

PART 4

PROCEDURE RULES

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9. ANNUAL MEETING OF THE COUNCIL

9.1 Timing and business

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

The annual meeting will:

- (a) Elect a person to preside if the Mayor is not present;
- (b) Receive any announcements from the Mayor and/or Head of the Paid service;
- (c) Agree the minutes of the last meeting;
- (d) Elect a Mayor;
- (e) Elect a Leader of the Council;
- (f) Agree the number of members to be appointed to the Executive; the portfolios and job descriptions and appoint those members to the Executive;
- (g) Appoint members and where appropriate substitute members (including chairs and vice chairs) to the Overview Committee, review committees, and the Standards Committee;
- (h) Appoint members and substitute members (including chair and vice chair) to the Audit, Licensing and Licensing Regulatory Committees;
- (i) Receive nominations for, and make appointments to, those outside bodies to which the Council is entitled to appoint except where that right of appointment is exercisable only by the Executive;
- (j) Consider any business set out in the notice convening the meeting.

10. ORDINARY MEETINGS

10.1 Ordinary meetings of the Council will take place in accordance with a programme decided by the Chief Executive following consultation with the Whips. This programme may also include such other meetings of the Council requested by the Mayor relating to civic functions up to a maximum of 2 per municipal year, and this shall include the granting of civic awards. Such meetings will only consider the business set out in the agenda and for which the meeting has been convened, and paras 10.2(e) to (o) below shall not apply to such meetings.

10.2 Business at ordinary meetings will be to:

- (a) Appoint a person to preside if the Mayor is not present;
- (b) Approve the minutes of the last meeting;

- (c) Receive any declarations of interest from members;
- (d) Receive any announcements from the Mayor, Leader, or the Head of Paid Service;
- (e) Deal with any business from the last Council meeting;
- (f) Receive petitions from members of the Council and of the public;
- (g) Receive reports from the Executive, the Overview Committee and review committees, Audit Committee, the Standards Committee, the Chief Whip and chief officers;
- (h) Receive reports about the business of joint arrangements, boards and partnership bodies and external organisations;
- (i) Consider motions;
- (j) Include a public question session which shall include the presentation of petitions from members of the public who are residents;
- (k) Include a councillors' question session;
- (l) Consider any other business specified in the summons to the meeting which may include consideration of proposals from the Executive in relation to the Council's budget and policy framework, early consideration of plans which will form part of the policy framework, strategic debate on matters of borough wide importance and reports of the Overview and review committees for debate;
- (m) Hear any deputations relating to items of business on the agenda or, in extraordinary circumstances, other matters, in each case with the agreement of the Mayor;
- (n) Consider any matters of urgency brought forward by leave of the Mayor;
- (o) Agree any necessary amendments to the Constitution.

11. ORDER OF BUSINESS

11.1 Determination by Mayor

Subject to 11.2 below, the Mayor shall decide the order of business at an ordinary meeting of the Council.

11.2 Balance of Motions

Each party may nominate one item of business on the agenda for discussion before 9.30pm, but there is no requirement that discussion of them finish before that time. Where items are specified, the Mayor shall ensure that the items are called before 9.30pm. Urgent items agreed to be considered by the Mayor under 10.2(n) above, shall count against the specified items.

12. EXTRAORDINARY MEETINGS

12.1 Calling extraordinary meetings

Those listed below may require the Proper Officer (who for this purpose shall be the Chief Executive) to call Council meetings in addition to ordinary meetings:

- (a) The Council by resolution;
- (b) The Mayor;
- (c) The Monitoring Officer; and
- (d) Any five members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed within seven days to call a meeting of the presentation of the requisition.

In the event of a change in the membership of any political group (whether by reason of a by-election, resignation or defection of any member or otherwise) such as to cause that or any other group to become the largest or joint largest group on the Council, any five members of that group may sign a requisition asking the Proper Officer to call an extraordinary meeting of the Council and the Proper Officer shall ensure that such a meeting is held within 20 working days of receipt by her/him of the requisition.

12.2 Business

Business at extraordinary meetings of the Council shall be restricted to:

- (a) the item of business for which the meeting has been called and;
- (b) any deputations relating to items of business on that agenda which the Mayor agrees to hear.

13. APPOINTMENT OF MEMBERS AND SUBSTITUTES TO COMMITTEES

13.1 Appointment of members

- (a) All nominations to serve on the Overview Committee, review and other committees must be sent in writing to the Chief Executive not later than 5pm on the last working day before the day on which the Annual Meeting of the Council is due to be held.
- (b) If the number of candidates nominated and standing does not exceed the number of vacancies to be filled, those candidates shall be declared to be members of the committee.
- (c) If the number of candidates nominated and standing exceeds the number of vacancies to be filled, the election shall be conducted by vote.

- (d) All appointments to committees (other than committees and sub-committees of the Executive and area committees) will be made in accordance with legislation relating to the political balance on committees.

13.2 Appointment of substitute members

(a) Allocation

As well as allocating seats on the Overview Committee, review and other committees the Council will allocate seats in the same manner for substitute members, provided that the substitute member is not himself/herself already a member of the body concerned.

(b) Number

For each body, the Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee or sub-committee.

(c) Powers and duties

Substitute members will have all the powers and duties of any ordinary member of the body but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.

(d) Substitution

Substitute members may attend meetings as substitutes for ordinary members of a committee provided that:

- (i) the substitute member states (as soon as they attend the meeting) that they are attending as a substitute and the name of the ordinary member for whom they are substituting; and
- (ii) where a substitute has been present in that capacity for any part of a debate on that item, the ordinary member for whom they are substituting shall not be entitled to vote on that item, notwithstanding the fact that they may have arrived at the meeting before the matter is put to the vote.

14. TIME AND PLACE OF MEETINGS

Meetings of the Council will take place in the Council Chamber at the Town Hall, Upper Street, London, N1 2UD unless otherwise specified in the summons. Meetings of the Council will take place at 7.30pm, unless otherwise determined by the Mayor in consultation with the Leader and the Chief Whips.

15. NOTICE OF SUMMONS AND CANCELLATION OF MEETINGS

- 15.1 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence or such other address as the member shall have notified the Chief Executive in writing

as the address to which he/she wishes summonses to be sent. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. Where a meeting has been called by members under paragraph 12.1(d) above, the notice of the meeting shall be signed by those members.

- 15.2 Should the Mayor consider that there is insufficient business to warrant the holding of a Council meeting and provided that he or she is satisfied that the interests of the Council or public will not be materially prejudiced by doing so, the Mayor may cancel a Council meeting. This provision shall not apply to the Annual Council or any meeting called pursuant to paragraph 12.

16. CHAIR OF MEETING

References in these rules to the Mayor also include the Deputy Mayor and any person elected to preside at a meeting of the Council in the absence of the Mayor. The person presiding at the meeting may exercise any power or duty of the Mayor.

17. QUORUM

- 17.1 The quorum of a meeting will be 12. A meeting which remains inquorate for 15 minutes after it was due to start shall not take place.
- 17.2 If, once a meeting has started, the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

18. DURATION OF MEETING

18.1 Termination of the meeting

If the business of the meeting has not been concluded by 10.30pm the member then speaking must immediately sit down. The Mayor shall put the matter then under discussion to the vote in the usual way without any further discussion.

18.2 Motions and recommendations not dealt with

If there are other motions or recommendations on the agenda that have not been dealt with by 10.30pm they shall be deemed formally moved and seconded and then put straight to the vote in the usual way. No speeches shall be allowed on these items. Only amendments written notice of which have been given to the Mayor by 10.15pm will be dealt with during this process.

18.3 Recorded vote

If a recorded vote under Rule 24.4 is called for during this process it will be taken immediately.

18.4 Motions which may be moved

During the process set out in Rules 18.1-18.3 above, the only other motions which may be moved are that a matter be withdrawn or that a matter be delegated or referred to an appropriate body or individual for decision or report.

18.5 Close of the meeting

When all motions and recommendations have been dealt with, the Mayor will declare the meeting closed.

19. PETITIONS AND QUESTIONS

19.1 Petitions

- (a) Petitions may be presented to the Council by any member of the Council, or any member of the public who has notified the Proper Officer prior to the start of the meeting that he or she wishes to do so. All petitions shall be signed by at least 5 people who are residents.
- (b) Subject to paragraph (c) below, any member of the public presenting a petition shall be entitled to address the Council on the matter which is the subject of the petition for up to two minutes.
- (c) If the Mayor considers, in light of the rest of the agenda that there is insufficient time for all those presenting petitions to speak on them, she may rule that no further speeches be heard and any remaining petitions shall stand referred in accordance with the procedure set out in paragraph (d) below.
- (d) Once a member of the public has finished speaking, there shall be no further debate on the petition which shall stand referred to the Corporate Director of the department responsible for the matter to which the petition relates. The Corporate Director shall determine what action, if any, shall be taken and shall ensure that the person presenting the petition receives a response within a reasonable time, with a copy to the relevant Executive member or chair of committee and to all those petitioners who are resident in the borough.
- (e) Petitions presented by members of the Council shall stand referred in accordance with the procedure set out in paragraph (d) above.

19.2 Questions

- (a) Subject to Rule 19.4, members of the Council or members of the public may ask the Mayor, the Leader of the a party group, a member of the Executive or the chair of any committee or sub-committee questions on any matter in relation to which the Council has powers or duties or which affects the borough. Questions may be redirected to the appropriate portfolio holder or Leader as the case may be.

- (b) Written notice of every question must be delivered to the Proper Officer not later than 10 am on the day which falls 10 clear working days before the date of the meeting.
- (c) No late questions will be considered, unless the Mayor, having consulted the Whips of the two largest parties, agrees that they are of urgent importance and they have been notified in writing to the Proper Officer by no later than 10.00am on the day of the meeting.
- (d) The time set aside for petitions and questions shall be:
 - (i) 20 minutes for members' questions
 - (ii) 40 minutes for members of the public which shall include the presentation of petitions by them in accordance with paragraph 19.1 above.
- (e) No member may ask more than two questions at a Council meeting.
- (f) No member of the public may ask more than one question at a Council meeting.
- (g) Questions shall be printed on the agenda in the order of receipt, but where there are more than one on any particular subject, the Mayor may rule that they be taken together and a joint reply given.
- (h) The Proper Officer shall have power to edit or amend questions to make them concise but without affecting the substance following consultation with the questioner.
- (i) An answer may take the form of:
 - (i) A direct oral answer;
 - (ii) Where the desired information is in a publication of the Council or other published work, a reference to that publication; or
 - (iii) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner within 5 working days;
- (j) An answer will not be given orally if the questioner is not present in the Chamber or if the time allowed for questions has elapsed. In such cases, a written reply will be sent to the questioner.
- (k) Questions not answered at a meeting may, at the request of the questioner, be withdrawn and resubmitted to the next or future meeting of the Council, provided that an answer has not already been supplied.

19.3 Supplementary question

A person asking a question under Rule 19 may ask one supplementary question without notice, of the member who answered the question. The supplementary question must arise directly out of the original question or the reply.

19.4 Scope of questions

The Proper Officer may reject a question if it:

- (a) is not about a matter for which the Council has a responsibility or which affects the area;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question asked within the last six months;
- (d) requests the disclosure of information which is confidential or exempt; or
- (e) names, or clearly identifies, a member of staff or any other individual.

20. MOTIONS WITH NOTICE

20.1 Notice

- (a) Except for motions which can be moved without notice under Rule 21, written notice of every motion, under the name of at least 1 member, must be delivered to the Proper Officer not later than 10.00am on the day which falls ten clear working days before the date of the meeting.
- (b) No member may place more than two motions on the agenda at the same time, but this does not apply to urgent motions.

20.2 Motions of No Confidence

- (a) Motions of no confidence in any office holder shall require to be carried by a majority of the members of the whole Council (i.e. 25 members).
- (b) Motions proposing that a vote of no confidence be taken in respect of any office holder may not be treated as an urgent matter by the Mayor under Rule 10.2(n).

20.3 Motions set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received.

20.4 Scope

Motions must be about matters for which the Council has a responsibility or which affect the borough. The Proper Officer may reject any motions which are defamatory, frivolous or offensive which name, or clearly identify, a member of staff or any other individual and where this occurs, he/she shall notify the member(s) proposing the motion of his/her decision and the reason for it.

21. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) To appoint a chair of the meeting at which the motion is moved;
- (b) In relation to the accuracy of the minutes;
- (c) To change the order of business in the agenda;
- (d) To refer something to an appropriate body or individual;
- (e) To appoint a committee or member arising from an item on the summons for the meeting;
- (f) To receive reports or adoption of recommendations of the Executive, the Overview Committee, review and other committees or officers and any resolutions following from them;
- (g) To withdraw a motion;
- (h) To amend a motion;
- (i) To proceed to the next business;
- (j) That the question be now put;
- (k) To adjourn a debate;
- (l) To adjourn a meeting;
- (m) To suspend a particular Council procedure rule governing the conduct of that Council meeting;
- (n) To exclude the public and press in accordance with the Access to Information Rules;
- (o) To not hear further a member named under Rule 28.1 or to exclude them from the meeting under Rule 28.2;
- (p) To move an urgent motion where the Mayor has given consent under Rule 14.2(n); and
- (q) To give the consent of the Council where its consent is required by this Constitution.

22. RULES OF DEBATE

22.1 Seconding of motions

Where the motion has a seconder no speeches may be made after the mover has moved a proposal and explained the purpose of it until that person has seconded the motion. Where there is no seconder, the following paragraphs shall apply as though references to

a seconder are deleted. For the avoidance of doubt, all motions proposed under paragraph 22 above, shall require to be seconded.

22.2 Right to require motion in writing

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

22.3 Secunder's speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate, subject to Rule 22 .1 (termination of the meeting) and to any closure motion which may subsequently be moved.

22.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 3 minutes without the consent of the Mayor except that the proposer of any motion who shall have 5 minutes to move that motion (except on a motion to amend where the 3 minute time shall apply).

22.5 When a member may speak again

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

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

22.6 Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and shall be:
 - (i) To refer the matter to an appropriate body or individual for consideration or reconsideration; or
 - (ii) To leave out words add or insert words as long as the effect of so doing is not to negate the motion.

- (b) Unless the Mayor otherwise agrees an amendment must be in writing and submitted to the Proper Officer by no later than 5pm on the day prior to the meeting and shall be made available to all members via email as soon as possible thereafter..
- (c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (f) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, putting it to the vote.

22.7 Alteration of motion

- (a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. If the seconder is not present, another member may second the altered motion on his/her behalf. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

22.8 Withdrawal of motion

- (a) A motion may be withdrawn by the person giving notice provided that such notice is in writing and is submitted to the Proper Officer before the agenda is published.
- (b) A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. If the seconder is not present, another member may consent to the withdrawal on his/her behalf. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

22.9 Right of reply and order of debate

- (a) The mover of a motion has a right to reply at the end of the debate on a motion immediately before it is put to the vote.
- (b) If an amendment is moved the debate shall proceed in the following manner:

The mover of the motion shall speak;

The seconder of the motion shall speak unless he or she has reserved their speech pursuant to rule 22.3;

The mover of the amendment shall speak;

The seconder of the amendment shall speak unless he or she has reserved their speech pursuant to rule 22.3;

There shall follow such other number of speakers as the Mayor considers appropriate;

If the seconders of the substantive motion and the amendment reserved their speeches, they shall then speak*,

The mover of the amendment shall have a right of reply;

The mover of the substantive motion shall have the final right of reply*

A vote shall be taken on the amendment;

A vote shall be taken on the substantive motion, as amended if appropriate, without further debate.

* Where there is more than one amendment the seconder of the substantive motion (if their speech is reserved) shall instead speak immediately before the right to reply of the mover of the substantive motion arises, which, where there is more than one amendment, will be immediately before the vote on the substantive motion is taken.

22.10 Motions which may be moved during debate

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

- (a) to withdraw that motion;
- (b) to amend that motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) not to hear further a member named, or to exclude them from the meeting under Rule 28.1.

22.11 Closure motions

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

22.12 Point of order

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Mayor on the matter will be final.

22.13 Personal explanation

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

22.14 Policy framework

Where a plan forming part of the policy framework has been the subject of a debate at Council prior to its being submitted for approval by the Executive, then unless five members shall have notified the Proper Officer prior to the meeting that they wish the plan to be further debated, no debate shall be had on that plan and the recommendations shall

be formally moved and seconded and then put straight to the vote.

22.15 External speakers

Should he/she consider it conducive to or likely to facilitate the consideration of any item of Council business, the Mayor may invite such speakers to address the meeting of the Council as he/she considers appropriate.

23. PREVIOUS DECISIONS AND MOTIONS

23.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 16 members, or unless it relates to the budget setting process set out in the budget and policy framework procedure rules.

23.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 16 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for a further six months.

24. VOTING

24.1 Majority

- (a) Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.
- (b) Votes on a motion of no confidence in any office holder must be passed by a majority of the members of the whole Council (i.e. 25 or more).

24.2 Mayor's casting vote

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

24.3 Show of hands

Unless a recorded vote is demanded under Rule 24.4, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

24.4 Recorded vote

If six members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. The procedure for a recorded vote shall be as follows:

- (a) The division bell shall be rung for one minute to summon members;
- (b) The Council chamber shall then be closed and no one shall be permitted to enter or leave until the vote has been completed;
- (c) The Mayor shall put the motion and the Chief Executive shall call out the names of members and record their votes or abstentions;
- (d) The Mayor shall declare the result of the vote and the vote of each member shall be recorded in the minutes.

24.5 Right to require individual vote to be recorded

(This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and cannot therefore be suspended or deleted.)

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

24.6 Voting on appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

25. MINUTES

25.1 Signing the minutes

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

25.2 No requirement to sign minutes of previous meeting at extraordinary meeting

(This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993 and therefore cannot be suspended or deleted.)

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting, then the next following meeting (being a meeting called otherwise than under paragraph 3 of schedule 12 of the Local Government Act 1972) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

26. RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names in the attendance book before the conclusion of every meeting to assist with the record of attendance.

27. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 29 (Disturbance by Public).

28. MEMBERS' CONDUCT

28.1 Member not to be heard further

If a member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

28.2 Member to leave the meeting

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

28.3 General disturbance

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

29. DISTURBANCE BY PUBLIC

29.1 Removal of member of the public

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor may order their removal from the meeting room.

29.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

30. DRINKING DURING COUNCIL MEETINGS

No alcohol shall be drunk in the chamber during meetings of the Council.

31. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

31.1 Suspension

The only Council Rules of Procedure which may be suspended are those which govern the conduct of meetings. Rules 24.5 and 25.2 (which govern the conduct of meetings but which are mandatory Standing Orders under legislation) and rule 31.2 may not be suspended. Where suspension is permitted a rule may be suspended by a motion on notice or without notice if at least 30 members of the Council are present in the meeting). Suspension can only be for the duration of the meeting.

31.2 Amendment

Any motion to add to, vary or revoke any provision of this constitution may only be made on notice.

32. INTERPRETATION OF RULES

The ruling of the Mayor as to the construction or application of any of these rules shall not further be challenged at any meeting of the Council.

COMMITTEE PROCEDURE RULES

33. INTRODUCTION

The following rules govern the operation of all committees established by the Council (subject, in the case of the Licensing Committee to any procedures adopted by that Committee to comply with guidance issued by the Government) and their sub-committees. Area committees and the Standards Committee may establish their own procedures, provided that the requirements of the Access to Information Procedure Rules shall nevertheless continue to apply and that such procedures do not contradict the provisions of these rules. Unless the area committees or Standards Committee do so, the provisions of these rules will apply.

34. INTERPRETATION AND APPLICATION OF COMMITTEE RULES

34.1 Ruling of the chair

The ruling of the chair, who shall seek the advice of the Proper Officer or his/her representative at the meeting, as to the construction or application of these rules shall not be challenged at any meeting of a committee or sub-committee.

34.2 Application to co-opted/non-voting members

Where the Council has appointed co-opted or non-voting members to committees and sub-committees, these rules shall apply to them as if they were members of the Council.

35. POWERS AND DUTIES OF COMMITTEES

35.1 Powers

The Council shall delegate to its committees full power to exercise and perform on behalf of the Council all its powers and duties in relation to the matters specified in the terms of reference of the committee.

35.2 Substitute members on committees

Substitute members may attend meetings as substitutes for ordinary members of a committee provided that:

- (a) that substitute member states (as soon as they attend the meeting) that they are attending as a substitute and the name of the ordinary member for whom they are substituting and
- (b) where a substitute has been present in that capacity for any part of a debate on that item, the ordinary member for whom they are substituting shall not be entitled to vote on that item, notwithstanding the fact that they may have arrived at the meeting before the matter is put to the vote.

36. APPOINTMENT OF SUB-COMMITTEES AND CHAIRS

36.1 Appointment at the first meeting

At the first meeting of committees after the Annual Meeting of the Council, they shall appoint their sub-committees and their Chairs for the remainder of the municipal year. The committees may appoint such sub-committees as they deem necessary during the municipal year.

36.2 Substitute members

- (a) A committee may appoint a substitute member to attend, speak and vote in the absence of each member of a sub-committee provided that the substitute member is not himself/herself already a member of the sub-committee.
- (b) That substitute member shall state (as soon as they attend the meeting) that they are attending as a substitute and the name of the ordinary member for whom they are substituting.
- (c) Where a substitute has been present in that capacity for any part of a debate on that item, the ordinary member for whom they are substituting shall not be entitled to vote on that item, notwithstanding the fact that they may have arrived at the meeting before the matter is put to the vote.

37. CHAIRS AND VICE-CHAIRS OF COMMITTEES AND SUB-COMMITTEES

37.1 Chairs and Vice-Chairs of committees

At their first meeting following the Annual Meeting of the Council, committees shall appoint their Chairs and Vice-Chairs for the municipal year unless already appointed by the Council. The Vice-Chair of a committee shall have all the powers and functions of the Chair when acting as Chair. This shall apply also to Vice-Chairs of sub-committees and area committees.

37.2 Chairs and Vice-Chairs of sub-committees

The Chairs and Vice-Chairs of sub-committees shall be appointed by the committee which establishes them at the same meeting at which the sub-committee itself is established and be appointed for the municipal year or until successors are appointed.

37.3 Resignation of Chair or Vice-Chair

A Chair or Vice-Chair may resign by notice in writing to the Chief Executive, who shall report the resignation to the next meeting of the body concerned to enable a replacement to be appointed.

37.4 Area committee Chairs and Vice-Chairs

Area committees shall appoint their own Chairs and Vice-Chairs and those of any sub-committees established by them. Where there is equality of voting, the Chair and Vice Chair of the Area Committee concerned shall be appointed at the next Council meeting

and a chair for those meetings of the area committee taking place before the next council meeting shall be selected from those present at the meeting by lot.

38. NOTICE OF MEETINGS

38.1 Despatch of notice

Five clear working days at least before a meeting of any committee or sub-committee, notice of the time and place of such meeting shall be left at or sent by post to the last known place of residence of every member of the committee/sub-committee. Failure to receive any such notice shall not affect the validity of a meeting.

38.2 Notice where a motion has been referred to a committee or sub-committee

A member of the Council who has moved a motion which has been referred to any committee or sub-committee shall have notice of the meeting of the committee or sub-committee at which it is proposed to consider the motion.

38.3 Business specified in the agenda

No business shall be transacted at any meeting of a committee or sub-committee other than that specified in the agenda, except, in accordance with current legislation, matters of urgency brought forward by leave of the Chair.

38.4 No meetings when the Council is sitting

No committee or sub-committee shall meet during the sitting of the Council, except by special authority of the Council. The Mayor, in consultation with the Chief Whip, shall be authorised to determine any requests for such a meeting.

39. DATES, TIME AND PLACE OF MEETINGS

39.1 Dates and time of meetings

Ordinary meetings of committees and sub-committees will take place in accordance with a programme decided by the Chief Executive following consultation with the Whips. Meetings shall take place at 7.30pm or at such other time agreed by the Chief Executive in consultation with the Chair of the relevant committee and in consultation with the Whips.

39.2 Place of meetings

The ordinary place of meeting for committees and sub-committees (other than area committees) shall be Islington Town Hall, Upper Street, London, N1 2UD but the Chair, in consultation with members of the committee or sub-committee in question, may arrange for meetings to take place elsewhere.

40. CANCELLATION OF MEETINGS

The Chair of a committee or sub-committee may cancel a meeting of the relevant committee or sub-committee unless the meeting has already been formally called.

41. UNSCHEDULED MEETINGS OF COMMITTEES

41.1 Calling of unscheduled meetings

The Chair of a committee or sub-committee may direct the Chief Executive to call a meeting of the committee or sub-committee at any time. An unscheduled meeting shall also be called on the requisition of three members of the committee, delivered in writing to the Chief Executive.

41.2 Business to be conducted at an unscheduled meeting

The summons to the unscheduled meeting shall set out the business to be considered at that meeting.

42. ORDER OF BUSINESS AT COMMITTEE AND SUB-COMMITTEE MEETINGS

42.1 Order of Business

The order of business at every meeting of a committee and sub-committee shall be:

- (a) To choose a person to preside if the Chair and Vice-Chair(s) are absent.
- (b) To approve the minutes of the previous meeting, which shall then be signed by the person presiding.
- (c) To receive reports of the officers.
- (d) Any other business specified in the summons.

42.2 Variation of Order

The order of business under (b)-(d) may be varied by the Chair.

43. CONFIDENTIAL OR EXEMPT MATTERS

Proceedings of committees and sub-committees are subject to the Access to Information Rules.

44. COMMITTEE/SUB-COMMITTEE MINUTES

44.1 Minutes to be kept

Minutes shall be kept of the proceedings of each meeting of a committee, special committee or sub-committee.

44.2 Submission of minutes for approval

Minutes shall be submitted for approval at the next ordinary meeting of the committee/sub-committee. The only part of the minutes that can be discussed is their accuracy.

45. QUORUM OF COMMITTEES AND SUB-COMMITTEES

45.1 Committees

Business shall not be transacted at a meeting of any committee unless a quorum is present. The quorum for a committee meeting shall be three voting members of the committee unless otherwise expressly provided elsewhere in this Constitution. A meeting which remains inquorate for 15 minutes after it was due to start shall not take place.

45.2 Sub-Committees

Business shall not be transacted at a sub-committee unless a quorum is present. The quorum for a sub-committee meeting shall be two voting members of the sub-committee unless otherwise specifically provided in this Constitution.

46. ATTENDANCE AT COMMITTEES AND SUB-COMMITTEES

46.1 Right of members of the Council to attend meetings

Subject to the provisions of 46.2 below, members of the Council may attend the meetings of any committee or sub-committee; no member who is not a member of the committee or sub-committee may vote, and may only take part in the proceedings if invited to do so by the chair, and with the agreement of the committee or sub-committee.

46.2 Legal right to attend meetings

Rule 46.1 above shall not prejudice the legal rights of a member when attendance at any such meeting is necessary in order that the member may have access to information reasonably necessary to enable the performance of the member's duties.

47. VOTING

47.1 By show of hands

Voting at meetings of committees and sub-committees shall be by a show of hands.

47.2 Casting vote of the Chair

The Chair of a meeting who is a voting member shall have a second or casting vote which may be exercised if there is an equality of votes. The Chair may exercise his/her casting vote even if they abstained or did not take part in the first vote.

47.3 Named Votes

Any two members of the committee or sub-committee present and voting may require the names of members voting, and the vote given, to be entered in the minutes. A member shall not be entitled to vote if entering the meeting room whilst the names are being called.

47.4 Recording of abstention/dissent

Where immediately after a vote is taken at a meeting if any member so requires, there shall be recorded in the minutes of the proceedings of the meeting whether the person cast his or her vote for or against the question or whether he or she abstained from voting or requested his or her dissent be recorded.

47.5 Voting where more than two persons nominated

Where there are more than two persons nominated for any position to be filled by a committee or sub-committee and of the votes given there is not an overall majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

47.6 Casting vote where the Chair is a non-voting member

If the Chair is a non-voting member and there is an equality of votes, he/she may vacate the Chair in favour of the Vice-Chair or, in the absence of the Vice-Chair, may call for nominations to take the Chair in the place of the Chair. In the event of the Vice-Chair taking the chair or of an election being made to the Chair, the motion shall immediately be put to the vote without further debate and thereafter the Chair shall resume chairing the meeting.

48. RULES OF DEBATE IN COMMITTEE AND SUB-COMMITTEE MEETINGS

48.1 Motions

The procedure governing motions contained in the Council Procedure Rules shall also apply to committees insofar as procedural motions of the kind referred to in paragraph 21(a)-(p) of those procedural rules are concerned. For the avoidance of doubt, there is no provision for motions to be submitted on notice in advance of the meeting.

48.2 Point of order/personal explanation

A member may raise a point of order or personal explanation and is entitled to be heard.

A point of order must relate to a breach of these rules or statutory provision and the member shall specify the rule or statutory provision in question and the way in which it is considered it has been breached.

A personal explanation shall be confined to a material part of the member's speech earlier in a debate which may appear to have been misunderstood.

48.3 Ruling of Chair

The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

49. PROCEEDINGS OF COMMITTEES AND SUB-COMMITTEES

49.1 Admission of press and public

The press and public shall be admitted to all meetings of committees and sub-committees, subject to the Access to Information Rules.

49.2 Documents to be treated as confidential

Subject to the Access to Information Rules all agenda, reports and other documents and all proceedings of committees and sub-committees shall be treated as confidential unless and until they have been made public in the ordinary course of the Council's business or shall have been communicated to the press by the Council or the committee or sub-committee.

50. DEPUTATIONS TO COMMITTEES AND SUB-COMMITTEES

50.1 Deputations wishing to attend committees or sub-committees shall require the approval of the Chair.

50.2 Requests for deputations should normally be in writing and received by the Proper Officer at least two clear days before the meeting.

50.3 The Chair will decide whether to receive the deputation.

50.4 One representative of the deputation will be entitled to address the meeting and shall speak for no more than three minutes unless the committee or sub-committee decides otherwise.

51. PETITIONS

51.1 Petitions may be presented by any member of the committee or sub-committee and a brief indication may be given as to the content of the petition.

51.2 Such petitions shall stand referred to the Corporate Director of the department for the matter to which the petition relates. The Corporate Director shall determine what action, if any, to take or recommend in respect of the subject matter and shall ensure that the member presenting the petition receives a response within a reasonable time, with a copy to the chair of that committee and to all those petitioners who are resident in the borough.

52. COMPLETION OF BUSINESS AT COMMITTEES AND SUB-COMMITTEES

52.1 Termination of the meeting

If the business of the meeting has not been concluded by 10.30pm the member then speaking must stop. The Chair shall put the matter then under discussion to the vote without any further debate.

52.2 Business not dealt with

If there is any business on the agenda which has not been dealt with by 10.30pm, it shall be deemed formally moved and seconded and then put straight to the vote. No speeches shall be allowed on these items, save planning and licensing matters where, at the Chair's discretion, the matters remaining to be determined may be voted on at the time, continue or be adjourned/deferred to a future meeting.

52.3 Recorded vote

If a recorded vote is called for during this process it will be taken immediately.

53. DISTURBANCE AT MEETINGS

53.1 Members of committees and sub-committees

- (a) If at any meeting any member, in the opinion of the Chair, notified to the committee or sub-committee, commits an act of misconduct by persistently disregarding a ruling or behaving improperly or offensively or wilfully obstructing the business of the committee or sub-committee, the chair or any other member may move that the member(s) named be not further heard. If seconded, this motion shall be put and determined without discussion.
- (b) If a member so named continues the act of misconduct after a motion under the foregoing paragraph has been carried, the Chair shall either:
 - (i) move "that the member(s) named do leave the meeting", in which case that motion shall be put and determined without seconding or discussion; or
 - (ii) adjourn the meeting for such period as the chair may deem expedient.

53.2 Public

- (a) The Chair shall warn any member of the public who interrupts the proceedings that they may be excluded from the meeting if the interruption continues.
- (b) If that person continues the interruption, the Chair shall order the removal of that person from the meeting.

53.3 General disturbance

In the event of a general disturbance, the Chair may adjourn the meeting for such period or to such other venue as deemed expedient.

53.4 Filming, photography

No filming or photography (except of councillors) may take place at meetings except with the consent of the Chair prior to the start of the meeting.

54. SUSPENSION OF RULES

54.1 The following rules may be suspended by a committee or sub-committee and a motion to suspend shall require the support of at least half of the members of the committee or sub-committee present.

- 37 Appointment of sub-committees and Chairs
- 38.1 Chairs and Vice-Chairs of committees
- 38.2 Chairs and Vice-Chairs of sub-committees
- 39 Dates, time and place of meetings
- 42 Order of business at committee and sub-committee meetings
- 44.2 Submission of minutes for approval
- 47.5 Voting where more than two persons nominated
- 48.1 Rules of Debate - motions
- 48.2 Rules of Debate - ruling of Chair
- 48.3 Deputations - Chair to be consulted on deputation
- 48.4 Deputations - request in writing two days before the meeting
- 48.5 Deputations - one speaker not more than three minutes

54.2 The suspension shall only apply for the duration of the meeting.

EXECUTIVE PROCEDURE RULES

55. DISCHARGE OF EXECUTIVE FUNCTIONS

55.1 The arrangements for the discharge of Executive functions are set out in Part 3. Executive functions may be discharged by:

- (a) The Executive as a whole;
- (b) A committee of the Executive;
- (c) An individual member of the Executive;
- (d) An officer;
- (e) Joint arrangements, partnership boards and other such bodies; or
- (f) Another local authority;
- (g) Area committees.

55.2 Delegation by the Council and Executive portfolios

At the annual meeting of the Council, the Leader once elected will present to the Council recommendations for delegations for the Council to agree as its scheme of delegation (set out in Part 3 to this Constitution). The Leader will recommend the names of councillors to be appointed to the Executive; and in so far as any of the following matters are changed from the arrangements currently in place details of those changes:

- (a) The nature of the portfolios to be held by Executive members and their job description, the detail to be set out in appendix 1 to this Constitution. The extent and nature of the portfolios may be amended during the year with the agreement of the Council;
- (b) The extent of any authority to be delegated to Executive members individually, if any, including details of the limitation on their authority. The Executive may delegate such further matters to individual Executive members during the year as they think fit, reporting this to Council as soon as possible;
- (c) The nature and extent of any deputising arrangements within the Executive;
- (d) The terms of reference of such Executive committees as the Executive intends to appoint and the names of Executive members to be appointed to them;
- (e) The nature and extent of any delegation of Executive functions to any other authority or any joint arrangements and the names of those Executive members appointed to any joint committee for the coming year.

55.3 Inclusion on the agenda for the Annual Meeting

This information must be sent to the Proper Officer in sufficient time for it to be included on the agenda for the Annual meeting.

55.4 Appointments and portfolios of Executive members

The Council will agree the appointments to the Executive and the job descriptions and will also agree the portfolios which members of the Executive shall hold. Changes to those portfolios during the year shall be agreed by the Council.

55.5 Sub-delegation of Executive functions

- (a) Where the Executive, a committee of the Executive or an individual member of the Executive is responsible for an Executive function, they may delegate further to joint bodies (in so far as this is permitted by law) or to an officer.
- (b) Unless the Executive directs otherwise, a committee of the Executive or a single member of the Executive to whom functions have been delegated may delegate further to an officer.
- (c) Where Executive functions have been delegated, that does not prevent the discharge of delegated functions by the person or body who delegated them; or the Executive from reviewing decisions made in the discharge of those functions in accordance with the provisions of Part 3 of this Constitution.
- (d) All Executive functions not expressly reserved to the Executive, a committee of the Executive or a single member of the Executive are deemed to be delegated to officers, subject to the restrictions on officer powers set out in Part 4 of the Constitution.
- (e) The Executive may appoint such further committees during the year as they think fit, reporting this to Council as soon as possible.

55.6 The Council's scheme of delegation and Executive functions

- (a) If the Executive, a committee of the Executive or a single member of the Executive is able to decide whether to delegate Executive functions, that body may amend the scheme of delegation relating to Executive functions at any time during the year. To do so, the relevant body must give written notice to the Proper Officer 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 other person, body or committee. The Proper Officer will present a report to the next ordinary meeting of the Council setting out the changes made.
- (b) Where the Executive withdraws delegation from a committee of the Executive, notice will be deemed to be served on that committee when it has been served it on its chair.

55.7 Conflicts of interest

- (a) Where the Leader has a prejudicial interest as defined in the Council's Code of Conduct for members in any matter this should be dealt with in accordance with that Code.
- (b) If the exercise of an Executive function has been delegated to an individual member or an officer, and should that person have a personal or prejudicial interest as defined in the Council's Code of Conduct for Members, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 6 of this Constitution.
- (c) If every member of the Executive has a prejudicial interest as defined in the Council's Code of Conduct for Members, a decision in relation to that matter will be taken by the Chief Executive.

56. EXECUTIVE MEETINGS

56.1 Dates, time and place

- (a) Ordinary meetings of the Executive will take place in accordance with a programme decided by the Chief Executive following consultation with the Whips. In order to enable the Executive properly to discharge its functions, particularly in relation to service performance and financial monitoring, the Executive shall meet not less than ten times a year. Meetings shall commence at 7.30pm or such other time as agreed by the Leader.
- (b) Subject to compliance with paragraph (a) above the ordinary place of meeting for the Executive shall be Islington Town Hall, Upper Street, London N1 2UD but it may meet elsewhere when the Leader so determines.
- (c) Where the Chief Executive, the Chief Finance Officer or the Monitoring Officer is of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision for reasons related to finance, legality or probity, they may call a meeting of the Executive.
- (d) The Leader may cancel any meeting of the Executive, other than one convened under paragraph (c) above.
- (e) The Leader may direct the Chief Executive to call a meeting of the Executive at any time. The summons to that meeting shall set out the business to be considered.

56.2 Public or private meetings of the Executive

- (a) Executive meetings, subject to the Access to Information Rules in Part 4 of the Constitution, will be held in public whenever the Executive is taking **decisions** or is discussing a matter which relates to a key decision that is due to be decided within the next 28 days and there is an officer present other than for purpose of briefing the Executive.

- (b) The Executive may meet in private in order to have early collective discussions on a wide range of options in relation to policy and/or budget matters. A formal record will be kept.

56.3 Quorum

The quorum for a meeting of the Executive shall be four. If the Executive appoints an Executive committee, it shall at the same time determine the quorum of that committee.

56.4 Procedure

- (a) Executive decisions will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where Executive decisions are delegated to a committee of the Executive, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.
- (c) If the Leader is present he/she will preside. In his/her absence, then the deputy Leader (or other person appointed) shall preside.
- (d) Voting at meetings of the Executive or any committees of the Executive will be by show of hands and the chair of the meeting shall have a casting vote which may be exercised if there are an equal number of votes for and against a recommendation. A member of the Executive may require his or her vote to be recorded in the minutes of the meeting.

56.5 Executive agenda

- (a) The Leader may put on the agenda of any Executive meeting any matter which he/she wishes to have discussed, whether or not authority has been delegated to the Executive, a committee of it or any member or officer in respect of that matter.
- (b) Any member of the Executive may require the Proper Officer to place an item on the agenda of the next available meeting of the Executive for consideration.
- (c) The Proper Officer will ensure that an item is placed on the agenda of the next available meeting of the Executive where the Overview Committee or the full Council have resolved that an item be re-considered by the Executive in accordance with the provisions contained in the call-in procedure/Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution.
- (d) If, in any case where the matter has not been subject to the call-in procedure, the Council resolves by a two thirds majority that a matter should be considered by the Executive, then that matter shall be placed on the Executive agenda within a reasonable period of the Council meeting at which the resolution was passed.
- (e) The Monitoring Officer and/or the Chief Finance Officer and/or the Chief Executive may include an item for consideration on the agenda of an Executive meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Chief

Finance Officer and Monitoring Officer are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

56.6 Order of business

At each meeting of the Executive the following business will be conducted:

- (a) Consideration of the minutes of the last meeting;
- (b) Declarations of interest, if any;
- (c) Deputations and/or public questions, if any;
- (d) Matters referred to the Executive (whether by the Overview Committee or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Call in Procedure/Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (e) Issues arising from the Overview Committee and the review committees;
- (f) Consideration of business set out in the agenda for the meeting;
- (g) Consideration of policy, budget and other issues prior to making decisions on them.
- (h) The order of business may be varied by the chair.

56.7 Deputations/public questions

- (a) Deputations may attend Executive meetings provided that the matter on which the deputation wants to address the Executive is on the agenda for that meeting.
- (b) Requests for deputations should normally be in writing and received by the Proper Officer at least two clear days before the meeting.
- (c) The chair will decide whether to receive the deputation.
- (d) One representative of the deputation will be entitled to address the meeting and shall speak for no longer than 3 minutes unless the Executive decides otherwise.
- (e) Members of the public shall, with the leave of the chair of the meeting, be entitled to ask questions on any matter which is on the agenda for that meeting.

56.8 Councillors' speaking rights

When the Executive meetings are held in public, any member of the Council may attend. A member of the Council who is not an Executive member shall, with the leave of the chair of the meeting, be entitled to speak on any item on the agenda.

56.9 Completion of business

(a) Termination of the meeting

If the business of the meeting has not been concluded by 10.30pm the member then speaking must stop. The chair shall put the matter then under discussion to the vote without any further debate.

(b) Business not dealt with

If there is any business on the agenda which has not been dealt with by 10.30pm, it shall be deemed formally moved and seconded and then put straight to the vote. No speeches shall be allowed on these items.

(c) Recorded vote

If a recorded vote is called for during this process it will be taken immediately.

56.10 Disturbance at meetings

(a) Council members

(i) If at any meeting any member, in the opinion of the chair, notified to the Executive, commits an act of misconduct by persistently disregarding a ruling or behaving improperly or offensively or wilfully obstructing the business of the Executive, the chair or any other member may move that the member(s) named be not further heard. This will apply also to any member of the Council not being a member of the Executive.

(ii) If a member so named continues the act of misconduct after a motion under the foregoing paragraph has been carried, the chair shall either:

move 'that the member(s) named do leave the meeting', in which case that motion shall be put and determined without seconding or discussion, or

- adjourn the meeting for such period as the chair may deem expedient.

(b) Public

(i) The chair shall warn any member of the public who interrupts the proceedings that they may be excluded from the meeting if the interruption continues.

(ii) If that person continues the interruption, the chair shall order the removal of that person from the meeting.

(c) General disturbance

In the event of a general disturbance, the chair may adjourn the meeting for such period or to seek other venue as deemed expedient.

(d) **Filming, photography**

No filming or photography (except of councillors) may take place at meetings except with the consent of the chair prior to the start of the meeting.

57. TAKING OF DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

- 57.1 It is not currently envisaged that individual members of the Executive will take decisions as these will be taken by the Executive as a whole. The only exception to this is in relation to those social services functions exercised jointly with the Islington PCT pursuant to Section 75 of the Health Services Act 2006. The Executive member with portfolio responsibility for Health and Social Care for Adults shall be entitled to take decisions on an individual basis.
- 57.2 Where these decisions are key decisions, the relevant provisions of the Access to Information Procedures, Rules and Scrutiny Rules shall apply. The fact that the Executive member is entitled to take decisions in these circumstances shall not prevent the whole Executive from choosing to take the decision itself.

58. TAKING OF EXECUTIVE DECISIONS NORMALLY DELEGATED TO AREA COMMITTEES

- 58.1 The Executive may choose to take a decision in respect of any Executive function falling within the terms of reference of an Area Committee, The Leader of the Council shall give notice to the Chair of the relevant area committee at least 10 clear working days before the date on which the area committee was due to take a decision that that decision will instead be taken by the Executive.
- 58.2 Where an area committee has already taken a decision in respect of an Executive function, the Executive shall be entitled to review and, if necessary, overturn that decision provided that at least 2 members of the Executive give written notice to the Proper Officer within 3 working days after the publication of the area committee decision in question.
- 58.3 Where notice has been given in accordance with paragraph (2) above, the decision shall not be implemented pending further consideration by the Executive. Upon such further consideration, the Executive may:
- (i) agree that the decision as made by the area committee should be implemented;
 - (ii) decide that it should not be implemented; or
 - (iii) make such amendments to the decision as it considers appropriate.
- 58.4 Where notice has not been given in accordance with paragraph (2) above, the decision will be effective immediately after the expiry of 3 working days from the date upon which it was published provided that it has not been called in to the Overview Committee pursuant to the provisions of paragraph 67 of the Scrutiny Procedure Rules. If it has been called in then, subject to the provisions of paragraph (5) below, it shall be dealt with in the normal manner in accordance with those rules.

58.5 Where notice has been given in accordance with paragraph (2) above and the decision has also been called in pursuant to the provisions of paragraph 68 of the Scrutiny Procedure Rules, that call in shall be deemed to be not valid and shall fall.

59. IMPLEMENTING EXECUTIVE DECISIONS

In order to allow for call-in, no executive key decision (whether made by the Executive, and Area Committee or an officer) can be implemented until three working days after the decision has been published unless it is urgent under Rule 68 of the Scrutiny Procedure Rules.

SCRUTINY PROCEDURE RULES

60. MEETINGS OF THE OVERVIEW COMMITTEE AND REVIEW COMMITTEES

- 60.1 In addition to ordinary meetings of the Overview Committee, additional meetings may be called from time to time as and when appropriate. An Overview Committee meeting may be called by the chair of the Overview Committee, by any five members of the Committee or by the Proper Officer if he/she considers it necessary or appropriate.
- 60.2 Review committees shall hold such meetings as they see fit for the purpose of completing their task within the time limit set. Meetings of review committees may be called by the chair of the committee, by any two members of the review committee or by the Proper Officer if he/she considers it necessary or appropriate.
- 60.3 The ordinary place of meeting for the Overview Committee and the review committees shall be Islington Town Hall, Upper Street, London, N1 2UD but may arrange to meet elsewhere when the chair so determines in consultation with the Whips.

61. CHAIR OF THE OVERVIEW COMMITTEE AND REVIEW COMMITTEES

- 61.1 The Chair of the Overview Committee will be appointed by the Council.
- 61.2 The Chair of the Overview Committee shall cease to hold office if a vote of no confidence of which notice appears on the agenda is carried at a meeting of full Council by a majority of the members of the whole Council.
- 61.3 The Council may appoint such a person as it considers appropriate as Chair, bearing in mind the objective of cross-party chairing in proportion to the representation of the different political groups on the Council.

62. AGENDA ITEMS FOR THE OVERVIEW COMMITTEE

- 62.1 Any member of the Overview Committee shall be entitled to give written notice at least 10 clear days before a meeting of the Overview Committee to the Proper Officer that he/she wishes an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee. On receipt of such a request if the Proper Officer concludes that the matter is so relevant, he/she shall ensure that it is included on the next available agenda.
- 62.2 The Overview Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, from the Executive to review particular areas of Council activity. Where they do so, the Overview Committee shall report their findings and any recommendations back to the Executive and/or Council.

63. POLICY REVIEW AND DEVELOPMENT

- 63.1 The role of the Overview Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- 63.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview Committee and the review committees may make proposals to the Executive and/or the Council for developments in so far as they relate to matters within their terms of reference.

64. REPORTS FROM THE OVERVIEW COMMITTEE

- 64.1 The Overview Committee may develop a protocol for the production of reports.
- 64.2 Reports from the Overview Committee and review committees will be submitted within a reasonable time of their completion to the Proper Officer for consideration by the Executive.
- 64.3 The Executive shall produce a written response to the matters raised by the Overview Committee within a reasonable time of considering a report, and the Proper Officer shall arrange for the Executive response together with a copy of the original Overview report, to be placed on the agenda of the next appropriate Executive meeting.
- 64.4 This rule shall not apply to matters referred to the Executive in accordance with the call-in procedure set out in Rules 86 or 87 of the Budget and Policy Framework Rules.

65. RIGHTS AND POWERS OF OVERVIEW AND REVIEW COMMITTEE MEMBERS

65.1 Rights to documents

- (a) In addition to their rights as councillors, members of the Overview Committee and review committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview Committee and review committees as appropriate depending on the particular matter under consideration.

65.2 Power to require members and officers to give account

- (a) The Overview Committee and review committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions that fall within their terms of reference. As well as reviewing documentation, carrying out site visits, and conducting research, in fulfilling the scrutiny role it may require any member of the Executive, the Chief

Executive and any first or second tier officer to attend before it to explain in relation to matters within their remit;

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

and it is the duty of those persons to attend if so required. At the discretion of their chief officer, Council officers below second tier may attend, usually accompanied by a senior manager.

- (b) Where any member or officer is required to attend the Overview Committee/ review committee under this provision, the chair of that body will inform the member or Proper Officer. The Proper Officer shall inform the member or officer in writing giving at least 10 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Overview Committee/review committee. Where the account to be given to the Overview Committee/review committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview Committee/review committee shall in consultation with the member or officer arrange an alternative date for attendance, to take place within a maximum of 10 days from the date of the original request unless it is possible to arrange for the attendance of an acceptable alternative.
- (d) The Overview Committee may decide that for all meetings at which it considers matters which have been called in, the Executive member with portfolio responsibility for that matter shall whenever reasonably practicable attend and in those circumstances, the requirement to give notice in accordance with paragraph 65.2(b) shall not apply.

66. ATTENDANCE BY OTHERS

- 66.1 The Overview Committee or a review committee may invite people other than those people referred to in paragraph 65.2 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Attendance is at their discretion.
- 66.2 An officer of a local NHS body may, on reasonable notice, be required to attend to answer in accordance with legislation.
- 66.3 Where the Overview Committee is considering a crime and disorder matter it may require the attendance of an officer or employee of a crime and disorder partner

organisation to answer questions or to provide information in accordance with legislation.

67. CALL-IN PROCEDURE

- 67.1 When a decision is made by the Executive, an area committee, an individual member of the Executive or a committee of the Executive, or a key decision is made by an officer with delegated authority from the Executive, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the Town Hall normally within two working days of being made.
- 67.2 In the case of decisions made by area committees, only decisions relating to the exercise of Executive functions may be called in.
- 67.3 The notice will be dated and will specify that the decision will come into force, and may then be implemented, on the expiry of three working days after the publication of the decision, unless the Proper Officer receives a valid notice of call-in within that time. Copies of the notice will be sent to all members.
- 67.4 Valid notice of call-in is one which:
- (a) Is submitted by any five members of the Council (who, where the matter in question relates to the Council's education functions, may include co-opted members appointed in accordance with the terms of reference set out in Part 5 of these rules) or in the case of area committees any five members of the Council, no more than two of whom shall be members of the relevant area committee;
 - (b) Gives reasons in writing for the call-in together with a positive or additional course of action and states whether or not those members believe that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget; and.
 - (c) Is submitted to the Proper Officer within three working days of the date of the publication of the decision.
- 67.5 If no request is received, the decision is effective immediately after three working days have expired since the date upon which it was published.
- 67.6 On receipt of a valid notice of call-in, the Proper Officer will:
- (a) Notify the decision taker, the Chief Executive and the relevant chief officer;
 - (b) If the request for the call-in states that the reason for it is that the decision is outside the budget or policy framework, refer it to the Monitoring Officer who shall decide whether this is the case; and
 - (c) Refer the matter to the next scheduled meeting of the Overview Committee.

67.7 Following consideration of a matter, the Overview Committee may either:

- (a) Refer the matter back to the decision taker for reconsideration with reasons for its request; or
- (b) Conclude that it does not object to the decision in question in which case the decision shall take effect on the date of the Overview Committee meeting; or
- (c) If, following advice from the Monitoring Officer/Chief Finance Officer/Chief Executive that the decision, if implemented would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, it shall refer the decision to the decision maker and ask the decision maker to reconsider the matter on the grounds that the original decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget.

67.8 Where the matter is referred back to the decision taker in accordance with 67.7(c) above, the following process shall apply:

- (a) The decision maker shall reconsider the decision and shall either amend the original decision so that it is in accordance with the budget or policy framework as advised by the Monitoring Officer/Chief Finance Officer/Chief Executive or confirm that it does not intend to do so in which case the decision will be referred to Council for debate and decision;
- (b) If the decision maker amends the decision, that decision shall take effect immediately and no further call-in is permitted;
- (c) If the decision maker does not amend the decision, the Council must meet within 10 working days of the publication of confirmation of this fact. The decision maker must prepare a report to Council setting out the reasons why it wishes to take the decision notwithstanding the fact that, if implemented, it would be outside the budget or policy framework;
- (d) At its meeting, Council may only proceed as provided for in paragraph 78.3;
- (e) If a matter is referred back to the decision taker by Overview Committee, in circumstances where the Overview Committee did not consider the decision to be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the decision taker may either amend its decision or choose not to do so. Its decision in this respect shall be final and no further call-in shall be allowed in respect of that matter;

67.9 When the Overview Committee is considering the call-in of a decision made by an area committee, members of that area committee shall not be entitled to take part in that consideration. Members of area committees who are also members of the Overview Committee may attend the meeting during the consideration of that item for the purpose only of answering questions. Substitutes may attend for the purposes of the relevant item.

68. CALL-IN AND URGENCY

- 68.1 The call-in procedure set out above shall not apply where the decision being taken by the Executive or a Corporate Director/officer is urgent or where the decision is a recommendation to Council in respect of a plan or strategy falling within the policy framework in Article 4.01 or in respect of the setting of the annual civic budget. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or public interest and it is not practicable to convene a quorate meeting of the Overview Committee in compliance with the Access to Information rules.
- 68.2 The procedure to be followed where urgent decisions of the Executive or officers are required shall be:
- (a) Before the relevant meeting of the Executive, the Chief Executive shall determine that the matter is urgent on the basis of the definition in 68.1 above and that any decision on that matter at that meeting cannot be called-in.
 - (b) Notice of that decision shall be published and shall include reasons why it is not practical to convene a meeting of the Overview Committee within the Access to Information rules.
 - (c) The Chief Executive shall at the same time seek the confirmation of the chair of the Overview Committee that the matter is urgent and that a call-in will not apply.
 - (d) In the absence of the chair of the Overview Committee, the consent of the vice-chair of the Overview Committee shall be required.
 - (e) The subsequent written report to the Executive shall clearly state that the matter has been agreed as urgent and that call-in will not apply. Where it is necessary for the report to the Executive to be oral, the Executive shall be so informed at the commencement of any discussion on the item.
 - (f) The fact that a matter had been determined as urgent and that call-in did not apply, shall be recorded in the minutes of the Executive meeting.

69. MONITORING ARRANGEMENTS

The Proper Officer shall submit quarterly returns to Council detailing all those occasions on which either the call-in provisions were waived or a key decision was taken which had not appeared in the Forward Plan and in respect of which five clear working days notice had not been given, or both.

70. COUNCILLOR CALL FOR ACTION PROCEDURE

- 70.1 When a Councillor Call for Action (CCfA) is referred to the Overview Committee in accordance with the Councillor Call for Action Protocol in Part 6 of the Constitution the following procedure shall apply. The Monitoring Officer shall be responsible for

determining whether a matter is required to be referred to the Overview Committee under that protocol.

- 70.2 The referring Councillor and other Councillors representing the same ward will be invited to attend a meeting of the Overview Committee at which the CCfA is discussed, in order to make representations and answer questions. The relevant Executive member and senior officer will also be invited if appropriate.
- 70.3 In deciding whether or not to take the matter further the committee will consider:
- (a) Actions already taken by the Councillor in relation to the matter; and
 - (b) Representations made by the member as to why the committee should take the matter up.
- 70.4 The criteria the committee will use to decide whether or not to take the matter further include:
- (a) Is the committee satisfied that reasonable attempts at a resolution have been made by the ward councillor?
 - (b) Has the committee considered a similar issue recently and, if so, have the circumstances or evidence changed.
 - (c) Has the relevant service or partner agency been informed and been given enough time to resolve the issue and, if so, what response the Councillor has received.
 - (d) Is the matter currently being looked at by another form of local scrutiny such as the Local Involvement Networks?
- 70.5 If the committee decides not to take further action in respect of the referral it must inform the Councillor and explain why.
- 70.6 If the committee decides to accept the referral it must decide how it intends to take the matter further it may:
- (a) Make an immediate report or recommendations to:
 - (i) the Executive or other relevant council body;
 - (ii) the Corporate Director of the relevant Council department; or
 - (iii) to any relevant partner organisation or other local organisation;
 - (b) Request further information or evidence from the ward councillor;
 - (c) Ask officers to look into the matter and report back;
 - (d) Invite other local stakeholders to give evidence to a future meeting; or
 - (e) Refer the matter to a Review Panel to undertake a more in depth review.
- 70.7 Overview or a Review Committee may make recommendations as provided for in 70.6 (a) following consideration by them under 70.6 (e)
- 70.8 If the matter is referred under 70.6 (a) (i) or (ii) the relevant body or person shall report back to the Overview Committee indicating any action that has been or is

intended to be taken in respect of the recommendation, normally within 2 months and in the case of a crime and disorder matter shall take the report or recommendation into account in exercising their functions

70.9 Once the committee has completed its work on the referral the member who made the referral will receive a copy of any report or recommendations made in relation to it

70.10 In the case of a crime and disorder matter:

- (a) A copy of any report or recommendations under 70.6(a)(i) or (ii) above shall also be provided to the chief officer of police, the police and fire authorities, the probation board and the primary care trust (“the Council’s crime and disorder partners”).
- (b) If a report or recommendation is made to one of the Council’s crime and disorder partners under 70.6(a)(iii) that partner will be notified that they are required to
 - (i) consider the report or recommendations and to respond to the committee indicating what action, if any, it propose to take, normally within one month; and
 - (ii) have regard to the report or recommendations in exercising their functions.

71. PROCEDURE AT OVERVIEW COMMITTEE MEETINGS AND MEETINGS OF THE REVIEW COMMITTEES

71.1 The Overview Committee shall consider the following business as appropriate:

- (a) Minutes of the last meeting;
- (b) Declarations of interest;
- (c) Consideration of any matter referred to the committee for a decision in relation to call-in of a decision;
- (d) Responses of the Executive to reports of the committee; and
- (e) The business otherwise set out on the agenda for the meeting.

The order of business may be varied by the chair.

71.2 A review committee shall consider the following business as appropriate:

- (a) Minutes of the last meeting;
- (b) Declarations of interest;
- (c) The business otherwise set out on the agenda for the meeting.

- 71.3 Where the Overview Committee or review committee has asked people to attend to give evidence at meetings, these are to be conducted in accordance with the following principles:
- (a) That the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (b) That those assisting the committee by giving evidence be treated with respect and courtesy;
 - (c) That the investigation be conducted so as to maximise the efficiency of the investigation or analysis; and
 - (d) That appropriate assistance with translation or alternative methods of communication be provided to assist those giving evidence.
- 71.4 Following any investigation or review, the Overview Committee/review committee shall prepare a report, for submission to the Executive and make its report and findings public (unless they relate to matters which in accordance with the Access To Information Procedure Rules, are confidential or exempt).
- 71.5 Paragraphs 38-54 of the Committee Procedure Rules apply to meetings of the Overview and review committees.

72. MATTERS WITHIN THE REMIT OF MORE THAN ONE REVIEW COMMITTEE

Should there be any overlap between the business of review committees, then the Overview Committee is empowered to resolve the issue.

AREA COMMITTEE PROCEDURE RULES

73. ALLOCATION OF AREA COMMITTEE BUDGETS

- 73.1 The area budget to be administered by each Area Committee shall be divided into 12 equal shares and each share ('a Share') shall be notionally allocated to one member of the committee.
- 73.2 No decision shall be made to allocate any Share unless the scheme or improvement to which it is allocated has been recommended to the committee by the ward member to whom that share has been notionally allocated in accordance with paragraph 73.1 above.
- 73.3 If the committee does not agree that any Share should be allocated to the scheme or improvement recommended by the relevant ward member, it shall invite that member to submit an alternative recommendation.
- 73.4 If by the 30th November in any financial year, the committee has not approved a recommendation in respect of any Share then the decision in respect of that Share may be taken by the Executive.
- 73.5 One or more ward members may choose to pool their respective Shares but for the avoidance of doubt only the Shares of those members who have so agreed shall form part of any pool. Once Shares have been pooled, there is no requirement for individual members to make separate recommendations in respect of the allocation of the pooled Shares and that allocation shall fall to be determined by the committee as a whole.
- 73.6 The area committee budget may be spent on items of a revenue or capital nature but such funding should not be used as a substitute for grant funding or in situations where ongoing revenue support is likely to be needed.
- 73.7 In allocating the area committee budget in accordance with this paragraph, the committee shall comply with any relevant provisions of the Council's financial regulations.

74. URGENT DECISIONS IN RESPECT OF EXECUTIVE FUNCTIONS DELEGATED TO AREA COMMITTEES

Where in the view of the Director of Environment and Regeneration a matter falling within item 1 of the terms of reference of an Area Committee is urgent, he may take a decision in relation to that matter. A matter will be urgent where in his reasonable opinion to delay the decision relating to it would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a quorate meeting of the area committee in sufficient time to take the decision.¹

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

75. THE FRAMEWORK FOR EXECUTIVE DECISIONS

The Council will be responsible for the adoption of the budget and policy framework as set out in Article 4. Once the framework is in place, it will be the responsibility of the Executive to implement it. Those provisions in these Budget and Policy Framework Procedure Rules which are mandatory standing orders under the Local Authorities (Standing Orders) Regulations 2000 and therefore cannot be deleted are indicated by an asterisk.

76. PROCESS FOR DEVELOPING THE POLICY FRAMEWORK

- 76.1 At the first Council meeting following Annual Council the Executive shall bring forward a report setting out the proposed timetable for consideration of the plans and strategies identified in Article 4 as comprising the policy framework.
- 79.2 The Council shall agree which of those plans or strategies it wishes to be considered, prior to their adoption, by the relevant Overview or review committee; alternatively, the Chief Executive, in consultation with both whips may refer such a plan or strategy for debate by Council prior to its being formally recommended for approval to full Council by the Executive in accordance with paragraph 76.3 below.
- 76.3 Those plans or strategies which are not required to be considered by an Overview or review committee, shall be considered by full Council at the appropriate time (bearing in mind any statutory deadlines for such plans). In considering such plans, Council shall have before it a report from the Executive in which recommendations as to the content of the plan are made.
- 76.4 In respect of those plans which the Council decides should be considered by an Overview or review committee, the Executive or officer shall prepare reports and recommendations for submission to the relevant committee in sufficient time (taking into account the timetable for the plans and strategies agreed by Council) for them to give proper consideration to the proposals and, if they so wish to prepare a report to the Executive setting out their own proposals.
- 76.5 The Executive shall consider any report produced under 76.4 above and shall then make a report to Council recommending the adoption of the plan or strategy concerned, (with or without any amendments or additions made as a result of the Overview or review committee report).
- 76.6 The Council may accept the recommendations made or resolve to adopt the plan or strategy subject to any amendments it considers appropriate but in doing so, it shall have regard to the contents of any report prepared by an Overview or review committee.
- 76.7 Where the Council objects to or wants to amend the proposals then before doing so, or approving them for the purpose of submission to the Secretary of State or Minister of the Crown for his or her approval it, must inform the Leader of any objections which it has to the draft plan, policy or strategy and must, unless the Leader agrees those amendments at that meeting, give instructions requiring the Executive to reconsider the proposals in the light of those objections.

- 76.8 Where the Council gives instructions in accordance with the preceding paragraph it must specify a period of at least five days beginning on the day after the date on which the Leader receives the instructions on behalf of the Executive within which the Leader may submit to Council for reconsideration either a revised draft of the plan, policy or strategy together with the Executive's reasons for any amendments or details of those aspects of the Council's objections that the Executive disagrees with and the reasons for any such disagreement.
- 76.9 When the period specified in the preceding paragraph has expired the Council must, when amending or adopting the plan, policy or strategy or approving it for the purpose of submission to the Secretary of State or Minister of the Crown for approval take into account any amendments included in any revised draft plan, policy or strategy submitted by the Executive within the required period, the Executive's reasons for those amendments, any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for that disagreement.

77. PROCESS FOR SETTING THE BUDGET

- 77.1 The Executive's initial proposals shall be referred to the Overview Committee. The Overview Committee shall canvass the views of local stakeholders if it considers it appropriate in accordance with the matter under consideration, and having particular regard not to duplicate any consultation carried out by the Executive. The Overview Committee shall report to the Executive on the outcome of its deliberations. The Overview Committee shall have two weeks to respond to the initial proposals of the Executive unless the Executive considers that there are special factors that make this timetable inappropriate. If it does, it will inform the Overview Committee of the time for response when the proposals are referred to it.
- 77.2 Having considered the report of the Overview Committee, the Executive, if it considers it appropriate, may amend its proposals before submitting them to the Council meeting for consideration. It will also report to Council on how it has taken into account any recommendations from the Overview Committee.
- 77.3* The Council will consider the proposals of the Executive and may (subject to Procedural Rule 77.5):
- (i) adopt them; or
 - (ii) amend them; or
 - (iii) refer them back to the Executive for further consideration;
 - (iv) or substitute its own proposals in their place.

In considering the matter, the Council shall have before it the Executive's proposals and any report from the Overview Committee.

- 77.4 If this consideration takes place on or after 8 February in any financial year, the Council will reach a decision on the proposals and that decision will be publicised and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council

accepts the Executive's proposals without amendment) or (if the Executive's proposals are not accepted or are amended or substituted) that the Council's decision will become effective on the expiry of five working days after the publication of the notice of decision, unless the Leader objects to it in that period in which case the following requirements will apply;

- i. If the Leader objects to the decision of the Council, s/he shall give written notice to the Proper Officer to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Proper Officer shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting;
- ii. The Council meeting must take place within 10 working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council to consider;
- iii. The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Article 4, and shall be implemented immediately.

77.5* If this consideration takes place before 8 February in any financial year and following consideration of the proposals the council has any objections to them it shall not make its decision until it has informed the Leader of the objections and instructed the Leader to require the Executive to reconsider its proposals in the light of those objections in which case the following requirements shall apply;

- i a period of at least ten days beginning on the day after the date on which the Leader receives the instructions on behalf of the Executive shall be specified by the Council within which the Leader may:
 - a. submit revised proposals to the council with the Executive's reasons for any amendments made to the estimates or amounts in the proposals; or
 - b. inform the Council of any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for any such disagreement.
- ii When the period specified by the Council has expired, the Council must, when making considering the Executive's proposals take into account;
 - a. any amendments to the estimates or amounts that are included in any revised proposals and the Executive's reasons for those amendments;
 - b. any disagreement that the Executive has with any of Full Council's objections and the Executive's reasons for that disagreement

which the Leader has informed the Council of, within the period specified.

78. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 78.1 Subject to paragraph 79 of these rules, the Executive, committees of the Executive, individual members of the Executive and any officers, or jointly constituted bodies discharging Executive functions may only take decisions which are not contrary to the policy framework or contrary to, or not wholly in accordance with the budget. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by the Council, then that decision may only be taken by the Council.
- 78.2 If the Executive, committees of the Executive, individual members of the Executive and any officers, or jointly constituted bodies discharging Executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Executive and Chief Finance Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of any of those officers is that the decision would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 79 shall apply.
- 78.3 If the matter is referred to Council, Council may either:
- (a) Endorse a decision or proposal of the Executive decision taker as being in accordance with the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way and decision will take effect immediately; or
 - (b) 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, but does not object to it, it can take the decision itself. In those circumstances, the decision will come into effect on the passing of a resolution to that effect; or
 - (c) Where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget and does object to it, it may resolve that the decision not be taken. Such a resolution shall not prevent the Executive from reconsidering the matter and later taking a decision in respect of it, which is not contrary to the policy framework or contrary to or not wholly in accordance with the budget.

79. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 79.1 The Executive, a committee of the Executive, an individual member of the Executive or officers, or jointly constituted bodies 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. A decision will be urgent if any delay in taking it would seriously prejudice the Council's or the public interests and it is not practical to convene a quorate meeting of the full Council within the Access to Information Rules.

- 79.2 The chair of the Overview Committee must agree in writing that the decision must be taken as a matter of urgency. In the absence or inability to act of the chair, the consent of the Mayor, or in his or her absence or inability to act, the Deputy Mayor, shall suffice. The reasons why it is not practical to convene a quorate meeting of full Council and the consent to the decision being taken as a matter of urgency must be noted on the record of the decision.
- 79.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

80. VIREMENT

- 80.1 In approving the budget and policy framework or any part of it, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework (or the relevant part of it as the case may be) which may be undertaken by the Executive, in accordance with paragraphs 79 and 80 of these Rules (virement and in-year adjustments), subject to paragraphs 80.2 and 80.3 below. Any other changes to the budget and policy framework are reserved to the Council.
- 80.2 Chief officers are authorised to vire budget provision between budget heads within their departments subject to limitations set out in the Financial Regulations contained within Part 4.
- 80.3 The Executive may at any time during the financial year and after considering a report of the Corporate Director of Finance make changes to the revenue and capital budgets in accordance with the Financial Regulations contained within Part 4;

81. IN-YEAR CHANGES TO POLICY FRAMEWORK

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Executive, a committee of the Council, member of the Executive or officers, or jointly constituted bodies discharging Executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by the Executive, a committee of the Executive, member of the Executive or officers, or jointly constituted body discharging Executive functions except where Council has agreed this at the time of agreeing the budget or relevant policy or strategy.

ACCESS TO INFORMATION PROCEDURE RULES

82. SCOPE

These rules apply to all meetings of the Council, area committees, the Overview Committee, review and other committees and sub-committees, the Standards Committee, public meetings of the Executive, and meetings called for the purposes of individual member decision making (all referred to as “meetings” in these Rules).

83. ADDITIONAL RIGHTS TO INFORMATION

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

84. RIGHTS TO ATTEND MEETINGS

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

85. NOTICES OF MEETING

The Council will give at least five clear working days notice of any meeting by posting details of the meeting at the Town Hall and on the Council website. For the purposes of calculating the notice period, the day on which notice is given and the day of the meeting shall be disregarded.

86. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

- 86.1 Subject to paragraph 85.4 below, no decision shall be taken at a meeting unless it is included on the agenda for that meeting and is accompanied by a report from the appropriate officer or, in the case of meetings of the Executive, from either the appropriate officer or Executive member. Where the report is from an Executive member, it must state any advice received from officers.
- 86.2 All agendas and reports will be published at least five clear working days before the meeting unless the decision relates to a confidential matter or is exempt under these Access to Information Rules.
- 86.3 Para. 86.2 above shall not apply to extraordinary meetings outside the normal programme of meetings.
- 86.4 If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Proper Officer shall make each such report available to the public as soon as the report is completed and sent to members.
- 86.5 If a report is not published five clear working days before a meeting, the item to which it relates may not be considered at that meeting unless the chair of meeting agrees that by reason of special circumstances the item should be considered as a matter of urgency. Where this is the case, the special circumstances requiring the item to be considered urgently shall be specified in the minutes.

87. SUPPLY OF COPIES

87.1 The Council will supply copies of:

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

88. ACCESS TO MINUTES ETC AFTER THE MEETING

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

- (a) The minutes of the meeting and records of decisions taken, together with reasons, for all meetings covered by these rules, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) A summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) The agenda for the meeting; and
- (d) Reports relating to items when the meeting was open to the public.

89. BACKGROUND PAPERS

89.1 List of background papers

The Proper Officer will ensure that every report contains a list of those documents (called background papers) and, where possible, their locations on the Council's website 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 does not include published works or those which disclose exempt or confidential information (as defined in Rule 91) and in respect of Executive reports, the advice of a political adviser, (if any).

89.2 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.

90. SUMMARY OF PUBLIC RIGHTS

These rules are the written summary of the public's rights to attend meetings and to inspect and copy documents. They are kept at and are available to the public at the Council's main offices.

91. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

91.1 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. Non Executive members of the Council shall be entitled to remain at Executive meetings where decisions are being taken unless the Proper Officer advises that this would be inappropriate.

91.2 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. Non Executive members of the Council shall be entitled to remain at meetings where decisions are being taken unless the Proper Officer advises that this would be inappropriate.

91.3 Meaning of confidential information

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

91.4 Meaning of exempt information

Exempt information means information falling within schedule 12A of the Local Government Act 1972 and which is summarised below and set out in more detail in Appendix 5.

- (a) Information relating to an individual;
- (b) Information which is likely to reveal the identity of an individual;
- (c) Information relating to the financial or business affairs of any particular person (including the authority holding that information);
- (d) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority;
- (e) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings;

- (f) Information which reveals that the authority proposes -
 - (i) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (ii) to make an order or direction under any enactment;
- (g) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Information falling within the above paragraphs is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

The words and expressions above have the meaning given to them by the Local Government (Access to Information) (Variation) Order 2006.

92. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Proper Officer 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 90, 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.

93. APPLICATION OF RULES TO THE EXECUTIVE

Rules 82-92 and 99-102 apply to the Executive whenever it meets formally to take Executive Decisions (whether they are defined as key decisions or not). Rules 94-98 only apply when the Executive is taking Key Decisions.

NOTE: The Access to Information rules set out above are in addition to any which members of the public may enjoy under the Freedom of Information legislation.

94. PROCEDURE BEFORE TAKING DECISIONS

94.1 Subject to Rules 96 and 97 a key decision may not be taken by the Executive unless:

- (a) It has been published in the Forward Plan;
- (b) At least five clear days have elapsed since the publication of the Forward Plan; and
- (c) Notice of the meeting has been given in accordance with Rule 91.

94.2 Officer decisions

- (a) It is the responsibility of the relevant chief officer to determine in respect of Executive decisions to be taken by officers, whether these are to be key decisions as defined in Article 13.

- (b) Chief officers must follow the Protocol for Key Decisions contained in this Constitution.

95. THE FORWARD PLAN

95.1 Period of Forward Plan

The Forward Plan will be prepared by the Executive in consultation with the Chief Executive and published by the Proper Officer to cover a period of four months, beginning with the first day of any month. It will be updated on a monthly basis.

95.2 Contents of Forward Plan

- (a) The Forward Plan will contain matters which the Executive has reason to believe will be the subject of a key decision to be taken by the Executive, a committee of the Executive, individual members of the Executive, or under joint arrangements in the course of the discharge of an Executive function during the period covered by the plan. It will also contain matters which the Executive has reason to believe will be the subject of a key decision to be taken by officers and area committees. It will describe the following particulars in so far as the information is available or might reasonably be obtained:
 - (i) The matter in respect of which a decision is to be made;
 - (ii) 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;
 - (iii) The date on which, or the period within which, the decision will be taken;
 - (iv) The identity of the principal groups whom the decision taker proposes to consult formally or seek the views of before taking the decision;
 - (v) The means by which any such consultation (both formal and informal) is proposed to be undertaken;
 - (vi) The steps any person might take who wishes to make representations to the Executive 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
 - (vii) A list of the documents submitted to the decision taker for consideration in relation to the matter.
- (b) The Forward Plan must be published at least 14 days before the start of the period covered and will be published on the Council's website;
- (c) The Proper Officer will publish once a year a notice in at least one newspaper circulating in the area, stating:
 - (i) That Executive decisions are to be taken on behalf of the Council;

- (ii) That a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
 - (iii) That the plan will contain details of the Executive decisions and key decisions by officers to be made for the four month period following its publication;
 - (iv) That each plan will be available for inspection at reasonable hours free of charge at the Council's offices and be published on the Council's website;
 - (v) That each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the decisions in the plan;
 - (vi) 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;
 - (vii) That other documents may be submitted to decision takers;
 - (viii) The procedure for requesting details of documents (if any) as they become available; and
 - (ix) 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.
- (d) Where any matter involves the consideration of exempt information (as defined in paragraph 91.4 above), confidential information (as defined by paragraph 91.3 above) or the advice of a political adviser or assistant, a summary of the matter shall be included in the Forward Plan but the exempt or confidential information or the advice, as the case may be, need not be included.

96. GENERAL EXCEPTION

- (a) If a matter which is likely to be a key decision including a key decision by an officer has not been included in the Forward Plan, then subject to Rule 97, the decision may still be taken if:
 - (i) 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;
 - (ii) The Proper Officer has given the chair of the Overview Committee (or if there is no such person, each member of the Overview Committee) written notice of the matter to which the decision is to be made;
 - (iii) The Proper Officer has made copies of that notice available to the public at the offices of the Council; and
 - (iv) At least five clear days have elapsed since the Proper Officer complied with (ii) and (iii).
- (b) Any such decision taken by the Executive must be taken in public unless it relates to a matter which is confidential or exempt pursuant to paragraph 96 above.

97. URGENT DECISIONS

If by virtue of the date by which a decision must be taken Rule 96 cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the chair of the body making the decision, obtains the agreement of the chair of the Overview Committee that the taking of the decision is urgent and cannot be reasonably deferred. If there is no such person or the chair of the Overview Committee is unable to act, then the agreement of the Mayor shall be obtained. If there is no Mayor, or the Mayor is unable to act, the agreement of the Deputy Mayor will suffice.

98. REPORT TO COUNCIL

When the Overview Committee can require a report

- (a) If the Overview Committee thinks that a key decision has been taken by the Executive or a key decision has been taken by an officer which was not:
 - (i) Included in the Forward Plan; or
 - (ii) The subject of the general exception procedure under Rule 96; or
 - (iii) The subject of an agreement with the Overview Committee chair, or the Mayor under Rule 97;

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

- (b) Executive's report to Council

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the resolution of the committee, then the report may be submitted to the meeting after that.

- (c) The report to Council will set out:
 - (i) particulars of the decision (including the reasons for it);
 - (ii) the identity of the decision taker; and
 - (iii) if the Executive is of the opinion that it was not a key decision the reasons for that opinion.

99. RECORD OF DECISIONS

After any meeting of the Executive or any of its committees at which decisions are taken, the Proper Officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting. The record will also include any relevant interests which any of the members involved have, together with any dispensations they have been granted.

100. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

100.1 Application

- (a) It is not envisaged that individual members of the Executive will take decisions as these will be taken by the Executive as a whole. The only exception to this is in relation to those social services functions exercised jointly with the Islington PCT (known as NHS Islington) pursuant to Section 75 of the Health Service Act 2006. The Executive member with portfolio responsibility for Health and Adult Social Services shall be entitled to take decisions on an individual basis.
- (b) Where these decisions are key decisions, the relevant provisions of the Access to Information Procedures, Rules and Scrutiny Rules shall apply. The fact that the Executive member is entitled to take decisions in these circumstances shall not prevent the whole Executive from choosing to take the decision itself.

100.2 Decisions to be taken in public

- (a) Where an individual member is taking a key decision (which is not included in the list of exemptions listed above), those decisions will be taken in public (subject to Rule 90) and will be subject to the same rules as for the full Executive.

100.3 Reports intended to be taken into account

- (a) Where an individual member of the Executive receives a report which he/she intends to take into account in making any decision, then he/she will not make the decision until at least five clear days after that report has been available for public inspection.
- (b) Upon receipt of such a report the individual member or officer shall ensure that the Proper Officer makes the report publicly available, that a list of background papers is included and sufficient copies of those papers are available or that facilities exist for the production of them.

100.4 Provision of copies of reports to the Overview Committee

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to members of the Overview Committee as soon as reasonably practicable.

100.5 Record of individual decision

- (a) As soon as reasonably practicable after a key decision has been taken by an individual member of the Executive or by an officer, he/she will prepare, or instruct the Proper Officer to prepare a record of the decision, a statement of the reasons for it and any alternative options considered and rejected.

- (b) Members taking individual decisions will do so in the presence of the Proper Officer at the appointed date and time. The provisions of Rules 88 and 89 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Executive. This does not require the disclosure of exempt or confidential information or advice from a political assistant (if any).
- (c) Officers taking key decisions must send them to the Proper Officer within two working days. The Proper Officer shall then publish a record of all decisions taken by officers.

101. ACCESS TO DOCUMENTS FOR OVERVIEW AND REVIEW COMMITTEES

101.1 Rights to copies

- (a) Subject to Rule 101.2 below, members of the Overview Committee and any review committee will be entitled to copies of any document which is in the possession or control of the Executive or its committees which contains material relating to:
 - (i) Any business which has been transacted at a meeting of the Executive or its committees;
 - (ii) Any decision which has been taken by an individual member of the Executive; or
 - (iii) Any key decision which has been made by an officer.

101.2 Limit on rights

- (a) No member will be entitled to:
 - (i) Any document that is in draft form;
 - (ii) Any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
 - (iii) The advice of a political adviser, if any.
- (b) With regard to (ii) above, the member will need to demonstrate to the Proper Officer that the information requested is relevant and the Proper Officer shall take a decision as to whether the information should be made available, supplying reasons as appropriate.

102. ADDITIONAL RIGHTS OF ACCESS TO DOCUMENTS FOR MEMBERS

102.1 Material relating to business at public meetings

- (a) All members will be entitled to inspect any document which is in the possession or under the control of the Executive or its committees and contains material relating to any business to be transacted at a public meeting of the Executive unless:

- (i) It contains exempt information falling within paragraphs (a), (b), (d), (e) and (g) or paragraph (c) (to the extent that the information relates to terms proposed or to be proposed by or to the Council in the course of negotiations for a contract) of the categories of exempt information at paragraph 90.4; or
- (ii) It contains the advice of a political adviser, if any.
- (iii) The document is in draft form.

102.2 Material relating to private meetings

- (a) Subject to (c) below all members of the Council will be entitled to inspect any document in the possession or under the control of the Executive or its committees which contains material relating to:
 - (i) any business which has been transacted at a private meeting of the Executive;
 - (ii) any decision which has been made by an individual member; or
 - (iii) any key decision which has been made by an officer.
- (b) The right contained in paragraph (a) arises when the meeting concludes or, in the case of an individual Executive member or officer decision, immediately after the decision has been made.
- (c) Members of the Council will not be entitled under this paragraph to:
 - (i) Any document that is in draft form;
 - (ii) Any part of a document that contains exempt information falling within paragraphs (a), (b), (d), (e) and (g) or paragraph (c) (to the extent that the information relates to terms proposed or to be proposed by or to the Council in the course of negotiations for a contract) of the categories of exempt information at paragraph 90.4; or
 - (iii) The advice of a political adviser or any person acting in that capacity, if any.

102.3 Nature of rights

These rights of a member are additional to any other right he/she may have

OFFICER EMPLOYMENT PROCEDURE RULES

103. INTRODUCTION

103.1 In these rules, references to heads of service shall include references to Service Directors and Heads of Services and to all those other officers who with respect to most or all of their duties, report directly to Corporate Directors or to the Chief Executive.

103.2 For the purposes of these rules, “disciplinary action” shall mean any action occasioned by alleged misconduct which, if proved, would according to the usual practices of the authority, be recorded on the officer’s personal file, and includes any proposal for the dismissal of an officer for any reason other than redundancy, permanent ill health or infirmity of mind or body but does not include a failure to renew a fixed term contract unless the authority has undertaken to renew such a contract.

103.3 Subject to the provisions of these rules, the appointment and dismissal of officers must be discharged by the Chief Executive or the Corporate Director of the department in which that officer is employed. Corporate Directors may delegate the function of appointing and dismissing staff to officers within their departments provided that to do so complies with any applicable personnel policies and procedures. The Chief Executive shall have the power to dismiss Corporate Directors, subject to paragraphs 105 and 106 below.

104. APPOINTMENT OF THE CHIEF EXECUTIVE AND CORPORATE DIRECTORS

104.1 Where the Council is proposing appointing a new Chief Executive or Corporate Director (save on an interim basis):

- (a) a statement shall be drawn up specifying the duties of the officer concerned and any qualifications or qualities to be sought in the person to be appointed; and
- (b) arrangements shall be made for that post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) a copy of any statement drawn up in accordance with paragraph (a) above shall be sent to any person on request;
- (d) such appointments will be made in accordance with a protocol agreed by the Corporate Director of Resources from time to time.

104.2 Where a post has been advertised in accordance with the preceding paragraph, the Personnel Sub-Committee shall interview all qualified candidates for the post, if appropriate having first selected a shortlist of such candidates. For these purposes, the Personnel Sub-Committee shall include at least one member of the Executive.

104.3 Where no qualified person has applied, further arrangements shall be made to advertise the post.

104.4 In the case of the Chief Executive, the Personnel Sub-Committee shall recommend any preferred candidate to a meeting of the whole Council and no offer of appointment shall be made to any person until the Council has approved such an appointment.

104.5 No offer of appointment of the Chief Executive, a Corporate Director, Service Director or Head of Service shall be made until:

- (a) the Council (in the case of the Chief Executive), sub-committee or officer proposing to make the offer ("the Appointer") has notified the Proper Officer of the name and any relevant particulars of the proposed appointee; and
- (b) the Proper Officer has notified every Executive member of the authority of the name and relevant particulars of the proposed appointee and the period in which any objection ("the objection period") to the making of an offer of appointment is to be made by the Leader on behalf of the Executive and either:
 - (i) the Leader has within the objection period notified the appointer that neither s/he nor any executive member has any objection to the making of an offer; or
 - (ii) the Proper Officer has notified the appointer that no objection was received within the objection period; or
 - (iii) the appointer is satisfied that any objection is not material or is not well-founded.

105. DISMISSAL OF CHIEF EXECUTIVE, DIRECTORS AND HEADS OF SERVICE

105.1 Dismissal of Chief Executive. No notice of dismissal shall be given to the Chief Executive unless the Council has approved such a dismissal.

105.2 No notice of dismissal (whether for misconduct, incompetence, redundancy or otherwise) shall be given to any Director or Head of Service until:

- (a) the Council (in the case of the Chief Executive), sub-committee or officer proposing the dismissal ("the dismissor") has notified the Proper Officer of the name and any relevant particulars of the officer whom it is proposed to dismiss; and
- (b) the Proper Officer has notified every Executive member of the authority of the name and relevant particulars of officer whom it is proposed to dismiss and the period in which any objection ("the objection period") to the proposed dismissal is to be made by the Leader on behalf of the Executive; and either
- (c) the Leader has within the objection period, notified the dismissor that neither s/he nor any Executive member has any objection to the proposed dismissal;

or

- (d) the Proper Officer has notified the dismissor that no objection was received within the objection period; or
- (e) the dismissor is satisfied that any objection is not material or is not well-founded.

105.3 Where a director or head of service has a contractual right of appeal to elected members, that right shall be in addition to the process set out above and shall accrue once notice of dismissal has actually been given. The right of appeal shall lie to the Personnel Sub-Committee which for these purposes shall include at least one member of the Executive. The fact that the Executive member concerned shall have been involved in the process set out above shall not preclude him or her from hearing the appeal. The provisions of this paragraph do not apply to the Chief Executive, the Monitoring Officer and the S151 officer who shall be treated in accordance with a procedure complying with paragraph 106 below, and all relevant statutory and contractual provisions.

106. ADDITIONAL PROVISIONS IN RELATION TO THE CHIEF EXECUTIVE, MONITORING OFFICER AND SECTION 151 OFFICER

106.1 No disciplinary action in respect of the Chief Executive, the Monitoring Officer or the Chief Finance Officer, except action described in paragraph 106.2, may be taken by the authority, or by a committee, a sub-committee, a joint committee on which the authority is represented or any other person acting on behalf of the authority, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).

106.2 The action mentioned in paragraph 106.1 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.

107. ASSISTANTS FOR POLITICAL GROUPS

107.1 No appointment shall be made to a post established by the authority pursuant to Section 9 of the Local Government and Housing Act 1989 (assistants for political groups) (referred to in this Standing Order as a "political assistant post") until the Council has allocated a political assistant post to each of the political groups which qualify for one under that section.

107.2 No political assistant post shall be allocated by the Council to a political group which does not qualify for one under Section 9 of the Local Government and Housing Act 1989.

107.3 No political group shall be allocated more than one political assistant.

108. FILLING OF STAFF VACANCIES – RELATIVES OF MEMBERS OR OFFICERS AND CANVASSING

- 108.1 A candidate for any appointment to the staff of the Council who knows that he/she is related to any member or officer of the Council shall, when making application, disclose that relationship in the application. A candidate who fails to disclose such a relationship shall be disqualified for the appointment and if appointed shall be liable to dismissal without notice. Every member and officer of the Council shall disclose to the Chief Executive any relationship known to exist between such a member or officer and any person whom they know to be a candidate for an appointment under the Council, and the Chief Executive shall forthwith report such disclosure to the committee, sub-committee or person making the appointment.
- 108.2 For the purpose of this Standing Order, persons shall be deemed to be related if they are husband and wife or co-habitee or if either of them is the son or daughter or grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse or co-habitee of the other.