



# Rutland County Council

## PART 4 OF THE CONSTITUTION RULES OF PROCEDURE

## **CONTENTS**

<u>INTRODUCTION AND GUIDANCE TO USING PROCEDURE RULES</u> .....	2
<u>GUIDANCE ON PROCEDURE RULES</u> .....	2
<u>ADVISORY NOTES ON COUNCIL PROCEDURE (These notes apply to all Council and Committee Meetings)</u> .....	2
<u>SECTION 1 - COUNCIL PROCEDURE RULES</u> .....	4
<u>SECTION 2 - COMMITTEE PROCEDURE RULES</u> .....	41
<u>SECTION 3 - CABINET PROCEDURE RULES</u> .....	70
<u>SECTION 4 - SCRUTINY COMMITTEE PROCEDURE RULES</u> .....	84
<u>SECTION 5 - ACCESS TO INFORMATION PROCEDURE RULES</u> .....	100
<u>SECTION 6 - BUDGET AND POLICY</u> .....	112
<u>SECTION 7 - OFFICERS EMPLOYMENT PROCEDURE RULES</u> .....	117

## **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.

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 Democratic Services Team in the first instance ([democraticservices@rutland.gov.uk](mailto:democraticservices@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 23(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.

## **SECTION 1 - COUNCIL PROCEDURE RULES (Procedure Rules 1 - 57)**

### **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 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 19.

#### **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 20.

#### **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, they shall immediately inform the Chief Executive in writing that they have 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 19.
- 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 172 - 192)

## **PROCEDURE RULE 5 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 Democratic Services 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 Councils Protocol on Recording at Public Meetings.
- 7) The Council may arrange for any of its meeting to be filmed or recorded for live or subsequent broadcast via the council's internet site, or other social media platforms.

## **PROCEDURE RULE 6 ACCESS TO INFORMATION**

The Access to Information Rules (Procedure Rules 172 - 192) apply to meetings of the Council.

## **PROCEDURE RULE 7 RECORD OF ATTENDANCE**

The name of every Member attending will be recorded in the official record of the meeting.

## **PROCEDURE RULE 8**

### **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 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 9**

### **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 10**

### **APPOINTMENT OF COMMITTEES**

- 1) The Council at its Annual Meeting will appoint those 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 cannot be appointed to the Strategic Overview and Scrutiny Committee.
    - 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 11– APPOINTMENT OF SUB-COMMITTEES**

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 12 APPOINTMENT OF SPECIAL or ADVISORY COMMITTEES**

- 1) The Council may establish such 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 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
- 4) 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 13**

### **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 they represent 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 14 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:
  - a) To approve new or amended policy necessary to respond to the emergency situation
  - b) To approve departure from existing policy and practice necessary to respond to the emergency situation
  - c) To approve the virement of approved budgets and authorise the treatment of reserves and balances
  - d) To approve amendments to the Capital Programme
  - e) To make any decision delegated to the two policy committees until such time as normal business is resumed
  - f) 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 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 at Part 8 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 15**

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

- 1) Chairmen of Committees shall be appointed by the Council in accordance with Procedure Rule 10(1) (Appointment of 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.
- 2) Vice-Chairmen of Committees will be appointed by the Committee at its first meeting of the municipal year.
- 3) 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.
- 4) The Council may also remove Chairmen and Vice-Chairmen of Committees.

## **PROCEDURE RULE 16**

### **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 17**

### **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 their 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 18**

### **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. 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 Democratic Services Manager (or have been sent to [democraticservices@rutland.gov.uk](mailto:democraticservices@rutland.gov.uk) if notification is given by email) by 12 Noon on the day of the meeting of the intended substitution.

## **PROCEDURE RULE 19**

### **AGENDA FOR ANNUAL MEETING**

- 1) Subject to the provisions of Procedure Rule 20(2) (Variation of Order of Business) the order of business at the Annual Council Meeting shall be as set out below:
  - a) To join in a moment of reflection as set out in Procedure Rule 20 (3)
  - 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 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.
  
- 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 of this Constitution).
  
- n) To approve a programme of dates for ordinary meetings of the Council and 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 20**

### **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 join in a moment of reflection as set out in Procedure Rule 20 (3)
  - 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 25.
- m) To receive petitions from Members and the asking and answering of questions from Members under Procedure Rule 27
- 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 29 (6))



- v) To consider Notices of Motions submitted by Members of the Council in accordance with Procedure Rule 31 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)
- 3) At the beginning of each meeting of Council, the person presiding shall invite those present to join him in a moment of reflection as follows:

Let us stand for a moment of quiet reflection or prayer as you wish.

As we are about to take Council together, on matters concerning this County, we should seek to faithfully discharge our duties of office, both in our debate and in our decisions, and promote the health, safety and wellbeing of those we serve.

Thank you, please be seated

## **PROCEDURE RULE 21** **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 25 for Petitions, Deputations and Questions)

## **PROCEDURE RULE 22** **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 23**  
**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 they are of the opinion that there are exceptional circumstances which require them 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 24**

### **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 Councils 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 25**

### **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 21 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 172 - 192).
- 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) 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 their intention to do so to the Democratic Services Team providing details of the subject matter and number of signatures by no later than midday on the tenth working day before the meeting. For example for a meeting on a Monday submission must be by midday the second preceding Monday.
- b) 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, 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 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 Democratic Services Team by no later than midday on the third working day before the meeting e.g. Wednesday 12:00 for a meeting the following Monday.
- b) 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 Democratic Services Team will advise the Chief Executive of any deputation received.
- c) A copy of the text of the deputation shall then be provided to the Democratic Services Team by no later than midday on the day of the meeting or the deputation will not be received.
- d) 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.
- e) 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 in accordance with the adopted Speaking Scheme at Part 5 of the Constitution.

### 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 Democratic Services 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. The notice shall be signed by the questioner and shall include the questioner's address. The Democratic Services Team will advise the Chief Executive of any questions received.
- c) The Democratic Services 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 their behalf, provided that this is notified to the Democratic Services 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 they are 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 26**  
**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 27**

### **QUESTIONS FROM MEMBERS**

- 1) Any Member may ask one question at a Council Meeting provided he or she shall give notice in writing to the Democratic Services 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. The Democratic Services 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 Democratic Services Team at the first available opportunity.
- 3) Procedure Rule 25 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 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 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 28**

### **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 29**

### **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 Overview and Scrutiny Committee 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 172 - 192).
- 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 Democratic Services Manager as soon as possible to enable best practice compliance with the Access to Information Rules (Procedure Rules 172 - 192) 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 Procedure Rule 27 (7).

### **PROCEDURE RULE 30** **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 31** **NOTICES OF MOTION**

- 1) Except for motions which can be moved without notice under Procedure Rule 33, 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. 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 32** **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 they have 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 33** **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 46 (Disorderly Conduct by Members).
  - l) That a Councillor leave the meeting in accordance with Procedure Rule 46 (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 39 (Length of Speeches).
  - o) To exclude the public from a meeting, in accordance with Access to Information Rules (Procedure Rules 172 - 192); 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 51 (Variation of Procedure Rules).
  - q) That the question under consideration be put to the vote immediately in accordance with Procedure Rule 33 2) r) (Motions moved without Notice).
  - r) That the Council move to the next business on the agenda in accordance with Procedure Rule 332) r) (Motions moved without Notice).

- s) To adjourn the debate in accordance with Procedure Rule 33 2) r) (Motions moved without Notice).
  - t) To adjourn the meeting in accordance with Procedure Rule 33 2) r) (Motions moved without Notice).
  - u) To extend the allocation of time of the meeting in accordance with Procedure Rule 54 (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 32 3) (Motions Generally) shall also apply to this Procedure Rule (Request to put a Motion in writing).

### **PROCEDURE RULE 34**

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

- 1) Procedure Rule 32 (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 they have 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 35**  
**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 36**  
**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 37**  
**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 172 - 192).

**PROCEDURE RULE 38**  
**SPEECHES BY COUNCILLORS**

- 1) Apart from the person presiding, a Member shall stand when speaking unless the person presiding is satisfied that they are 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 their 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 they last spoke, to move a further amendment;
  - d) if their 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 40 (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 41, 42 and 43.
- 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. They 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 39**

#### **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 39 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 40**

### **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 33) 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 they have 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 41**

### **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. Their 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 42**

### **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 43**

### **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 44**

### **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 31 to 34 apply
  - b) Seconder's Speech – Procedure Rule 32 applies
  - c) Only One Member to stand at a Time - Procedure Rule 38 applies
  - d) Respect for the Chair - Procedure Rule 38 applies
  - e) Content of Speeches - Procedure Rule 38 applies
  - f) Length of Speeches - Procedure Rule 39 applies
  - g) When a Member May speak again - Procedure Rule 38 applies
  - h) Amendments to Motions – Procedure Rule 34 applies
  - i) One Amendment at a Time – Procedure Rule 34 applies
  - j) Further Amendments– Procedure Rule 34 applies
  - k) Alteration of Motion by Proposer – Procedure Rule 32 applies
  - l) Withdrawal of Motion or Amendment - Procedure Rule 32 applies
  - m) Right of reply – Procedure Rule 40 applies
  - n) Motions moved without Notice – Procedure Rule 33 applies
  - o) Points of Order – Procedure Rule 41 applies
  - p) Personal Explanation – Procedure Rule 42 applies
  - q) Points of Information – Procedure Rule 43 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 40 e), put the Motion to the vote unless they determine 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 44 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 83 (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 45** **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 8 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 46** **DISORDERLY CONDUCT BY MEMBERS**

- 1) If the person presiding considers that a Member is behaving improperly by persistently disregarding their ruling, behaving irregularly, offensively, wilfully obstructing the business of the Council, being tediously repetitious or using unbecoming language, they 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 47**

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

- 1) If a member of the public interrupts the proceedings, the person presiding shall warn him. If they continue the interruption, the person presiding shall order him to leave the room or order their removal. If a member of the public persistently creates a disturbance, the person presiding may adjourn the meeting for any period that they consider expedient in the circumstances.
- 2) If the person presiding considers that any general disturbance, misconduct or obstruction impedes the proper conduct of business they may, without taking a vote, order the room to be cleared and suspend the meeting for any period that they consider 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 48**

#### **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.

- 3) When the Common Seal is placed on a document it must be affixed by or on the instructions of the Strategic Director for Law and Governance or in their absence, the Head of Legal and Democratic Services, or a member of the Corporate Leadership Team and signed by and signed by the Chief Executive, or the Strategic Director for Law and Governance, or some other person authorised by them
- 4) A record shall be kept of every document, to which the Common Seal is applied. The record shall be available for any Member of the Council to inspect, upon request.
- 5) The Common Seal of the Council may be affixed either by physical means or by such electronic means as the Strategic Director for Law and Governance may from time to time authorise. References in this Rule and elsewhere in the Constitution to the Common Seal (or the Seal) of the Council and to the sealing of documents shall be taken to refer to the official seal and any accompanying attesting signature as being affixed either by physical means or by the electronic means provided for in this Rule.

## **PROCEDURE RULE 49**

### **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 50**

### **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 51**

### **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 31 (Notices of Motion); or
  - iii) by Motion without notice under Procedure Rule 33 (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 51 (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 52**

### **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 32, 33 and 34 (Motions Generally, Motions and Amendments moved without notice and Amendments and Alterations to Motions).

## **PROCEDURE RULE 53**

### **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 54**

### **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.

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

### **(Procedure Rule 55 - 97)**

#### **PROCEDURE RULE 55**

#### **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 56**

#### **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 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 their 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 57**

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

Procedure Rule 3 shall apply with the word “Council” replaced by the words “Committee and Sub-Committee”.

## **PROCEDURE RULE 58** **RECORDING OF COMMITTEE MEETINGS**

Procedure Rule 5 shall apply.

## **PROCEDURE RULE 59** **ACCESS TO INFORMATION**

The Access to Information Rules (Procedure Rules 172 – 192) apply to meetings of Committees.

## **PROCEDURE RULE 60** **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 they are satisfied that there are special circumstances.
- 5) Paragraphs 1, 2 and 3 shall not apply to any business dealt with under Procedure Rule 95(Any Other Urgent Business).
- 6) The Chief Executive may place an item on an agenda which they consider 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 they consider necessary to enable Members to consider the item in accordance with the Access to Information Rules (Procedure Rules 172 – 192)

## **PROCEDURE RULE 61** **RECORD OF ATTENDANCE**

The name of every Member attending will be recorded in the official record of the meeting.

## **PROCEDURE RULE 62** **VOTING**

Procedure Rule 8 shall apply

## **PROCEDURE RULE 63** **QUORUM AT COMMITTEE AND SUB-COMMITTEE MEETINGS**

### **1) Committees**

- a) The quorum of every 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 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 18 shall apply

### **PROCEDURE RULE 64**

#### **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 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 65**

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

#### 1) **Committees**

- a) Subject to the provisions of Procedure Rule 66 (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 of the Committee to preside at the meeting in the absence of the 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 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 75.
- ix) To consider any Notices of Motion from Members submitted under Procedure Rule 77.
- x) 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 66 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 75.
  - ix) To consider any Notices of Motion from Members submitted under Procedure Rule 77.
  - 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 66**  
**AGENDA FOR ORDINARY MEETING OF COMMITTEE AND SUB-COMMITTEE**

**1) Committees**

- a) Subject to the provisions of Procedure Rule 66 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 73.
  - x) To consider any item of business which remains from the agenda of a previous meeting.
  - xi) To appoint Designated Members as required.
  - xii) To appoint or review the appointment of Working Parties with their Terms of Reference, number of places, and Chairman and Vice-Chairman.
  - xiii) To appoint representative on outside bodies.
  - xiv) To consider any questions from Members received under Procedure Rule 75.
  - xv) To consider any Notices of Motion from Members submitted under Procedure Rule 77.
  - xvi) 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.
  - xvii) To consider any other business specified on the agenda.
  - xviii) 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.

- xix) To renew the delegated powers to officers and to renew Proper Officer's appointments until the next Ordinary Meeting.
- xx) 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 95).

## 2) Sub-Committees

- a) Subject to the provisions of Procedure Rule 66 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 73.
  - 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 75.
  - xiii) To consider any Notices of Motion from Members submitted under Procedure Rule 77.
  - 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 95).

**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 67**  
**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 66 1) (Agenda for Ordinary Meeting) plus the item or report for which the Special Meeting has been called. Item i) of Procedure Rule 66 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 73 for Petitions, Deputations and Questions.

**PROCEDURE RULE 68**  
**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 their 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 they 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 69**  
**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 63.
- 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, depositions 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 70**

### **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 they 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 172 - 192), 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 their 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 they intend 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 71**

### **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 72**

### **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 73**

### **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 Committee 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 67 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 172 - 192).
- 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 their intention to do so to the Democratic Services Team by no later than midday on the tenth working day before the meeting, for example for a meeting on Monday submission must be by midday the second preceding Monday. 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) A request to present a deputation should be made to the Democratic Services 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.
- b) 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 Democratic Services 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.
- c) A copy of the text of the deputation shall be provided to the Democratic Services Team ([democraticservices@rutland.gov.uk](mailto:democraticservices@rutland.gov.uk)) no later than midday on the day of the meeting or the deputation will not be received.
- d) 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.
- e) 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 their 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 Democratic Services 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. The notice shall be signed and shall include the questioner's address. The Democratic Services Team will advise the Chief Executive of any questions received.
- d) The Democratic Services Manager and/or the Chief Executive may reword 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 their behalf, provided that this is notified to the Democratic Services 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 they are 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 their name and address for the record before they read their 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 74**

#### **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 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.

#### **PROCEDURE RULE 75**

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

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.

- 1) The person presiding may take questions without notice provided they are related to an item on the agenda.
- 2) Procedure Rule 73 a) and b) shall apply to questions asked by Members.
- 3) Questions may be asked of the Chairman of the Committee, a Designated Member or a representative on an outside body appointed by the Committee.
- 4) 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.
- 5) 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.
- 6) 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 76**

### **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 77**

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

- 1) Except for motions which can be moved without notice under Procedure Rule 79, 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. 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 78**

### **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 they have 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 79**

### **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 86 (Disorderly Conduct by Members).
- l) That a Member leave the meeting in accordance with the provisions of Procedure Rule 86 (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 39 (Length of Speeches).
- o) To exclude the public from a meeting, in accordance with the Access to Information Rules (Procedure Rules 172 - 192); 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 88 (Variation of Procedure Rules).
- q) That the question under consideration be put to the vote immediately in accordance with Procedure Rule 44 2) r (Motions Moved Without Notice).
- r) That the Committee move to the next business on the agenda in accordance with Procedure Rule 44 2) r (Motions Moved Without Notice).
- s) To adjourn the debate in accordance with Procedure Rule 44 2) r (Motions Moved Without Notice).
- t) To adjourn the meeting in accordance with Procedure Rule 44 2) r (Motions Moved Without Notice).
- u) To extend the allocation of time of the meeting in accordance with Procedure Rule 97 (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 78 3) shall also apply to this Procedure Rule (Request to put a Motion in writing).

## **PROCEDURE RULE 80** **AMENDMENTS TO MOTIONS**

- 1) Procedure Rule 78 (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 they have 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 81** **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 82**

### **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 172 - 192).

## **PROCEDURE RULE 83**

### **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 they feel 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 79 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 they have 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 they intends to bring the debate to a close.

## **PROCEDURE RULE 84**

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

Procedure Rules 41, 42 and 43 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 85**

### **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 86**

### **DISORDERLY CONDUCT BY MEMBERS**

- 1) If the person presiding considers that a Member is behaving improperly by persistently disregarding their ruling, by behaving irregularly, offensively, wilfully obstructing the business of the Committee, being tediously repetitious or using unbecoming language, they 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 87**

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

- 1) If a member of the public interrupts the proceedings, the person presiding shall warn him. If they continue the interruption, the person presiding shall order him to leave

the room or order their removal. If a member of the public persistently creates a disturbance, the person presiding may adjourn the meeting for any period that they consider expedient in the circumstances.

- 2) If the person presiding considers that any general disturbance, misconduct or obstruction impedes the proper conduct of business they may, without taking a vote, order the room to be cleared and suspend the meeting for any period they consider 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 88**

### **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 77 (Notices of Motion); or
  - iii) by Motion without notice under Procedure Rule 79 (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 88 (Variation 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 89**

### **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 they have 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 90**  
**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 they 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 they represent 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 66 plus the item or report for which the meeting has been called. Item ix) of Procedure Rule 66 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 91** **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 92** **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 93** **RESPONSIBILITIES OF MEMBERS**

See Article 2 of the Constitution.

### **PROCEDURE RULE 94** **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 they consider 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 95** **ANY OTHER URGENT BUSINESS**

Procedure Rule 52 shall apply with the word "Council" replaced by the words "Committee and Sub-Committees".

### **PROCEDURE RULE 96** **ALLOCATION OF TIME**

Procedure Rule 53 shall apply with the word "Council" replaced by the words "Committee and Sub-Committees".

### **PROCEDURE RULE 97** **CLOSE OF MEETINGS**

- 1) Procedure Rule 54 shall apply with the word "Council" replaced by the words "Committee and Sub-Committees".

## **SECTION 3 - CABINET PROCEDURE RULES** **(Procedure Rules 98 - 131)**

### **PROCEDURE RULE 98** **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 at [Part 8 of the Council's 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 99**

### **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 100** **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 101** **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 172 - 192).
- 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 Rules 46 and 47.
- 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 102**

### **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 103**

### **THE CABINET AGENDA**

- 1) The Leader will decide upon the schedule for meetings of the Cabinet. They may put on the agenda of any Cabinet meeting any matter which they wish, 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 104**

### **PROCEDURE BEFORE TAKING EXECUTIVE DECISIONS**

Subject to Procedure Rules 106 and 107 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 105**

### **THE FORWARD PLAN OF EXECUTIVE 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 106**

### **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 107 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 (b) and (c) above.
- 2) Where such a decision is taken collectively, it must be taken in public subject to these provisions.

## **PROCEDURE RULE 107**

### **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 their absence the Vice Chair will suffice.

## **PROCEDURE RULE 108**

### **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 107 (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 109**

### **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 110**

### **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 111** **RECORDING OF MEETING**

Procedure Rule 5 shall apply

## **PROCEDURE RULE 112** **RECORD OF ATTENDANCE**

The name of every Member attending will be recorded in the official record of the meeting.

## **PROCEDURE RULE 113** **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 114** **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 their vote for or against the proposition or whether they abstained.
- 2) If paragraph 1 has not been invoked, any Member may indicate immediately after any vote that they requires the Minutes to record whether they gave their vote for or against the proposition or whether they abstained.

## **PROCEDURE RULE 115** **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 them as a correct record. Only a Motion to change the accuracy of record submitted for approval shall be accepted.

## **PROCEDURE RULE 116**

### **POLITICAL BALANCE RULES FOR THE CABINET**

The rules relating to political balance do not apply to meetings of the Cabinet.

## **PROCEDURE RULE 117**

### **PETITIONS, DEPUTATIONS AND QUESTIONS TO THE CABINET**

There is no provision for the public to submit petitions, depositions and questions to meetings of the Cabinet. Members of the public can submit petitions, depositions and questions to meetings of the Council and its Committees.

## **PROCEDURE RULE 118**

### **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 119**

### **PERSON PRESIDING**

- 1) If the Leader of the Council is present, they 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 120**

### **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 110.
- 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 121**

### **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 122**

### **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 123**

### **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 104 to 107 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 124**

### **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 they feel 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 33 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 they have 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 they intend to bring the debate to a close.

## **PROCEDURE RULE 125**

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

Procedure Rules 41, 42 and 43 shall apply with the word "Council" replaced by the word "Cabinet" and that a Member need not stand but can politely indicate a wish to speak to the person presiding.

## **PROCEDURE RULE 126**

### **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 127**

### **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 128**

### **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 129**

### **RULES FOR DEALING WITH MOTIONS AT CABINET**

Procedure Rules 77 to 80 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 130**

### **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 131**

#### **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 149.

### **PROCEDURE RULE 132**

#### **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.

## **SECTION 4 – OVERVIEW AND SCRUTINY COMMITTEE PROCEDURE RULES (Procedure Rules 133 - 171)**

### **PROCEDURE RULE 133**

#### **THE OVERVIEW AND SCRUTINY COMMITTEE**

- 1) The Council will appoint the Overview and Scrutiny Committee as set out in Article 6 and will appoint to it as it considers appropriate from time to time.

### **PROCEDURE RULE 134**

#### **CHAIRMAN OF 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) The Chairman of the Overview and Scrutiny Committee may resign by giving notice in writing to the Monitoring Officer.
- 3) The Council may remove the Chairman of any Overview and Scrutiny Committee it establishes.

### **PROCEDURE RULE 135**

#### **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.

### **PROCEDURE RULE 136**

#### **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 the Overview and Scrutiny Committee.
- 2) **Co-opted Members**
  - a) The Overview and 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 Co-opted Members - Education Representatives**

- a) The Overview and Scrutiny Committee or a 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 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.

#### **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 137** **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 138** **RECORDING OF SCRUTINY MEETINGS**

Procedure Rule 5 shall apply

### **PROCEDURE RULE 139** **QUORUM**

The quorum for a Scrutiny Committee shall be 50% of the voting members of the Committee (at least five voting members of a nine-Member Committee).

## **PROCEDURE RULE 140** **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 141** **WORK PROGRAMME**

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 142** **AGENDA ITEMS FOR OVERVIEW AND SCRUTINY COMMITTEE**

- 1) Any Councillor shall be entitled to request that the Chairman add an item relevant to the functions of the Overview and a Scrutiny Committee to the 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. 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 Committee 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 143**

#### **ROLE OF THE OVERVIEW AND SCRUTINY COMMITTEE**

- 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 Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. 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 144**

#### **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 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 145**

#### **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 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 146**

#### **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 147**

#### **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 a 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 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 148**

### **ATTENDANCE BY OTHERS**

- 1) The Overview and Scrutiny Committee may invite people other than those people referred to in Procedure Rule 147 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 149**

### **CALL-IN**

- 1) Call-In should only be used in exceptional circumstances. These are where members of the Overview and 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 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 150**

### **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 151**

### **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 152**

### **THE PARTY WHIP**

Political Groups should not pressure their members over how they speak or vote at the Overview and Scrutiny Committees.

## **PROCEDURE RULE 153**

### **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 is not present

- b) To confirm the minutes of the last meeting;
  - c) To receive declarations of interest;
  - d) To receive petitions, deputations and questions from members of the public;
  - e) To consider any matter referred to the Committee for a decision in relation to Call-In of a decision;
  - f) To receive responses of the Cabinet to reports of the Overview and Scrutiny Committee;
  - g) To receive the business otherwise set out on the agenda for the meeting;
  - h) To review the work programme
- 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 154**

### **TERMS OF REFERENCE OF THE OVERVIEW AND SCRUTINY COMMITTEE**

The general terms of reference of the Overview and Scrutiny Committee are set out below:

- a) To perform all overview and scrutiny functions on behalf of the Council.
- b) To appoint such informal task and finish groups as it considers appropriate to fulfil those overview and scrutiny functions.
- c) To approve the overview and scrutiny work programme to ensure that the Committee's time is effectively and efficiently utilised.
- d) To undertake investigations into such matters relating to the Council's functions and powers as:

- i. May be referred by the Council, Committees, the Cabinet, or the Leader; or the Committee may consider appropriate  
Or
- ii. 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).
- e) To monitor and review the performance of the Council and services against relevant performance indicators and adopted plans.
- f) 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.
- g) 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.
- h) To make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions.
- i) To review and/or scrutinise any matter affecting the area or its inhabitants.
- j) 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
- k) To consider petitions referred to the Overview and Scrutiny Committee in accordance with provisions set out in the Petition Scheme set out in Part 4 of this Constitution.

## **PROCEDURE RULE 155**

### **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) The Chairman of the Overview and a Scrutiny Committee may resign by giving notice in writing to the Monitoring Officer.
- c) The Council may remove the Chairman of the Overview and Scrutiny Committee it establishes.
- d) 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**

- a) If the Chairman and Vice-Chairman are 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 arrives at a meeting when another Member is presiding, the Chairman shall not preside until the item under consideration when he or she arrived has been determined.

### **PROCEDURE RULE 156** **RESPONSIBILITY OF A CHAIRMAN OR PERSON PRESIDING**

- 1) Procedure Rule 23 (1)-(27) will apply.
- 2) In addition, the Chairman will be consulted on taking urgent action between meetings.

### **PROCEDURE RULE 157** **ATTENDANCE AT MEETINGS BY MEMBERS WHO ARE NOT MEMBERS OF THAT SCRUTINY COMMITTEE**

- 1) Apart from the provisions of Procedure Rule 147, 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 158** **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 159** **SUBMISSION OF PETITIONS DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC**

Procedure Rule 25 (1) – (5) shall apply for Petitions, Deputations and Written Notice of Questions to the Overview and Scrutiny Committee. With the word ‘Council’ replaced with ‘Scrutiny Committee’.

**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 they read 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 160**

### **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

## **PROCEDURE RULE 161**

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

- 1) Any Member may ask a question with notice at a meeting provided the Democratic Services 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.
- 2) The person presiding may take questions without notice provided they are related to an item on the agenda.
- 3) Procedure Rule 75 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 162**  
**TIME ALLOWED FOR QUESTIONS FROM MEMBERS**

Procedure Rule 28 shall apply.

**PROCEDURE RULE 163**  
**NOTICES OF MOTION FOR 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 77.
- 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 164**  
**MOTIONS GENERALLY**

Procedure Rule 78 shall apply.

**PROCEDURE RULE 165**  
**MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE**

Procedure Rule 79 shall apply.

**PROCEDURE RULE 166**  
**AMENDMENTS TO MOTIONS**

Procedure Rule 80 shall apply.

**PROCEDURE RULE 167**  
**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 Overview 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 79 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 they have 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 they intend to bring the debate to a close.

### **PROCEDURE RULE 168**

#### **DISORDERLY CONDUCT BY MEMBERS**

Procedure Rule 46 shall apply.

### **PROCEDURE RULE 169**

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

Procedure Rule 47 shall apply.

### **PROCEDURE RULE 170**

#### **CLOSE OF MEETINGS**

Procedure Rule 54 shall apply with the word "Council" replaced by the words "Overview and Scrutiny Committee".

### **PROCEDURE RULE 171**

#### **ANNUAL REPORT**

The Overview and Scrutiny Committee shall report annually to the full Council on the outcomes of its work for the year.

## **SECTION 5 - ACCESS TO INFORMATION PROCEDURE RULES**

(Procedure Rules 172 - 192)

### **PROCEDURE RULE 172**

#### **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 173**

#### **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 174**

### **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 175**

### **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 176**

### **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 177**

### **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 178**

### **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 179**

### **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 their 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 180**

### **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 181**

### **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 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.
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	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



Description of exempt information	Qualification	Notes
	<p>information by virtue of that paragraph if it is required to be registered under –</p> <ul style="list-style-type: none"> <li>(a) the Companies Act 1985</li> <li>(b) the Friendly Societies Act 1974</li> <li>(c) the Friendly Societies Act 1992</li> <li>(d) the Industrial and Provident Societies Acts 1965 to 1978</li> <li>(e) the Building Societies Act 1986</li> <li>(f) the Charities Act 1993</li> </ul>	<p>contemplated, as well as past or current activities</p> <p>Registered in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act)</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority</p>	<p>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>	<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>

Description of exempt information	Qualification	Notes
		<p>Labour relations matter means:-</p> <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</p>

Description of exempt information	Qualification	Notes
		authority is represented or by any person who holds any such office or 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]

Description of exempt information	Qualification	Notes
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	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	

- 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 182**  
**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 their opinion relate to items during which, in accordance with Procedure Rule 181, 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 183**  
**APPLICATION OF THE RULES TO THE CABINET**

- 1) Procedure Rules 184 – 191 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 172 – 182 unless Procedure rule 186 (general exception) or Procedure rule 187 (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 172 – 182 unless Procedure Rule 186 (general exception) or Procedure Rule 187 (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 184** **PROCEDURE BEFORE TAKING KEY DECISIONS**

- 1) Subject to Procedure Rule 186 (General Exception) and Procedure Rule 187 (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 185** **PUBLICITY IN CONNECTION WITH KEY DECISIONS**

- 1) The document published under Procedure Rule 184 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, their 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 186** **GENERAL EXCEPTION FOR KEY DECISIONS**

- 1) Where the publication of the intention to make a key decision under Procedure Rule 185 is impracticable, then subject to Procedure Rule 187 (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 185 is impracticable.

## **PROCEDURE RULE 187**

### **SPECIAL URGENCY FOR KEY DECISIONS**

- 1) If by virtue of the date by which a decision must be taken Procedure Rule 186 (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 their absence the Vice Chairman will suffice.
- 2) As soon as reasonably practicable after the decision taker has obtained agreement under paragraph a), they must publish a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred.

## **PROCEDURE RULE 188**

### **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 187 (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 189** **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 190** **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 their 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 191**

### **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 192**

### **BRIEFING MEETINGS FOR MEMBERS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

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.

## **SECTION 6 - BUDGET AND POLICY**

(Procedure Rules 193 - 199)

## **PROCEDURE 193**

### **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 194**

### **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 197 and 198 (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

## **PROCEDURE RULE 195**

### **DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- 1) Subject to the provisions of Procedure Rules 197 (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 196 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 196 (urgent decisions outside the Budget and Policy Framework) shall apply.

## **PROCEDURE RULE 196**

### **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 197**

### **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 198**

### **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 199**

### **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.

## **SECTION 7 - OFFICERS EMPLOYMENT PROCEDURE RULES**

**(Procedure Rules 200 - 209)**

### **PROCEDURE RULE 200**

#### **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 their knowledge they are 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 201**

### **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 202**

### **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 203**

### **APPOINTMENT OF 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.
  - c) non-statutory Chief Officers who are members of the Corporate Leadership Team.
  - d) 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 their 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 their opinion the appointment cannot be made as mentioned in sub paragraphs i) and ii) of paragraph a) above, their reasons for that opinion.
- 6) A Committee or sub-Committee of the Council will appoint Chief Officers who are part of the Council's Corporate Leadership Team, with the exception of the Chief

Executive. 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 Corporate Leadership Team shall only be made where no well-founded objection from any member of the Cabinet has been received.
- 8) The Chief Executive may appoint interim Chief Officers provided the processes identified above are then followed for any subsequent permanent appointment.

## **PROCEDURE RULE 204**

### **OTHER STAFF APPOINTMENTS**

- 1) Officers at or below deputy chief officer level. Appointment of officers at or below deputy chief officer level (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 205**

### **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 206**  
**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 207**  
**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 they 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 208**

### **OFFICERS' INTERESTS**

- 1) In addition to their duty under section 117 of the 1972 Act an officer must disclose in writing to the Monitoring Officer any pecuniary or non-pecuniary interest they have in any contract or matter to be considered at any meeting as soon as possible after they become aware of the interest. The Monitoring Officer shall keep a register for this

purpose. This does not apply to their 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, they 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 they have declared an interest under section 117 of the 1972 Act or paragraph 1), they 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 they have declared a pecuniary interest, whether under the requirements of Section 117 of the 1972 Act, or of paragraph 1), they shall remind the meeting of that interest.
- 6) An officer must not, in the course of their duty as an officer or employee of the Council, accept any fee or reward whatsoever other than their proper remuneration.

## **PROCEDURE RULE 209**

### **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.

