



Part 4

Procedure Rules and Standing Orders

Procedures and Standing Orders

This part details procedures to be followed in respect of:

- The Budget and Policy Framework
- Executive Board
- Overview and Scrutiny
- Access to Information
- Officer Employment
- Standing Orders

Budget and Policy Framework Procedure Rules

1 The process

The Full Council is responsible for the adoption of the budget and policy framework. Any issue being considered by Council on the matters referred to in these procedure rules will be decided by a majority of the members of the Council present and voting thereon at the meeting of the Council (S39 (1) Schedule 12 Local Government Act 1972). Once a budget or a policy framework is in place, it will be the responsibility of the Executive Board to implement it.

2 Developing the budget and policy framework

The process by which the budget and policy framework will be developed is as follows:

The Executive Board will publicise a timetable for making proposals to the Council for the adoption of the budget and policy framework respectively and its arrangements for consultation.

In relation to proposals associated with the preparation of or alterations to the Development Plan the Executive Board in consultation with the Development Control Committee will develop draft proposals for the purpose of public consultation in accordance with regulations 10 to 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999. The draft consultation proposals will be submitted to Council for approval or amendment.

At the end of any consultation period, the Executive Board will draw up firm proposals for plans and the budget having regard to the responses to that consultation. Reports to Council will reflect the comments made by consultees and the Board's response.

3 Adoption of plans and strategies

The following requirements in paragraphs 3 and 4 derive from the The Local Authorities (Standing Orders) (England) Regulations 2001.

- (a) If the Council has objections to a plan or strategy it may not amend it, approve it for submission to a Government Department or adopt it until the Council has informed the Leader of its objections and allowed him/her time to respond. It may however make an in principle decision.
- (b) If the Council informs the Leader of an objection it shall also instruct the Executive Board to reconsider the draft plan or strategy and specify a date by which the Leader may submit a response to the Chief Executive. That date must be at least five working days from the date when the Leader receives the instruction to reconsider.
- (c) If the Leader does not make a response within the time specified then

the in principle decision takes effect automatically.

- (d) When the Executive Board reconsiders the plan it may:
 - (i) accept the Council's objections. In that case no further action is required.
 - (ii) make amendments to the draft plan or strategy. In that case the Leader must submit any revised draft to the Chief Executive for consideration by the Council together with the Executive Board's reasons for those amendments.
 - (iii) disagree with the Council's objections. In that case the Leader must inform the Chief Executive that the Executive Board disagrees with the Council's objections and explain why.
- (e) If the Leader submits a revised draft of the plan or strategy or if he/she informs the Chief Executive that the Executive Board disagrees with the Council's objections then a further Council meeting must be arranged within 14 working days. The Council must then consider the submissions made by the Leader on behalf of the Executive Board before adopting, amending or approving the plan or strategy.

4 Budget Proposals

- (a) If, before 8th February in any year:
 - (i) the Executive Board submits to the Council estimates as required by the Local Government Finance Act 1992 to enable the budget requirement and basic amount of its Council tax to be calculated; and
 - (ii) the Council objects to those estimates

the Council may not make amendments to those estimates until the Council has informed the Leader of its objections and allowed him/her time to respond. It may however make an in principle decision.

- (b) The procedures in paragraphs (b) to (e) above apply to objections to the budget in the same way that they apply to objections to plans and strategies.

5 Decisions outside the budget or policy framework

- (a) Any person or body exercising executive functions must normally act within the budget and policy framework.
- (b) Urgent decisions outside the budget or policy framework may be made in the circumstances described in paragraph 6.

- (c) Virement will be possible to the extent described in the Council's standing orders and Financial Regulations.
- (d) In any other circumstances if a person or body exercising executive functions wishes to make a decision which is outside the budget or policy framework, that decision may only be taken by the Council. It is the duty of the person or body who wishes to make the decision to refer it to Council.
- (e) If a person or body wishes to make a decision which appears to be outside the budget or policy framework they shall take advice from the Monitoring Officer and/or the Chief Finance officer. Those officers shall advise as to whether the proposed decision would in fact be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision except where the decision is a matter of urgency.

6 Urgent decisions outside the budget or policy framework

This procedure covers decisions contrary to the policy framework and contrary to or not wholly in accordance with the budget:

- (a) Any person or body discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - (i) if it is not practical to convene a quorate meeting of the full Council; and
 - (ii) if the Chair of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the agreement of the Chair of the Overview and Scrutiny Committee must be noted on the record of the decision. In the absence of the Chair of the Overview and Scrutiny Committee the consent of the Chair of a Review Panel whose terms of reference would allow it to scrutinise the proposed decision or in his or her absence the consent of the Lord Mayor is required.

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

7 Virement

The Council's standing orders and financial regulations set out procedures

relating to the scheme of virement.

8 In-year changes to policy framework

All decisions in relation to executive functions must be in line with the policy framework. Only the Council can change any policy or strategy which is part of the framework except that the Executive Board may make changes:

- (a) to give effect to a ministerial requirement in relation to any plan or strategy submitted to a Minister for approval; and/or
- (b) if so authorised by the Council when approving or adopting the plan or strategy.

9 Call-in of decisions outside the budget or policy framework

- (a) Where the Overview and Scrutiny Committee is of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- (b) In respect of functions which are Executive functions, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Executive Board with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Board must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Call-in Panel if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Call-in Panel may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 14 days of the request by the Overview and Scrutiny Call-in Panel. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
 - (i) endorse a decision or proposal of the decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council must be minuted and circulated to all councillors in the normal way;

or

- (ii) amend the Council's standing orders, financial regulations, budget or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council must be minuted and circulated to all councillors in the normal way;

or

- (iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing budget or framework to accommodate it, require the Executive Board to reconsider the matter in accordance with the advice of either the Monitoring Officer or Chief Finance Officer.

Executive Board Procedure Rules

1. How does the Executive Board operate?

1.1 Delegation

The Leader of the Council determines the Scheme of Delegation for the discharge of executive functions. The Leader may exercise any of the 'executive functions' of the Council personally, or may arrange for the exercise of any of the Council's executive functions by:

- (i) by the Executive Board as a whole;
- (ii) by a committee of the Executive Board;
- (iii) by an individual member of the Executive Board;
- (iv) by an officer;
- (v) by an area committee;
- (vi) through joint arrangements; or
- (vii) by another local authority.

At the Annual Meeting of the Council, or in an election year the next subsequent meeting, the Leader will present his/her written record of any delegations made by him/her for inclusion in the Council's scheme of delegation. Any such document presented by the Leader will contain the following information about Executive Board functions in relation to the coming year:-

- (i) the extent of any authority delegated to Executive Board members individually, including details of the limitation on their authority;
- (ii) the terms of reference and constitution of such Executive Board committees as the Leader appoints and the names of Executive Board members appointed to them;
- (iii) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those Executive Board members appointed to any joint committee for the coming year; and
- (iv) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.2 Sub-delegation of Executive Board functions

- (a) Where the Executive Board, a committee of the Executive Board or an individual member of the Executive Board is responsible for an executive function, they may delegate further to an area committee, joint arrangements or an officer, unless the Council otherwise directs.
- (b) The delegation of functions does not prevent the discharge of those functions by the person or body who delegated them or the Leader.

1.3 Scheme of Executive Delegation

- (i) The Leader may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Deputy Chief Executive/Corporate Director for Resources and to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee, Executive Board or the Executive Board Commissioning Sub-Committee as a whole. The Deputy Chief Executive/Corporate Director for Resources will, for information, present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (i) Where the Leader seeks to withdraw an executive delegation from a committee or an Officer, reasonable notice will be given and will be deemed to be served on that committee or officer when he/she has served it on the Deputy Chief Executive/Corporate Director for Resources.

2 How are Executive Board meetings conducted?

2.1 Executive Board meetings – when and where?

The Executive Board will normally meet at least once per month at Loxley House at times to be agreed by the Leader.

2.2 Public or private meetings of the Executive Board?

The Executive Board will meet in public except when considering information of an exempt or confidential nature.

2.3 Quorum

The quorum for a meeting of the Executive Board, or a committee of it, shall be 3.

2.4 How are decisions to be taken by the Executive Board?

- (a) Executive decisions which have been delegated to the Executive Board as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Section 4 of this Part.
- (b) Where Executive decisions are delegated to a committee of the Executive Board, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Executive Board as a whole.
- (c) Decisions shall be taken by a majority of those present and voting. If there is an equality of votes at a meeting of the Executive Board or one of its Committees, the person presiding shall have a second or casting vote.

2.5 Who presides?

The Leader, or in his/her absence the Deputy Leader, presides. In the absence of both, the Board shall appoint one of its members to preside.

2.6 Who may attend?

Meetings will be open to the public except where confidential or exempt information as defined in the Local Government Act 1972 is being discussed.

2.7 What business?

At each meeting of the Executive Board the following business, to be in accordance with the Forward Plan, will be conducted:

- (i) declarations of interests, if any;
- (ii) consideration of the minutes of the last meeting;
- (iii) consideration of Executive Board member reports and reports of Corporate Directors as indicated in the agenda for the meeting. The reports shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out later in this Part of the Constitution;
- (iv) corporate issues set out in the agenda for the meeting indicating which are key decisions and which are not in accordance with the Access to Information Procedure rules set out later in this Part of the Constitution;
- (v) matters referred to the Executive Board;
- (vi) matters set out in the agenda for the meeting which, in the opinion of the Deputy Chief Executive/Corporate Director of Resources, are likely to be considered in the absence of the press and public.

2.8 Consultation

All reports to the Executive Board from any member of the Executive Board or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with Overview and Scrutiny and others, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.9 Who can put items on the Executive Board agenda?

Items will be included in the agenda of the Executive Board in accordance with the Councillor/officer protocol in Part 6 of the constitution.

Non-Executive members can address the Executive Board on matters specifically relevant to their ward in agreement with the Leader of the Council.

3. How are Leader's Key Decisions taken?

3.1 When and where?

The Leader will take Key Decisions as and when it is required but in accordance with these rules.

3.2 Access to agenda and reports before the meeting

Executive key decisions which are to be taken by the Leader will be taken at a meeting convened in accordance with the Access to Information Rules in Section 4 of this Part.

3.3 The Council will make available copies of the

- (a) agenda for the meeting; and
- (b) reports relating to items being recommended for decision.

3.4 Who may attend?

Leader's key decision meetings will be open to the public except where confidential or exempt information as defined in the Local Government Act 1972 is being discussed.

3.5 Order of business

At the Leader's Key Decision meeting the following business, to be in accordance with the Forward Plan of Key Decisions, will be conducted:

- (a) declarations of interests, if any;
- (b) consideration of Leaders items being recommended for decision at the meeting

3.6 Access to records of the decision etc after the meeting

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

- (a) records of decisions taken, together with all reasons, for all meetings and for all decisions excluding any part of the record not open to the public or which discloses exempt or confidential information;
- (b) the agenda for the meeting; and
- (c) reports relating to items being recommended for decision at the meeting.

Overview and Scrutiny Procedure Rules

1 Arrangements for Overview and Scrutiny bodies

The Council appoints the Overview and Scrutiny Committee which appoints sub-committees - the Health Scrutiny Panel, the Call-in Panel and Scrutiny Review Panels. The Council appoints 8 City councillors to the City and County Joint Health Scrutiny Committee.

2 Terms of Reference

The terms of reference of the Overview and Scrutiny Committee, Panels and the City and

County Joint Health Scrutiny Committee are set out in Part 2.

3 Who may sit on the Committees and Panels?

All councillors except members of the Executive Board may be members of the Committees and Panels. However, no member may be involved in scrutinising a decision in which he/she has been directly involved. Membership is set out in Part 2.

There is a statutory requirement to co-opt a representative of the Church of England Diocese (if the Council maintains one or more Church of England schools), Roman Catholic Diocese (if the Council maintains one or more Roman Catholic schools) and parent governor representatives for scrutiny of education issues. These statutory co-opted members have voting rights in relation to education issues. In addition, overview and scrutiny can appoint additional non-statutory co-opted members to be members of committees and/ or panels and can choose to give them voting rights, in accordance with the Local Government Act 2003.

4 Meetings of the Committees and Panels

There must be at least 3 meetings of the Overview and Scrutiny Committee each year and at least 2 meetings of the City and County Joint Health Scrutiny Committee. In addition, meetings may be called from time to time as and when appropriate by the Chair of the Committees and by the Deputy Chief Executive/Director of Corporate Resources.

5 Quorum

The quorum for meetings of the Overview and Scrutiny Committee and Health Scrutiny Panel shall be 3, and the quorum for all Scrutiny Review Panels shall be 2.

6 Who chairs Committees and Panel meetings?

The Chairs of Panels are appointed by the Overview and Scrutiny Committee and will be members of the Committee. The allocation of Chairs of Panels between political groups will be determined on a year by year basis. The Chair of the Health Scrutiny Panel will also be the Chair of the City and County Joint Health Scrutiny Committee.

7 Work programme

The Overview and Scrutiny Committee will draw up an annual work programme after consultation with all Councillors and/or political groups, citizens, partners, the Executive and Corporate Directors / Directors and will commission scrutiny activity via Panels in line with that programme. The Overview and Scrutiny Committee will ensure that the work programme is focused, efficient adds value and has impact and will review progress on a regular basis.

8 Agenda items

(a) Any member of the Overview and Scrutiny Committee or a Panel may give notice

to the Deputy Chief Executive/Corporate Director of Resources that he/she wishes an item relevant to the functions of the Committee or Panel to be included on its agenda. On receipt of such a request the Deputy Chief Executive/Corporate Director of Resources will ensure that it is included on the next available agenda.

- (b) In accordance with ~~the Localism Act 2011 section 119 of the Local Government and Public Involvement in Health Act 2007~~ any member of the authority may refer to the Overview and Scrutiny Committee any ~~local government~~ matter relevant to the functions of the Committee and which is not an excluded matter.

In accordance with section 19 of the Police and Justice Act 2006 as amended by section 126 of the Local Government and Public Involvement in Health Act 2007 any member of the authority may refer to the Overview and Scrutiny Committee (the Council's designated crime and disorder committee) any local 'crime and disorder matter'. It is then up to the Committee to decide whether to exercise its power in relation to such matters, known as 'Councillor Calls for Action'. (More details are set out in paragraph 16 below).

9 Roles of the Committees and Panels

The roles are set out in Part 2.

10 Consideration of Reports

- (a) The Committee or Panel is empowered to make reports or recommendations to the Council and to the Executive with respect to any of the functions of the Council and the Executive and on any matters which affect the Council's area or its inhabitants (section 21 Local Government Act 2000).
- (b) Once it has formed recommendations on a matter, the Committee or Panel will prepare a formal report and identify whether the report, or recommendations within the report, should be referred for consideration to an Executive Board Member, the Executive Board and/or to Council, or to an outside organisation.
- (c) If the Committee or a Panel cannot agree on one single final report, then up to one minority report may be prepared and submitted for consideration with the majority report.
- (d) In accordance with section 122 of the Local Government and Public Involvement in Health Act 2007, the Overview and Scrutiny Committee or a Panel may make reports and recommendations to the Executive or Council and must require them in writing to:
- (i) consider the report or recommendations;
 - (ii) respond to the Committee or Panel on what action is to be taken, if any;
 - (iii) if the report has been published, to publish the response;
 - (iv) to undertake the above within two months of receipt of the report or recommendations.

11 Rights of Board and Panel members to documents

In addition to their rights as councillors, members of the Overview and Scrutiny Committee and Panels have the additional rights to documents, and to notice of meetings, as set out in the Access to Information Procedure Rules later in this Part.

12 Councillors and officers giving account

- (a) The Overview and Scrutiny Committee and Panels may, within their terms of reference, scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role they may require any member of the Executive Board, the Chief Executive and/or any Corporate Director or Service Director to attend before them to explain in relation to matters within their remit:

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

and it is the duty of those persons to attend if so required. (S.21 (14) Local Government Act 2000).

- (b) Where any Councillor or officer is required to attend a Committee or Panel under this provision, the Chair of that Committee or Panel will inform the Deputy Chief Executive/Corporate Director of Resources. The Deputy Chief Executive/Corporate Director of Resources will inform the Councillor or officer in writing giving at least ten working days notice of the meeting which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee or Panel. Where the account to be given to the Committee or Panel will require the production of a report, the Councillor or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the Councillor or officer is unable to attend on the required date, the Committee or Panel will in consultation with the Councillor or officer, arrange an alternative date for attendance.

13 Attendance by others

The Committee or a Panel may invite people other than those people referred to in paragraph 12 above to address it, discuss issues of local concern and/or answer questions.

Section 244 of the consolidated NHS Act 2006 (which replaced Sections 7 and 8 of the Health and Social Care Act 2001) requires NHS bodies to provide information to overview and scrutiny committees and NHS officers to attend meetings of overview and scrutiny committees to answer questions. NHS bodies are also required to respond to recommendations made by overview and scrutiny committees and must consult with

relevant overview and scrutiny committees about proposals for substantial service changes.

Section 19 of the Police and Justice Act 2006 enables a designated overview and scrutiny committee to review and scrutinise matters in connection with the discharge by the responsible authorities of their crime and disorder functions and to requires relevant officers to attend meetings of the committee and to respond to recommendations.

The Flood and Water Management Act 2010 enables overview and scrutiny to review and scrutinise flood risk management authorities with regard to the exercise of their flood risk management functions. Flood risk management authorities have a duty to comply with requests for information or responses to reports from overview and scrutiny. Risk management authorities must also have regard to reports and recommendations of overview and scrutiny.

14 Call-in

- (a) The call-in procedure applies to any Executive decision except:
- a decision which has already been implemented;
 - a decision made under the urgency procedure set out below;
 - day to day management and operational decisions by officers;
 - a decision which is essentially the same as a previously called-in decision.
- (b) All decisions of:
- the Executive Board;
 - an individual member of the Executive Board;
 - a Committee of the Executive Board;
- shall be published and made available at Loxley House, normally within two working days of being made.
- (c) Within five working days of publication of an executive decision, three councillors may request reconsideration of that decision (call-in). The request must:
- be in writing;
 - be signed by the councillors concerned;
 - be based on one or more of the following reasons, details of which should be given:
 - decision outside the policy/budgetary framework;
 - inadequate consultation relating to the decision;
 - relevant information not considered;
 - viable alternatives not considered;
 - justification for the decision open to challenge on the basis of evidence considered;
- (d) The Head of Democratic Services shall be responsible for assessing the validity of call-ins, in consultation with the Head of Legal Services in cases of doubt, and where doubt remains, with the Director for Legal and Democratic Services.
- (e) The Call-in Panel shall be responsible for determining whether a call-in be referred

back to the decision maker or, in certain cases, to Council.

- (f) Within seven working days after the day of receipt of a request the Call-in Panel will meet to consider the request.
- (g) Implementation of the decision is suspended until the call-in request is determined by the Call-in Panel.
- (h) The decision-maker will re-consider the decision (if so requested) and give reasons for the (re-considered) decision at the next meeting of the Call-in Panel.

15 Call-in and urgency

The call-in procedure set out above does not apply where the decision taken is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision making person or body, the decision is an urgent one and therefore not subject to call-in. The Chair of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and that it should be treated as a matter of urgency. In the absence of the Chair, the Vice-Chair's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

16 Councillor Call for Action

The Councillor Call for Action (CCfA) provides councillors with an additional method of resolving issues of concern in their local areas, providing he or she has exhausted all other means of resolving the issue locally.

Any member of the authority can refer a matter to the Overview and Scrutiny Committee which is relevant to the functions of the Committee in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007. CCfAs will relate to services for which the authority is responsible, i.e. 'any local government matter' except an 'excluded matter'. This is known as a CCFA. An 'excluded matter' is one which either :

- (a) is a local crime and disorder matter (see below) or
- (b) relates to a licensing or planning decision or
- (c) relates to an individual or body who has a statutory right of recourse to a review or a right of appeal or
- (d) is vexatious, discriminatory or not reasonable.

In accordance with section 19 of the Police and Justice Act 2006 as amended by section 126 of the Local Government and Public Involvement in Health Act 2007 CCfAs will relate to any matter concerning crime and disorder (including anti social behaviour), or the misuse of drugs, alcohol or other substances, which affects all or part of the relevant councillor's ward or any person living or working there.

Once a matter (other than an 'excluded matter') is referred to the Overview and Scrutiny Committee under the CCfA process, the Committee must decide whether to exercise its powers to review or scrutinise any decision made, or action taken, in respect of the matter and/or to make a report or recommendation to the Council or Executive with respect to it. If the Committee decides not to exercise any of those powers, then it must give its reasons for not doing so to the councillor who made the CCfA.

17 Procedure at Committee/Panel meetings

- (a) The Committee/Panel shall consider the following business:
- (i) declarations of interests
 - (ii) minutes of the last meeting;
 - (iii) consideration of any matter referred to the committee under the call-in procedure;
 - (iv) the business otherwise set out on the agenda for the meeting.
- (b) Where the Committee/Panel conducts investigations they may ask people to attend to give evidence at meetings, which are to be conducted in accordance with the following principles:
- (i) that the investigation is conducted fairly and all members of the Committee or Panel are given the opportunity to ask questions and to contribute and speak;
 - (ii) that those assisting the Committee or Panel by giving evidence are treated with respect and courtesy; and
 - (iii) that the investigation adheres to the scope, purpose and intended time limit of the review, so as to maximise the efficiency and impact of the scrutiny process. Any new lines of investigation outside the scope of the original review would need to be prioritised and/or commissioned by the Overview and Scrutiny Committee within its current or future work programme.
- (c) Following any investigation or review, the Committee or Panel shall prepare a report for presentation to a portfolio holder, submission to the Executive Board, Council and/or an outside organisation as appropriate and shall make its report and findings public. The Committee/Panel shall endeavour to reach consensus whenever possible.
- N.B. More detailed information on the operation of overview and scrutiny is available from the Overview and Scrutiny Team (tel: 0115 8764313/5).

Access to Information Procedure Rules

1 Scope

These rules apply to all meetings of the Council, the Executive Board, the Overview and Scrutiny Committees, the Standards Committee, Regulatory Committees and Area

Committees (together called meetings).

2 Additional rights to information

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

3 Rights to attend meetings

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

4 Notices of meetings

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Council House, Old Market Square, Nottingham, Loxley House, Station Street, and at the venue for the meeting if elsewhere. Clear days do not include the day on which the notice of the meeting is given or the day of the meeting itself.

5 Access to agenda and reports before the meeting

The Council will make copies of the agenda and reports open to the public available for inspection at Loxley House at least five clear days before the meeting. Clear days do not include the day on which the agenda is published or the day of the meeting itself. Where reports open to the public are prepared after the summons has been sent out, the Deputy Chief Executive/Corporate Director of Resources shall make each such report available to the public as soon as the report is completed and sent to councillors.

6 Supply of copies

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of those items; and
- (c) if the Deputy Chief Executive/Corporate Director of Resources thinks fit, copies of any other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs.

7 Access to minutes etc after the meeting

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

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings and for all decisions of Executive Board members, excluding any part of the minutes or records when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to

inspection would not provide a reasonably fair and coherent record;

- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8 Background papers

8.1 List of background papers

The originator of a report will set out in the report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but excluding published works or those which disclose exempt or confidential information (as defined in Rule 9) or the advice of a political adviser.

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9 Exclusion of access by the public to meetings

9.1 Confidential information - requirement to exclude public

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

9.2 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order or other legal provision.

9.3 Exempt information - discretion to exclude public

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

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

9.4 Meaning of exempt information

Exempt information means information falling within the following 7 categories (subject to the qualifications and definitions indicated). All categories are subject to a Public Interest Test in that exemption is possible if, and only so long as, the public interest in maintaining an exemption outweighs the public interest in disclosing the information.

<u>CATEGORY</u>	<u>QUALIFICATIONS/DEFINITIONS</u>
1. Information relating to any individual.	
2. Information which is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information is not exempt information if it is required to be registered under:</p> <ul style="list-style-type: none">(a) the Companies Act 1985;(b) the Friendly Societies Act 1974;(c) the Friendly Societies Act 1992;(d) the Industrial and Provident Societies Acts 1965 to 1978;(e) the Building Societies Act 1986; or(f) the Charities Act 1993 <p>Information is not exempt if it relates to proposed development for which the Local Planning Authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992.</p> <p>‘financial or business affairs’ includes contemplated, as well as past or current, activities</p> <p>‘registered’ in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file of any building society (within the meaning of that Act)</p>
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister	<p>‘employee’ means a person employed under a contract of service</p> <p>‘labour relations matter’ means:</p> <ul style="list-style-type: none">(a) any of the matters specified in

of the Crown and employees of, or office holders under, the authority.

paragraphs (a) to (g) of section 218 (1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or

(e) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

'office-holder', in relation to the authority, means the holder of any paid office, appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.

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

6. Information which reveals that the authority proposes to give under any enactment:

(a) 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.

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

7A Information which is subject to any obligation of confidentiality. Applies to Standards Committee only.

7B Information which relates in any way Applies to Standards Committee only.

to matters concerning national security.

- 7C The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act. Applies to Standards Committee only.

10 Exclusion of access by the public to reports

If the Deputy Chief Executive/Corporate Director of Resources thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 9, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

11 Application of rules to the Executive

Rules 12-20 apply only to the Executive Board and to any committees it may establish. If the Executive Board or its committees meet to take a key decision then they must also comply with Rules 1-10 unless Rule 14 (general exception) or Rule 15 (special urgency) apply. A key decision is as defined in Part 2 of the Constitution.

If the Executive Board or its committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the Forward Plan by which it is to be decided, then they must also comply with Rules 1-10 unless Rule 14 (general exception) or Rule 15 (special urgency) apply. This requirement does not apply to meetings whose sole purpose is for officers to brief members.

The above is the legal position on public access. Nottingham City Council has decided, however, as a matter of local choice, that the Executive Board will be bound by Rules 1 to 10 in all cases.

12 Procedure before taking key decisions

A key decision may not normally be taken unless:

- (a) a Forward Plan has been published including the matter in question;
- (b) at least five working days have elapsed since the publication of the Forward Plan; and
- (c) where the decision is to be taken at a meeting of the Executive Board or its

committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

Exceptions to this general rule are contained in Rules 14 and 15.

13 The Forward Plan

13.1 Period of Forward Plan

The Forward Plan will contain matters which the leader considers will be subject of a key decision during the period covered by the plan. It will include the following particulars insofar as the information is available or might reasonably be obtained:

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

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

- (a) that key decisions are to be taken on behalf of the Council;
- (b) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the plan will contain details of the key decisions to be made for the four month period following its publication;
- (d) that each plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- (e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;

- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (i) the dates on each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.

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

14 General Exception

If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 15 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
- (b) the Deputy Chief Executive/Corporate Director of Resources has informed the Chair of the Overview and Scrutiny Committee, and minority groups' spokespersons by notice in writing of the matter about which the decision is to be made;
- (c) the Deputy Chief Executive/Corporate Director of Resources has made copies of that notice available to the public at the offices of the Council; and
- (d) at least five clear days have elapsed since the Deputy Chief Executive/Corporate Director of Resources complied with (b) and (c).

15 Special urgency

If, by virtue of the date by which a decision must be taken Rule 14 (general exception) cannot be followed, the decision may be taken, if the Chair of the body making the decision, obtains the agreement of the Chair of the Overview and Scrutiny Committee or in his/her absence the Lord Mayor that the taking of the decision cannot be reasonably deferred. If the Chair of the Overview and Scrutiny Committee or Lord Mayor is unable to act, then the agreement of the Leader or, in his/her absence, the Deputy Leader will suffice.

16 Reports to Council

16.1 When the Overview and Scrutiny Committee can require a report

If any of the above with terms of reference relevant to the issue concerned, considers that a key decision has been taken which was not:

- (a) included in the Forward Plan; or
- (b) the subject of the general exception procedure; or
- (c) the subject of a “special urgency” agreement under Rule 15

the Commissioning Board may require the Executive Board to submit a report to the Council within such reasonable time as the committee specifies.

16.2 Executive Board report to Council

The Executive Board will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 10 days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the leader is of the opinion that it was not a key decision the reasons for that opinion.

16.3 Quarterly reports on special urgency decisions

The Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 15 (special urgency) in the preceding three months. The report will include a summary of the decisions taken.

17 Record of decisions

After any meeting of the Executive Board or any of its committees, whether held in public or private, the proper officer or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include:

- (a) a statement of the reasons for each decision;
- (b) any alternative options considered and rejected at that meeting;
- (c) a note of any conflict of interest declared and of any dispensation granted by the Standards Committee.

18 Decisions by individual members of the Executive

18.1 Reports intended to be taken into account

Where an individual member of the Executive Board receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least 3 clear days after receipt of that report. **(The Constitution permits the Leader to take Key Decisions but does not authorise individual members to take key decisions).**

18.2 Provision of copies of reports to Overview and Scrutiny Committee

On the giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair and to the minority groups' spokespersons as soon as reasonably practicable, and make it publicly available at the same time.

18.3 Record of individual decision

As soon as reasonably practicable after an Executive decision has been taken by an individual member of the Executive he/she will prepare a record of the decision, including the matters specified in Rule 17. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Executive Board. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

19 Overview and Scrutiny Committee/Panels

19.1 Rights to copies

Subject to Rule 19.2, the above will be entitled to copies of any document which is in the possession or control of the Executive Board and which contains material relating to:

- (a) any business transacted at a public or private meeting of the Executive;
- (b) any decision taken by an individual member of the Executive or key decision taken by an officer **(The Constitution permits the Leader to take Key Decisions but does not authorise individual members to take key decisions).**

19.2 Limit on rights

The Overview and Scrutiny Committee and Panels will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or which is included in their work programme;
- (c) the advice of a political adviser. (Political adviser here means a person appointed under section 9 of the Local Government and Housing Act 1989 – i.e. for a term of office not greater than the term of office of the current Council, and subject to a number of other conditions).

20 Additional rights of access for Councillors

20.1 Material relating to previous business

All Councillors will be entitled to inspect any document which is in the possession or under the control of the Executive Board or its committees and contains material relating to any business previously transacted at any private meeting unless either (a) or (b) below applies.

- (a) it contains exempt information falling within paragraphs 1, 2, 4, 5 and 7 of the categories of exempt information and paragraph 3 (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); or
- (b) contains the advice of a political adviser.

20.2 Material relating to key decisions

All members of the Council are entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Executive Board or its committees which relates to any key decision unless paragraph 20.1(a) or (b) above applies.

Officer Employment Procedure Rules (Standing Orders on Employment Matters)

1 General Human Resource Management

- 1.1. The Chief Executive has overall corporate management and operational responsibility, including overall management responsibility for all staff (save as

otherwise provided in these rules). This includes the function of appointment, dismissal and disciplinary action.

- 1.2 Corporate Directors have delegated powers on human resource matters within their Directorates but must take decisions subject to relevant national and local conditions of service and policies of the Council. Before any decisions relating to remuneration and benefits which are outside the Council's established policies, are approved by the relevant Corporate Director or Deputy Chief Executive, written approval must be obtained from the Director of Human Resources.
- 1.3 Save as provided in these rules, Corporate Directors may delegate their powers and responsibilities to appropriate Directors and Managers.

2 Officer Appointments

Appointment of Chief Executive and Corporate Directors

- 2.1. The Appointments and Conditions of Service Committee is responsible for undertaking the appointment process for the Chief Executive, Deputy Chief Executive and Corporate Directors and for making recommendations to full Council having ascertained the views of the Executive Board in accordance with Local Authority (Standing Orders) (England) Regulations 2001.

In such cases, the Director of Human Resources and Organisational Transformation will ensure that:

- (i) a job description and person specification is drawn up that specifies the duties of the officer concerned and qualifications or qualities to be sought in the person to be appointed;
- (ii) arrangements are made for the post to be advertised in such a way as it is likely to bring it to the attention of persons who are qualified to apply for it;
- (iii) the job description, person specification and relevant information regarding Nottingham, the City Council and the role are sent to any person on request;
- (iv) the Appointments and Conditions of Service Committee (or a politically balanced panel appointed by it) undertakes the recruitment process at the long listing, shortlisting and the Committee undertakes the final interview stages;
- (v) the views of the Executive Board are sought (in accordance with Local Authority (Standing Orders) (England) Regulations 2001. In particular, the Director of Human Resources will notify every member of the Executive Board of the name of the prospective appointee, of any other particulars which are relevant to the appointment and the period of time within which any objection to the making of the offer is to be made by the Leader of the Executive Board on behalf of himself/herself and the Executive Board. This must be done before an offer of appointment is made.
- (vi) a recommendation for the identified appointment is drafted on behalf of the Appointments and Conditions of Service Committee and submitted to full Council.

The full Council may approve the appointment of the Chief Executive, Deputy Chief Executive and Corporate Directors, only where no material or well-founded objection has been made by the Leader on behalf of himself/herself or another member of the Executive Board within the time period set down by the Director of Human Resources.

Appointment of Directors

- 2.2 Power is delegated to the Chief Executive, Deputy Chief Executive or Corporate Director nominated by the Chief Executive for the appointment of Directors in consultation with elected councillors through a politically balanced interview panel consisting of five members. The views of the Executive Board must be obtained before an offer of appointment is made, in accordance with the Local Authority (Standing Orders) (England) Regulations 2001.

The appointment may be approved only where the appointer is satisfied no material or well founded objection has been made by the Leader on behalf of himself/herself or another member of the Executive Board.

- 2.3 The Chief Executive, Deputy Chief Executive, or nominated Corporate Director will convene a politically balanced interview panel consisting of five elected members. Included in the Panel should be:

- the relevant portfolio holder, or substitute
- a member of the Executive Board
- a member of the majority group
- two opposition members

- 2.4 The Chief Executive, Deputy Chief Executive or Corporate Director nominated by the Chief Executive, will chair the interview panel and make the decision as to the appointment, in consultation with members and in accordance with the Local Authority (Standing Orders) (England) Regulations 2001. In particular, the Director of Human Resources will notify every member of the Executive Board of the name of the prospective appointee, of any other particulars which are relevant to the appointment and the period of time within which any objection to the making of the offer is to be made by the Leader of the Executive Board on behalf of him/herself and the Executive Board. This must be done before an offer of appointment is made.

- 2.5 The appointment may be approved only where the appointer is satisfied no material or well founded objection has been made by the Leader on behalf of himself/herself or another member of the Executive Board.

- 2.6 Officer appointments below Director (second tier) are the responsibility of relevant Corporate Directors, under delegated powers as set out in 1.2. and 1.3 above.

3. Voluntary Severance

- 3.1 The Appointments and Conditions of Service Committee determines redundancies, ill health retirements, flexible retirements and terminations of employment by

mutual agreement on grounds of business efficiency, under the 85 year rule, in the interests of the efficient exercise of the Council's functions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 ('the DCR') and any exercise of discretions to increase total LGPS membership and award additional LGPS membership for the Chief Executive, Deputy Chief Executive, Corporate Directors and Directors subject in the event of a proposed dismissal to relevant notification to the proper officer, and the Executive and relevant consultation with nominated elected members and relevant approval as specified in these Rules.

- 3.2 The Appointments and Conditions of Service Committee determines flexible retirements and terminations of employment by mutual agreement on the grounds of business efficiency, terminations of employment under the 85 year rule, in the interests of the efficient exercise of the Council's functions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 ('the DCR') and any exercise of discretions to increase total LGPS membership and award additional LGPS membership for any employee who is part of the Senior Leadership Management Group below the level of Director. The Committee also determines terminations of employment by mutual agreement on the grounds of business efficiency under the DCR for employees where any proposed compensation payment is in excess of £30,000. Any other termination of employment of an employee below the level of Director (including redundancies) shall be determined by the Chief Executive or such employee as nominated by the Chief Executive.
- 3.3 In the exercise of their functions under paragraphs 3.1 and 3.2 above, the Appointments and Conditions of Service Committee and the Chief Executive (and such persons as nominated by the Chief Executive) should make decisions in accordance with and within the terms of the Council's policies under:
- (i) the Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007, the Local Government Pension Scheme (Transitional Provisions) Regulations 2008 and Local Government Pension Scheme (Administration) Regulations 2008; and
 - (ii) the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006).

4 Disciplinary Action and Dismissal

- 4.1 For the avoidance of doubt, "disciplinary action" in relation to a member of staff of a local authority means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill health or infirmity of mind or body but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract.
- 4.2 The Chief Executive is responsible for the dismissal and taking of disciplinary

action against the Deputy Chief Executive and Corporate Directors. Either the Chief Executive, Deputy Chief Executive or Corporate Director nominated by the Chief Executive is responsible for the dismissal and taking of disciplinary action against Directors. In all cases, nominated Members must have been consulted before any formal action is taken.

Before notice of dismissal is given the views of the Executive Board must be obtained in accordance with Local Authority (Standing Orders) (England) Regulations 2001. In particular, the Chief Executive, Deputy Chief Executive or nominated Corporate Director will notify every member of the Executive Board of the name of the person who it is proposed should be dismissed, provide any details relevant to the dismissal and the period of time within which any objection to the dismissal is to be made by the Leader of the Executive Board on behalf of himself/herself and the Executive Board. The dismissal may only proceed where the Chief Executive is satisfied that no material or well founded objection has been made by the Leader on behalf of himself/herself or another member of the Executive Board.

The Chief Executive is also responsible for taking other disciplinary action against Corporate Directors and either the Chief Executive or Corporate Director nominated by the Chief Executive is responsible for taking other disciplinary action against Directors, having consulted the nominated Members before any formal action is taken.

- 4.3 The majority and opposition group(s) will each nominate one Elected Member who will be kept informed and consulted in matters relating to potential formal disciplinary and/or capability issues concerning the Chief Executive, Deputy Chief Executive and Corporate Director of Resources and Corporate Directors.

Such nominations are submitted to the Deputy Chief Executive/ Corporate Director of Resources on an annual basis.

- 4.4 Where disciplinary or capability issues are identified concerning the Chief Executive, involving invoking a formal procedure where there is a likelihood of considering suspension or dismissal, the Leader of the Council should brief the nominated Elected Members (as set out above) and the Director of People and Transformation before any action is taken.

The full Council may approve the dismissal of the Chief Executive, only where no material or well founded objection has been made by the Leader on behalf of himself/herself or another member of the Executive Board.

Before notice of dismissal is given the views of the Executive Board must be obtained in accordance with the Local Authority (Standing Orders) (England) Regulations 2001(as set out above in 4.2). The full Council may only approve the dismissal of the Chief Executive, following a recommendation by the Appointments and Conditions of Service Committee.

- 4.5 Where there are proposals for the Chief Executive, Deputy Chief Executive/Corporate Director of Resources, Corporate Directors or Directors to

leave the employment of the Council on terms which include compensation, such proposals must be subject to consultation with the nominated Elected Members (as set out above) and a report (for approval) submitted to the next meeting of the Appointments and Conditions of Service Committee and only where no material or well founded objection has been made by the Leader on behalf of him/herself or another member of the Executive Board.

4.6 Where there are proposals for Corporate Directors or Directors to be transferred or temporarily seconded to manage other directorates or divisions, nominated Elected Members (as set out above) should be informed before the arrangements are agreed.

4.7 Disciplinary action of officers below Director (second tier) is the responsibility of relevant Corporate Directors, under delegated powers, as set out in paragraph 1.2 with the exception of any assistants to political groups.

5. Assistants to political groups

Appointments, disciplinary action and dismissals of an assistant to a political group must be made in accordance with the wishes of that political group and the relevant statutory requirements.

6. Additional provision in respect of disciplinary action affecting the Head of Paid Service, the Chief Finance Officer, and the Monitoring Officer

6.1 Save for action described in paragraph 6.2 below, no disciplinary action in respect of the Head of the Council's Paid Service, its Monitoring Officer or its Chief Finance Officer, except action described in paragraph 5.2 below may be taken by the Council, or by a committee, a sub-committee, a joint committee on which the Council is represented or any other person acting on behalf of the Council, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authority (Standing Orders) (England) Regulations 2001 (Investigation of alleged misconduct).

6.2 The action mentioned in paragraph 6.1 above is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect (save where otherwise directed by a designated independent person).

7. Settlement of Employment Cases

7.1 Corporate Directors have the authority to agree offers of settlement in Employment Tribunal cases, subject to agreement in advance by:

- the Director of People and Transformation in respect of settlements up to £14,999;
- the Chief Executive in respect of offers of £15,000 or more.

7.2 The Director of People and Transformation has the authority to settle equal pay

claims subject to reports of Tribunal outcomes, together with settlements (whether the case reached Tribunal or not) being made to the Portfolio Holder for Employment and Skills, the Chair of the Appointments and Conditions of Service Committee and the Deputy Leader.

Standing Orders

Full Council

Despatch of Council summons and accompanying reports

- 1 The summons to attend a meeting of the Council and all reports referred to in the summons shall be sent to Councillors at least 5 clear days before the meeting concerned.

Submission of motions and questions by Councillors

- 2 (a) Motions must be in writing, signed by the mover, and received by the Deputy Chief Executive/Corporate Director for Resources 2 clear days prior to the day for posting the summons for the meeting. No motion will be inserted in the summons for any meeting of the Council, unless it is received by this deadline.
- (b) Questions must be in writing, signed by the questioner, and must be received by the Deputy Chief Executive/Corporate Director for Resources by 10.00 am on the working day before the meeting of the Council at which they are to be asked, together with a statement indicating which questions are for oral answer in accordance with standing order 4(e). Following the response to an oral question a maximum of 3 supplementary questions may be asked by any Councillor (the original questioner has the right to ask one supplementary question within the 3 supplementaries), but they must relate directly to the initial question. Any decision as to the direct relationship of the supplementary questions to the original question shall be made by the Lord Mayor (or in their absence the Sheriff or Chair) whose decision shall be final. Other questions will receive a written answer which will be provided to all Councillors within 5 working days of the meeting concerned. A list of all questions will be made available to all Councillors prior to the meeting.

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- N.B. Meetings of the Council, other than Extraordinary meetings, are normally fixed at the Annual Meeting and are usually held on a Monday. In order to comply with Standing Order 1, the Council summons is normally posted to Councillors on the Thursday of the second week before the meeting. Motions should therefore be received by the Monday of that week.

Submission of petitions and questions by citizens

- 3 That 30 minutes be allocated at the commencement of any meeting of the Council, except for any Extraordinary meetings, to allow for the consideration of questions submitted by citizens and 'standard' petitions as follows:

- (a) Questions from citizens

Questions may be submitted for answer at a meeting of Council by citizens that live or have a business address (but not employees of businesses) within the City boundary. Such questions must be in writing and addressed to any Portfolio Holder, Committee Chair or Board Chair and be submitted by 10.00 am on the working day before the meeting of the Council at which they want the question to be asked. The Lord Mayor shall have discretion over the questions which may be asked at a Council meeting under this procedure. A list of all questions (other than supplementary questions) will be made available to all Councillors prior to the

relevant meeting.

(b) Petitions

Petitions may be submitted at a meeting of Council by citizens ~~that live or have a business address (but not employees of businesses), within the City~~ boundary.

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(i) Standard

'Standard' petitions (as defined under the Council's petitions scheme) may be submitted by Councillors, on behalf of citizens, and may be accompanied by a statement of no more than two minutes in length to be read by a Councillor on behalf of the organiser of the petition. ~~Councillors must ensure that the petition organiser lives or has a business address (but not be an employee of a business) within the City boundary, before they submit the petition~~

(ii) Requiring debate

Petitions under this category (i.e. in excess of 5000 signatures) shall comply with the Council's Petition Scheme and shall be submitted to the Head of Democratic Services at least 12 working days prior to the date of the Council meeting. In the event of more than one petition being received, the Lord Mayor, having regard to the business to be transacted at a Council meeting, shall have discretion to determine at which meeting a petition shall be considered.

The petition organiser shall be allocated 5 minutes to present the petition and the petition may be debated for a maximum of 15 minutes, or at the discretion of the Lord Mayor. The relevant Portfolio Holder(s) will present a provisional written response to the petition to inform discussion and to help full Council agree a response.

Order of business

4 At meetings of the Council, other than Extraordinary meetings, the order of business shall be as follows:

- (a) to choose a person (not being a member of the Executive Board) to preside if the Lord Mayor and ~~Sheriff~~ are absent;
- (b) declarations of interests by Councillors and colleagues;
- (c) to read the minutes of the last meeting of the Council to approve them, subject to any amendments. At an Extraordinary meeting of the Council, the minutes of the last meeting may be confirmed at the next ordinary meeting. Where the minutes correctly record any comment made concerning a Councillor, that Councillor shall have the right to comment on the factual accuracy of the comment itself;
- (d) (i) to receive official communications;

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- (ii) to receive announcements from the Leader of the Council and/or the Chief Executive;
- (e) to receive, without discussion, answers to questions from each political group (up to a maximum of 4 per group) (other than questions put under paragraph 3 (a) above) answers to be given by:
 - (i) a person nominated by the Nottinghamshire Police Authority to questions on the discharge of that authority's functions;
 - (ii) the City Council's lead Councillors on the Nottinghamshire and City of Nottingham Fire and Rescue Authority to questions on the discharge of that authority's functions;
 - (iii) a Councillor on the Executive Board, the Chair of a committee and the Chair of any other City Council body to questions on any matter within their remit;
- (f) statutory Council business;
- (g) reports from:
 - (i) the Standards Committee;
 - (ii) the Overview and Scrutiny Committee ;
 - (iii) the Leader or Deputy Leader of the Council;
 - (iv) other Councillors on the Executive Board with portfolios;
 - (v) non-Council bodies, as determined by the Executive Board;
- (h) motions in the order they were submitted;
- (i) other business set out in the notice convening the meeting;
- (j) appointments;
- (k) business which, in the opinion of the Lord Mayor or Chair, should be considered at the meeting as a matter of urgency.

5 The Council may, at any meeting, vary the order of business if two-thirds of the Councillors present and voting agree.

Rules of Debate

- 6 Before the start of the debate on any item, the Lord Mayor or Chair shall ask which Councillors wish to speak and a note shall be taken of those Councillors.
- 7 An amendment must:
 - (a) be in writing, signed by the mover and delivered to the Lord Mayor or Chair immediately upon being seconded;
 - (b) have reference to the subject matter of the original motion and not have the effect of negating (cancelling) that motion.
- 8 Following receipt of an amendment which is found to be in order, the Lord Mayor

or Chair shall ask which Councillors wish to speak on the amendment and a note shall be taken of those Councillors. A further amendment may not be moved until the Council have decided on any earlier amendment.

- 9 If an amendment is carried (agreed), the motion as amended takes the place of the original motion and becomes the motion to which any further amendment may be moved. The right of reply in respect of an amended motion belongs to the mover of the successful amendment, or of the last such amendment if there is more than one.
- 10 A Councillor shall not speak more than once on any motion or amendment, except on a point of order or in exercising a right of reply. The mover of an original motion shall have the right of reply at the close of a debate on the motion immediately before it is put to the vote or before a motion is put "that the debate is now adjourned" or "that the Council now adjourn". If an amendment is proposed, then:
 - (i) the mover of the original motion, or of the last successful amendment, shall be entitled to speak on any amendment to the motion immediately before the reply, and
 - (ii) the mover of the amendment shall have the right of reply at the close of the debate on the amendment immediately before it is put to the vote or before a motion is put "that the debate is now adjourned" or "that the Council now adjourn".
- 11 No motion or amendment shall be debated until it is moved and seconded. A Councillor, when seconding may, if he/she then discloses his/her intention to do so, reserve his/her speech until a later period in the debate. A motion which is moved but not seconded shall be put immediately to the vote without debate.
- 12 A Councillor who has not spoken on the question before the Council may, at the conclusion of a speech of another Councillor, move without comment (provided that he/she has not previously moved to the same effect whilst the same question is under discussion):
 - (a) "that the question is now put";
 - (b) "that the debate is adjourned";
 - (c) "that the Council now adjourn";

on the seconding of which the Lord Mayor or Chair, if in his/her opinion the question before the meeting has been sufficiently discussed, shall, subject to the right of reply, put that motion to the vote, and the motion shall be carried if it is passed by two-thirds of the Councillors present and voting.

- 13 A Councillor shall stand when speaking and shall address the Lord Mayor or Chair.
- 14 Whenever the Lord Mayor or Chair rises during a debate a Councillor then speaking or standing shall resume his/her seat and the Council shall be silent.
- 15 A Councillor may rise to a point of order during a debate, provided that he/she

does no more than call attention to the alleged breach of order:

- (a) a Councillor may not, upon the pretext of raising a point of order, express differences of opinion or contradict a speaker;
- (b) the point of order shall be very briefly stated to the Lord Mayor or Chair in the form of a question and identifying the relevant standing order. A Councillor, having raised it, shall at once resume his/her seat and the point raised shall be decided by the Lord Mayor or Chair.
- (c) a Councillor, against whom a point of order is being raised, shall sit down until the Lord Mayor or Chair has given his/her decision.

The following shall be recognised as breaches of order:

- (a) violation of any standing order;
- (b) discussion of a question not before the meeting.

16 Where a meeting of the Council is still in progress at 9.30 pm:

- (a) the Lord Mayor or Chair shall require discussion to be discontinued and no further discussion shall take place;
- (b) if any question under discussion is a motion, it shall immediately be put to the vote without the exercise of any right of reply;
- (c) any outstanding matters shall then, in the order in which they appear on the summons, be formally moved and seconded, without comment, and put to the vote without debate;
- (d) the Lord Mayor or Chair shall declare the meeting closed.

17 The ruling of the Lord Mayor or Chair on all questions of standing orders and all matters arising in debate shall be final and shall not be open to discussion.

Time Limits

18 (a) Questions to Councillors

A Councillor responding to a question under standing order 4(e) shall be allowed a maximum of 10 minutes to respond. Any responses to supplementary questions will be subject to a 5 minute limit.

(b) Speaker times on agenda items

A proposer of a motion or amendment shall be allowed a maximum of 15 minutes to speak on that item, the seconder of the motion or amendment, and the principal opposition speaker, shall be allowed a maximum of 10 minutes, and each other speaker on a motion or amendment shall be allowed a maximum of 5 minutes (including those exercising a right of reply). In all cases the time limits specified may be changed at the sole discretion of the Lord Mayor (or in their absence the Sheriff or Chair).

Deleted: Deputy Lord Mayor

Voting

- 19 Voting on all questions shall be by show of hands, subject to any legal requirement. Where, immediately after a vote is taken, any Councillor requests that their vote be recorded, the minutes of the meeting will record whether he or she voted for or against the question or abstained.

In all cases of elections to office, except where by law it is otherwise provided, the votes of the Council shall, in the first place, be taken for all the persons nominated, each person voting for only one of the persons nominated. After the first voting the names of those persons nominated who receive no votes, and also the name or names of the person who receives, or, in the case of equality, of those who receive the smallest number of votes, shall be withdrawn from the further voting, and the votes shall again be taken in the same way for the remaining persons nominated, and this process shall be continued until one person nominated has received the votes of a majority of the Councillors present, when he/she shall be declared to be duly elected.

Quorum

- 20 The quorum for meetings of the Council is 14 (in accordance with the statutory requirement).

Conduct

- 21 Councillors shall at all times during Council meetings behave with courtesy and respect towards others and do nothing which might bring the Council into disrepute or disrupt Council business.
- 22 If the Lord Mayor or Chair considers that a Councillor is in breach of standing order 21, he/she may:
- (a) require the removal of the Councillor from the meeting; and/or
 - (b) refer the matter for consideration by the Standards Committee.

Political Balance

- 23 Wherever in standing orders, or elsewhere in the Council's Constitution, there is a requirement that a body should be politically balanced, appointment to seats on the body concerned shall be in accordance with the wishes of the group to which those seats are allocated, as expressed by the Leader of that group.

The Policy Framework and the Budget Dispute Resolution

- 24 Where the Executive Board has submitted a draft plan or strategy to the Council for its consideration and, following consideration of that draft plan or strategy, the Council has any objections to it, the Council shall take the action set out in standing order 25.
- 25 Before the Council:

- (a) amends the draft plan or strategy;
- (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for their approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- (c) adopts (with or without modification) the plan or strategy,

it shall inform the Leader of any objections which it has to the draft plan or strategy, and give him/her instructions requiring the Executive Board to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

- 26 Where the Council gives instructions in accordance with standing order 25, it shall specify a period of 10 working days, beginning on the day after the date on which the Leader receives the instructions on behalf of the Executive Board, within which the Leader may:

- (a) submit a revision of the draft plan or strategy as amended by the Executive Board (the "revised draft plan or strategy"), with the Board's reasons for any amendments made to the draft plan or strategy, to the Council for its consideration; or
- (b) inform the Council of any disagreement that the Executive Board has with any of the Council's objections and the Board's reasons for any such disagreement.

- 27 When the period specified by the Council, referred to in standing order 26, has expired, the Council shall, when:

- (a) amending the draft plan or strategy or, if there is one, the revised draft plan or strategy;
- (b) approving, for the purpose of its submission to the Secretary of State or any Minister of the Crown for their approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted; or
- (c) adopting (with or without modification) the plan or strategy,

take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Executive Board's reasons for those amendments, any disagreement that the Board has with any of the Council's objections and the Board's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

- 28 Subject to standing order 32, where, before 8 February in any financial year, the Executive Board submits to the Council for its consideration in relation to the following financial year:

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
- (b) estimates of other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part 1 of the Local Government Finance Act 1992,

and following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in Standing Order 29.

- 29 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in standing order 36, or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it shall inform the Chair of the Executive Board of any objections which it has to the Committee's estimates or amounts and must give to him/her instructions requiring the Committee to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
- 30 Where the Council gives instructions in accordance with standing order 29, it shall specify a period of 10 working days, beginning on the day after the date on which the Chair receives the instructions on behalf of the Board, within which the Chair may:
 - (a) submit a revision of the estimates or amounts as amended by the Executive Board ("revised estimates or amounts"), which have been reconsidered in accordance with the Council's requirements, with the Board's reasons for any amendments made to the estimates or amounts, to the Council for its consideration; or
 - (b) inform the Council of any disagreement the Board has with any of the Council's objections and the reasons for any such disagreement.
- 31 When the period specified by the Council, referred to in standing order 30, has expired, the Council shall, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in standing order 36(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:
 - (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - (b) the Executive Board reasons for those amendments;
 - (c) any disagreement that the Board has with any of the Council's objections;

and

- (d) the Board's reasons for that disagreement,

which the Chair submitted to the Council, or informed the Council of, within the period specified.

32 Paragraphs 28 to 31 do not apply in relation to:

- (a) calculations or substitute calculations which a Council is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992; and
- (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

33 The Executive Board may, without reference to Council, take any decision which is contrary to or not wholly in accordance with the budget or capital programme, provided that any additional costs incurred can be offset by additional (unforeseen) income, contingency funds (reserves and balances) or savings from elsewhere within the budgetary allocations to functions which are the responsibility of the Executive Board.

Secret Societies

34 A member of the Council who is a member of a secret society and is present at a meeting of the Council or of a Board or Committee of the Council at which a matter involving or associated with that society or a member of that society is to be considered shall, before that matter is considered, declare a non-pecuniary interest in it. For the purpose of this standing order the following shall be regarded as secret societies:

Any lodge, chapter, society, conclave, trust or regular gathering or meeting which:

- (a) is not open to members of the public who are not members of that lodge, chapter, society, conclave, trust or regular gathering;
- (b) includes in the grant of membership an obligation on the part of the members to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, conclave or trust; and
- (c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, conclave or trust.

A lodge, chapter, society, conclave, trust, gathering or meeting as defined above shall not be regarded as a secret society if it forms part of the activity of a generally recognised religion.

The Common Seal

- 35 The Chief Executive, the Director of Legal and Democratic Services and the Legal Services Managers shall have authority to affix the Common Seal to any document required to give effect to a decision of the Council, a Board or a Committee or an officer exercising delegated powers. Documents not required by the Director of Legal and Democratic Services to be under seal may be signed in accordance with paragraph 8 of the Contract Procedure Rules.

AS TO BOARDS, COMMITTEES AND PANELS

Election of Chairs and Vice-Chairs

- 36 Except where appointments have been made by the Council, each Board or Committee shall, at its first meeting, elect, from its own members, a Chair, and may elect a Vice-Chair, or Vice-Chairs.

Quorum

- 37 The quorum of a Board, Committee or Sub-Committee shall be three except where the Council otherwise directs.

Summoning of Boards and Committees

- 38 All meetings of Boards or Committees shall be summoned by the Deputy Chief Executive/Corporate Director for Resources. The Chair, Vice-Chair or any four Councillors of the Council may require a meeting of a Board or Committee of which they are members to be convened.

Appointment of Panels and Working Groups

- 39 Every Board and Committee and the Leader, Deputy Leader, portfolio holders and lead members may appoint politically balanced advisory panels and working groups with such terms of reference and membership (including members who are not members of the City Council) as they may determine.

Substitutes

- 40 (a) Committees of the Council other than the Standards Committee, Executive Board and Overview and Scrutiny Review Panels shall have provision for substitute members.
- (b) For each committee which has provision for substitute members, the Council will appoint as substitute members up to six councillors nominated by each political group from their membership.
- (c) Substitute members will have all the powers and duties of any ordinary member of the committee or sub-committee as the case maybe.
- (d) Substitute members may attend meetings in that capacity only to take the

place of the ordinary member for whom they are substituting and where the ordinary member will be absent for the whole of the meeting.

- (e) It is the responsibility of the ordinary member who cannot attend to make arrangements for a substitute to be present in his/her place and to notify the Head of Democratic Services, of the proposed substitution at least one hour before the meeting concerned. The substitution must be for the whole of that meeting. The attendance of substitute members shall be recorded in the minutes of the meeting.

41 Motions in committee do not require a seconder.

Reports

- 42 A Councillor may submit a report relevant to the remit of any Board, committee or Sub-Committee to which they are a member of, to the Deputy Chief Executive/Corporate Director for Resources who shall include it in the next available agenda of that Board, Committee or Sub-Committee concerned.

See also Access to Information Rules