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Chapter 9 FULL COUNCIL PROCEDURES

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9.1 Annual meeting of full Council

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

The order of business will be:

- (a) Elect the Mayor
- (b) Elect the Deputy Mayor
- (c) Receive any declarations on interests
- (d) Approve the minutes of the last meeting
- (e) Elect the Leader (in the year in which this is required)
- (f) Review the political balance of appropriate committees (if not already undertaken)
- (g) Appoint any Council committees and scrutiny bodies for the ensuing year (if not already undertaken)
- (i) Deal with any other items on the agenda; there will be no presentations, Cabinet or committee business, questions on

notice, notices of motion or petitions on the agenda unless specifically authorised by the Chief Executive

- (j) Receive any announcements from the Mayor and/or the Chief Executive.

9.2 Ordinary meetings of full Council

Ordinary meetings will take place in accordance with the programme of meetings agreed by the Council. The Chief Executive in consultation with the Mayor may if necessary amend the programme during the year.

The order of business will be:

- (a) Elect a chair (if the Mayor and Deputy Mayor are absent)
- (b) A period of reflection at the discretion of, and in a manner deemed appropriate by, the Mayor
- (c) Receive any declarations of interests from Councillors
- (d) Approve the minutes of the last meeting (see 9.7)
- (e) Deal with any unfinished business from the last meeting
- (f) Receive presentations, to be limited to one per Council meeting, from people invited by the Mayor, in consultation with the Chief Executive, to inform the Council of significant recent events or achievements in the Borough
- (g) Receive announcements from the Mayor, the Leader on significant, recent matters affecting the Council or the Borough or the Chief Executive
- (h) Receive petitions (see 9.8)
- (i) Consider matters reserved to Council for decision (see 9.11)
- (j) Consider references from the Scrutiny Commission following a call-in (see 9.11 (c))
- (k) Receive position statements (see 9.10)
- (l) Consider motions on notice (see 9.12)
- (m) Receive questions on notice from Councillors (see 9.9)
- (n) Consider minute referrals (see 9.11(b))
- (o) Consider urgent decisions exempted from call-in (see 9.11 (d))

(p) Deal with any other items on the agenda

(q) Deal with any business containing exempt or confidential information.

9.3 Special meetings of full Council

The Chief Executive can be required to call a special meeting by full Council, the Mayor, the Monitoring Officer, the Chief Finance Officer or any five Councillors.

The Chief Executive may also call a special meeting at her or his discretion.

Special meetings will only deal with the business they have been called for.

9.4 Time and place of full Council meetings

The time and place of meetings are decided by the Chief Executive.

9.5 Quorum for full Council

The quorum will be a quarter of all Councillors.

If a quorum is not present at the time the meeting is due to start, the start time of the meeting will be put back by 30 minutes. If there is still no quorum, the business will be deferred until a quorate meeting can be arranged. If a meeting becomes inquorate part of the way through, business will halt for five minutes. If there is still no quorum, the business will be deferred until a quorate meeting can be arranged.

9.6 Changing the order of business

The Mayor can ask full Council to agree to change the order of business, except for the first two items at annual meetings.

The Mayor may allow business to be considered even though it has not been specified in the summons if he/she is of the opinion that by reason of special circumstances it should be considered as a matter of urgency. The reason shall be specified in the minutes of the meeting.

9.7 Minutes

(a) Signing the minutes

At the first ordinary meeting when the minutes are available, the Mayor will move that the minutes are correct and sign them. Full Council will not discuss the minutes.

(b) No signing of minutes at special meetings

Minutes are not signed at special meetings. They are signed at the next ordinary meeting instead.

9.8 Petitions

Under the Council's petitions scheme if a petition contains at least 3,000 signatures it will be debated at full Council (unless it is a petition asking for a senior Council officer to give evidence at a public meeting). The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be debated for a maximum of 30 minutes. The relevant Cabinet Lead Member will lead the debate which will follow the Rules of Debate.

An officer report will accompany the petition and will outline the options open to the Council. If the Council has the power to take the action the petition requests it may choose to do so. If it does not have that power, it may refer the matter to the Cabinet or appropriate Committee for decision.

Councillors who wish to submit a petition to an ordinary meeting of the Council may do so by reading out the title of the petition and then approaching the Mayor and presenting it to him/her. The petition will be dealt with in accordance with the Council's Petition Scheme.

9.9 Questions by Councillors

(a) Questions on notice

A Councillor can ask a question on notice to the Leader or the Chair of a committee about something the Council is responsible for or something that directly affects people in the Borough, and the Chief Executive may refuse questions on notice which do not meet these criteria.

The full wording of these questions must be given to the Head of Governance by noon on the eighth working day before the full Council meeting for it to be included on the agenda for that meeting.

The questions and answers to questions will be included in the minutes of the meeting and copies published on the working day prior to the meeting. At the meeting the question and answer will be taken as read from the published copies. The Leader may ask the relevant Cabinet Lead Member to reply.

A Councillor may give notice of more than one question for a Council meeting. However, if the questions asked by a Councillor are linked they must be asked together and will be responded to together. Linked questions are those which deal

with the same general subject, decision or event irrespective of whether the Councillor gave notice of them at different times.

(b) Questions without notice

A Councillor can ask a question to the Leader or the Chair of a committee without notice about any matter so long as the question is asked when the matter is being considered by the Council, and must relate directly to the agenda item. In the case of a question to the Leader, the Leader may ask the relevant Cabinet Lead Member to reply. A Councillor raising a question can speak for no longer than a total of three minutes, and a Councillor responding may not speak for longer than a total of three minutes.

(c) Supplementary questions

A Councillor can ask one supplementary question arising from a question on notice that they have submitted provided that they give notice to the Head of Governance that they wish to do so between the publishing of the answer to the question and noon on the date of the Council meeting. The notice can be made in writing, including by email, telephone or in person and can be made via a member of the Democratic Services team. A supplementary question must be addressed to the same Councillor as the first question and must be relevant to and arise directly from the first question or the answer.

A Councillor may not speak for longer than a total of one minute in asking a supplementary question relating to a question on notice.

(d) Responding to questions

The questions and answers to questions on notice will be included in the minutes of the meeting and copies published prior to the meeting. At the meeting the question and answer will be taken as read from the published copies.

The answer to a supplementary question may take the form of:

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

A Councillor may not speak for longer than a total of one minute in replying to a supplementary question in relation to a question on notice.

9.10 Position Statements

- (a)** One position statement may be presented to each meeting of the Council by the Leader or any member of the Cabinet in the form of a written report about a significant, topical matter affecting the Council or the Borough. Notice of position statements setting out the subject they are to cover must be received by the Head of Governance no later than noon on the eighth working day prior to the meeting at which they are to be considered.
- (b)** In addition, opposition political groups may between them request that the Leader or the relevant Cabinet Lead Member present one position statement per Council meeting about a significant, topical matter affecting the Council or the Borough. The right to request position statements will be allocated between opposition political groups proportionally to the number of councillors in those groups. Requests for position statements setting out the subject they are to cover must be received by the Head of Governance no later than noon on the eighth working day prior to the meeting at which they are to be considered. If more than one request is received for a single meeting of the Council, the Chief Executive will decide which request will be granted.
- (c)** Position statements are intended to enable the Council meeting to be informed about and discuss the Administration's policy approach to a significant, topical issue which affects the whole or a significant part of the Borough. They are, therefore, different from questions on notice, where the purpose is to request factual information, and motions on notice, which express a desired outcome. In order to ensure that this purpose is achieved the Chief Executive will consider each proposal for a position statement and will not include on the agenda position statements where the proposal does not meet the criteria set out in this procedure. In doing so the Chief Executive may suggest to the councillor(s) concerned that the matter could be added to the agenda in the form of a question on notice or a motion on notice.
- (d)** The content of position statements will be published on the working day prior to the Council meeting. The Leader or member of the Cabinet may speak for up to 2 minutes in introducing a position statement. Any councillor may speak once during the consideration of position

statements for up to 2 minutes except that the Leader or the relevant Cabinet Lead Member may also sum up at the end. At the end of the consideration of the position statement a motion may be moved to refer the subject of the statement to the Cabinet, the next ordinary meeting of the Council or a committee as appropriate. If seconded, such a motion will be put immediately to the vote. If the vote is carried, the referral will be accompanied by a written report from the appropriate officer(s) setting out the key legal, financial, service and corporate implications. No other motion may be moved.

- (e) The discussion of any position statement shall not exceed 20 minutes but the Mayor, at his or her discretion, may permit an extension of such length as he or she considers appropriate.

9.11 Consideration of Cabinet, committee and other business

- (a) Reports and recommendations from the Cabinet will be moved by the Leader or the relevant Cabinet Lead Member. Reports and recommendations from committees will be moved by the chair or another member of the committee. Reports from officers may be moved by any Councillor. The debate on the motion will follow the Rules of Debate.
- (b) Where notice has been given to the Head of Governance by five Councillors by noon on the fifth working day after the publication of the minutes of the Cabinet or a committee that they wish the minutes specified to be considered by Council, the consideration will follow the procedure for questions and statements without notice. No other debate will be allowed.

In order for minutes to be considered at a particular Council meeting, notice must be given to the Head of Governance no later than noon on the sixth working day before the meeting. Minutes will be considered at the first meeting for which appropriate notice has been given.

- (c) The Chair or any member of the Scrutiny Commission will move that any matter referred to Council following the call-in of a decision by the Scrutiny Commission be either accepted by the Council, with or without comment, or referred back to the Cabinet or other decision-making body or person together with the Council's views. The debate on the motion will follow the Rules of Debate.

- (d) Where an urgent decision is taken by the Cabinet or an urgent key decision taken by an officer which is exempted from call-in in accordance with Rule 11.9, the decision will be reported to the next available Council meeting. The Council's consideration of the matter will follow the procedure for questions and statements without notice. No other debate will be allowed.

9.12 Motions on notice

(a) Giving notice of motions

Some motions may be moved without notice. These are listed at 9.13. For all other motions, the full wording must be received by the Head of Governance & HR by noon on the eighth clear working day before the Council meeting. Notice of a motion can be given by one or more Councillors.

(b) Withdrawing a motion or moving it at a later meeting

If before a Council meeting a Councillor or the Councillors proposing a motion want to withdraw a motion or move it at a later meeting, they must write to the Head of Governance.

(c) Listing motions on the agenda

Motions will appear on the agenda in the order they were given to the Head of Governance.

(d) Topic of motions

Motions must be about things the Council is responsible for or something that directly affects the Borough, and the Chief Executive may refuse motions which do not meet these criteria.

1 (e) Motion to remove the Leader or the chair or vice-chair of a committee

Any motion to remove the Leader or the chair or vice-chair of a committee appointed by Council from that position must be signed by at least 14 Councillors.

(f) Dealing with motions on notice

Motions to remove will be debated in accordance with the Rules of Debate.

Motions relating to Council functions which do not require further advice from officers can be determined by Council at the

meeting to which they are submitted and will be debated in accordance with the Rules of Debate.

All other motions will be introduced by the proposer, who may speak for no longer than 3 minutes. If the motion is seconded it may be responded to by the Leader (or Cabinet Lead Member) or the Chair of a committee (as appropriate), who may speak for no longer than 3 minutes.

With the approval of Council, the motion will be referred in the form submitted or as amended in accordance with Rule 9.14h) and accompanied by a written report from the appropriate officer(s) setting out key legal, financial, service and corporate implications to the Cabinet, the next ordinary Council meeting or a committee (as appropriate) for consideration. No further debate or amendment will be allowed.

The Councillor or one of the Councillors submitting a motion may address the Cabinet or committee to which the motion has been referred.

9.13 Motions without notice

There is no need to give notice of motions to:

- appoint a chair of the meeting
- agree or correct the minutes
- change the order of business
- refer something to an appropriate body
- to make appointments arising from an item on the agenda
- agree or amend recommendations of the Cabinet, committees or officers
- withdraw or change a motion
- go to next business
- move to a vote
- adjourn a debate or meeting
- suspend a full Council procedure – see 9.19
- exclude the press and public (when allowed under the access to information procedures – see 13)

- hear a Councillor no further – see 9.17(c)
- exclude a Councillor from the meeting – see 9.17(d)
- give full Council's agreement when it is required by the Constitution.

9.14 Rules of debate

(a) No speeches until motion moved and seconded

No speeches can be made on a motion until it has been moved and seconded.

(b) Wording of motions and amendments

Unless written notice has already been given, the Mayor may require motions or amendments to be written down and handed to him or her before they are discussed.

(c) Secunder's speech

A Councillor who seconds a motion or amendment can speak when they second it or later in the debate.

(d) Content and length of speeches

Speeches (except for points of order (see 9.14(m) and (n)), personal explanations and points of order) must be about the item being discussed.

Without the Council's consent, a Councillor may not speak for longer than 3 minutes in any single speech. However in the following circumstances a Councillor may speak for 5 minutes:

- when proposing an amendment
- a nominee from each political group when debating the budget motion
- when exercising a right of reply – see 9.14(j)

(e) When a Councillor can speak again

A Councillor who has already spoken in a debate cannot speak again except to:

- speak once on any amendment moved by another Councillor

- move a further amendment if the motion has been amended since he or she last spoke
- speak on the main issue if his or her first speech was on an amendment moved by another Councillor
- exercise their right of reply – see 9.14(j)
- make a point of order – see 9.14(m)
- make a point of personal explanation – see 9.14(n)
- to seek clarification of points of fact and provide clarifications that are sought
- to move a procedural motion that can be moved without notice – see 9.14(k) and 9.14(l).

(f) Amendments to motions

An amendment must be relevant to the motion and must be a proposal:

- to refer a motion to an appropriate body
- to add, replace or leave out words.

Amendments to add, replace or leave out words must not negate the motion or result in a separate substantive decision.

(g) Debate on amendments

Only one amendment may be moved, seconded and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

If an amendment is carried, the amended motion replaces the original motion. Any further amendments will be to the motion as amended.

The same amendment cannot be moved twice.

(h) Councillor changing their own motion or amendment

A Councillor can change a motion or amendment they have moved if both the meeting and the seconder agree. The meeting will accept or reject the change without discussion.

The Councillor can only make changes that could have been made as an amendment.

(i) Withdrawing a motion

A Councillor who proposed a motion at the meeting can withdraw a motion if it has not been moved. If it has already been moved, both the meeting and the seconder must agree. The meeting will decide whether to agree without discussion.

No one can speak on a motion that has been withdrawn.

(j) Right of reply

A Councillor who moves a motion, irrespective of whether it has been amended or not, has a right to reply at the end of the debate, immediately before the vote.

If an amendment is moved, the Councillor who moved the original motion has the right to reply at the end of the debate on the amendment but not before.

(k) Motions that can be moved during debate

When a motion is being debated, no other motions can be moved except for the following procedural motions:

- to amend or withdraw a motion or amendment
- to go to next business
- to move to a vote
- to adjourn the meeting or debate
- exclude the press and public (when allowed under the access to information procedures – see 13)
- to hear a Councillor no further – see 9.17(c)
- to exclude a Councillor from the meeting – see 9.17(d).

(l) Motions to end or postpone the debate

After a speaker has finished speaking any Councillor can move next business or propose to move to a vote or adjourn the debate or meeting. They must do this without comment.

If a motion to go to next business is seconded and the Mayor thinks full Council has discussed the item enough, the mover of the original motion will have the right of reply. Full Council will then vote on whether to go to next business. If full Council

agrees to go to next business, the original motion will not be voted on and will not become a resolution of full Council.

If a motion to move to a vote is seconded and the Mayor thinks full Council has discussed the item enough, full Council will vote on whether to take the vote on the motion. If full Council decides to take the vote, the mover of the original motion will have the right to reply. Then full Council will vote on the motion without further debate.

If a motion to adjourn the debate or meeting is seconded and the Mayor thinks it is not possible to give the item enough discussion at the current meeting, full Council will vote on whether to adjourn. The mover of the original motion will not have the right of reply before this vote.

(m) Points of order

A Councillor can raise a point of order at any time. The Mayor will hear a point of order immediately. A point of order must be about the law or a full Council procedure being broken. The Councillor must say which law or procedure is being broken and how. The Mayor may consider the Chief Executive's advice when deciding on a point of order and the Mayor's decision will be final. **(n) Points of personal explanation**

A Councillor can give a personal explanation at any time. This must be about something they have said in the past that they feel is now being misunderstood or misrepresented. The Mayor will have the final say over what counts as a personal explanation.

(o) Officers addressing Council

The Mayor may authorise the Chief Executive, the Chief Financial Officer and the Monitoring Officer to address the Council where the business of the Council makes this necessary or desirable.

9.15 Voting

(a) Majority

Unless the Constitution says otherwise, votes will be decided by a simple majority of Councillors present and voting.

(b) Mayor's second or casting vote

If there is the same number of votes for and against, the Mayor will have a casting vote. There is no restriction on how the Mayor chooses to exercise a casting vote.

(c) Method of voting

Votes can be:

- by the general agreement of the meeting, if there is no dissent
- by show of hands
- the electronic registering of votes
- named or recorded – see 9.15(d) and 9.15(e).

(d) Named votes

Any two Councillors present at the meeting can ask for the minutes to name who voted for, who voted against and who abstained on a vote.

A named vote will be used for any vote on a motion or amendment to a motion that sets the Council's budget or the level of the Council Tax.

(e) Right to have individual vote recorded

Any Councillor can ask for the minutes to record whether they voted for or against or abstained on a vote. The request must be made immediately after the vote.

(f) Voting on appointments

If there are three or more candidates for a position and none has more than half the votes, the candidate with the fewest votes will be eliminated and a new vote taken. This will continue until one candidate has more than half the votes.

9.16 Excluding the public

The public can only be excluded if it is under the access to information rules (see 13) or if they are making a personal attack or disrupting the meeting (see 9.18).

9.17 Councillors' behaviour

(a) Standing to speak

When they speak at full Council, Councillors must stand (unless otherwise permitted by the Mayor) and address the Mayor. If more than one Councillor stands or indicates that they wish to

Speak, the Mayor will ask one of them to speak and the others must sit down. While a Councillor is speaking, other Councillors must sit unless they are making a point of order or personal explanation.

(b) Mayor standing

If the Mayor stands during a debate, any Councillor who is speaking must stop speaking and sit down. The meeting must be silent.

(c) Councillor not to be heard further

If a Councillor keeps on disrupting the meeting or behaves improperly, the Mayor can move that the Councillor is not heard further. If seconded, the motion will be voted on without being discussed.

(d) Councillor to leave the meeting

If full Council has voted not to hear a Councillor further and the Councillor continues to disrupt the meeting, the Mayor can move that the Councillor leaves the meeting or that the meeting is adjourned. If seconded, the motion will be voted on without being discussed.

(e) General disturbance

If a group of Councillors are making it impossible for full Council to do its business, the Mayor can halt the meeting for as long as necessary.

(f) Members' Code of Conduct

When required to do so by the Members' Code of Conduct, a member must not participate in an item of business and must withdraw from the meeting when it is considered.

9.18 Disruption by the public

(a) Conduct of the public

Members of the public should not disrupt the conduct of meetings and must not be abusive or threatening towards the Councillors and officers attending meetings. Any filming, recording or reporting during meetings, including social media, should not be disruptive or intrusive.

(b) Disruption by an individual

If a member of the public is disrupting the meeting, the Mayor will warn them. If they carry on disrupting the meeting; the Mayor can halt the meeting until they leave.

(c) Clearing part of the meeting room

If there is a general disturbance in a part of a meeting room open to the public, the Mayor can have the area cleared; the Mayor can halt the meeting until the area is cleared.

9.19 Suspending and changing the procedures in this section

(a) Suspending the procedures in this section

All the full Council procedures in this section can be suspended except 9.6 (changing the order of business), 9.7(b) (no signing of minutes at special meetings) and 9.15(e) (right to have individual vote recorded). A procedure can be suspended if at least half of all Councillors are present and there is a simple majority in favour. No notice is needed for a motion to suspend a procedure. Procedures can only be suspended until the end of the meeting.

(b) Changing the full Council procedures in this section

Any motion to change the procedures in this section must be proposed and seconded. After this, it will not be discussed until the next ordinary meeting of full Council.

Chapter 10 **CABINET AND SINGLE MEMBER PROCEDURES**

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10.1 Who carries out executive responsibilities within the Council?

Executive responsibilities are carried out by the Leader, the Cabinet, a committee of the Cabinet or delegated to single Cabinet members or officers.

1 (a) The Leader

The Leader holds office from the date of appointment by full Council for a term of up to four years. The Leader's term of office will extend to the annual meeting of full Council immediately following the ordinary elections after the election of the Leader, and notwithstanding any provision in respect of the retirement of councillors generally the Leader will remain a Councillor until that day.

The Leader will cease to hold office if he or she resigns from office by giving written notice to the Chief Executive or he or she ceases to be a Councillor.

Full Council may vote to end the term of office of the Leader following a motion on notice signed by at least 14 Councillors.

1 (b) The Deputy Leader

The Deputy Leader is appointed by the Leader. The Deputy Leader holds that office for as long as he or she remains a Councillor and the Leader wants her or him to hold that position.

If the Leader is unable to act, the Deputy Leader may carry out the Leader's statutory functions (for example of appointing or removing Cabinet members) but does not automatically assume the position of Leader.

(c) Cabinet members

Cabinet members hold office from when they are appointed by the Leader until:

- they are removed by the Leader or
- they resign by giving written notice to the Leader or
- they stop being a Councillor

10.2 Date and place of meetings

The Cabinet will meet as frequently as its business requires except that it must meet at least four times in each Council year. The Cabinet shall meet at the Council's premises or at another location to be agreed by the Chief Executive in consultation with the Leader. The Chief Executive will call meetings in accordance with the programme agreed by Council as amended by the Cabinet and may call additional meetings or cancel meetings in consultation with the Leader.

The Leader will decide upon the agenda for the meetings of the Executive (the Cabinet). He/she may put on the agenda of any Executive meeting any matter which he/she wishes. The Proper Officer (the Chief Executive) will comply with the Leader's requests in this respect.

Any member of the Cabinet may require the Proper Officer to place an item on the agenda of the next available meeting of the Cabinet for consideration.

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 then the item will be considered at the next available meeting.

Nothing else in this section will stop Statutory Officers placing an item on the agenda of any Executive meeting on any matter which he/she wishes.

10.3 Quorum

The quorum will be the smallest number of members required to form a majority of the members appointed to it. Substitutes are not allowed.

10.4 How are decisions taken at Cabinet meeting?

All matters considered will be determined by a majority of the members of the body concerned, present and voting or, if there is no dissent, by the affirmation of the meeting. If there are equal numbers of votes for and against, the chair will have a second or casting vote.

Where, immediately after a vote is taken, any member requires it, there must be recorded in the minutes whether that person voted for or against the question or whether he or she abstained from voting.

10.5 Who chairs Cabinet Meetings?

The Leader, or in his or her absence the Deputy Leader, will chair Cabinet meetings or appoint someone else to chair them.

If the Leader and the Deputy Leader are absent, the Cabinet can appoint another Cabinet member to act as chair. If the Leader or the Deputy Leader arrives part of the way through a meeting, the acting chair will finish the item they are on and hand over the chair.

10.6 Order of business

The order of business will be:

- the minutes of the previous meeting
- declarations of interest
- announcements by the Leader on significant, recent matters within the remit of the Cabinet
- questions on notice
- reports from scrutiny committees or from Council in respect of a scrutiny committee report
- other agenda items with key decisions being considered first
- matters containing exempt or confidential information as described in the Access to Information Procedure Rules. Any such items of business will be considered in the order set out above after the press and public have been excluded.

This procedure can be suspended if there is a simple majority in favour. It can only be suspended until the end of the meeting.

10.7 Questions on notice

Any Councillor or resident of the Borough may ask the Leader a question about the business of the Cabinet so long as notice in writing setting out the question has been given to the Head of Governance. Questions need to be submitted by noon on the eighth working day before a meeting to be included on the agenda for that meeting.

The person asking the question may attend the meeting at which the question is asked and may (having received an answer) ask one

supplementary question and/or make a statement which must be relevant to and arise directly out of the original question or reply.

The Leader will reply to the question(s) and respond to the statement and may allow other Cabinet members to comment and officers to advise.

Questions asked under this Rule are not subject to any right of call-in. The answers to questions submitted under this rule will be included in the minutes of the meeting and published prior to the meeting.

The Head of Governance can reject a question on notice from a member of the public if:

- (i) it relates to an application for any permission, licence or other permission from the Council;
- (ii) there is any right of appeal to the Council or other authority is available;
- (iii) it relates to any matter directly relating to an employee of the Council;
- (iv) it relates to any matter which constitutes exempt or confidential information under Schedule 12A of the Local Government Act 1972;
- (v) in the opinion of the Monitoring Officer, it is illegal or improper.

If a question is rejected, reasons must be given. If the question relates to a matter which is not Cabinet related business, the Head of Governance will ask the questioner if they wish for their question to be re-directed to the appropriate committee or body at the next available meeting.

10.8 Speaking Rights

Where a councillor or any other person has a right to address the Cabinet they may do so for a maximum of 5 minutes. The Cabinet may increase the time allowed at its discretion.

10.9 Decisions by Cabinet committees and single Cabinet members

Where executive decisions are the responsibility of an individual member of the Cabinet, details of the decision (including any report) be published after the decision has been taken, as required in law.

10.10 Members' Code of Conduct

When required to do so by the Members' Code of Conduct, a member must not participate in an item of business and must withdraw from the meeting when it is considered.

10.11 Gaps in these procedures

If there is a gap in these procedures that means that the intention of the Constitution is uncertain, the Chair of the Cabinet, committee of the Cabinet, or the single Cabinet member, or the person presiding at the meeting, will decide what to do. The procedures for full Council meetings may be used as a guide.

These procedures may be varied for the duration of a meeting if a motion to do so is carried and there are at least half of the appointed members of the Cabinet present.

Chapter 11 SCRUTINY COMMITTEE PROCEDURES

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11.1 Number of scrutiny bodies

Full Council has appointed the two scrutiny bodies set out in section 7.

The Scrutiny Commission may appoint scrutiny panels to produce in-depth reviews of particular subjects. Such panels will report their findings to the Scrutiny Commission. The Scrutiny Commission will consider completed panel reports and will either submit the report to Cabinet, Council or a committee (as appropriate), with or without minor amendments, or refer the report back to the originating panel if the Commission does not support the panel's recommendations.

11.2 Membership and quorum of scrutiny bodies

(a) Members of scrutiny bodies

The scrutiny bodies appointed by full Council will have the following membership.

Body	Size	Quorum	Substitutes
Scrutiny Commission	Chair and Vice-chair plus five other members The number of members from each political group will be in proportion to its size and appointments will be made by Council	Four	Permitted
Finance and Performance Scrutiny Committee	Chair and Vice-chair plus seven other members The number of members from each political group will be in proportion to its size and appointments will be made by Council	Five	Permitted

The Scrutiny Commission may establish scrutiny panels to undertake scrutiny of a particular subject over a limited time period.

The Scrutiny Commission will make appointments of Scrutiny Panel Chairs and Vice Chairs in accordance with expressions of interest.

The Head of Governance may make appointments to scrutiny panels in accordance with expressions of interest received from Councillors who are not members of the Cabinet. The size of a Panel will be no more than 6 members, and political balance requirements do not apply.

Except for co-opted members (see 11.3), members of scrutiny bodies and their substitutes must be Councillors and they cannot be members of the Cabinet.

(b) Conflicts of interest and Members' Code of Conduct

Members of scrutiny bodies should not scrutinise decisions they have made.

When required to do so by the Members' Code of Conduct, a member must not participate in an item of business and must withdraw from the meeting when it is considered.

(c) Substitutes

Members of scrutiny bodies can send other Councillors as substitutes. These will have the powers of an ordinary member of the committee. Substitutions must be for a whole meeting. A member cannot take over from their substitute or hand over to them part of the way through.

There is one exception to this: a member of a panel established by the Scrutiny Commission may not send a substitute.

If a member wants to send a substitute, they must tell the Head of Governance before the meeting.

Substitutes cannot appoint substitutes of their own.

(d) Procedures when a Councillor resigns from a committee

A Councillor can resign from a scrutiny body by writing to the Head of Governance. A replacement member will be appointed at the next full Council meeting. The Head of Governance may make interim appointments where a nomination is received from the leader of the group which has the right to make nominations to fill the vacancy.

(f) Procedure when a committee member stops being a Councillor

If a member of a scrutiny body stops being a Councillor, a replacement member will be appointed at the next full Council meeting. The Head of Governance may make interim appointments where a nomination is received from the leader of the group which has the right to make nominations to fill the vacancy.

11.3 Co-opted members of scrutiny bodies

Each scrutiny committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-opted members.

Other scrutiny bodies and panels shall be entitled to recommend to the Scrutiny Commission the appointment of a number of people as non-voting co-opted members. Co-opted members will not count towards any applicable maximum membership numbers.

11.4 Scrutiny meetings

(a) Ordinary meetings

Scrutiny bodies other than scrutiny panels meet on dates set by full Council. Scrutiny panels meet on dates agreed by the Head of Governance. Scrutiny bodies may decide to hold extra meetings or alter the dates of meetings.

(b) Special meetings

The Head of Governance can arrange additional meetings after consulting the Chair.

The Chair of a scrutiny body may require the Head of Governance to call a special meeting of that body at any time. A special meeting must also be called when at least three councillor members of the body give notice in writing to the Head of Governance that a meeting is required.

Special meetings will only deal with the business they have been called to deal with.

(c) Cancelling a meeting

If a scrutiny body has no substantive business to deal with at one of its ordinary meetings, the Head of Governance can cancel it after consulting the Chair.

11.5 Chairs and vice chairs of scrutiny bodies

(a) Appointment of chairs and vice-chairs

The Council will annually appoint a Chair and a Vice-chair of the Scrutiny Commission and the Finance and Performance Scrutiny Committee.

The Scrutiny Commission will appoint a Chair and may appoint a Vice-chair for any scrutiny panel.

(b) Resignation of chair or vice chair

If a Councillor wants to resign as chair or vice chair, they must write to the Head of Governance. A new chair or vice chair will be appointed at the next appropriate Council meeting.

11.6 Programme of work

The Scrutiny Commission will be responsible for setting the overall scrutiny work programme. Any scrutiny body may suggest items for the

scrutiny work programme to the Scrutiny Commission. Once an item has been added to the work programme and identified as the responsibility of a particular scrutiny body, that body may:

- (i) schedule or reschedule the date of that item's consideration;
- (ii) choose to request an officer briefing on the subject to enable it to determine how to proceed with scrutiny of the matter;
- (iii) decide which Councillors, officers and other people it wishes to require to attend its meetings in accordance with sections 11.14 and 11.18.

Scrutiny committees may also identify and schedule items for their own work programmes without reference to the Scrutiny Commission, as long as they fall within their areas of responsibility.

The Chair, and where appropriate the Vice-chair of a scrutiny body, may liaise with relevant officers to finalise such matters as the content of reports, obtaining background information, inviting witnesses and the rescheduling of items.

11.7 Call-in

The following executive decisions can be called-in:

- decisions of the Cabinet and committees of the Cabinet
- decisions taken by single Cabinet members
- key decisions taken by officers.

The Call-In process does not apply to recommendations made by the Cabinet to the Council, or where a Cabinet decision relates to a recommendation by a Scrutiny Panel.

After a decision is taken that could be called-in, a notice of that decision will be published, including electronically, normally within three working days. The notice will be sent to all Councillors at the time at which it is published.

The notice of decision will include the date it was published and will say that the decision will come into force if it is not called-in by noon on the fifth working day after that date.

Decisions can be called-in by the Chair and Vice-chair of the Scrutiny Commission or by five Councillors by providing notice in writing to the Head of Governance setting out the reasons for the call-in and an indication of a preferred outcome or variation of the decision. If a decision is being called-in because it is believed to be outside the budget and policy framework, the call-in must say so. One of the

Councillors calling-in a decision may address the meeting of the Scrutiny Commission.

When a decision is called-in, the Head of Governance will tell the person or body that took the decision and arrange a meeting of the Scrutiny Commission to consider the call-in.

In the case of the call-in of a Cabinet decision, the meeting of the Scrutiny Commission should take place prior to the next scheduled meeting of the Cabinet, taking into account the requirements of the Access to Information Procedure Rules, or in such longer period as may be agreed with the Leader. In other cases, the meeting of the Scrutiny Commission should take place within fifteen working days of the decision to call it in or such longer period as may be agreed with the decision taker. One of the members calling in the decision shall be given the opportunity to address the Commission. The Head of Governance shall, in consultation with the Chair and Vice-chair of the Commission make arrangements for relevant members of Cabinet and relevant officers to attend the meeting and invite such other persons that may assist the Commission in considering the matter.

The Scrutiny Commission can decide to:

1

- support the decision, which can then be implemented immediately or
- send the decision back with its comments to the decision taker who will then take a final decision or
- having sought advice from the Monitoring Officer and the Chief Finance Officer, send comments to full Council on any decision that recommends changing the budget or policy framework.
- If the decision is sent back to the Cabinet, the Chair or Vice-chair of the Scrutiny Commission may address the Cabinet meeting.

11.8 Decision believed to be outside the budget or policy framework

- (a) When a decision is called-in and the Scrutiny Commission believes the decision is outside the budget or policy framework, it will seek advice from the Monitoring Officer and/or the Chief Finance Officer.
- (b) If the decision is not outside the budget or policy framework, the Scrutiny Commission will consider the call-in in the normal way.

(c) If the decision is outside the budget or policy framework, it will go as a recommendation to full Council, along with any comments from the Committee. Full Council can then:

- make the decision-maker reconsider the decision, or
- change the budget or policy framework so that the decision is within it – the decision can then be acted on immediately.

11.9 Urgent decisions and call-in

A decision to be taken will not be subject to call-in if the Chair of the Scrutiny Commission, upon being consulted, agrees that:

1

- the decision to be taken is both urgent and reasonable and
- the delay caused by the call-in process would not be in the interests of the Council or the public.

If the Chair of the Scrutiny Commission is not available, the Mayor must agree that the decision to be taken is urgent and reasonable. If the Mayor is not available, the Deputy Mayor, Chief Executive or the Chief Executive's nominee must agree.

If the Mayor is consulted under this procedure in the period between Borough Council elections and the Annual Council meeting following those elections and the Mayor has not stood for re-election or has stood for re-election but not been elected, then the Mayor should be consulted in conjunction with the Chief Executive.

Decisions to which this rule applies must be identified on the notice of decision.

Decisions to which this rule applies must be reported to the next ordinary full Council meeting with the reasons why they were urgent.

11.10 Agenda

(a) Putting items on the agenda

Any member of a scrutiny body can put an item on that body's agenda if they write to the Head of Governance by noon on the sixth working day before the meeting. The item must be relevant to the work of the body. The purpose of the item will be to consider whether the matter should be included in the work programme or to recommend to the Scrutiny Commission that it is included.

The Finance and Performance Scrutiny Committee is the Council's designated 'crime and disorder committee', and as

such any member of the Council, including those who are not members of the committee, can put an item that relates to crime and disorder on the committee's agenda if they write to the Head of Governance by noon on the sixth working day before the meeting.

(b) Requests for reviews from full Council

The Scrutiny Commission must include in the work programme anything full Council or a Committee asks them to review, or provide a reason why it has decided not to do so.

(c) Requests for reviews from the Cabinet

The Scrutiny Commission can (but does not have to) include in the work programme things the Cabinet asks it to review.

(d) Councillor Call for Action

Any Councillor may, by giving notice to the Head of Governance using the form provided, initiate a Councillor Call for Action relating to a local government matter that is not an excluded matter and where other routes to resolve the issue have not succeeded.

A Councillor Call for Action can only be initiated where:

- (i) it relates to the discharge of any of the Council's functions;
- (ii) it relates to a matter which affects the ward of the Councillor initiating it;
- (iii) it does not relate to individual planning decisions, licensing decisions or matters where the affected person or body has a statutory right of appeal;
- (iv) it does not relate to any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for a scrutiny committee meeting.

The Head of Governance will consult the Chair and Vice-Chair of the Scrutiny Commission to determine whether the request meets the criteria for a Councillor Call for Action. Where the request does not meet the criteria for a Councillor Call for Action, the Head of Governance will inform the Councillor making the request of the decision. Where the request does meet the criteria for a Councillor Call for Action, the Head of Governance will arrange for the matter to be included on the agenda for the next available meeting of the Scrutiny Commission.

Where a Councillor Call for Action is included on the agenda for a Scrutiny Commission meeting, the Commission will consider whether to include the subject of the Councillor Call for Action on the scrutiny work programme. The Councillor making the request may address the Scrutiny Commission before it is considered. If the Commission decides not to include the subject of the Councillor Call for Action on its work programme, it will provide the Councillor initiating the request with the reasons for its decision.

1 11.11 Policy review and development

Scrutiny bodies' role in developing the budget and policy framework is referred to in section 14.2.

In areas that are not covered by the budget and policy framework, scrutiny bodies can suggest policies for scrutiny to the Scrutiny Commission for inclusion in the work programme.

Scrutiny bodies can hold inquiries and consider future policy. This may involve seeking officer advice, inviting witnesses, making site visits, holding public meetings, commissioning research or doing anything else that is necessary.

11.12 Reports from scrutiny bodies

(a) Scrutiny reports

After considering an issue a scrutiny body may prepare a report and/or recommendations. The Scrutiny Commission and the Scrutiny Committees may send their reports to the Cabinet (if it is about executive responsibilities), to full Council (if it is about Council responsibilities or would result in a change to the budget or the policy framework) or to a committee (if it relates to the responsibilities of that committee).

Any other scrutiny body (including any panel) will send its report and/or recommendations to the Scrutiny Commission. The Commission will consider the matter and submit its report and/or recommendations to the Cabinet, full Council or the committee.

The Chair or Vice-chair of a scrutiny body may address the body to which it has submitted a report. In the case of a report or recommendations initiated by a scrutiny body other than the Scrutiny Commission or the other Scrutiny Committee, the Chair, or Vice-chair of the body that initiated the recommendations or report may do so.

(b) Minority report

For each report, there can be a minority report giving any dissenting views. The Cabinet or full Council will consider the minority report at the same time as the committee report.

(c) Which report is the main report and which is the minority one?

Each member of the scrutiny body can support one report but no more than one. The report with the most support will be the main report.

(d) Timing

Once a report and/or recommendations are submitted to the Cabinet or full Council:

1

- the Cabinet must consider it at its next ordinary meeting if it is about executive responsibilities unless the next meeting is within ten working days of the report and/or recommendations being agreed then the report may go to the next meeting after that.
- full Council must consider it within two months.

In each case the report should be accompanied by sufficient background information and officer advice to enable Cabinet or full Council to make a decision without undue delay.

1 11.13 Scrutiny body members' rights to see documents

Scrutiny body members' rights to see document are set out in 13. This does not prevent more detailed liaison between the Cabinet and scrutiny bodies where this is appropriate.

11.14 Duty of Cabinet members and officers to attend scrutiny bodies

(a) Duty to attend

Scrutiny bodies can require members of the Cabinet and senior officers to attend and answer questions about:

- performance
- decisions they were involved in
- policies and their implementation.

(b) Procedure for attending

A scrutiny body should, where possible, indicate its intention to require the attendance of a Councillor or an officer at one of its meetings when suggesting the relevant item for the scrutiny work programme.

The Head of Governance will tell the Councillors or officers that they are required to attend, what it is about and whether they need to produce a report or provide papers. A Cabinet Lead Member required to attend a scrutiny body meeting may be accompanied by the relevant officer(s). Where appropriate a senior officer may be represented by another officer who is able to deal with the issue being scrutinised.

The Councillor or officer must be given reasonable time to compile information. This will normally be at least ten working days.

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2 **11.15 Whipping**

Political groups should not pressure their members over how they speak or vote on scrutiny bodies ('whipping'). If 'whipping' has occurred, this must be formally declared at the relevant scrutiny meeting.

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11.16 Questions on notice

Any Councillor or resident of the Borough may ask the Chair a question about the business of a scrutiny body so long as notice in writing setting out the question has been given to the Head of Governance. Questions need to be submitted by noon on the eighth working day before a meeting to be included on the agenda for that meeting.

The person asking the question may attend the meeting at which the question is asked and may (having received an answer) ask one supplementary question and/or make a statement which must be relevant to and arise directly out of the original question or reply.

The Chair will reply to the question(s) and respond to the statement and may allow other members of the body to comment and officers to advise.

The answers to questions submitted under this rule will be included in the minutes of the meeting and published prior to the meeting.

The Head of Governance can reject a question on notice from a member of the public if:

- (i) it relates to an application for any permission, licence or other permission from the Council;

- (ii) there is any right of appeal to the Council or other authority is available;
- (iii) it relates to any matter directly relating to an employee of the Council;
- (iv) it relates to any matter which constitutes exempt or confidential information under Schedule 12A of the Local Government Act 1972;
- (v) in the opinion of the Monitoring Officer, it is illegal or improper.

If a question is rejected, reasons must be given.

11.17 Witnesses at scrutiny bodies and evidence gathering

Where a scrutiny body conducts investigations it may also ask people to attend to give evidence. Such meetings are to be conducted in accordance with the following principles:

- (i) those assisting the body by giving evidence be treated with respect and courtesy
- (ii) meetings should be held in public unless this is detrimental to the process of effectively gathering evidence
- (iii) the investigation be conducted fairly and all members of the body be given the opportunity to ask questions of attendees, and to contribute and speak
- (iv) the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

11.18 Voting

All matters considered will be determined by a majority of the members of the body concerned, present and voting or, if there is no dissent, by the affirmation of the meeting. If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

Where, immediately after a vote is taken, any member requires it, there must be recorded in the minutes whether that person voted for or against the question or whether he or she abstained from voting.

11.19 Length of meetings

Meetings will end no later than **two and a half hours after the start-time** stated on the agenda unless there is a vote of the majority of the members of the body concerned present to extend the time of the meeting for up to a further 30 minutes to conclude an item of business.

Such a vote will extend the overall length of the meeting to a maximum of three hours. Any items of business not completed at a meeting as a result of this rule will be deferred to the next meeting of the body concerned.

This rule does not apply to scrutiny panel evidence gathering meetings

11.20 Gaps in these procedures

If there is a gap in these procedures that means that the intention of the Constitution is uncertain, the Chair, or the person presiding at the meeting, will decide what to do. The procedures for full Council meetings may be used as a guide.

These procedures may be varied for the duration of a meeting if a motion to do so is carried and there are at least half of the appointed members of the scrutiny committee present.

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12.1 Which committees do these procedures apply to?

These procedures apply to the:

- Appeals and Reviews Committee
- Audit Committee
- Licensing Committee and its panels and sub-committees
- Member Conduct Committee and its panels and sub-committees
- Personnel Committee and its panels and sub-committees
- Plans Committee
- Loughborough Area Committee.

12.2 Appointment and membership of committees

Full Council is responsible for appointing and dissolving committees and for agreeing their membership and roles.

Committees are responsible for appointing any sub-committees. The terms of reference of committees identify certain panels for which appointments can be made by the Head of Governance.

Apart from the Loughborough Area Committee and the Licensing Committee and any sub-committees it appoints the number of members from each political group on committees and sub-committees must be in proportion to the size of the group (ie. subject to political balance requirements).

12.3 Composition

Committee	Size	Quorum	Substitutes
Appeals and Reviews Committee	Chair and Vice-chair plus three other members	Three	Permitted
Audit Committee	<p>Two Independent Members (inc. Chair)</p> <p>Plus seven Councillor members. No members of the Cabinet can be members of the Committee</p> <p>The Vice-chair will be appointed by the Committee from among its members.</p> <p>Appointment of the Independent Chair of the Audit Committee to be made by Full Council on recommendation from the S151 officer</p>	Four Councillor members	Permitted
Licensing Committee	Chair and two Vice-chairs plus 12 other members	Eight	Not permitted
Member Conduct Committee	Chair and Vice-chair plus five Councillor members, other than the Leader	Four Borough Councillor members	Permitted

Committee	Size	Quorum	Substitutes
	<p>and only one of whom can be a member of the Cabinet</p> <p>In addition there will be up to three members of parish/town councils in the Council's area who are not also borough councillors (parish members) who will be co-opted as non-voting members by the Council for a term of four years.</p> <p>Appointment of members of parish/town councillors to be made by Full Council on recommendation from the Monitoring Officer</p>		
Personnel Committee	Chair and Vice-chair plus five other members	Four	Permitted
Plans Committee	Chair and Vice-chair plus 11 other members	Nine	Permitted
Loughborough Area Committee	Chair and Vice-Chair plus 18 members, being those elected to Borough Wards falling within or partly within the	Ten	Not permitted

Committee	Size	Quorum	Substitutes
	town of Loughborough, namely: Dishley, Hathern & Thorpe Acre, Loughborough Ashby, Loughborough East, Loughborough Nanpantan, Loughborough Outwoods & Shelton, Loughborough Southfields, Loughborough Storer, Loughborough Woodthorpe.		

12.4 Vacancies on committees

(a) Procedure when a Councillor resigns from a committee

A Councillor can resign from a committee (except for the Loughborough Area Committee) by writing to the Head of Governance. A replacement will be appointed at the next full Council meeting.

Where there is a vacancy on a committee which must be allocated to a political group the vacancy may be filled on an interim basis by the Head of Governance if notice is received from the leader of the relevant political group of a nomination. The decision will be confirmed at the next available ordinary meeting of the Council.

(b) Procedure when someone stops being a Councillor

If someone stops being a Councillor, any replacement committee member will be appointed at the next full Council meeting (except for the Loughborough Area Committee).

Where there is a vacancy on a committee which must be allocated to a political group the vacancy may be filled on an interim basis by the Head of Governance if notice is received from the leader of the relevant political group of a nomination. The decision will be confirmed at the next available ordinary meeting of the Council.

12.5 Chairs and vice-chairs

(a) Election of chair and vice-chair

Except for the Audit Committee and the Loughborough Area Committee, the chair and vice-chair are elected each year at the first meeting after annual Council.

Except for the Audit Committee, the chair and vice-chair of all the committees must be Councillors.

The Chair of the Audit Committee will be a person who is not a Councillor but is appointed by the Council. The Vice-chair will be appointed by the Committee from among its Councillor members.

The Chair and Vice Chair of the Loughborough Area Committee will be elected annually by the Committee from amongst its members.

(b) If the chair and vice-chair are absent

If the chair and vice-chair are absent, a committee can appoint another Councillor to chair the meeting. If the chair or vice-chair arrives part of the way through the meeting, the acting chair will finish the agenda item they are on and hand over the chair.

(c) Resigning as chair or vice-chair

If a Councillor wants to resign as chair or vice-chair, they must write to the Head of Governance. A new chair or vice-chair will be elected at the next meeting of the body which made the appointment.

12.6 Meetings of committees

(a) Ordinary meetings

Committees meet on dates set by full Council. Committees may decide to hold extra meetings or alter the dates of meetings.

(b) Special meetings

The Head of Governance can arrange additional meetings after consulting the Chair.

The Chair of a committee may require the Head of Governance to call a special meeting of that body at any time. A special meeting must also be called when at least three members of the

committee give notice in writing to the Head of Governance that a meeting is required.

Special meetings will only deal with the business they have been called to deal with.

(c) Cancelling a meeting

If a committee has no substantive business to consider at one of its ordinary meetings, the Head of Governance can cancel it after consulting the Chair.

12.7 Substitution procedures

Substitutes are not permitted for the Licensing Committee and the Loughborough Area Committee.

For other committees, members can send other Councillors as substitutes (subject to any training requirements that may apply). These will have the powers of an ordinary member of the committee.

Substitutions must be for the whole meeting. A member cannot take over from their substitute or hand over to them part of the way through. Substitutes cannot appoint substitutes of their own.

If a member wants to send a substitute, they must tell the Head of Governance before the meeting.

12.8 Questions on notice

Any Councillor or resident of the Borough may ask the Chair a question about the business of a committee so long as notice in writing setting out the question has been given to the Head of Governance. Questions need to be submitted by noon on the eighth working day before a meeting to be included on the agenda for that meeting.

The person asking the question may attend the meeting at which the question is asked and may (having received an answer) ask one supplementary question and/or make a statement which must be relevant to and arise directly out of the original question or reply.

The Chair will reply to the question(s) and respond to the statement and may allow other members of the committee to comment and officers to advise.

The answers to questions submitted under this rule will be included in the minutes of the meeting and published prior to the meeting.

The Head of Governance can reject a question on notice from a member of the public if:

- (i) it relates to an application for any permission, licence or other permission from the Council;
- (ii) it does not relate to the business of the committee in question;
- (iii) there is any right of appeal to the Council or other authority is available;
- (iv) it relates to any matter directly relating to an employee of the Council;
- (v) it relates to any matter which constitutes exempt or confidential information under Schedule 12A of the Local Government Act 1972;
- (vi) in the opinion of the Monitoring Officer, it is illegal or improper.

If a question is rejected, reasons must be given.

12.9 Voting

All matters considered will be determined by a majority of the members of the body concerned, present and voting or, if there is no dissent, by the affirmation of the meeting. If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

Where, immediately after a vote is taken, any member requires it, there must be recorded in the minutes whether that person voted for or against the question or whether he or she abstained from voting.

12.10 Members' Code of Conduct

When required to do so by the Members' Code of Conduct, a member must not participate in an item of business and must withdraw from the meeting when it is considered.

12.11 Length of meetings

Meetings will end no later than **two and a half hours** after the start-time stated on the agenda unless there is a vote of the majority of the members of the body concerned present to extend the time of the meeting for up to a further 30 minutes to conclude an item of business. Such a vote will extend the overall length of the meeting to a maximum of three hours. Any items of business not completed at a meeting as a result of this rule will be deferred to the next meeting of the body concerned.

This rule does **not apply** to meetings of the Plans Committee or to panel and sub-committee hearings.

12.12 Plans committee procedures

(a) Councillor speaking rights

A member who is not a member of the Plans Committee may address the committee called to consider planning or other matters on the agenda for a period of no longer than three minutes, but will not be entitled to take part in the debate or vote, provided that:

- i) the member is one of the ward members who has been, or would have been, consulted under the procedure for notifying and consulting councillors on planning applications;
- ii) the member gives notice in writing or in person to the Head of Planning and Growth at least two working days before the appropriate meeting.

The following councillors who are unable to exercise this right may nominate another Councillor to speak on their behalf by giving notice in writing or in person to the Head of Planning and Growth at least two working days before the appropriate meeting:

- councillors who represent a single member ward
- the Mayor
- the Deputy Mayor
- councillors who are ill.

If more than one member wishes to speak on the same application or enforcement action, the period of three minutes for speaking will be divided equally between the members concerned.

Members who are unable to attend the Plans Committee meeting can submit a written statement to be read out at the meeting by the Chair (the relevant time limits will apply).

The Chair of the Plans Committee may, in exceptional circumstances and with the consent of the Committee, allow a member who has not given the required notice to address the meeting.

(b) Public speaking rights

Where written notice is given not later than seven working days before the meeting of the Plans Committee, and this has been confirmed not less than two working days before the meeting

itself, the following people may address the committee for a period of no more than three minutes:

- i) An objector to an application where:
 - the objector has made a written comment on the application setting out the reasons for objection;
 - the grounds of objection raise material planning considerations; and
 - the objector has given written notice of a wish to speak;
- ii) A supporter to an application where:
 - the supporter has made a written comment on the application setting out the reasons for support;
 - the grounds of support raise material planning considerations; and
 - the supporter has given written notice of a wish to speak;
- iii) An applicant (or agent appointed to act on his/her behalf);
- iii) An authorised representative of the Town/Parish Councils or Meetings that have been consulted supporting the view of those Town/Parish Councils or Meetings on an application.
- iv) Where the relevant Town/Parish Council or meeting wishes to speak it must register that desire not less than two working days before the meeting.
- v) Where no Town/Parish Council or Meeting exists, an authorised representative of a properly constituted community group based in that area which has made formal representations in respect of the application, supporting the view of that group on an application.

In all cases the time limit of three minutes applies to the total time available under each of the headings (i) to (v) above. Where there is, for example, more than one objector who has made a request to speak or more than one Town/Parish Council or Meeting that has been consulted, it is the responsibility of the objectors or Councils/Meetings to appoint a representative to speak on their behalf. If no agreement can be reached by the objectors the time limit of three minutes will be divided equally among the objectors or Councils/Meetings.

Where other items within the terms of reference of the Committee are to be considered, the rules for public speaking set out above will be adapted to suit the nature of the item.

The Chair of the Plans Committee may, in exceptional circumstances and with the consent of the Committee, allow a person who has not given the required notice to address the meeting.

The Chair of the Plans Committee may ask speakers or officers to provide clarification on any points that are raised by speakers.

(c) Calling-in planning applications

Councillors can request that an application that is wholly or partly within the boundary of their ward which would otherwise have been determined by the Head of Planning and Growth under delegated authority is called-in to the Plans Committee.

To be valid a call-in request must:

- be received in writing (which can include by email) no later than 5pm, 28 calendar days from the date of the consultation being sent to the ward councillors or 7 calendar days after the expiration of the initial local consultation on an application, including site notification and/or newspaper publicity, whichever is later.
- include relevant material planning considerations; and
- clearly justify why the decision is controversial or of significant public interest and should be made in public session.

Applications that are the subject of a valid request will be added to the agenda of the next reasonably available meeting of the Plans Committee for determination, unless a written request to withdraw it is submitted by the ward councillor.

A ward councillor can withdraw a call-in request at any time prior to the publication of the agenda for the meeting at which a called-in application is due to be considered. Withdrawals of call-in requests must be in writing (which can include by e-mail).

In addition, if, following a call-in which has not been withdrawn, officers believe that the issues raised by the ward councillor in his/her call-in have been addressed, officers will submit the recommendation report, which is prepared for each application, to the ward councillor. The report, which will contain a summary of the main issues regarding the application, will enable ward councillors to consider whether they wish to maintain or withdraw their call-in of an application. Ultimately, the Chair (or vice chair in their absence) will decide if the item will be added to the committee agenda.

A further call-in period will be given to ward councillors if significant revised or additional plans or information are received on a planning application which necessitates a further period of local consultation. The relevant councillors will be informed in writing of any significant revised or additional plans or information and any further call-in period. The length of the further call-in period will be the same period as the re-consultation period on the revised or additional details.

If the following councillors are unable to exercise this right they may nominate another Councillor to request a call in on their behalf by giving notice in writing to the Head of Planning and Growth:

- the Mayor
- the Deputy Mayor
- councillors who are ill.

Ward councillors must follow the requirements of the Members' Code of Conduct and the Planning Code of Good Practice in determining whether or not they are able to exercise their right to request the call-in of a planning application, or nominate another councillor to do so, under the provisions in the paragraph above.

Ward councillors who call-in a planning application are required to attend the Plans Committee meeting at which it is considered. If a ward councillor who has called-in a planning application is unable to attend the meeting, they **must** identify another councillor to speak on their behalf or in exceptional circumstances to provide a written statement for the Chair to read out within the allowed time for ward councillor speaking. The nominee can exercise the same ward councillor speaking rights as the councillor calling-in the planning application could have done if they were present at the meeting.

The following planning applications are not subject to the Call-In Procedure:

- (i) applications for Certificates of Lawfulness
- (ii) applications which fall to be determined by Leicestershire County Council or a neighbouring authority
- (iii) discharge of Planning Condition(s)
- (iv) applications for works to protected trees and/or trees in a Conservation Area
- (v) prior approvals - applications for prior approval of works to be carried out under permitted development

rights (including notification of householder extensions etc.)

- (vi) applications for non-material amendments and minor material amendments to planning permissions that were determined under delegated authority and where no demonstrable harm would be caused to an interest of acknowledged importance
- (vii) screening and scoping applications for Environmental Impact Assessments.

(d) Late information relating to planning applications

Information relating to planning agenda items received after the preparation of the Plans Committee Agenda will be the subject of a verbal summary from planning officers at the meeting. This summary will be supported by the publication of an Extras Report. Wherever possible this report will be published by 5pm on the day before the Plans Committee meeting.

Late information received after 12 noon on the day prior to the relevant Plans Committee meeting will be summarised verbally by officers.

12.13 Appeals and Reviews Committee procedures

Procedure for considering objections to Tree Preservation Orders

- (a) The Head of Governance or his/her representative will introduce the report before the Appeals and Reviews Committee which will include written statements by both parties (i.e. the Head of Planning and Growth and the objector(s)).
- (b) The Head of Planning and Growth or his/her representative will present his/her case for confirming the order with or without modifications. Members of the Appeals and Reviews Committee and the objector(s) may then ask him/her questions.
- (c) The objector(s) will present his/her case, if he/she wishes to do so. Members of the Appeals and Reviews Committee and the Head of Planning and Growth or his/her representative may then ask the objector(s) questions.
- (d) Members of the Appeals and Reviews Committee will ask the parties for any additional information or clarification they require.
- (e) The Appeals and Reviews Committee, with the advice of the Head of Governance or his/her representative as necessary, will then decide whether or not the order should be confirmed and, if

so, whether with or without modifications. The parties will not participate in the meeting at this stage and each will have the options of sitting in the public gallery or leaving the meeting.

12.14 Licensing Committee procedures

Order of proceedings for Licensing Sub-committee hearings

1. Preliminaries

- Opening remarks by the Chair of the Sub-committee.
- The Chair will ensure the parties understand the procedure to be followed.
- The Sub-committee will decide whether part or all of the hearing should be held in private because the public interest in doing so outweighs the public interest in holding the meeting or that part of the meeting in public.
- The Sub-committee will consider requests from any of the parties for permission for another person to appear at the hearing as a witness.
- The Sub-committee will decide what action to take if a party does not attend the hearing.

2. Licensing Officer

The Licensing Officer will present his/her report and outline relevant information such as representations, information that has been requested from the parties, legislation, the Council's Licensing Policy and Government guidance.

The different parties participating in the hearing, with the consent of the Subcommittee,

and members of the Sub-committee may ask questions of the Licensing Officer.

3. The Applicant – in the case of a new licence the applicant is the person applying for the licence; in the case of a review the applicant is the responsible authority applying for the review

After the applicant has spoken, the different parties participating in the hearing, with the consent of the Sub-committee, and members of the Subcommittee may ask questions of the applicant.

If the applicant is not present any information provided by the applicant will be considered by the Sub-committee.

4. Responsible Authorities

After each responsible authority has spoken, the different parties participating in the hearing, with the consent of the Sub-committee, and members of the Sub-committee may ask questions of the responsible authority.

If any responsible authorities are not present any information provided by the responsible authorities will be considered by the Sub-committee.

5. Interested Parties (residents etc.)

After each interested party has spoken, the different parties participating in the hearing, with the consent of the Sub-committee, and members of the Subcommittee may ask questions of the interested party.

If any interested parties are not present any information provided by the interested parties will be considered by the Sub-committee.

6. Any Remaining Parties – in the case of reviews of current licences this will include the licence holder

After each remaining party has spoken, the different parties participating in the hearing, with the consent of the Sub-committee, and members of the Subcommittee may ask questions of the party.

If any remaining parties are not present any information provided by the interested parties will be considered by the Sub-committee.

7. Closing Statements

Closing statements will be made in the following order:

- Each interested party
- Each responsible authority
- The applicant
- The licence holder if the licence holder is not the applicant

8. The Decision

The Sub-committee's legal advisor will make any statements as necessary to summarise the proceedings and clarify the legal issues and principles to be applied by the Sub-committee in reaching its decision.

The Sub-committee will retire to reach its decision with the legal advisor and clerk/administrator (if present). Alternatively the Sub-committee may ask for the meeting room to be cleared to enable it to do so. If during its deliberations the Sub-committee consider it is

necessary to ask a question of a party, then the Sub-committee will reconvene in the presence of all parties to do so.

The Sub-committee will reconvene to announce its decision.

12.15 Gaps in these procedures

If there is a gap in these procedures that means that the intention of the Constitution is uncertain, the Chair, or the person presiding at the meeting, will decide what to do. The procedures for full Council meetings may be used as a guide.

These procedures may be varied for the duration of a meeting if a motion to do so is carried and there are at least half of the appointed members of the committee present.

Chapter 13 ACCESS TO INFORMATION PROCEDURES

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13.1 Meetings affected by these procedures

The key decision procedures (see 13.6 to 13.10) apply to Executive decisions. The rest of the procedures in this section apply to full Council, Cabinet, scrutiny body and committee meetings except where indicated.

13.2 Other rights to information

These procedures do not affect any other rights to information under the law or this Constitution.

Where in these procedures there is a right for the public to inspect documents, the Council will provide copies of those documents on request but the Council may require a reasonable fee covering copying and postage charges before providing copies.

13.3 Public's rights to attend meetings

The public can attend meetings, except when confidential or exempt information is being discussed (see 13.4). When attending meetings the public may also photograph, film, record or report on the proceedings of those meetings. The public should not disrupt meetings in doing so.

The Council will make available reasonable resources to facilitate the reporting of its meetings.

13.4 Exceptions to public's right to attend meetings

(a) Confidential information

Meetings must be held in private when confidential information is likely to be discussed. Confidential information is information that is prevented from being made public by court order or by a government department that has provided the information.

(b) Exempt information

Meetings may be held in private when exempt information is likely to be discussed. Information is exempt if it would not be in the public interest to publish it and it falls into one or more of the categories set out below identified in Schedule 12A to the Local Government Act 1972.

(i) Information about individuals

Information relating to any individual (paragraph 1, Schedule 12A, Local Government Act 1972) or information which is likely to reveal the identity of an individual (paragraph 2).

(ii) Information about someone's finances or business

Information relating to the financial or business affairs of any particular person (including the authority holding that information) (paragraph 3).

(iii) Labour relations information

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 or the crown and employees of, or office holders under, the authority (paragraph 4).

(iv) Information that could be considered legally privileged

Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (paragraph 5).

(v) Information about legal action

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 (paragraph 6).

(vi) Information about action to deal with a crime

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime (paragraph 7).

(c) Disorderly conduct

The public may also be asked to leave a meeting in order to maintain orderly conduct or to prevent disruption at a meeting.

13.5 Reports that are expected to be considered in private

- (a) If the Monitoring Officer expects that a report will be considered in private in accordance with 13.4, it will not be made available to the public. It will be marked “not for publication” and will say what category of information is involved.
- (b) If a report will be considered in private by the Cabinet, a committee of the Cabinet or an individual member of the Cabinet, at least 28 clear days’ notice will be provided in the forward plan of the decision, the date at which it will be taken and the possible reasons why it will be considered in private (see 13.8). The forward plan will also contain information about how the public may make representations that the decision should not be taken in private.
- (c) At least five clear working days before a meeting of the Cabinet, a committee of the Cabinet or an individual member of the Cabinet at which a decision will be taken in private, the Council will update the notice provided in accordance with (b) above including providing details of any representations that have been received and the results of considering them.
- (d) If the requirements set out in (b) above cannot be met, a decision can only be taken in private if the Chair of the Scrutiny Commission has agreed that the decision is urgent and cannot reasonably be delayed. In the absence of the Chair of the Scrutiny Commission, the agreement of the Mayor (or, in his/her absence, the Deputy Mayor) must be obtained. If agreement is obtained the Council will publish a notice setting out why the decision is urgent and cannot be deferred.

- (e) If the Mayor is consulted under this procedure in the period between Borough Council elections and the Annual Council meeting following those elections and the Mayor has not stood for re-election or has stood for re-election but not been elected, then the Mayor should be consulted in conjunction with the Chief Executive.

13.6 Key decisions

A key decision is an Executive decision which is likely:

- to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates, or
- to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Borough.

The Council has developed the following guidance for what constitutes a key decision. A key decision is one which:

- commits the Council to expenditure, savings or increases or reductions in income of £150,000 or more in any financial year;
- makes proposals in relation to the budget or the policy framework under Budget and Policy Framework Procedure 14.2(a), or
- will result in the closure of any facility from which Borough Council services are provided or a reduction by more than 10% in the level of a discrete service provided.

In other cases the impact of the decision will be considered in terms of the strategic nature of the decision, the effect on the amenity of the community or quality of service provided by the Council to a significant number of people living or working in the locality affected, the size of the area affected and the likely public interest in the decision.

13.7 Procedures before taking key decisions

Before a key decision is taken, details of it must have been published in the forward plan (see 13.8) at least 28 clear days before the decision is taken, unless it is urgent (see 13.9). The agenda for meetings of the Cabinet, committees of the Cabinet and for decisions taken by a member of the Cabinet will identify whether a decision is a key decision or not.

If an officer is to take a key decision, at least five clear working days before it is taken the Council will publish details of the proposed

decision on the Council's website and make them available at the Council's main offices.

13.8 The forward plan

(a) What is in the forward plan?

The forward plan will list any key decisions that are going to be taken. For each decision, it will say:

- what the decision is about
- who will take the decision
- when the decision will be taken
- who to contact for more information or to make comments on the matter
- which document the decision takers will consider.

The forward plan will also list any decisions that are to be taken in private.

(b) Publishing the forward plan

The forward plan will be published on the Council's website and made available for inspection at the Council's main offices.

(c) Exempt and confidential information

Exempt information need not be included in the forward plan. Confidential information cannot be included.

13.9 Procedure for taking urgent key decisions

(a) General Exception

If it is not practicable to give 28 clear days' notice of a key decision through including it in the forward plan, it can still be taken providing that the following procedure is followed.

Before a key decision for which 28 clear days' notice has not been given can be taken, the Head of Governance must give notice to the Chair of the Scrutiny Commission (or each member of the Commission if there is no Chair). The notice will also be published on the Council's website and made available for inspection at the Council's main offices.

The decision cannot normally be taken until five clear working days after the notice has been issued.

(b) Cases of Special Urgency

If it is not practicable to wait until five clear working days after a general exception notice has been issued, the decision can be taken only if the Chair of the Scrutiny Commission has agreed that the decision is urgent and cannot reasonably be delayed. In the absence of the Chair of the Scrutiny Commission, the agreement of the Mayor (or, in his/her absence, the Deputy Mayor) must be obtained. If agreement is obtained the Council will publish a notice setting out why the decision is urgent and cannot be deferred.

If the Mayor is consulted under this procedure in the period between Borough Council elections and the Annual Council meeting following those elections and the Mayor has not stood for re-election or has stood for re-election but not been elected, then the Mayor should be consulted in conjunction with the Chief Executive.

Decisions to which the cases of special urgency rule applies must be reported to the next ordinary full Council meeting setting out the decisions which have been taken and the reasons why they were urgent. If no cases of special urgency have occurred in the previous 12 months the Leader will submit a report to full Council at the end of the Council year to that effect.

13.10 Reports to full Council on decisions that were not in the forward plan

If a scrutiny committee thinks that a key decision has been taken which was not included in the forward plan or the subject of the general exception procedure or the cases of special urgency procedure, it may require the Cabinet to report to full Council setting out the decision, the reasons for the decision and, if appropriate, why it was not considered to be a key decision.

Such a report can be required by the committee by resolution at one of its meetings, or by the Chair of the committee or any five members of the committee giving notice to the Head of Governance.

13.11 Notice of meetings

At least five clear working days before each meeting, the Council will publish details of the meeting and the items to be considered at it on the Council's website and make them available at the Council's main offices, subject to copies being made available to members of the decision-making body first.

Items of urgent business may be added to the agenda after it has been published or meetings convened at shorter notice subject to the requirements of section 100B(4) of the Local Government Act 1972 and of the forward plan.

The Council will publish those reports which are available for the items to be considered at each meeting along with the agenda. If a report is added later, it will be made available as soon as it is added.

13.12 Background papers

Each report will include a list of background papers if there are any. Background papers are papers that disclose any facts or matters on which the report, or an important part of the report is based, and have been relied on to a material extent in preparing the report. They do not include published works or documents that contain exempt or confidential information (see 13.4). Background papers will be published on the Council's website and be available for inspection at the Council's main offices for a period of 6 years after the meeting.

13.13 Access to meeting papers after a meeting

For at least 6 years after a meeting, the Council will make available on its website and for inspection at the Council's main offices:

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- the agenda, reports and background papers (except where this would disclose exempt or confidential information)
- the minutes (except where this would disclose exempt or confidential information)
- a summary of any business that was not open to the public if the minutes available to the public do not give a reasonable record.

13.14 Access to information about decisions taken by officers

As soon as reasonably practicable after an officer takes a non-administrative, non-operational decision, the officer will produce a written record of the decision. Those records which do not contain exempt or confidential information will be published on the Council's website and be available for inspection at the Council's main offices for a period of 6 years after the decision is taken.

Administrative and operational decisions are decisions which relate to the day to day operation of the Council within budgets and policies set by the Cabinet and full Council and do not have a significant impact.

13.15 Access to documents by members of scrutiny committees

Members of scrutiny bodies have a right to copies of any documents in the possession of or controlled by the Cabinet that are relevant to business considered by the Cabinet or a committee of the Cabinet, decisions taken by members of the Cabinet or Executive decisions taken by officers except for exempt or confidential information (unless it

is relevant to something being scrutinised or in the scrutiny work programme).

If a member of a scrutiny body requests a document under this rule, the Cabinet must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after it receives the request.

Where the Cabinet determines that a member of a scrutiny body is not entitled to a copy of a document or part of a document it must provide the scrutiny body with a written statement setting out its reasons for that decision.

13.16 Extra rights of access to information for Councillors

- (a) All Councillors are entitled to inspect any document which is in the possession of or controlled by the Cabinet, the Council or one of their committees or sub-committees and contains material relating to any business to be transacted at a meeting unless:
 - (i) it contains exempt information falling within section 13.4(b)(i), 13.4(b)(iii), 13.4(b)(iv) and 13.4(b)(vi), or
 - (ii) it contains exempt information falling within Rule 13.4(b)(ii) above to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract.
- (b) The information described in (a) above will be available at least five clear working days before each meeting except where meetings are convened at shorter notice or items or reports are added to the agenda later, in which case it will be available as soon as the meeting is convened or the items or reports are added.
- (c) All Councillors are entitled to inspect any document which is in the possession of or controlled by the Cabinet and contains material relating to any decision taken by a member of the Cabinet or an officer undertaking an Executive function that is required to be published under section 13.14 unless:
 - (i) it contains exempt information falling within section 13.4(b)(i), 13.4(b)(iii), 13.4(b)(iv) and 13.4(b)(vi), or
 - (ii) it contains exempt information falling within Rule 13.4(b)(ii) above to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract.
- (d) The information described in (c) above will be available immediately after the decision has been taken.

Councillors have the right to seek information, explanation and advice which they may reasonably need in order to assist them in properly discharging their duties as a Member of the Council.

These rights are additional to any other rights Councillors have.

Chapter 14 BUDGET AND POLICY FRAMEWORK PROCEDURES

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14.1 Responsibilities for the budget and policy framework

Full Council sets the budget and policy framework and the Cabinet and officers must act within it.

The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of the Council's investments, the control of its capital expenditure and the setting of virement limits.

The policy framework comprises the following documents:

- Corporate Strategy;
- Crime and Disorder Reduction Strategy;
- Customer Service Strategy;
- Plans and strategies which together comprise the Development Plan, including Development Plan Documents;
- Medium Term Financial Strategy;
- Member Development Strategy.

14.2 Developing the budget and policy framework

(a) The forward plan will include details of any proposals affecting the budget and policy framework and will say what consultation there will be. The amount of consultation must reflect the importance of the proposal. Consultation must last at least four weeks and will include the opportunity for consultation with a scrutiny body.

(b) Any reports to the Cabinet must say what consultation there has been and what the results were. The Cabinet will consider the response to the consultation and draw up firm proposals to submit to full Council.

(c) The Cabinet's proposals will go to full Council as soon as possible.

(d) Full Council can:

- Accept the Cabinet's proposals

- Refer the proposals back to the Cabinet, or
 - Change the proposals, for example by adopting proposals of its own.
- (e) If full Council accepts the Cabinet's proposals without any changes, or the changes are accepted by the Leader, the decision will come into force immediately.
- (f) If full Council changes the Cabinet's proposals and the changes are not accepted by the Leader, it will be an in principle decision only.
- (g) The Leader will be given a copy of an in principle decision. The in principle decision will come into force unless the Leader objects in writing to the Head of Governance within five clear working days, giving reasons.
- (h) If the Leader objects to an in principle decision, full Council will meet again within 15 clear working days of the Leader's decision. The full Council meeting will be called by the Chief Executive who may also call an additional meeting of the Cabinet.
- (i) At the meeting, full Council can accept the Cabinet's proposals or change them. Full Council's decision will come into force immediately.
- (j) When full Council sets the budget, it may also say what changes can be made to documents and how much can be moved between cost centres. Any other changes must be made by full Council.

14.3 Decisions outside the budget or policy framework

- (a) The Cabinet, committees of the Cabinet, single Cabinet members and any officers carrying out executive responsibilities can only take decisions if they are
- in line with the budget and policy framework
 - allowed under 14.4 (urgent decisions)
 - allowed under the virement limits set out in the Financial Regulations in this Constitution and the Financial Procedure Rules maintained by the Chief Financial Officer.
 - necessary to obey the law or ministerial directions or government guidance.

Any other decisions must be recommended to full Council (see 14.2).

- (b) The Cabinet, committees of the Cabinet, single Cabinet members or officers carrying out executive responsibilities will seek the Monitoring Officer or Chief Finance Officer's advice if it is unclear whether proposals are in line with the budget and policy framework.

14.4 Urgent decisions outside the budget or policy framework

- (a) The Cabinet, committees of the Cabinet, single Cabinet members or officers carrying out executive responsibilities can take a decision that is outside the budget or policy framework if:

- it is urgent
- it is not practicable to arrange a full Council meeting
- the chair of the Scrutiny Commission agrees that the decision is urgent. (If the chair of the Scrutiny Commission is absent, the Mayor can agree that the decision is urgent. If the Mayor is absent, the Deputy Mayor can agree)
- if the Mayor is consulted under this procedure in the period between Borough Council elections and the Annual Council Meeting following those elections and the Mayor has not stood for re-election or has stood for re-election but not been elected, then the Mayor should be consulted in conjunction with the Chief Executive.

- (b) The record of the decision must say why it was not practicable to arrange a meeting of full Council. It must also say that the chair of the Scrutiny Commission (or Mayor or Deputy Mayor) agreed that the decision was urgent.

- (e) The decision must be reported to the next full Council meeting explaining the decision. This must say why the decision was taken, why it was urgent and why it was not practicable to arrange a meeting of full Council.

Chapter 15 PETITION SCHEME

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15.1 The Councils petition scheme

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. The originator of any petition will be sent an acknowledgement within 10 working days of the petition being received by the Council. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Petitions can be submitted in three ways:

(1) By sending a paper copy to:

Democratic Services
Charnwood Borough Council
Council Offices
Southfield Road
Loughborough
LE11 2TR

(2) By submitting an e.petition through this link on the Council's website;

<https://charnwood.moderngov.co.uk/mgEPetitionListDisplay.aspx?bcr=1>

The Council recognises that other online electronic petition facilities are available and will accept these where it can identify that the people signing the petition either live, work or study in the Borough and are of voting age (currently 18 years old) in English Local Authority elections.

(3) By asking your local ward councillor to submit the petition at a meeting of the full Council. Only ward members can submit a petition relevant to their ward. They cannot submit petitions on behalf of other ward members.

15.2 What are the guidelines for submitting a petition?

(a) Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take
- the name and address and signature of any person supporting the petition. Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the Council's website
- an indication of whether it is intended to be

An ordinary petition – a minimum of 100 signatures required (unless the petition is considered to be very local in nature – then a minimum of 20 signatures are required).

A petition holding an officer to account (you must specify the name of the officer) – a minimum of 2000 signatures

A petition forcing debate at a full Council meeting – a minimum of 3000 signatures required

People signing the petition must either live, work or study in the Borough and may not sign a petition more than once. Petition signatories should be of voting age (currently 18 years old) in English Local Authority elections, although there may be exceptional circumstances, where a separate, supplementary petition from those below voting age in English Local Authority elections will be accepted in support of the substantive petition.

(b) If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

15.3 Exemptions

(a) The Council reserves the right to reject petitions which:

- are not concerned with an issue which affects the Borough or do not raise matters over which the Authority has responsibility or has some influence;

- are defamatory, illegal, scurrilous, frivolous, offensive, out of order or relate to a specific licensing or planning application;
- relate to substantially the same issue / subject as a petition which has been received by the Authority in the last 12 months;
- apply to a planning or licensing application, is a statutory requirement (for example, requesting a referendum on having an elected mayor), or is on a matter where there is already an existing right of appeal, such as Council Tax banding and non-domestic rates, other procedures apply.

(b) If you wish to raise issues of possible Borough or Parish councillor misconduct under the Members' Code of Conduct then you should do this via the formal member complaint process. Details of how you can do this, the process and a complaint form are available on the Council's website at:
<http://www.charnwood.gov.uk/pages/makingacomplaintaboutacouncillor>.
 You can telephone the Monitoring Officer for advice on this process on 01509 634573.

(c) Duplicate petitions - if more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser but only the petition organiser of the first petition will be invited to address the meeting.

(d) If your petition is about something that a different council or other organisation is responsible for, the Council will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event, the Council will always notify you of what action has been taken.

(e) If the Council rejects a petition for any of these reasons, then we will notify you of the rejection and tell you the reasons why.

15.4 What will the Council do when it receives my petition?

(a) An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

(b) If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer being held to account, then the acknowledgment will confirm this and tell you when and where the

meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

- (c) To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate.

15.5 How will the Council respond to petitions?

- (a) Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Council's Cabinet or appropriate scrutiny committee
- writing to the petition organiser setting out our views about the request in the petition

- (b) If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. If this is the case, we will let you know. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you.

- (c) If your petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

(d) Full Council debates

If a petition contains more than 3000 signatures it will be debated by the full Council (unless it is a petition asking for a senior Council officer to give evidence at a public meeting). This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the

following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 30 minutes. The Cabinet lead member will lead the debate.

- (e) The Council will decide how to respond to the petition at this meeting. An officer report will accompany the petition and will outline the options open to the Council. If the Council has the power to take the action the petition requests it may choose to do so. If not, it may refer the matter to the Cabinet or appropriate committee for decision. Before it goes to the Cabinet/committee, the petition may be looked at by a scrutiny committee and the petition organiser may be invited to give evidence. The scrutiny committee's views will then be forwarded to the Cabinet/Committee for consideration along with the petition.
- (f) The petition organiser will receive written confirmation of the eventual decision. This confirmation will also be published on our website.

(g) Officer evidence

Your petition may ask for a senior Council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior Council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

- (h) If your petition is of this nature and contains at least 2000 signatures, the relevant senior officer will give evidence at a public meeting of the Council's relevant scrutiny committee. If you are unsure which senior officer is responsible for a particular service, please contact Democratic Services (telephone 01509 634781 or e-mail democracy@charnwood.gov.uk).
- (i) You should be aware that the scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant Cabinet lead member or committee chair to attend the meeting.

15.6 What can I do if I feel my petition has not been dealt with properly?

- (a) If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Scrutiny Commission review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short

explanation of the reasons why the Council's response is not considered to be adequate. Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.