what you want to say or read out, having checked beforehand that it will not overrun the 3 minutes allowed.

**The Planning and Licensing Committee takes place in public so please be courteous and polite as you would at any similar public place. Any remarks should relate to the subject matter only and should not constitute a personal attack upon any person or contain any offensive language or aggressive gestures.**

**Use of inappropriate, offensive or aggressive language and/or behaviour will not be tolerated. Should unacceptable behaviour persist, the Chairman reserves the right to order that the speaker leave the meeting.**

## **WHO DO I CONTACT FOR MORE INFORMATION?**

The Council's website will help you and you can also contact the relevant planning officer for the matter. The name of the Officer is on the acknowledgement of the application or in the correspondence we have sent you.

Rutland County Council  
Council Offices, Catmose, Oakham, Rutland, LE15 6HP  
Web: [www.rutland.gov.uk](http://www.rutland.gov.uk)

### **For Planning matters**

Tel: 01572 758400  
Email: [planning@rutland.gov.uk](mailto:planning@rutland.gov.uk)

-

### **For Speaking or other Committee matters:**

Tel: 01572 720972 / 01572 720993  
Email: [governance@rutland.gov.uk](mailto:governance@rutland.gov.uk)

It always helps to save time if you can quote the planning application reference number



## COUNCIL

9 May 2022

### POLITICAL BALANCE AND ALLOCATION OF SEATS TO POLITICAL GROUPS

#### Report of the Monitoring Officer

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr O Hemsley, Leader of the Council and Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure	
Contact Officer(s):	Marie Rosenthal, Interim Deputy Director for Corporate Governance and Monitoring Officer	<a href="mailto:mrosenthal@rutland.gov.uk">mrosenthal@rutland.gov.uk</a>
	Tom Delaney, Governance Manager	01572 720993 <a href="mailto:tdelaney@rutland.gov.uk">tdelaney@rutland.gov.uk</a>
Ward Councillors	N/A	

#### DECISION RECOMMENDATIONS

That Council:

1. Decides the political balance calculation the Council should adopt for 2022/23 as set out in Appendix A (To follow), either:
  - a) Calculation at Table A to include all 27 Councillors, including non-aligned Members.
  - b) Calculation at Table B to include only those Members in a political group.
2. Approves the subsequent allocation of seats to Political Groups, as determined by the vote on political balance calculation, as set out in Appendix B (To follow).
3. Notes the political group nominations for membership of the Council's Committees as set out in Appendix B.
4. Approves the appointments of non-aligned Members to Committees as set out in Appendix B.

5. Authorises the Strategic Overview and Scrutiny Committee to co-opt five Members on education matters only, in accordance with the Constitution and the Local Government Act 2000.
6. Appoints a Chair of each Committee from among its membership:
  - a) Audit and Risk Committee
  - b) Conduct Committee
  - c) Constitution Commission
  - d) Employment and Appeals Committee
  - e) Planning and Licensing Committee
  - f) Strategic Overview and Scrutiny Commission

## **1 PURPOSE OF THE REPORT**

1.1 The report requests a number of decisions by Council as required at the Annual Meeting, these are the political balance calculations, allocation of seats to political groups, and the appointments of Chairs on these Committees.

## **2 BACKGROUND AND MAIN CONSIDERATIONS**

2.1 The Council is required by Section 15 of the Local Government and Housing Act 1989 to review the representation of Groups on Committees at its Annual Meeting each year and to determine the allocation of seats to these Committees.

2.2 The Council's duty is to determine the allocation of seats to be filled by appointments by the Authority, except the Cabinet. The purpose is to ensure that there is proportionality across all formal activities of the Council, representing the overall political composition. It affects all formally constituted committees and which discharge functions on behalf of the Authority.

2.3 The exceptions are the Health and Wellbeing Board which is not covered by the Act, and working parties, forums or joint partnerships.

2.4 Following previous Council decisions on the arrangements for the Constitution Commission and Strategic Overview and Scrutiny Committee, the 49 seats on Council Committees are set out in the table below:

Committee	Number of Places
Audit and Risk Committee	7
Conduct Committee	7
Constitution Commission	7
Employment and Appeals Committee	7

Planning and Licensing Committee	12
Strategic Overview and Scrutiny Committee	9
Total	49

- 2.5 The Council is also required to co-opt educational representatives to its relevant Scrutiny Committee for educational matters which was previously the Children and Young People's Scrutiny Committee. These representatives are entitled to attend and vote at meetings of the Committee on educational matters only. It is recommended that the Strategic Overview and Scrutiny Committee be authorised to co-opt five Members for this purpose.

### **3 POLITICAL COMPOSITION OF THE COUNCIL AND UPPINGHAM BY-ELECTION**

- 3.1 As of writing, the political composition of the Council is as follows:

<b>Political Group</b>	<b>Number of Members</b>
Conservatives	9
Independent and Green Group	6
Liberal Democrats	4
Together4Rutland	4
Non-aligned	3
Vacancy	1
<b>Totals</b>	<b>27</b>

- 3.2 As the by-election to fill the vacancy in Uppingham is due to be held on Thursday 5 May 2022, after the publication of the Council agenda, the tables setting out the political balance calculations and subsequent nominations to Committees are marked as to follow and will be shared as soon as practicable following the deceleration of result of the by-election, and confirmation of any group affiliation of the new Member is received by the Proper Officer.

### **4 APPOINTMENTS OF CHAIRS AND VICE-CHAIRS**

- 4.1 The Constitution also requires that Council should appoint a Councillor from within the membership of each Committee as Chair at the Annual Meeting. The Chair of the Health and Wellbeing Board is set by its Terms of Reference as the Portfolio Holder with responsibility for Health.
- 4.2 The Vice-Chairs of Committees will be appointed by the Committees at their first meetings of the municipal year as required in the Constitution.

## **5 CONSULTATION**

- 5.1 Group Leaders have been consulted in the compilation of the report and non-aligned Members have been kept informed during the process of compiling Appendix B.

## **6 ALTERNATIVE OPTIONS**

- 6.1 The Council is required to review the Political Balance and allocation of seats at its Annual Meeting, the two options with regard to this are set out in the report.

## **7 FINANCIAL IMPLICATIONS**

- 7.1 There are no direct financial implications arising from the report, the Special Responsibility Allowances payable to Chairs of Committees are budgeted for within the Member Services Budget.

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 8.1 The Council is required to review the representation of Political Groups at its Annual Meeting each year or as soon as practicable after an event, which alters the political balance between the Groups and to determine the allocation of seats to be filled by appointments by the Council. This is in accordance with Sections 15 to 17 of the Local Government and Housing Act 1989 and Section 8 of the Local Government (Committees and Political Groups) Regulations 1990.

- 8.2 The allocation of seats is required to conform to the principles of proportionality contained in sections 15 and 16 of the Local Government and Housing Act 1989. There is a duty to give effect to the following principles, as far as reasonably practicable, in the order shown:

8.2.1 Not all the seats on the body are allocated to the same political group

8.2.2 A majority of the seats on a body are allocated to a group if it comprises a majority of the total membership of the authority.

8.2.3 Subject to (8.2.1) and (8.2.2) above, that the number of seats on ordinary committees allocated to each group bears the same proportion to the total of all seats on ordinary committees as is borne by the number of members of that group to the total membership of the authority; and

8.2.4 Subject to (8.2.1 to 8.2.3) above, that the number of seats on a body allocated to each group bears the same proportion to the number of seats on that body as is borne by the number of members of that group to the total membership of the authority.

8.2.5 For political balance, a group is required to have at least two members in order to be formally constituted as a political group

8.3 The Local Government (Committees and Political Groups) Regulations 1990 and Procedure Rule 20 require the allocation of seats strictly in accordance with political group membership at the time. This means that nonaligned members do not automatically qualify for seats on Committees.

8.4 However, legislation allows deviation from the principles above provided that a

motion to do is not voted against by any Member, an abstention is not counted as an abstention. Therefore, a motion to agree political balance as set out in Table A is permissible provided no Member votes against.

## **9 DATA PROTECTION IMPLICATIONS**

- 9.1 A Data Protection Impact Assessments (DPIA) has not been completed as no personal data has been processed in the compilation of the report.

## **10 EQUALITY IMPACT ASSESSMENT**

- 10.1 An Equality Impact Assessment (EqIA) has not been completed because there are no service, policy or organisational changes being proposed.

## **11 COMMUNITY SAFETY IMPLICATIONS**

- 11.1 There are no community safety implications arising from the report.

## **12 HEALTH AND WELLBEING IMPLICATIONS**

- 12.1 There are no health or wellbeing implications arising from the report.

## **13 ORGANISATIONAL IMPLICATIONS**

- 13.1 There are no organisational applications arising from the report.

## **14 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 14.1 The Council is recommended to agree a political balance calculation and make the relevant appointments to the membership of the Council's Committees, in order to ensure that these Committees can transact their businesses.

## **15 BACKGROUND PAPERS**

- 15.1 There are no additional background papers to the report.

## **16 APPENDICES**

- 16.1 Appendix A – Political Balance Calculation Tables (To follow)

- 16.2 Appendix B – Committee Seat Applications to Political Groups and Membership (To follow)

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

This page is intentionally left blank

## COUNCIL

9 May 2022

### PROGRAMME OF MEETINGS 2022/23

#### Report of the Monitoring Officer

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr O Hemsley, Leader of the Council and Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure	
Contact Officer(s):	Marie Rosenthal, Interim Deputy Director for Corporate Governance and Monitoring Officer	<a href="mailto:mrosenthal@rutland.gov.uk">mrosenthal@rutland.gov.uk</a>
	Tom Delaney, Governance Manager	01572 720993 <a href="mailto:tdelaney@rutland.gov.uk">tdelaney@rutland.gov.uk</a>
Ward Councillors	N/A	

#### DECISION RECOMMENDATIONS

That Council approves the Programme of Meetings for 2022/23 attached at Appendix A, including dates for May and June 2023 subject to revision by Annual Council in May 2023.

## 1 PURPOSE OF THE REPORT

- 1.1 The Council at its Annual Council Meeting is required to agree the date and time of ordinary meetings of Council (and its Committees) for the coming Municipal Year.
- 1.2 This report presents the programme of meetings for 2022/23 and sets out the principles that have been applied in compiling it. The programme also sets out meetings dates for May and June 2023 in order to allow Members and officers greater transparency on future meeting dates and assist in agenda-planning, these dates are subject to change by Annual Council in May 2023.
- 1.3 The report also updates Members on the position with regards to livestreaming and hybrid meetings from the Council Chamber.

## 2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Schedule of meeting dates is underpinned by a series of principles which are applied to ensure adherence to the Constitution and other Financial and Legislative requirements, needs of the individual Committees concerned as well as, where

possible, affording some consistency from year to year.

- 2.2 As a result of the COVID-19 Pandemic, all public meetings in 2020-21 took place virtually. The regulations allowing lawful decision-making meetings to take place ceased to apply from 7 May 2021. Although the government has since held a call for evidence on the topic of remote meetings, there is not yet a firm indication of future legislative changes.
- 2.3 For 2021/22 a hybrid approach was undertaken whereby only those meetings required to meet in-person did so, with remaining meetings taking place remotely. The Leader of the Council also varied delegations of Executive decision-making to allow Portfolio Holders to make these decisions via informal consultation with Cabinet at a virtual meeting.
- 2.4 The vast majority of meetings taking place both in-person and remotely have been recorded and recordings uploaded for future viewing on YouTube.

### **3 VIRTUAL MEETINGS PRINCIPLES**

- 3.1 The Programme of Meetings for 2022/23 at Appendix A has been drafted on the basis of the following locations for meetings:
- 3.2 Bodies regularly required to make decisions will always meet in-person, these are:
  - Full Council
  - The Cabinet
  - Planning and Licensing Committee
  - Conduct Committee
- 3.3 The proposed new Strategic Overview and Scrutiny Committee would only be required to make a formal decision when considering a call-in request, however it is recommended that this Committee meet in-person due to the nature of the meeting. Other Scrutiny work, such as Task and Finish Groups or evidence session, would operate flexibly based on the nature of the topic and work required.
- 3.4 Committees of the Council only occasionally required to make a formal decision are marked as discretionary and is expected for these to meet either in-person or remotely, with the Chair of the Committee to agree the location of individual meetings with the relevant officers as part of the agenda-setting process. These are:
  - Audit and Risk Committee
  - Constitution Commission
  - Employment and Appeals Committee
  - Health and Wellbeing Board
- 3.5 The Council's Governance and other teams also administer several consultative bodies that do not make formal decisions, some of these also do not meet in public and have many attendees from outside the County. Under the programme these bodies are also marked as discretionary and are expected to usually meet virtually but could meet in-person if requested by those bodies, these are:
  - Children and Young People's Partnership
  - Corporate Parenting Board
  - Parish Clerk Liaison Group

- Parish Council Forum
  - Rutland Countryside Access Forum
  - Schools Forum
  - Standing Advisory Council on Religious Education
- 3.6 Under these principles, assuming several discretionary meetings chose to meet in-person then it is anticipated that approximately 60% of all meetings in 2022-23 would meet in-person, when only considering Council, Cabinet and Committee meetings this rises to over 85%.
- ## 4 HYBRID MEETINGS AND LIVE-STREAMING
- 4.1 Over the course of 2021/22, work has taken place between several Council departments to improve the equipment in the Council Chamber so that both video and audio from desk-mounted microphones can be streamed and recorded for subsequent viewing.
- 4.2 Streaming of these meetings has resulted in reasonable viewership of Committee meetings both at the time the meeting was held and with subsequent views on YouTube. Although there have been certain meetings such as Planning and Licensing Committee and the Health and Wellbeing Board which have had higher viewership than most others.
- 4.3 Several recent meetings of the Planning and Licensing Committee and the Health and Wellbeing Board have also operated on a hybrid basis, with a small number of non-voting attendees able to participate in meetings taking place in the Council Chamber.
- 4.4 Because of residual sound issues for these attendees and the non-voting status of remote attendance, it is not intended for meetings to be regularly held as hybrid meetings and this option only be utilised where required.
- 4.5 It is intended that any future decisions on investment in dedicated streaming provision or equipment to facilitate hybrid meetings will be made as part of wider decision-making on the future of Catmose.
- ## 5 CONSULTATION
- 5.1 Group Leaders and the Constitution Review Working Group were consulted regarding the approach to virtual meetings, there was not a unanimous view and the programme has been drafted to allow a mixture of meeting locations, albeit with a strong preference in favour of in-person meeting.
- ## 6 ALTERNATIVE OPTIONS
- 6.1 It is a legislative requirement to publish a notice of ordinary meetings of the Council and its Committees and therefore there is no alternative option.
- 6.2 A programme of meetings consisting only of in-person meetings is not recommended as this would impact the financial and environmental implications set out in the report.
- 6.3 The Chief Executive and Chairs of individual Committees also have the power to vary the dates and times of meetings and call additional meetings should this

become required during the 2022/23 municipal year. This also extends to varying the location of a meeting to be held remotely.

## **7 FINANCIAL IMPLICATIONS**

- 7.1 There are no direct financial implications arising from the report.
- 7.2 However, there are higher costs for meetings held in-person as a result of increased staffing, energy consumption at Catmose and travel expenses for Members, these costs are managed within the relevant service budgets.

## **8 LEGAL AND GOVERNANCE CONSIDERATIONS**

- 8.1 As required by Schedule 12 of the Local Government Act 1972, a notice is published on the notice board at the Council Offices informing the public of the meetings of the Council and its Committees. As soon as reasonably practicable following Council, a notice will be published on the noticeboard at the Council Offices.
- 8.2 The Council also publishes all meeting dates on the Council's website: <https://rutlandcounty.moderngov.co.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>
- 8.3 If changes are made to the public notice by the Proper Officer during the year, the notice will be updated and information fully publicised on the Council's website.

## **9 DATA PROTECTION IMPLICATIONS**

- 9.1 A Data Protection Impact Assessments (DPIA) has not been completed because no personal data has been processed in the compilation of this report.

## **10 EQUALITY IMPACT ASSESSMENT**

- 10.1 An Equality Impact Assessment (EqIA) has not been completed because there are no service, policy or organisational changes being proposed in this report.

## **11 COMMUNITY SAFETY IMPLICATIONS**

- 11.1 There are no community safety implications arising from the report.

## **12 HEALTH AND WELLBEING IMPLICATIONS**

- 12.1 There are no health or wellbeing implications arising from the report.

## **13 ORGANISATIONAL IMPLICATIONS**

- 13.1 Environmental implications

- 13.2 There are positive environmental implications from continuing to hold some meetings virtually, as a result of reduced energy consumption and travel time by Members, officers and the public.

## **14 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 14.1 Council is recommended to approve the draft Programme of Meetings 2022/23 at Appendix A so that a schedule of the ordinary meetings of the Council and its Committees can be published in line with legislative requirements.

**15 BACKGROUND PAPERS**

15.1 There are no additional background papers to the report.

**16 APPENDICES**

16.1 Appendix A – Programme of Meetings 2022/23

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

This page is intentionally left blank

## **PROGRAMME OF MEETINGS – 2022-23**

For Meeting Start Times and locations, please see overleaf.....

	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
Saturday					1							1		
Sunday	1				2				1			2		
Monday	2			1		3			2 NEW YEARS DAY			3	1 MAY DAY B/H	
Tuesday	3			2		4 Conduct Committee	1		3			4 CABINET	2	
Wednesday	4	1		3		5	2		4 TERM STARTS	1	1 Parish Forum	5	3	
Thursday	5	2 SPRING B/H		4	1 TERM STARTS	6	3	1	5	2	2	6	4 COUNTY ELECTIONS	1
Friday	6	3 PLATINUM JUBILEE B/H	1	5	2	7	4	2	6	3	3	7 GOOD FRIDAY	5	2
Saturday	7	4	2	6	3	8	5	3	7	4	4	8	6	3
Sunday	8	5	3	7	4	9	6	4	8	5	5	9	7	4
Monday	9 ANNUAL COUNCIL	6 TERM STARTS COUNCIL	4 COUNCIL	8	5 COUNCIL	10 COUNCIL	7 COUNCIL	5 COUNCIL	9	6	6	10 EASTER MONDAY	8	5 TERM STARTS
Tuesday	10	7	5	9	6 SACRE	11 Health and Wellbeing Board	8	6 Audit and Risk Committee	10	7 Conduct Committee	7 CABINET	11	9	6 Planning and Licensing Committee
Wednesday	11	8	6 Constitution Commission (Informal Session)	10	7 Constitution Commission (Informal Session)	12 Corporate Parenting Board	9	7 Parish Forum	11 Constitution Commission	8 Parish Clerk Liaison	8 Countryside Access Forum	12	10	7
Thursday	12	9 Children & Young Peoples Partnership Overview and Scrutiny Committee	7 Overview and Scrutiny Committee	11	8 Children & Young Peoples Partnership: Overview and Scrutiny Committee	13 Overview and Scrutiny Committee	10	8 Schools Forum Overview and Scrutiny Committee	12 CABINET (Draft Budget)	9	9 Overview and Scrutiny Committee	13	11	8
Friday	13	10	8	12	9	14 TERM ENDS	11	9	13	10	10	14	12	9
Saturday	14	11	9	13	10	15	12	10	14	11	11	15	13	10
Sunday	15	12	10	14	11	16	13	11	15	12	12	16	14	11
Monday	16	13	11	15	12	17	14	12	16	13	13	TERM STARTS 17	15 ANNUAL COUNCIL	12 COUNCIL
Tuesday 25 23	17	14 CABINET	12 CABINET	16 CABINET	13 CABINET	18 CABINET	15 CABINET	13 CABINET	17 Planning and Licensing Committee	14 CABINET (Final Budget)	14 SACRE	18 Planning and Licensing Committee	16	13 SACRE
Wednesday	18	15	13 Corporate Parenting Board	17	14 Parish Clerk Liaison Group	19	16 Constitution Commission (Informal Session)	14	18 Corporate Parenting Board	15	15	19	17	14
Thursday	19	16	14	18	15 Schools Forum	20	17 Overview and Scrutiny Committee (Q2)	15 Children & Young Peoples Partnership:	19	16 Children & Young Peoples Partnership Overview and Scrutiny Committee	16 Schools Forum	20 Overview and Scrutiny Committee	18	15 Overview and Scrutiny Committee
Friday	20	17	15	19	16	21	18	16	20	17 TERM ENDS	17	21	19	16
Saturday	21	18	16	20	17	22	19	17	21	18	18	22	20	17
Sunday	22	19	17	21	18	23	20	18	22	19	19	23	21	18
Monday	23	20	18	22	19	24	21	19 TERM ENDS	23 COUNCIL	20	20	24 COUNCIL	22	19
Tuesday	24 CABINET	21 SACRE	19 Planning and Licensing Committee	23	20	25	22	20	24 Health and Wellbeing Board	21	21 Audit and Risk Committee	25	23 CABINET	20 CABINET
Wednesday	25 Constitution Commission	22 Parish Forum	20	24	21 Countryside Access Forum	26	23	21	25	22	22	26 Corporate Parenting Board	24	21
Thursday	26	23	21	25	22	27	24	22	26 Overview and Scrutiny Committee (Budget)	23	23	27	25 Overview and Scrutiny Committee	22 Schools' Forum
Friday	27	24	22 TERM ENDS	26	23	28	25	23	27	24	24	28	26 TERM ENDS	23
Saturday	28	25	23	27	24	29	26	24	28	25	25	29	27	24
Sunday	29	26	24	28	25	30	27	25	29	26	26	30	28	25
Monday	30	27	25	29 Summer B/H	26	31 TERM STARTS	28	26 BOXING DAY	30	27 TERM STARTS COUNCIL (Budget)	27 COUNCIL		29 SPRING B/H	26
Tuesday	31	28 Audit & Risk Committee	26	30	27 Audit and Risk Committee		29 SACRE	27 CHRISTMAS B/H	31	28 Employment and Appeals Committee	28		30	27 Audit & Risk Committee
Wednesday		29	27	31	28		30	28			29		31	28
Thursday		30 Schools' Forum	28		29			29			30			29
Friday			29 Summer B/H		30			30			31			30
			30					31						

**MEETING START TIMES and Location:****(Open to the public)**

COUNCIL x 11	7.00pm (In person)
CABINET x12	10.00am (In person)
STRATEGIC OVERVIEW AND SCRUTINY COMMITTEE x11	7.00pm (In person)
AUDIT AND RISK COMMITTEE x4	7.00pm (Discretionary)
CONDUCT COMMITTEE x2	7.00pm (In Person)
PLANNING AND LICENSING COMMITTEE x11	7.00pm (In person)
EMPLOYMENT AND APPEALS COMMITTEE x2	7.00pm (Discretionary)
RUTLAND HEALTH AND WELLBEING BOARD x4	2.00pm (Discretionary)
SACRE x4	4.30pm (Discretionary)
RUTLAND COUNTRYSIDE ACCESS FORUM x2	2.00pm (Discretionary)
SCHOOLS FORUM x4	4.00pm (Discretionary)
CONSTITUTION COMMISSION x 3	4.00pm (Discretionary)

**MEETING START TIMES:****(Not open to the Public)**

Corporate Parenting Board x4	3.00pm (Discretionary)
Parish Council Forum x4	7.00pm (Discretionary)
Parish Clerk Liaison Group x2	2.00pm (Discretionary)
Constitution Commission Informal Sessions x2	3.00pm (Discretionary)
Children and Young Peoples Partnership x4	9.30am (Discretionary)

## COUNCIL

9 May 2022

### APPOINTMENTS TO OUTSIDE BODIES, WORKING GROUPS AND FORA 2022/23

#### Report of the Monitoring Officer

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr O Hemsley, Leader of the Council and Portfolio Holder for Policy, Strategy, Partnerships, Economy and Infrastructure	
Contact Officer(s):	Marie Rosenthal, Interim Deputy Director for Corporate Governance and Monitoring Officer	<a href="mailto:mrosenthal@rutland.gov.uk">mrosenthal@rutland.gov.uk</a>
	Tom Delaney, Governance Manager	01572 720993 <a href="mailto:tdelaney@rutland.gov.uk">tdelaney@rutland.gov.uk</a>
Ward Councillors	N/A	

#### DECISION RECOMMENDATIONS

That Council approves the appointments to Outside Bodies, Working Groups and Fora detailed in Appendix A (Final Appendix to follow)

## 1 PURPOSE OF THE REPORT

- 1.1 The report seeks Council approval for appointments of Council representatives on a number of bodies.

## 2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Council is required at its annual meeting to appoint Members as its representatives on external organisations, and to Council-operated bodies that are not formal committees.
- 2.2 The Council's Governance team wrote out to a number of bodies in February and March 2022 in order to ensure that the most up-to-date information was available on the bodies, their contact details, and whether Member representation was still required.

### **3 CONSULTATION**

3.1 Group Leaders have been consulted in the compilation of the proposed appointments listed in Appendix A. And the updated Appendix will be published following further consultation.

3.2 The majority of the bodies detailed in Appendix A were contacted to ensure the most up-to-date information was held and published by the Council.

### **4 ALTERNATIVE OPTIONS**

4.1 Not to appoint Members as Council representatives on the bodies in Appendix A. This is not recommended as many of these bodies play an important role within the county and to not appoint a representative would detract

### **5 FINANCIAL IMPLICATIONS**

5.1 There are no direct financial implications to the Council arising from the report.

5.2 Under the adopted Allowances Scheme Members are entitled to claim reimbursement of travel and subsistence expenses when attending a meeting of a body to which they have been appointed. This is budgeted for within the Member Services budget.

5.3 If the external organisation will pay travel and/or subsistence costs, then the Councillor should claim against that organisation and cannot claim from the Council

### **6 LEGAL AND GOVERNANCE CONSIDERATIONS**

6.1 The membership of many of the bodies is determined by their own constitutions or terms of reference, and the type of body that they are and may therefore require certain position-holders to be appointed, such as Ward Members or relevant Portfolio Holders.

### **7 DATA PROTECTION IMPLICATIONS**

7.1 A Data Protection Impact Assessments (DPIA) has not been completed because no personal data has been processed in the compilation of the report.

### **8 EQUALITY IMPACT ASSESSMENT**

8.1 An Equality Impact Assessment (EqIA) has not been completed because there are no service, policy or organisational changes being proposed.

### **9 COMMUNITY SAFETY IMPLICATIONS**

9.1 There are no community safety implications arising from the report.

### **10 HEALTH AND WELLBEING IMPLICATIONS**

10.1 There are no health or wellbeing implications arising from the report.

### **11 ORGANISATIONAL IMPLICATIONS**

11.1 There are no direct organisational implications arising from the report.

**12 CONCLUSION AND SUMMARY OF REASONS FOR THE  
RECOMMENDATIONS**

- 12.1 Council is recommended to appoint Members to the bodies detailed in Appendix A when updated in order to ensure the Council continues to be represented on these organisations.

**13 BACKGROUND PAPERS**

- 13.1 There are no additional background papers to the report.

**14 APPENDICES**

- 14.1 Appendix A – Proposed Appointments to Outside Bodies, Working Groups and Fora for 2022/23 (Updated Appendix to follow)

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

This page is intentionally left blank

**APPENDIX A – REPORT NO. 92/2022**

**MEMBER APPOINTMENTS TO OUTSIDE ORGANISATIONS, WORKING GROUPS AND FORA**

OUTSIDE ORGANISATION/MEETING	FREQUENCY OF MEETINGS (where known)	CATEGORY	APPROVED MEMBER(S) 2021/2022	SUBSTITUTE 2021/2022 (IF ALLOWED)	PROPOSED MEMBER(S) 2022/2023	PROPOSED SUBSTITUTE 2022/23 (IF ALLOWED)
ACTIVE RUTLAND		External	Cllr A Walters			
ANGLIAN (NORTHERN) REGIONAL FLOOD & COASTAL COMMITTEE	Quarterly	External	Cllr M E Baines	Cllr G Waller		
CARLTON HAYES MENTAL HEALTH CHARITY	Quarterly – during working hours	External	Cllr G Waller (4-year term until 2023)	Not applicable		
CATMOSE CAMPUS BOARD		External	Cllr O Hemsley (As relevant Portfolio Holder)	Not applicable		
CATMOSE CAMPUS SPORTS PROJECT BOARD		External	Cllr L Stephenson (As relevant Portfolio Holder)	Not applicable		
COMBINED FIRE AUTHORITY	Annual General Meeting in June and Quarterly	External	Cllr K Bool	Council can replace the appointed member at their discretion.		

OUTSIDE ORGANISATION/MEETING	FREQUENCY OF MEETINGS (where known)	CATEGORY	APPROVED MEMBER(S) 2021/2022	SUBSTITUTE 2021/2022 (IF ALLOWED)	PROPOSED MEMBER(S) 2022/2023	PROPOSED SUBSTITUTE (IF ALLOWED) 2022/2023
CORPORATE PARENTING BOARD	Quarterly	RCC Working Group	Cllr S Harvey – (as Champion for Looked After Children)  Cllr D Wilby (as Portfolio Holder for Children's Services)	Not applicable		
DISCOVER RUTLAND	Monthly + as required throughout year	External	Cllr L Stephenson	Substitute Permitted		
EAST MIDLANDS COUNCILS 260		External	Cllr O Hemsley Cllr L Stephenson	Substitute Permitted		
EAST MIDLANDS RESERVE FORCES & CADETS ASSOCIATION (Leicestershire & Rutland Committee)	2 County Meetings 1 AGM	External	Cllr D Wilby	Cllr I Razzell		
EMMA MOLESWORTH CHARITY ADVISORY COMMITTEE	2 per year	RCC Working Group	Cllr E Baines Cllr A Brown Cllr W Cross Cllr A MacCartney	Not permitted		
FRIENDS OF RUTLAND COUNTY COUNCIL MUSEUM & OAKHAM CASTLE	Quarterly	External	Cllr L Stephenson	Substitute Permitted		
GREATER LINCOLNSHIRE LOCAL ENTERPRISE PARTNERSHIP		External	Cllr O Hemsley	Substitute Permitted		

OUTSIDE ORGANISATION/MEETING	FREQUENCY OF MEETINGS (where known)	CATEGORY	APPROVED MEMBER(S) 2021/2022	SUBSTITUTE 2021/2022 (IF ALLOWED)	PROPOSED MEMBER(S) 2022/2023	PROPOSED SUBSTITUTE (IF ALLOWED) 2022/2023
HANSON CEMENT KETTON LIAISON COMMITTEE	Three meetings per year	External	Cllr G Brown & Cllr K Payne (As Ward Members for Ketton)	Not applicable.		
JOINT SAFETY COMMITTEE	Quarterly	RCC Working Group	Cllr M Oxley Cllr L Stephenson	Not applicable.		
LEICESTER, LEICESTERSHIRE & RUTLAND INTEGRATED HEALTH & WELLBEING PARTNERSHIP	Quarterly	External	None – new Outside Body for 2022/23	Substitute Permitted		
LEICESTER, LEICESTERSHIRE & RUTLAND JOINT HEALTH SCRUTINY COMMITTEE	Three meetings per year	External	Chair of Adults and Health Scrutiny Cllr G Waller	Cllr R Powell		
LEICESTER, LEICESTERSHIRE & RUTLAND POLICE & CRIME PANEL	Six times per year	External	Cllr L Stephenson	Substitute Permitted		
LEICESTERSHIRE & RUTLAND SAFEGUARDING ADULTS BOARD	Every 6 weeks	External	Cllr S Harvey	Substitute permitted		
LEICESTERSHIRE & RUTLAND SAFEGUARDING CHILDREN PARTNERSHIP	Quarterly	External	Cllr D Wilby	Substitute permitted		

<b>OUTSIDE ORGANISATION/MEETING</b>	<b>FREQUENCY OF MEETINGS</b> (where known)	<b>CATEGORY</b>	<b>APPROVED MEMBER(S) 2021/2022</b>	<b>SUBSITUTE 2021/2022 (IF ALLOWED)</b>	<b>PROPOSED MEMBER(S) 2022/2023</b>	<b>PROPOSED SUBSTITUTE (IF ALLOWED) 2022/2023</b>
LOCAL GOVERNMENT ASSOCIATION (Most Sparsely Populated Councils Group)	3-4 meetings per year	External	Cllr O Hemsley	Cllr L Stephenson		
LOCAL GOVERNMENT ASSOCIATION – NATIONAL (and General Assembly)	Annual	External	Cllr O Hemsley Cllr L Stephenson	Not applicable		
PARISH CLERK LIAISON GROUP	2 per year	RCC Working Group	Cllr J Dale Cllr O Hemsley	Not applicable		
PARISH COUNCIL FORUM	Quarterly	RCC Working Group	Cllr J Dale Cllr O Hemsley	Not applicable		
MARKING & TRAFFIC REGULATIONS OUTSIDE LONDON (PATROL)	Max of 3 meetings per year	External	Cllr L Stephenson 1 Substitute	Named substitute permitted		
RURAL COMMUNITY COUNCIL (Leicestershire & Rutland)		External	Cllr E Baines (appointed for 3 years)	Not applicable		
RUTLAND ACCESS GROUP	Quarterly (on a Wednesday)	External	Cllr M Jones	Not applicable		
RUTLAND CHILDREN & YOUNG PEOPLE'S PARTNERSHIP (Sub-Group of Health & Wellbeing Board)		RCC Statutory Working Group	Cllr D Wilby – as Portfolio Holder for Children's Services	Not applicable		

<b>OUTSIDE ORGANISATION/MEETING</b>	<b>FREQUENCY OF MEETINGS (where known)</b>	<b>CATEGORY</b>	<b>APPROVED MEMBER 2021/2022</b>	<b>SUBSITUTE 2021/2022 (WHERE APPLICABLE)</b>	<b>PROPOSED MEMBER(S) 2022/2023</b>	<b>PROPOSED SUBSTITUTE (IF ALLOWED) 2022/2023</b>
RUTLAND COUNTRYSIDE ACCESS FORUM	At least 2 meetings per year	RCC Statutory Working Group	Cllr A Brown Cllr M Jones	Not applicable		
RUTLAND FAIRTRADE FORUM	8 Meetings per year	External	Cllr M Oxley	Not applicable		
RUTLAND HEALTH & WELLBEING BOARD  263	Quarterly	RCC Statutory Working Group	Cllr S Harvey (as Portfolio Holder for Health)  Cllr D Wilby (as Portfolio Holder for Children's Services)	Portfolio Holder for Children's Services		
RUTLAND WATER PARTNERSHIP	Quarterly	RCC Working Group	Cllr E Baines Cllr K Bool Cllr J Fox	Not applicable		
SAFER RUTLAND PARTNERSHIP	Quarterly	RCC Working Group	Cllr S Harvey & Cllr L Stephenson (as relevant Portfolio Holders)	Not applicable		

<b>OUTSIDE ORGANISATION/MEETING</b>	<b>FREQUENCY OF MEETINGS</b> (where known)	<b>CATEGORY</b>	<b>APPROVED MEMBER(S) (IF ALLOWED) 2021/2022</b>	<b>SUBSITUTE 2021/2022 (IF ALLOWED)</b>	<b>PROPSED MEMBER(S) 2022/2023</b>	<b>PROPOSED SUBSTITUTE (IF ALLOWED) 2022/2023</b>
SCHOOLS FORUM	Quarterly	RCC Statutory Working Group	Cllr P Ainsley and D Wilby - as non-voting observers	Not applicable		
STANDING ADVISORY COMMITTEE ON RELIGIOUS EDUCATION (SACRE)	Quarterly	RCC Statutory Working Group	Cllr R Powell Cllr L Stephenson	Substitute permitted		
TRANSPORT FOR THE EAST MIDLANDS BOARD	Quarterly	External	None – New Outside Body for 2022/23	Substitute Permitted		
UNIVERSITY OF LEICESTER COURT	Annual Sitting and ad hoc events	External	Councillor E Baines as the nominated representative of the Chairman of the Council	The Chairman may nominate a representative		