

Part 4 – Rules of Procedure

Council Procedure Rules

1 Types of meeting

1.1 There will be three types of Council meeting:

- Annual Meeting
- Ordinary meetings
- Extraordinary meetings

2 The Annual Meeting

2.1 The Annual Meeting must be held at a date and time determined in accordance with the Local Government Act 1972. This means that in any year in which there is an election of members of the Council, the annual meeting will take place within twenty-one days of the retirement of councillors. In all other years the annual meeting will take place in March, April or May. Annual meetings will take place in such location as is specified in the summons to the meeting.

2.2 The Annual Meeting will deal with the following business in the order set out below:

- To elect a person to preside if the Speaker is absent;
- To elect a Speaker;
- To appoint a Deputy Speaker;
- To approve the minutes of the last meeting;
- To receive any declarations of interest;
- To receive announcements or communications, if any, from the Speaker, and/or Head of Paid Service;
- To receive written notification from the Mayor of the constitution and composition of the Executive including the names of the Deputy Mayor and the other councillors chosen to serve on the executive for the coming year;
- To receive notification in writing from the Mayor of the nature and extent of any decision-making powers delegated by them in relation to executive functions – which will be incorporated into the Council's scheme of delegation – Part 3 of the Constitution;
- To agree the terms of reference for, size, membership, Chair and Vice Chair of an overview and scrutiny committee, a standards committee and such other committees as the Council thinks fit to deal with matters which are neither reserved to Council nor executive functions;
- To decide the allocation of seats on committees to political groups in accordance with the requirements for political balance set out in the Local Government and Housing Act 1989. To receive nominations to serve on the committees and so far as possible to appoint to them in accordance with the wishes of the political groups to which seats have been allocated;
- To make appointments to outside bodies, where those appointments are not reserved to the Executive, in accordance with political balance requirements, if applicable;

- To fix a programme of Council meetings for the municipal year;
- To consider any business specified in the notice convening the meeting.

2.3 The Proper Officer will call the Annual Meeting in each year and will give notice in accordance with these rules.

3 Ordinary meetings

3.1 Ordinary meetings of the Council will take place in accordance with a programme fixed for the year at the Annual Meeting. Meetings will take place in locations determined by the Proper Officer and notified in the summons to the meeting.

3.2 Ordinary meetings will deal with the following business:

- To elect a person to preside if the Speaker and Deputy Speaker are not present;
- To approve the minutes of the last meeting;
- To receive any declarations from members;
- To receive any announcements from the Speaker, the Mayor, members of the Executive or the Chief Executive;
- To receive deputations and petitions, if any;
- To receive questions from and provide answers to the public in relation to matters which, in the opinion of the Speaker, are relevant to the business of the meeting;
- To receive Members' questions;
- To deal with any business remaining from the last Council meeting;
- To receive reports from the Council's committees and to receive questions and answers on those reports;
- To receive reports about and questions on the business of any joint arrangements and external organisations to which the Council appoints representatives;
- To receive reports from the Mayor (or their nominee) in relation to any key decisions which have been taken under the general urgency provisions special urgency provisions;
- To consider motions;
- To consider any other business specified in the notice convening the meeting including but not limited to:
 - a) proposals from the Executive in relation to the Council's policy framework and budget;
 - b) reports referred by overview and scrutiny committees for debate;
 - c) any matters referred to the Council for conflict resolution.

3.1 The Proper Officer will call ordinary Council meetings and will give notice in accordance with these rules.

3.2 At the relevant ordinary meeting of the Council when the Council's Budget and Council Tax is approved and set, the agenda will be limited to consideration of the budget report, including the Mayor and Cabinet's recommendations for the Budget, Capital Programme, Borrowing Policy and

Council Tax together with any items the Proper Officer, in consultation with the Speaker, has agreed be taken as urgent.

4 Extraordinary meetings

- 4.1 Extraordinary meetings will take place at such time and location as the Proper Officer determines and gives notice in the summons, on the Council's website and its main office.
- 4.2 Extraordinary meetings will deal with the business set out below in that order:
- To choose a person to preside if the Speaker and Deputy Speaker are not present;
 - To approve the minutes of the last meeting of the Council;
 - To receive members' declarations of interest if any;
 - To receive reports of the Executive or Committee relevant to the business specified in the summons to the meeting;
 - To consider any business specified in the summons to the meeting.
- 4.3 Extraordinary meetings of Council shall not deal with any announcements, petitions, public questions, member questions or motions on notice.
- 4.4 The following people may request the Proper Officer to call an extraordinary meeting of the Council, and the Proper Officer will comply:
- The Council by resolution;
 - The Speaker or in their absence the Deputy Speaker;
 - The Mayor;
 - The Head of Paid Service, Monitoring Officer and/or Chief Finance Officer;
 - Any five members of the Council if they have signed a requisition which has been delivered to the Speaker if they have refused to call a meeting or has failed to call one within 7 days of the presentation of the requisition.

5 Notice of date, time and place of meeting

- 5.1 At least 5 clear days before a Council meeting, the Proper Officer will publish at the Council's offices and on the Council's website, notice of the time and place of the intended meeting and, where the meeting is called by members of the Council, the notice shall be signed by those members and shall specify the business proposed to be transacted at the meeting.
- 5.2 The Proper Officer will send to every member of the Council a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and authenticated by the Proper Officer. The summons may be served by:
- (a) sending it to, or leaving it at the member's usual place of residence; or
 - (b) where the member has specified an address other than their usual place of residence, by sending it to, or leaving it at, that other address; or
 - (c) where the member has given consent for the summons to be transmitted in electronic form to a particular electronic address (and

consent has not been withdrawn) sending it in electronic form to that address.

- 5.3 In paragraph 5.2 above “authenticated” means signed or otherwise authenticated in such manner as the Proper Officer thinks fit.

6 Variations in the order of business at a Council meeting

- 6.1 The order of business at any Council meeting may be varied at the discretion of the Speaker, or on a motion to do so which shall be moved and put to the vote without discussion.

7 Council Urgency Committee

- 7.1 This Rule sets out the procedure for dealing, between meetings of the Council, with matters which are urgent and cannot be delayed. Council Urgency Committee may only deal with matters which are urgent and cannot be delayed until a quorate meeting of the full Council can be properly convened. It may only deal with matters which can be lawfully delegated by the Council.
- 7.2 A Council Urgency Committee shall be established at the annual meeting of the Council and will consist of the Speaker, the Deputy Mayor, one member of the Executive other than the Mayor, the Chair of the Overview and Scrutiny Committee and 2, or the smallest number higher, of councillors required to ensure that the political balance of the Council is reflected. If present the Speaker will chair the meeting. If the Speaker is not present but the Deputy Speaker is present, they shall chair the meeting. If neither is present, the Urgency Committee will elect a chair for the meeting from among the non-executive members present.
- 7.3 The quorum for the Council Urgency Committee shall be three.
- 7.4 Where in the opinion of the Chief Executive, a matter to be decided is so urgent that it cannot be delayed until the next meeting of the Council, a statement to this effect and the reason(s) shall be included in the item for decision by the Council Urgency Committee.
- 7.5 The Council Urgency Committee shall meet as often as necessary, to deal with business referred to it by the Chief Executive.
- 7.6 Decisions made by the Council Urgency Committee shall be reported to the next meeting of full Council. Copies of all reports and or other papers considered by the Council Urgency Committee in arriving at any decision shall be made available to any member of the Council on request.
- 7.7 During a year in which elections are held, in the period between the elections and the annual meeting of the Council, the Chief Executive or such person as they may nominate in writing is entitled to act in respect of any urgent decision to be made by the Council.

- 7.8 The Council may also determine substitutes who may act in the absence of individual members of the Council Urgency Committee in their absence. Executive members may not be named as substitutes.

8. Who Presides at Council meetings?

- 8.1 If the Speaker is present at a meeting of the Council, then they must preside at the meeting.
- 8.2 If the Speaker is absent, the Deputy Speaker will preside.
- 8.3 If both the Speaker and Deputy Speaker are absent from a meeting of the Council, a councillor elected by the members of the Council present shall preside.
- 8.4 Any power or duty assigned to the Speaker by these rules relating to the conduct of the meeting may be exercised by the person who presides at a meeting in the absence of the Speaker.
- 8.5 References to the Speaker in these Rules shall include any person presiding at a meeting of the Council, its Committees and Sub Committees.
- 8.6 The ruling of the Speaker in relation to the interpretation or application of these Rules, or to any proceedings of the Council, shall not be challenged at any meeting of the Council, save by a majority of those present at the meeting, and then the matter shall be referred to the Chief Executive for a ruling.

9 The Mayor and Deputies at Council

- 9.1 The Mayor shall be invited to attend all meetings of full Council and to address Council on any matter before it for consideration. Where the Mayor does wish to address full Council, if they so request, they shall do so first, after the proposer and seconder in whose names a motion or amendment is brought, but before any other councillor.
- 9.2 The Deputy Mayor and each member of the Executive nominated within whose portfolio a matter falls, shall have the right to speak after the Mayor, should they wish.

10. Duration of Council Meetings & Guillotine Provisions

- 10.1 The Speaker shall interrupt proceedings where any meeting has lasted for two and a half hours from the time published in the summons as the beginning of the meeting, whereupon any Member speaking shall stop speaking. The Chair shall, without discussion, take a vote on whether or not the Members wish the meeting to continue.

10.2 If the majority of Members present do not vote to continue the meeting, and there are outstanding matters that have not been dealt with by that time, the following provisions shall apply: -

- Any debate on the current item under consideration will immediately cease and the matter will be put to the vote immediately with no further speeches;
- Any outstanding reports voted on without debate;
- Any remaining motions will fall and are not carried forward to a future Council meeting.

10.3 This rule may be suspended, and any motion to do so shall be put before the expiry of two and a half hours from the time published in the summons as the beginning of the meeting.

11 The Quorum for Council Meetings

11.1 No business may be conducted at any Council meeting unless one quarter of the entire number of councillors is present.

11.2 If, after 15 minutes from the time specified in the summons for the start of the meeting, there is still not a quorum present, the meeting shall not take place and shall be adjourned to a date to be fixed.

11.3 If, during any meeting, it appears to the Speaker that there may not be a quorum present at the meeting, they shall count the number present at the meeting.

11.4 Any councillor present at a meeting may ask the Speaker to count the number present to establish whether the meeting is quorate, and if so requested, the Speaker will conduct the count.

11.5 If, following the count, the Speaker is satisfied that there is not a quorum present, they shall declare that there is not a quorum, and the meeting shall be adjourned for ten minutes.

11.6 If after that time there is still not a quorum present, then the meeting shall be adjourned

11.7 Any business not transacted on account of the absence of a quorum shall be adjourned to a meeting at a time to be fixed by the Speaker, or if they do not fix a time to the next ordinary meeting of the Council.

12. Political group leaders

12.1 Each political group on the Council will nominate a leader and inform the Chief Executive of the identity of that leader, and of any change in the leadership.

13 Questions by the Public at Council Meetings

13.1 Questions may be asked by the public at ordinary Council meetings. They may be addressed to the Mayor, any member of the Executive or any relevant committee or sub-committee chair. The Proper Officer, in consultation with the Speaker or the Mayor as appropriate, may direct any question received to either the Mayor, a Cabinet Member or a Committee Chair in order for a more comprehensive response to be provided. In circumstances where the question is redirected, the person that submitted the question will be notified

in writing by the Proper Officer in advance of the meeting.

- 13.2 Each member of the public may ask a maximum of two questions at any meeting. Any question of more than 100 words will be rejected. If more than two questions are asked, only the first two will be considered. Questions will be asked in the order in which notice of them was received except that the Speaker may group together similar questions.
- 13.3 Written notice of questions must be received by the Proper Officer by 23:59 on the fifteenth day before the meeting. Each question must state the name of the sender. Copies of the questions will be sent to the Speaker, the Mayor, every member of the Executive, the Chair of the Overview and Scrutiny Committee and the Chair of any relevant committee. Written responses to questions will be sent to the sender by 5pm on the working day prior to the meeting.
- 13.4 On receipt of a question from a member of the public, officers shall acknowledge the question and, if the question is allowed, explain the process for response, and that the questioner may attend the Council meeting to ask a supplementary question.
- 13.4 The Proper Officer may reject a question if, in their opinion:
 - i) It exceeds 100 words in length; or
 - ii) It does not relate to a matter for which the Council has powers or duties, unless it is a matter which affects the interests of local people; or
 - iii) It is defamatory, frivolous or offensive; or
 - iv) It is substantially the same as a question which has been put and answered at a Council meeting within the last three months; or
 - v) It requires the disclosure of confidential or exempt information; or
 - vi) That responding to the question would entail disproportionate labour or cost; or
 - vii) That the question relates to the circumstances of an individual case; or
 - viii) It relates to any investigation by the Monitoring Officer or Standards Committee.
- 13.5 The Proper Officer may put questions into an appropriate form without affecting the substance of the question and redirect them if necessary.
- 13.6 If any question is disallowed, the Proper Officer will write to the questioner explaining the reasons for that decision.
- 13.7 So far as possible, printed copies of all questions and answers will be published at the relevant meeting and a copy supplied to the Mayor and all councillors and made available to the public at the meeting. A copy of questions asked, and replies given will be filed together and kept as an annex to the Council minutes.
- 13.8 The Speaker will announce that public questions have been received and answered and are included in the agenda pack.

- 13.9 A questioner who has put a question may put one supplementary question to the member who has replied. A supplementary question must arise directly out of the original question, or the reply given to it. If technology permits, supplementary questions may be asked virtually as well as in person.
- 13.10 Supplementary questions may only be asked by the questioner. Representatives are not permitted.
- 13.11 The total time for answering public supplementary questions at any Council meeting shall not exceed 30 minutes. Supplementary questions will be taken in the same order as the original questions, provided that the Proper Officer is notified in advance.
- 13.12 There will not be any debate on any question save that a member may ask that a matter raised by a question be referred to a committee or to the Executive or to an officer to be dealt with.

14. Questions by members

- 14.1 At an ordinary Council meeting, members of the Council may ask questions that are relevant to the general work or procedure of the Council.
- 14.2 Each member of the Council may ask a maximum of two questions at any meeting. Any question of more than 100 words will be rejected. If more than two questions are asked, only the first two will be considered.
- 14.3 Written notice of questions must be received by the Proper Officer by 23:59 on the fifteenth day before the meeting. Written responses to all questions will be circulated by 5 p.m. on the working day prior to the meeting.
- 14.4 No questions may be asked without notice except of the Speaker, with the Speaker's consent, and on a matter of urgency of which the Speaker will be the judge. In such cases, the text of the question must be given to the Speaker in writing at least three hours before the meeting.
- 14.5 Questions may be disallowed for the same reasons as those from the public and the Proper Officer may amend questions in the same circumstances and to the same effect as those from the public. (Rules 13.4 and 13.5 above.)
- 14.6 Questions about the work of the Executive will be replied to by the member of the Executive to whom it is addressed, or otherwise by the Mayor or the Executive member within whose area the subject matter of the question falls. In all other cases, questions will be replied to by the Speaker, or the Chair of the relevant committee. The Proper Officer, in consultation with the Speaker or the Mayor as appropriate, may direct any question received to either the Mayor, a Cabinet Member or a Committee Chair in order for a more comprehensive response to be provided. In circumstances where the question is redirected, the person that submitted the question will be notified in writing by the Proper Officer in advance of the meeting.

- 14.7 So far as possible, printed copies of all questions and answers will be published at the Council meeting and copies supplied to each member of the Council. Questions will not usually be answered orally except where it has not been possible to publish the reply.
- 14.8 The form of the answer is at the discretion of the Speaker, Mayor, relevant Executive member or committee chair who may decline to reply where to do so would involve excessive labour and/or cost.
- 14.9 Where a question put at a meeting requires a detailed answer requiring research it will not usually be given at the meeting. At the discretion of the member to whom the question is addressed or the Speaker such a question may be the subject of a written reply within 14 days of the meeting. A copy of the reply will be sent to all members.
- 14.10 If a question relates to both executive and non-executive functions, or to the work of more than one committee or falls within the area of more than one member of the Executive, a joint reply may be given.
- 14.11 Members who wish to ask a question must classify their question as either one which requires only a written answer with no right to a supplementary question, or one to which they require a written answer and reserve the right to ask up to one supplementary question at the meeting.
- 14.12 Any member may, without notice, ask a question on a report, which is being presented to the Council when that report is being considered or received.
- 14.13 Questions about the discharge of the functions of joint authorities or about the business of external organisations may be asked at ordinary meetings of the Council by any member for reply by any member who is a Council nominee on the joint authority/external body. Written notice of such questions must reach the Proper Officer by 10 a.m. on the Monday of the week in which the meeting is to take place. Only one such question may be asked by any member at any meeting.
- 14.14 During the time allocated for member questions, the following provisions shall apply:
- All members' first questions, including supplementary questions, will be responded to and/or dealt with before consideration of any members' second questions;
 - The order of members' first questions to be considered will be as follows: administration, largest opposition group, second largest opposition group, etc. Should time permit, once all first member questions submitted by political groups have been dealt with, first questions from independent councillors will be dealt with in the order they were received by the Proper Officer.
 - The order of members' second questions to be considered will be as follows: administration, largest opposition group, second largest opposition group, etc. Should time permit, once all second member questions submitted by political groups have been dealt with, second

questions from independent councillors will be dealt with in the order they were received by the Proper Officer.

14.15 At extraordinary council meetings, questions will only be asked or considered if they relate to the business of the meeting as specified in the summons

14.16 So far as possible, printed copies of all questions and answers will be published at the relevant meeting and a copy supplied to the Mayor and all councillors and made available to the public at the meeting. A copy of questions asked, and replies given will be filed together and kept as an annex to the Council minutes.

15 Motions on Notice

15.1 No motions on notice will be admissible at the Annual General Meeting of the Council, any extraordinary meeting of the Council or the ordinary meeting of the Council that considers the budget pursuant to Rule 3.4

15.2 Except for motions which can be taken without notice under Rule 15.8 below, written notice of every motion shall be given by the member or members of the Council proposing the motion. In order to be considered by the Proper Officer, every motion shall be:

- Delivered to the Proper Officer not later than 10 a.m. on the sixth working day before the next meeting of the Council;
- Seconded;
- Relevant to some matter in relation to which the Council has powers or duties, or which significantly affects the interests of the people of the Borough. If the Council approves a motion which seeks to commit the Council to take action in respect of which only the Executive has power to make a decision, the matter will be referred to the Mayor and Cabinet for decision, which will be taken in accordance with this Constitution.

15.3 The Proper Officer may reject a Motion On Notice, if, in their opinion:

- i) It does not relate to a matter for which the Council has powers or duties, unless it is a matter which affects the interests of local people; or
- ii) It is defamatory, frivolous or offensive; or
- iii) It is substantially the same as a motion which has been put and answered at a Council meeting within the last three months; or
- iv) It requires the disclosure of confidential or exempt information; or
- v) It relates to the circumstances of an individual case; or
- vi) It relates to any investigation by the Monitoring Officer or Standards Committee.

15.4 Any motion that complies with the provisions of Rules 15.1-15.3 shall be dated on receipt, numbered in the order in which they are received and entered in a register, which shall be open to inspection by the public.

15.5 No more than one motion may be proposed by any political group or any independent councillor for each meeting;

- 15.6 The consideration of motions on notice shall not take longer than 30 minutes in total.
- 15.7 Motions will be taken in the following order: Administration; largest political group, seconded largest political group, third largest political group, etc. Should time permit, once all motions submitted by political groups have been dealt with, motions from independent councillors will be dealt with in the order they were received by the Proper Officer.
- 15.8 Those motions which may be moved without notice are:
- i. the appointment of a Speaker at the meeting at which the motion is moved.
 - ii. motions which relate to the minutes.
 - iii. to change the order of business in the agenda.
 - iv. to refer something to an appropriate body or individual.
 - v. to appoint a committee or member arising from an item on the summons for the meeting.
 - vi. to receive reports or to adopt the recommendation of committees or officers and any resolutions following from them.
 - vii. to withdraw a motion.
 - viii. to proceed to next business.
 - ix. that the question be now put.
 - x. to adjourn a debate.
 - xi. to adjourn a meeting.
 - xii. that the meeting continues beyond two and a half hours in duration.
 - xiii. to suspend a particular procedural rule.
 - xiv. to exclude the public and press in accordance with the Access to Information Rules.
 - xvi. to not hear further a member named under Rule C29 or to exclude them from the meeting.
 - xvii. to give the consent of the Council where consent is required by this Constitution.
- 15.9 Motion to rescind preceding resolution
- i. No motion to rescind any resolution passed within the preceding three months, and no motion or amendment to the same effect as one which has been rejected within the preceding three months, shall be proposed unless the notice given under rule 15.1 above is signed by at least 15 councillors.
 - ii. When any such motion or amendment has been disposed of by the Council, it shall not be open to any member to propose a similar motion in relation to the same matter within a further period of three months.
 - iii. This Standing Order shall not apply when the Council is considering a recommendation of a Committee.
- 15.10 If a motion which is included in the summons is not moved either by the Member who gave notice, or by some other Member authorised by them in writing to the Speaker before the start of the meeting, it shall be considered as withdrawn and shall not be moved without fresh notice.

- 15.11 A motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Council which shall be signified without discussion and no Member may speak upon it after the mover has asked for its withdrawal unless permission has been refused.
- 15.12 Amendments to motions must be received by 5 p.m. on the working day before the meeting. If the amendment requires a detailed assessment of the implications of the amendment which cannot be carried out in the time available, the Speaker may rule that the amendment is not put to the meeting.
- 15.13 After 5 p.m. on the working day before the Council meeting no further proposed amendments will be allowed, save that the Speaker may at their discretion allow amendments to correct errors or make minor or insubstantial changes.

16 Rules of Debate

- 16.1 A motion or amendment shall not be discussed unless it has been proposed and seconded.
- 16.2 Neither motions nor amendments will be debated unless a written copy is available for all members of the Council present at the meeting.
- 16.3 The proposer of a motion has the right to nominate a seconder.
- 16.4 The seconder of a motion or amendment has the right to reserve their speech until a later time in the debate but must declare their intention to do so. However, if a closure motion is successfully moved and the right to speak has not been exercised it will be lost.
- 16.5 Those making speeches must direct their speech to the issue under discussion. No speech may exceed five minutes without the consent of the Speaker.
- 16.6 A member who has spoken may not speak again whilst the same item is still under discussion except:
- To speak once an amendment has been moved by another member;
 - If their first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
 - In the exercise of a right of reply;
 - On a point of order;
 - By way of personal explanation.
- 16.7 Amendments must be relevant to the motion and will be either:
- To leave out words; or
 - To leave out words and insert or add others; or
 - To insert or add words; or
 - To refer the issue to an appropriate body or individual for consideration.

and must not have the effect of negating the motion. The ruling of the Speaker on the admissibility of an amendment is not open to challenge.

- 16.8 Motions will generally be debated one at a time, but the Speaker may rule that more than one motion may be debated (but not voted on) at the same time, if in their view it is likely to mean that Council business is conducted more efficiently.
- 16.9 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of. If several proposed amendments are received before the deadline for submission, they will be considered at the meeting in the order in which they were received. However, if an amendment is carried, no subsequent amendments may be moved. The provisions contained in para 16.8 shall also apply to amendments
- 16.10 If an amendment is lost, any further amendments received before the deadline for submission may be moved on the original motion in the order in which they were received.
- 16.11 The motion as amended shall take the place of the original motion and shall become the substantive motion.
- 16.12 No Member shall move more than one amendment to any motion.
- 16.13 If there is only one amendment proposed to a motion, the proposer and seconder of the original motion may agree to accept the proposed amendment and the amended motion shall become the substantive motion, without prejudice to the rights of the member proposing the original motion.

17 Right of Reply

- 17.1 The mover of a motion has a right of reply at the close of the debate on the motion, immediately before it is put to the vote.
- 17.2 If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment but shall not otherwise speak on the amendment.
- 17.3 The mover of the amendment shall have no right of reply to the debate on the amendment; but if the amendment is carried and becomes the substantive motion, the right of reply shall transfer to them.
- 17.4 Any reply shall be strictly confined to answering previous speakers and shall not introduce any new matter into the debate.
- 17.5 After the reply, the question shall be put without further debate.
- 17.6 The mover of an original motion shall have a right of reply to a motion "that the meeting proceed to next business", but no further debate shall take place.

18 Motions which may be moved during debate

- 18.1 When a motion is under debate, no other motion shall be moved, except the following:
- a. to amend the motion;
 - b. closure motions;
 - c. that a Member be not further heard;
 - d. by the Speaker that a Member leave the meeting;
 - e. a motion under Section 100A of the Local Government Act 1972 as amended to exclude the public (disorderly conduct).

19 Closure Motions

- 19.1 A Member may move at the end of a speech of another Member:
- a. that the meeting proceeds to the next business;
 - b. that the question be now put;
 - c. that the debate be now adjourned; or
 - d. that the Council do now adjourn.
- 19.2 Such motions shall be moved without discussion.
- 19.3 If the motion is seconded, the Speaker shall proceed as follows:
- (a) on a motion to proceed to next business:
subject to paragraph (e) below, they shall first give the mover of the original motion a right to reply to the motion to proceed to next business. The Speaker shall then put to the vote the motion to proceed to next business. If it is lost, the mover of the original motion shall retain their right of reply on that motion. Otherwise, the meeting shall proceed to next business;
 - (b) on a motion that the question be now put:
subject to paragraph (e) below, they shall first put to the vote the motion that the question be now put. If it is passed the Speaker shall then give the mover of the original motion their right of reply on that motion before putting it to the vote;
 - (c) on a motion to adjourn the debate or the meeting:
subject to paragraph (e) below, they shall put the adjournment motion to the vote without giving the mover of the original motion their right of reply on that occasion. The mover shall however retain their right of reply when the debate is resumed.
 - (a) A motion to adjourn the debate may specify the time and date to when the debate is to be adjourned. Otherwise, the adjournment will be to the next ordinary meeting of the Council. In the case of a motion to adjourn the meeting, the provisions of Rule 19 (3)(c) above will apply.
 - (e) Speaker's discretion not to close - If the Speaker is of the opinion that the matter before the meeting has not been sufficiently discussed, they shall refuse to accept any closure motion.

20 Point of order

- 20.1 A member can raise a point of order at any time. The Speaker will hear it immediately. A point of order may only relate to an alleged breach of these Rules or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The Speaker's ruling on this point is final.

21 Personal explanation

- 21.1 A member may make a point of 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 Speaker's ruling as to the admissibility of a personal explanation is final.

22 Voting

- 22.1 Decisions shall be made on a simple majority except as set out in 22.2 below or where the decision in question is subject to a specific statutory requirement (e.g. promotion or opposition of by-laws). However, in the case of an equality of votes the person presiding at the meeting shall be entitled to vote in the first instance and to give a casting vote whether or not they voted in the first instance.
- 22.2 If the vote relates to a reconsideration by the Council of a proposal made by the Executive in relation to the approval, adoption or amendment of the policy framework or budget, where the Council has previously rejected the proposals put to it by the Executive, then the Council may only reject the Executive's proposals if at least two thirds of those Councillors present and voting vote in favour of doing so. The requirement for a two thirds majority only arises in these circumstances as more specifically spelled out in Part IV of the Constitution.
- 22.3 Voting at Council meetings will be by a show of hands, or by the use of the electronic voting system if available, or if necessary, by a ballot vote.
- 22.4 The Speaker shall first put the question on which a vote is required and shall then take a show of hands, or if there is no dissent, by the affirmation of the meeting. The result as announced by the Speaker shall be conclusive unless, on the announcement, ten or more members, by rising in their places, demand a division. In that case the procedure in paragraph 22.5 below shall be followed.
- 22.5 If the Chief Executive declares that a division is called, then after one minute the doors of the Council Chamber shall be closed; the question before the Council shall be put again by the Speaker and, when so directed by the Speaker, the Proper Officer will call the name of every councillor who will record their votes by responding "For" or "Against" or "Abstain". The result of the voting shall be announced by the Speaker when all votes have been cast and will be recorded in the minutes.

- 22.6 Where any member requests it after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the decisions
- 22.7 When the Council makes a budget decision (whether original or substitute) the names of those who voted for and against the decision and those who abstained from voting shall be recorded in the minutes. For the purposes of this rule, a budget decision is as defined in regulations requiring the recorded vote (SI 2014/165) and includes the following:

- Calculation of the Council Tax requirement (Section 31A*)
- Calculation of the basic amount of Council Tax (Section 31B)
- Additional calculations for special amounts relating only to part of the area (Section 34 and 35)
- Calculation of Tax for different valuation bands (Section 36)
- Substitute calculations (Section 36A)
- The calculation of substitute amounts of Council Tax to apply in the event of a referendum not approving a Council Tax increase in excess of limits set by the Secretary of State (Section 52ZF)

* All of the references to sections in the list above relate to sections of the Local Government Finance Act 1992.

For the purposes of this rule, a budget decision includes a vote on any decision related to the making of the calculation. When the Council sets the Council Tax base and agrees the National Non-Domestic Rate for the area, a recorded vote will take place.

- 22.8 Where there are more than two people standing for appointment to any position 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 who will then be duly appointed.
- 22.9 Where the Council is appointing to more than one position (e.g. where the Council appoints two representatives to an outside body), and there are more nominees than positions to be filled, the procedure in 22.8 above will be used to appoint representatives one at a time. Once the first representative has been appointed, the same procedure will be used again to appoint the second and any further representatives until all appointments have been made.

23 Minutes

- 23.1 Minutes of the proceedings at a Council meeting shall be submitted to the next meeting of the Council for signature by the Speaker. If this is impractical because the next meeting takes place very soon after the meeting to which the minutes refer, then they shall be submitted to the following meeting.
- 23.2 Before signing the minutes, the Speaker must ask the Council whether the minutes are approved as a true record.

- 23.3 No discussion shall take place on the minutes except on their accuracy, and any question of their accuracy shall be raised by way of motion to amend the minutes. If no such question is raised or, if it is raised, as soon as it has been disposed of, the Speaker shall sign the minutes.
- 23.4 Where in relation to any meeting the next meeting for the purpose of signing the minutes is an extraordinary meeting then the minutes will be considered at the next meeting which is not an extraordinary meeting.

24 Notice of Council meetings

- 24.1 Five clear days before any meeting of the Council the Proper Officer shall publish, at the offices of the Council, a public notice of the time and place of the intended meeting. Where the notice relates to a meeting of the Council called by members of the Council pursuant to Rule 4.3 above, the notice shall be signed by those members and shall specify the business proposed to be transacted and a summons shall be sent to the Mayor and each member of the Council in accordance with Rule 5 above.
- 24.2 If the Mayor or any member gives notice in writing to the Proper Officer that they wish summonses to attend meetings of the Council to be sent to them at an address other than their usual place of residence, any summons so addressed and left at or sent by post to that address shall be deemed sufficient service of the summons.
- 24.3 No business shall be transacted at a meeting of the Council, other than that specified in the summons, subject to the provisions of Rule 25 below.
- 24.4 Additional rules relate to notice of private meetings of the Executive, a Committee of the Executive, area committees, joint committees and their sub committees where all members are executive members. These are set out in the Executive Procedure Rules.

25 Urgency

- 25.1 Exceptionally a report on a matter of such urgency arising within a very short period before a Council meeting may be considered at a Council meeting notwithstanding that the report has not been included in the summons to the meeting. This may arise where the matter in question is of such urgency that it cannot be delayed to the next ordinary Council meeting. In such circumstances it may be submitted to the Council as an urgency report.
- 25.2 The subject of an urgency report if known, shall be included in the summons to the meeting even though the report may not be available. In such cases the report may be sent to the Mayor/members separately. The report shall contain a statement of the reasons why it needs to be considered as a matter of urgency.

- 25.3 If the report is sent so late that it is generally received less than five clear days before the Council meeting, the Speaker shall decide on the grounds of urgency stated, whether or not the report shall be considered or deferred to a later meeting. If it is considered, the reasons for it being considered as a matter of urgency shall be recorded in the minutes.

26 Record of Attendance

- 26.1 The Council will keep an attendance book to record the attendance of all members at meetings of the Council. The attendance book will be available in the meeting room for the duration of the meeting. Every member of the Council who attends a meeting of the Council shall sign their name in it when they attend.

27 Admission of the Public and the Press

- 27.1 All meetings of the Council shall be open to the public, subject to accommodation being available and subject to Rule 27.4. The provisions of the Openness of Local Government Bodies Regulations 2014 shall apply. They confer rights on members of the public to record executive and non-executive meetings which are open to the public. Anyone attending a Council meeting which is open to the public may only record proceedings in accordance with the Access to information Rules.
- 27.2 Duly accredited representatives of the media who attend to report Council proceedings for those organisations will be accommodated to the limit of the capacity set aside for them.
- 27.3 Cameras, including television cameras, mobile phone cameras and video and recording equipment shall not be used in the Council chamber or in any meeting of its committees or sub-committees except in accordance with the Access to Information Rules.
- 27.4 The Council, committee or sub-committee may pass a resolution at any time excluding the public (including press representatives and friends of members), from any meeting during an item of business whenever it is likely, in the view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosure to them of exempt or confidential information as defined in Section 100A and 100.I of the Local Government Act 1972, detailed in the Access to Information Rules.
- 27.5 Where a resolution is passed to exclude the public because of the likely disclosure of exempt information, it shall identify the part of the proceedings to which it applies and the description of the exempt information in terms of Schedule 12A of the Local Government Act 1972 detailed in the Access to Information Rules.

28 Adjournments

- 28.1 The Council may adjourn any Council meeting to such day and time as it thinks fit. Unless the adjournment is to the next ordinary meeting of the Council the only business to be considered at the adjourned meeting shall be that which appeared in the summons for the meeting that was adjourned but was not disposed of. However, at the meeting which is adjourned the Council may call for a further report on any matter not disposed of at that meeting.
- 28.2 If an adjourned meeting is not reconvened within three days of the adjournment, a summons to attend shall be sent to all members of the Council in accordance with Rule 5 above.

29 Disturbance and Misconduct

- 29.1 If a member of the public interrupts the proceedings at any meeting of the Council, the Speaker shall warn them. If they continue with the interruption, then the Speaker shall order their removal from the Council Chamber. In the case of a general disturbance, the Speaker may order that any part of the Chamber be cleared.
- 29.2 In the event of a disturbance which renders the orderly conduct of business impossible, the Speaker may at their discretion, suspend the meeting of the Council for such period as they consider expedient, or adjourn the meeting to a later time or date.
- 29.3 If because of the nature of disturbance, the Speaker is of the view that it is not possible to continue with the business of the meeting in public, the meeting may nevertheless continue in private, provided that on resumption of the meeting in private, the Speaker puts a proposal to the meeting that it continue in private because of the disturbance, that proposal is seconded and the Council passes a resolution to that effect before conducting any further business.
- 29.4 No member of the Council shall persistently disregard the ruling of the Speaker, behave irregularly, improperly or offensively, or wilfully obstruct the business of the Council. If the Speaker considers that a member of the Council has misconducted themselves in such a way, then they shall say so to the Council. Then the Speaker or any other member may move that the member should be excluded from further debate. If the motion is seconded, then it shall be taken without debate.
- 29.5 If the member continues their misconduct after such a motion has been carried, the Speaker may move that the person concerned be required to leave the Council Chamber. In that case the motion shall be taken without seconding or debate. The Speaker may also suspend the meeting for such period as they thinks fit.

30 Vacancies etc not to invalidate proceedings

- 30.1 The proceedings of the Council shall not be invalidated by any vacancy in its membership, or by any defect in the election or qualification of any member.

31 Application of rules to committees, sub committees and executive

- 31.1 With the exception of those Rules listed in Rule 31.2 below, the Council Procedure Rules apply also to proceedings at Council committees and sub-committees, unless expressly stated to the contrary or the context does not so permit. References in this rule to the Speaker will include references to the chairs of committees and sub-committees for that purpose.
- 31.2 The following Council Procedure Rules shall not apply to Council committees or sub-committees:
- Rule 4 - Extraordinary Meetings,
 - Rule 7 - Council Urgency Committee,
 - Rule 13 - Public Questions,
 - Rule 14 - Member Questions,
 - Rule 3.2 – as far as it relates to Petitions and
 - Rule 15 – as far as it relates to Motions on Notice
- 31.3 The Committee Procedure Rules shall apply to committee meetings.

Executive Procedure Rules

1 Terms of reference

- 1.1 The Mayor will have responsibility for all executive decisions, namely those decisions not reserved to Council or delegated by Council or required to be so by law.

2 Composition

- 2.1 By law, the Executive consists of the Mayor and at least two but not more than nine councillors appointed to the Executive by the Mayor.

3 Who may make executive decisions?

- 3.1 By law executive decisions are the responsibility of the Mayor. The Mayor may also delegate executive functions to the extent they wish to: -
- The Executive as a whole
 - A committee of the Executive
 - An individual member of the Executive
 - An officer
 - An area committee
 - A joint committee
 - An individual ward member, to the extent the function is exercisable within the ward
 - Another local authority or its executive in accordance with relevant regulations
- 3.2 The law provides that executive functions may not be discharged by the Council.

4 A Mayoral Scheme of Delegation

- 4.1 At the Annual Meeting of the Council, the Mayor will present a written record of delegations made by them in relation to executive functions, for inclusion in the Council's scheme of delegation. The document presented by the Mayor must contain the following information in relation to the ensuing municipal year:
- (i) The names and wards of the councillors appointed to the Executive by the Mayor;
 - (ii) The nature and extent of the authority delegated to the Executive acting collectively as a whole, including details of any limitation on the delegated authority;
 - (iii) The nature and extent of the authority delegated to committees of the Executive, including the constitution and terms of reference of any such committees appointed, and the names of the Executive members who are to serve on them, and details of any limitation on their delegated authority;
 - (iv) The nature and extent of any authority delegated to individual members of the Executive, including the names of the councillors to whom such power has been delegated and details of any limitation on the delegated

authority;

The nature and extent of any authority delegated to individual ward members, including the names of the people to whom such power has been delegated and details of any limitation on the delegated authority

- (v) The nature and extent of any authority delegated to individual officers, including the details of the post to whom such power has been delegated and details of any limitation on the delegated authority;
- (vi) The nature and extent of any authority delegated to area committees, joint committees or other authorities including the name of the body to whom power has been delegated, its composition (where appropriate) and details of any limitation on the delegated authority.

5 Sub-delegation of Executive functions

- 5.1 If the Mayor delegates functions to the Executive, unless they decide otherwise, the Executive may delegate further to a committee of the Executive, an area committee, to an officer, to any joint arrangements, or to another authority.
- 5.2 If the Mayor delegates executive functions to a committee of the Executive, the Committee may delegate further to an officer of the Council or an area committee.
- 5.3 If the Mayor delegates executive functions to an individual member of the Executive, that member may delegate further to an officer or an area committee.
- 5.4 Where executive functions have been delegated, that fact does not prevent the discharge of those functions by the person or body who delegated them.

6 The Council's scheme of delegation and executive functions

- 6.1 The Council's scheme of delegation is appended to the Constitution at Part VIII. It contains the details set out in Article 15 and may be amended from time to time. This includes details of the Mayoral scheme of delegation.
- 6.2 During the year, amendments to the Mayoral scheme of delegation may be made as follows:
 - The Mayor may amend the Mayoral scheme of delegation of executive functions at any time during the year. To do so the Mayor must give written notice to the Proper Officer and report those changes to the next ordinary Council meeting. When the Mayor seeks to amend or withdraw delegation to a committee, they must give notice to all members of that committee.
 - The notice to the Proper Officer will set out the extent of the proposed amendment to the scheme of delegation and whether it entails the withdrawal of delegation from any person, body, committee of the Executive or the Executive as a whole. It must also set out details of the nature and extent of any alternative delegations made to any person, body, committee of the Executive, or the Executive as a whole. The

amendment will take effect on the date when the Proper Officer gives notice to all councillors to that effect.

- 6.3 The Mayoral Scheme of Delegation may also be amended by the Monitoring Officer, where in their professional opinion, in consultation with the Chief Executive, the Constitution requires amendment without delay. In such cases, the provisions of Article 22.2 shall apply.

7 Executive spokespersons

- 7.1 If the Mayor decides not to delegate any decision-making powers to any individual member of the Executive, they may still appoint members from within the Executive to be the Council's spokesperson, with the Mayor, on all matters within such portfolio of activity as the Mayor decides.
- 7.2 Such members will speak on behalf of the Executive in relation to all matters within their allocated portfolio, unless the Mayor decides to the contrary.
- 7.3 Each spokesperson will ensure that reports on matters within their portfolio are considered by the Executive.
- 7.4 Nothing in this rule implies that any executive member is empowered to make any decisions alone unless that power is specifically delegated by the Mayor in accordance with these Executive Procedure Rules, and then any such powers will be subject to any limitation placed on them by the Mayor.

8 Executive Assistants

- 8.1 The Mayor may invite non-Executive members of the Council to act as Assistants to the Executive in any year. There may be up to one Assistant for each of the portfolios established within the Executive. The Assistant would be a point of liaison between an Executive portfolio holder and the non-Executive members of the Council in relation to any matter within the portfolio holder's area, but they would have no formal decision-making powers. The Assistant would not be obliged to accept the Mayoral invitation. Holders of the following positions may not become Assistants to the Executive:
- The Speaker
 - The Mayor
 - Members of the Executive
 - The Chair of the Overview and Scrutiny Committee
 - The Chair of any Overview and Scrutiny Select Committee
 - The Chair of the Strategic Planning Committee
 - The Chair of a Planning Committee
- 8.2 The Mayor will keep under review the role and number of Assistants to the Executive should they wish to appoint them.
- 8.3 In the event that the Mayor chooses to appoint any Assistants to the Executive, within 1 month of the appointment the Mayor will provide a written notification to the Proper Officer of the areas of liaison in which the Assistant is to be

involved, and that notification will be sent by the Proper Officer to all members of the Council.

9 Conflicts of interest

- 9.1 Members of the Executive, including the Mayor, are subject to the same rules relating to ethical matters as all members of the authority. They are bound to comply with the Member Code of Conduct appearing at Part V of this Constitution. Where decisions are taken collectively by the Executive, an individual member must declare and/or withdraw from consideration of a matter where the Member Code of Conduct requires that they do so.
- 9.2 If a decision falls to be made by the Mayor alone or an individual member of the Executive and that person has an interest which would prevent participation in consideration of the matter under the Member Code of Conduct, then they may not take the decision, or consider the matter further on an individual basis. The matter must be delegated elsewhere. Similar provisions apply where an executive decision is to be taken by an individual ward member, save that the decision may also be taken by the Mayor, unless they also have such an interest in it.

10 Executive meetings – where and when?

- 10.1 The Executive will normally meet at least once in each calendar month with the exception of August, at times to be determined by the Proper Officer in consultation with the Mayor. Executive meetings will take place at a location to which the public have access.

11 Executive meetings in public or private

- 11.1 Except when it considers a matter which, if considered in public, would entail the disclosure of confidential or exempt information within the meaning of Schedule 12A Local Government Act 1972 the Executive will meet in public if it meets to consider any item in respect of which any decision may be made at the meeting.
- 11.2 Subject to the exemptions relating to confidential and exempt information, the Executive may only meet in private if a lawful power has been used to exclude a member or members of the public, or where admission of the public would be likely to result in a breach of a legal obligation to a third party about the keeping of confidential information.
- 11.3 The provisions relating to Access to Information for both Executive and other meetings of the Council, and the rules relating to confidential and exempt information are set out in Part IV - Access to Information Rules.

12 Quorum

- 12.1 The quorum for a meeting of the Executive or a committee of it will be one quarter of the total number of people on the Executive, or 3, whichever is the

larger. However, a meeting of the Executive or a committee of it will not be quorate if neither the Mayor nor Deputy Mayor is present unless five other members of the Executive are present.

13 How are decisions to be taken by the Executive?

13.1 The Executive will adhere to the principles of decision making set out in Article 16 of the Constitution in the same way as the Council itself, its committees and sub committees. Members will only take such executive decisions in the presence of the Head of Paid Service, Chief Finance Officer or Monitoring Officer or their nominee. Each of them has a right to attend any meeting of the Executive and all other Council meetings.

13.2 All decisions made by members must be recorded by the Proper Officer and the decision will not be deemed to be made until such a record is made and publicised in accordance with Rule 18 below.

13.3 Any reports written by officers for consideration by the Executive, whether by the Executive collectively, the Mayor or another individual member, whether for consideration in public or private, shall contain service, corporate, legal and financial considerations.

14 Who may attend Executive meetings?

14.1 The Access to Information Rules set out in Part IV of the Constitution apply to meetings of the Executive.

14.2 Any member who has been appointed by the Mayor to the Executive for part of a year may nonetheless attend Executive meetings during the time when they do not so serve. At the invitation of the Mayor such member may make a presentation to the Executive and/or speak on any matter being considered by it. However, no member may vote on any matter being considered by the Executive except during the period for which they have been appointed by the Mayor to serve on the Executive.

14.3 Any member appointed to the Executive by the Mayor for part of any year may not thereafter during that year sit on the Council's Overview & Scrutiny Committee or any of its Select Committees.

15 What business is to be conducted at Executive meetings?

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

- consideration of the minutes of the last meeting;
- declaration of interests if any;
- matters referred to the Executive (whether by the Overview and Scrutiny Committee, a select committee, a joint select committee, any task and finish group or the Council) for reconsideration or response by the Executive in accordance with the rules relating to call in or the councillor's call for action or any other provisions contained in the Overview and

Scrutiny Procedure Rules, or the Budget and Policy Framework Procedure Rules set out in Part IV of this Constitution;

- consideration of reports from Overview and Scrutiny Committee or select committees;
- consideration of reports from the Positive Ageing Council.
- matters set out in the agenda for the meeting, which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part IV of this Constitution.

16 A programme of business

16.1 As soon as practical in each year the Executive will seek to establish a programme of business for the remainder of the year to the extent that it is possible to do so.

16.2 Items for consideration by the Executive may be rescheduled as necessary during the course of the year.

17 Decisions at meetings of the Executive

17.1 Where the Mayor has delegated decision making to the Executive acting collectively, or to a committee of the Executive, decisions will be taken if agreed by a majority of those present and voting. The meeting will be chaired by the Mayor if present, or by the Deputy Mayor if not. If neither is present then the meeting will be chaired by the member nominated by the Mayor to do so, or in the absence of such a nomination, by the member elected by the meeting to do so.

17.2 If the Mayor has previously indicated to the Proper Officer that the Executive acting collectively may not make a decision under delegated authority, the Proper Officer will give notice to that effect to all members of the Executive, and in such cases the Mayor will make the decision himself usually at a meeting convened as if the decision was to be taken by the Executive collectively. If it is not practical for such a meeting to be convened, the Mayor may nonetheless make the decision himself on the basis of a written report containing service, corporate, legal and financial implications at a time and place at which notice has been given in accordance with the Access to Information Rules and at which the Head of Paid Service, Chief Finance Officer and/or the Monitoring Officer and/or their nominee are present.

18. Publication of decisions

18.1 Within 2 working days of an Executive decision being taken it shall be published by the Proper Officer at the Council's main offices and sent to all members of the Council, where possible by electronic means. Decisions will also be set out in a central record by the Proper Officer which will be available to all members of the Council and the public.

18.2 The period during which any decision may be 'called in' under these Procedure Rules will only begin to run when notice of a decision has been published in accordance with this rule.

19 Consultation

19.1 All reports to the Executive on proposals relating to the budget or policy framework will contain details of any consultation with stakeholders and relevant overview and scrutiny committees that has been carried out. Reports on other matters must set out the details and outcome of consultation as appropriate. The level of consultation required will be as is considered appropriate to the matter under consideration.

20 Who can put items on the agenda for a meeting of the Executive?

20.1 The following people may place an item on the agenda for consideration by the Executive:

- (a) The Mayor;
- (b) Any member of the Executive;
- (c) The Proper Officer will ensure that an item is placed on the agenda for the next available meeting of the Executive if requested by the Overview and Scrutiny Committee or by the Council or any relevant sub-committee in response to a referral made under this Constitution. Such items will be placed on the agenda in the order in which the request is made of the Proper Officer that they be so considered and there may only be two such items on the agenda of any Executive meeting unless the Mayor agrees to the contrary.
- (d) Any member of the Council may request the Mayor to put an item on the agenda for an Executive meeting. If the Mayor agrees, the item will be considered at the next available Executive meeting. The agenda will state that the item was referred to the Executive at the request of the individual member and will state the name of the member concerned who will be invited to attend the meeting and to address the Executive on the issue in question.
- (e) The Head of Paid Service, Monitoring Officer and/or the Chief Finance Officer may include an item for consideration by the Executive.
- (f) The Positive Ageing Council may make referrals to the Mayor and Cabinet provided that the referral has been approved by a general meeting of the Positive Ageing Council.
- (g) The Young Mayor may make referrals to the Mayor and Cabinet, subject to a maximum of one in any twelve-month period, unless the Mayor agrees to the contrary.

21 Part year membership of the Executive

21.1 The Mayor may provide in his scheme of delegation that a councillor should serve on the Executive for part of a year only, with their place being taken for the remainder of that year by a different councillor. In those circumstances, both members will be entitled to attend meetings of the Executive, but only the councillor currently serving as a member of the Executive will be able to vote on

any matter under consideration. The member not currently serving on the Executive may contribute to debate unless the Mayor states to the contrary.

22. No co-optees or substitutes

22.1 There may be no formal co-optees or substitutions to the Executive.

23 Attendance of Executive members at overview and scrutiny meetings

23.1 The Mayor and Deputy Mayor (in respect of any executive function) and any other Executive member (in respect of any executive function within their portfolio) may be required to attend any meeting of the Overview and Scrutiny Committee or any select committee. If required they will attend to give account for Executive action and/or performance as set out in the Overview & Scrutiny Procedure Rules (OSC power to require attendance). Similar provisions apply to individual ward members to whom the Mayor has delegated decision making powers within their ward.

Committee Procedure Rules

1. Political balance

- 1.1 Save where the law provides otherwise, each committee and sub committee must comply with the political balance requirements of Section 15 and 16 Local Government and Housing Act 1989. Although not required under the 1989 Act, membership of the Licensing Committee (but not its sub-committees) shall also comply with the political balance requirements. Membership of the Health and Wellbeing Board does not need to be politically balanced.

2. Proceedings

- 2.1 Each Committee (with the exception of the overview and scrutiny committee and the Health and Wellbeing Board) will have authority to institute, compromise, defend or settle any legal proceedings within their terms of reference. Such committees may also incur the necessary expenditure to do so.

3. Sub committees

- 3.1 Every committee may appoint a sub-committee for any purpose within their terms of reference. Special provisions relate to the Health and Wellbeing Board.

4. Chairing Committees

- 4.1 No person may be elected as Chair or Vice Chair of a Committee or sub-committee unless they are an elected member of the Council. Special provisions relate to Health and Wellbeing Board.

5. Membership of sub committees

- 5.1 At least a majority of every sub-committee must be elected members of the Council. Special provisions relate to Health and Wellbeing Boards detailed in Article 9.4 of this Constitution.

6. Discontinuance of sub committees

- 6.1 Unless previously discontinued, every sub-committee will cease to function at the same time as the committee appointing it.

7. Quorum

- 7.1 In the case of all committees and sub-committees, no business may be conducted unless at least one quarter of the entire number of councillors on the committee are present. Special provisions relate to the Health and Wellbeing Board.

- 7.2 Notwithstanding paragraph 7.1 above, in no case shall the quorum for any committee (or a sub-committee) be less than 3.
- 7.3 If there is no quorum after 15 minutes from the time shown in the summons for the start of the meeting, then the meeting will not take place.
- 7.4 If a meeting becomes inquorate during its proceedings, business must be suspended. If after 5 minutes there is still not a quorum present, the meeting shall terminate.

8. Meetings open to all members of the Council

- 8.1 Subject to the provisions of the Council's Member Code of Conduct, a member of the Council wishing to attend any meeting of any committee or sub-committee of which they are not a member may do so. Save to the extent expressly provided to the contrary in the Constitution, they shall not take part in the proceedings without the consent of the committee or sub-committee. They may not vote.

9. Election of Chair and Vice Chair

- 9.1 The Chairs and Vice Chairs of all committees and sub-committees shall be appointed by the Annual General Meeting of the Council.

10. Absence of Chair

- 10.1 In the absence of the Chair from a meeting, the Vice-Chair will preside. If neither are present, a chair for that meeting shall be elected.

11. Limitation on chair/vice chair and members of the Executive

- 11.1 Executive members may not chair standing committees or sub-committees. Subject to exceptions set out in this paragraph, the Chair or Vice-Chair of a standing committee or sub-committee shall not be the Chair of any other standing committee or sub-committee. However, this rule does not prevent the chair of any committee chairing a sub-committee of the committee they chair or the Strategic Planning Committee or an Appointments Committee.

12. Limitation on membership of committees

- 12.1 Members of the Executive may not also be members of the Overview and Scrutiny Committee or select committees. Executive members may however be members of any other committee or sub-committee of the Council subject to any limits set out in law or this Constitution.

13. Duties of the Chair and Vice Chair of Committees

- 13.1 The Chair of a committee shall:
- preside at every meeting at which they are present;

- be an ex officio member of every subcommittee appointed by the committee of which they are chair;
- (Except in the case of the select committees appointed by the Overview and Scrutiny Committee,) preside at those sub-committees unless the subcommittee decides otherwise;
- be entitled to vote in the first instance and in the case of equality of votes, to give a casting vote, whether they voted in the first instance or not;
- if present, sign the minutes;
- if present, submit and move any report of the committee to the Council.

13.1 The Vice Chair of the committee shall:

- be an ex officio member of all sub-committees appointed by the committee of which they are the Vice Chair;
- in the absence of the chair, preside at meetings of the committee or sub-committee as appropriate. In doing so, the Vice Chair will have the same powers and rights as the Chair.

14. Special meetings

14.1 The Chair may call a special meeting of the committee they chair at any time.

14.2 A special meeting may also be called on the requisition of a quarter of the whole number of the committee or sub-committee delivered in writing to the Proper Officer stating the business to be considered. However, in no case shall 2 or fewer members requisition a special meeting of any committee or sub-committee.

14.3 The summons to a special meeting shall set out the business to be considered and no business other than that set out in the summons shall be considered at that meeting.

14.4 The meeting will take place within a maximum of 21 days of the receipt of the requisition by the Proper Officer.

15. Joint meetings of Committees

15.1 Two or more committees may meet jointly to consider business of their mutual concern. At such joint meetings a Chair for that meeting shall be elected from the whole membership present.

15.2 Decisions at joint meetings shall nevertheless be determined separately by the particular committees within whose terms of reference the matter to be decided falls. Only the Chair of the committee concerned shall have a casting vote.

15.3 Each committee must be quorate for business to be conducted at the joint meeting.

15.4 Any report of a joint meeting of committees to the Council shall be submitted by the Chair elected for the meeting.

15.5 The minutes of a joint meeting shall be referred to the next meeting of each of the participating committees for approval.

16. Resignations

16.1 Any member may resign from a committee or subcommittee by giving written notice to the Proper Officer. The resignation takes effect immediately on receipt.

17. The Proper Officer

17.1 References in this Constitution to the Proper Officer shall be to the Monitoring Officer or such person as they shall nominate in writing to all members of the Council to be the Proper Officer for any purpose.

18. Application of Council Procedure Rules

18.1 With the exception of those Rules listed in Rule 18.2 below, the Council Procedure Rules apply also to proceedings at Council committees and sub-committees, unless expressly stated to the contrary or the context does not so permit. References in this rule to the Speaker will include references to the chairs of committees and sub-committees for that purpose.

18.2 The following Council Procedure Rules shall not apply to Council committees or sub-committees:

- Rule 4 - Extraordinary Meetings,
- Rule 7 - Council Urgency Committee,
- Rule 13 - Public Questions,
- Rule 14 - Member Questions,
- Rule 3.2 – as far as it relates to Petitions and
- Rule 15 – as far as it relates to Motions on Notice

Scrutiny Rules of Procedure

1. Arrangements for overview and scrutiny

- 1.1 The Council will have an Overview and Scrutiny Committee as set out in Article 6 of the Constitution and will appoint to it as it considers appropriate from time to time. The Overview and Scrutiny Committee will appoint the select committees and any task and finish groups as set out in Article 6. The Council may also establish and appoint joint select committees in accordance with Article 6. The Council may amend its overview and scrutiny arrangements from time to time in accordance with that Article.

2. Constitution and terms of reference

- 2.1 The Constitution and terms of reference for the Overview and Scrutiny Committee and its select committees will comply with the law and will be as set out in Article 6 or as amended from time to time. At its first meeting the Overview and Scrutiny Committee will establish those select committees set out in Article 6. The Overview & Scrutiny Committee may appoint task and finish groups in accordance with Article 6 at any time.

3. Who may sit on Overview and Scrutiny Committee?

- 3.1 All councillors except members of the Executive may sit on the Overview and Scrutiny Committee. However, any member who is appointed by the Mayor to serve on the Executive for any part of a year may not serve as a member of Overview and Scrutiny Committee or its select committees thereafter during that year. No member may be involved in scrutinising a decision which they have been involved in making.
- 3.2 Cabinet Advisors cannot sit on the Overview & Scrutiny Committee and may only sit on a select committee where the portfolio covered by their Cabinet Advisor role does not directly conflict with the terms of reference of the select committee.

4. Co-optees

- 4.1 Save for the Safer & Stronger Communities Select Committee, the Council's arrangements for overview and scrutiny do not currently provide that co-optees may be appointed to its Overview and Scrutiny Committee or its select committee. Subject to legislation to the contrary, co-optees on any Overview and Scrutiny Committee or select committee may not vote, unless the Council approves a scheme permitting co-optees to vote in accordance with paragraphs 11 of Schedule A1 Local Government Act 2000 as amended or other relevant legislation in force from time to time.
- 4.2 Diocesan and governor representatives are appointed to the Overview and Scrutiny Committee and the Children & Young People Select Committee. By law they have voting rights.

- 4.3 Voting co-optees (where appointed in accordance with a scheme) and the education and parent representatives on Overview and Scrutiny Committee and the Children and Young People Select Committee may not chair those bodies.
- 4.4 The Council will secure the involvement of the local community and other stakeholders by other means such as taking evidence from them, and by a variety of consultative methods. The Council may amend its arrangements to provide for co-optees to be appointed at any time.

5. Education representatives

- 5.1 The Council will appoint to its Children & Young People Select Committee and any relevant overview and scrutiny body dealing with education matters the voting representatives set out in the table appearing in Article 6.3 of the Constitution.

6. Meetings – where and when

- 6.1 The Council's AGM agrees a calendar of meetings. Any additional meetings will take place at such times and locations as the Proper Officer thinks fit. Meetings of the Overview and Scrutiny Committee, a select committee, or a task and finish group may be called by:
- (a) The chair of that committee, select committee or task and finish group.
 - (b) Any five members of the relevant committee by request in writing to the Proper Officer.
 - (c) The Head of Paid Service, Chief Finance Officer or Monitoring Officer.

7. Quorum

- 7.1 The quorum for an Overview and Scrutiny Committee or select committee, is one quarter of the entire membership or three, whichever is the larger.

8. Who chairs Overview and Scrutiny Committees

- 8.1 The Chairs and Vice Chairs of all committees and sub-committees are appointed by the Annual General Meeting of the Council. At the first meeting in the municipal year, the Overview and Scrutiny Committee will acknowledge the appointments made by Council.
- 8.2 The Chairs and Vice Chairs of the Overview and Scrutiny Select Committees will be allocated in accordance with the proportion of seats held by the political groups on the Council.
- 8.3 In the absence of the Chair and Vice Chair at any meeting of the Overview and Scrutiny Committee or its select committees, the meeting will appoint a Chair for that meeting from amongst those members present.

- 8.4 Neither the Speaker of the Council nor the Deputy Speaker, education and parent/representatives nor any co-optee may chair the Overview and Scrutiny Committee, a select committee or Task and Finish Group.

9. Work programme

- 9.1 At the beginning of the municipal year, each select committee will draw up a draft work programme for that year. In doing so it will specifically take into account the views of members of that select committee who are not members of the largest political group. The select committee will submit the draft to the Overview and Scrutiny Committee for consideration normally by the end of May each year.
- 9.2 The Overview and Scrutiny Committee will then consider the proposed work programmes of each of the select committees and devise a co-ordinated overview and scrutiny work programme which avoids duplication of effort and facilitates the effective conduct of business. The Overview and Scrutiny Committee may amend the work programme of any of the select committees but will not normally do so unless it is necessary to ensure the effective conduct of Council business. Once the Overview and Scrutiny Committee has approved the select committee work programme, the select committee will implement it.

10. Agenda items

Members of the Committee/Sub-Committee

- 10.1 Each member of the Overview and Scrutiny Committee and select committees is entitled to refer a matter relevant to the work of that committee/sub-committee to be placed on the agenda for, and discussed at, a meeting of the Overview and Scrutiny Committee/select committee of which they are a member. Requests for items to be placed on the relevant agenda should be made to the Proper Officer, who will comply.

The Council and/or the Executive

- 10.2 The Council and/or the Executive may request that an Overview and Scrutiny Committee/select committee investigate and/or review and/or report on any particular area of Council activity or matter of concern to local people. The Overview and Scrutiny Committee or select committee will respond to such requests as soon as their work programme permits. Where the Overview and Scrutiny Committee/select committee produces a report to the Executive and/or the Council, the Council and/or the Executive will consider the report within 2 months of receiving it.

10.3 The Councillor Call for Action

Any member may refer to an overview and scrutiny select committee of which they are not a member, any matter relevant to its work, provided it is not an excluded matter. In deciding whether to do so, the member must first have regard to any guidance issued by the Secretary of State.

- 10.4 For the purpose of this paragraph, excluded matters are those:

- i. relating to Planning decisions;
- ii. relating to Licensing decisions;
- iii. relating to a matter in respect of which the person has a right of recourse to review or a right of appeal under any enactment;
- iv. which are vexatious, discriminatory or not reasonable to be included on the agenda, or discussed at, a meeting of the Overview and Scrutiny Committee/sub-committee.
- v. A local crime and disorder matter (which is subject to separate provisions see paragraph 22 below).

10.5 However, where the matter consists of an allegation that a Council function has not been discharged at all, or that the Council has failed/is failing on a systemic basis, it is not an excluded matter notwithstanding that it relates to a Planning or Licensing decision, or a decision where there is a right of recourse to review or a right of appeal under any enactment.

11. Councillor Call for Action procedure

11.1 In deciding whether to exercise its powers in relation to a referral under paragraph 10.4 above, the Overview and Scrutiny Committee/select committee may have regard to any powers exercisable by the member under Section 236 Local Government and Public Involvement in Health Act 2007 (exercise of functions by councillors) and any representations by the member as to why it is appropriate for the committee/sub-committee to exercise its powers.

11.2 If the committee/sub-committee decides not to exercise its power in relation to the matter, it must notify the member of its decision and the reasons for it.

11.3 Subject to the provisions relating to confidential and exempt information in place from time to time, the committee/sub-committee must give the referring member a copy of any report/recommendations it provides to the Council/Executive.

12. Duty of Executive/Council to respond to Councillor Call for Action

12.1 When the Overview and Scrutiny Committee or a select committee or makes a report and/or recommendations to the Council or to the Executive under the Councillor Call for Action, the Overview and Scrutiny Committee/select committee may publish its report and/or recommendations and must give notice in writing to the Council or the Executive requiring the Council or the Executive, within 2 months of receipt by the Council or Executive of the report/recommendations, or (if later) the notice:-

- i. to consider the report or recommendations.
- ii. to respond to the Overview and Scrutiny Committee/sub committee indicating what (if any) action it intends to take.
- iii. if the Overview and Scrutiny Committee/sub committee has published its report/recommendations to publish its response.

- iv. if the Overview and Scrutiny Committee/sub committee provided a copy of its report/recommendations to a member referring a matter to it, to provide a copy of the response to that member.
- 12.2 It shall be the duty of the Executive or Council served with a notice to respond to comply with the notice within 2 months of receipt of the report/recommendations or if later, the notice.
- 12.3 Requirements in relation to publication in this paragraph are subject to the provisions relating to confidential/exempt information in place from time to time.
- 12.4 The Secretary of State may amend the requirements relating to the referral of matters to the Executive or Council by overview and scrutiny bodies, and the publication of reports and responses. Where such amendments are made, they shall supersede the provisions of the Constitution and shall be deemed to be incorporated into it.
- 12.5 There are specific provisions relating to referral made under Section 19 and 20 Police and Justice Act 2006

13. Confidential and exempt information in overview and scrutiny reports and responses

- 13.1 This paragraph applies to:
 - (1) the publication of any document which is:
 - an Overview and Scrutiny Committee/select committee report and/or recommendations to the Executive and/or the Council, or
 - the Executive and/or Council response to that report or recommendations.
 - (2) the provision of any such document to:
 - a member who referred the matter to the Overview and Scrutiny Committee committee/select committee; or
 - the provision of such a document to a partner authority.
- 13.2 The Overview and Scrutiny Committee/select committee or Council/Executive in publishing the document or providing it to a partner authority must exclude confidential information and may exclude exempt information.
- 13.3 If information is excluded on the grounds that it is confidential or exempt, the Overview and Scrutiny Committee/select committee/Council may replace so much of the document as has been excluded with a summary which does not disclose that information and must do so if as a consequence of excluding the information the published document would be misleading or not reasonably comprehensible.
- 13.4 For the purpose of this paragraph 13, exempt and confidential information have the meaning set out in Section 100A and 100I and Schedule 12A Local Government Act 1972 as amended.

14. Information from and reports concerning partner authorities

- 14.1 The Overview and Scrutiny Committee/ select committees may request in writing such information of relevant partner authorities as is reasonably required to discharge their functions in relation to the area and its inhabitants. Subject to certain exceptions set out by law from time to time, the relevant partner authority must respond.
- 14.2 The Overview and Scrutiny Committee/ select committees may make a report and/or recommendations to the Council/Executive about the functions of a relevant partner authority exercisable in the area or in relation to its inhabitants.
- 14.3 Where it does so, the Overview and Scrutiny Committee/select committee may give written notice to the partner authority requiring it to have regard to the report/recommendations in exercising its functions. Such notice must be accompanied by a copy of the report and/or recommendations, and it will be the duty of the partner authority to comply with the notice.
- 14.4 'Relevant partner authority' means any person which is a partner authority for the purposes of Chapter 1 Part 5 Local Government and Public Involvement in Health Act 2007 other than a chief officer of police.
- 14.5 Paragraph 14.2 does not apply to a health body (i.e. NHS Trust, NHS foundation trust or a primary care trust) if the report has been given to that body under provisions relating to the scrutiny of health (see paragraph E23 below).
- 14.6 This paragraph 14 does not apply to a report and/or recommendations about a crime and disorder matter under Section 19 Police and Justice Act 2006 about which there are separate provisions applying to overview and scrutiny (see E 22 below).

15. Policy review and development

- 15.1 The role of the Overview and Scrutiny Committee and its select committees in relation to the development of the Council's budget and policy framework is set out in detail at Section F of this Part IV, the Budget and Policy Framework Procedure Rules.
- 15.2 The Overview and Scrutiny Committee, or as appropriate its select committees may also make proposals to the Executive for development of strategic policy matters that do not form part of the policy and budget framework in so far as they relate to matters within their terms of reference.
- 15.3 The Overview and Scrutiny Committee and its select committees may make enquiries and investigate the options for future direction in policy development and may appoint advisors and assessors to assist them in that process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things they reasonably consider to

inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and pay advisors, assessors and witnesses a reasonable fee and expenses for doing so.

- 15.4 Once the Overview and Scrutiny Committee/ select committee has formed recommendations for development of policy, it will submit that report to the Executive for consideration. As soon as reasonably practicable after receiving the report (usually within 6 weeks) the Executive will consider the report together with a report from the relevant Executive Director(s), or their nominee(s), setting out officers' comments on the recommendations or proposals and their proposed response to the select committee or Overview and Scrutiny Committee. The referring Select Committee or Overview and Scrutiny Committee will be advised at their next meeting of the date upon which the Executive is programmed to consider the proposed response. The formal response approved by the Executive will then be referred back to the next available meeting of the Select Committee or Overview and Scrutiny Committee. If the recommendations would entail a change to the policy framework or the budget, then those changes can only be affected with the approval of Council.
- 15.5 The agenda for each Executive meeting will include an item "Issues referred by Overview and Scrutiny". Reports from the select committees will be included at this point, unless they have been considered in relation to a substantive item on the agenda within one month of the receipt of the report from overview and scrutiny.
- 15.6 If the Mayor has not delegated powers in relation to the matter which is the subject of an overview and scrutiny report, or where they have delegated power to the Executive acting collectively, a committee of the Executive or to an individual Executive member, then the report will be submitted to the Mayor and the relevant Executive member(s) and to the Proper Officer. The relevant individual member(s) / the Mayor will consider their response in accordance with the Mayoral scheme of delegation, taking appropriate advice including service, legal and financial advice and will respond to the report in writing, copies of which will be given to the Proper Officer and reported to the Executive.
- 15.7 The Overview and Scrutiny Committee will in any event have access to the Executive's key decision plan. Even where an item has not been the subject of a detailed review, a select committee may have views which it wishes to express on an up-and-coming matter. Where this is the case, a copy of those views will be given to the Proper Officer at least 10 days before the Executive is due to make a decision on the matter in question. The Proper Officer will ensure that those views are brought to the attention of the decision maker before the decision is made. The record of the decision will specifically deal with the decision maker's response to the overview and scrutiny comments.

16. Rights of Overview and Scrutiny Committee members to documents

- 16.1 In addition to their rights as councillors, members of the Overview and Scrutiny Committee have additional rights to documents, and to notice of meetings set out in the Access to Information Rules.
- 16.2 Nothing in these Rules prevents liaison between the Executive and select committees as appropriate.

17. Members and officers giving account

- 17.1 The Overview and Scrutiny Committee and select committees may scrutinise and review decisions made, or actions taken in connection with the discharge of Council functions within their overview and scrutiny remit. They may review documentation and may require the Mayor, Deputy Mayor and any other member of the Executive, ward member exercising delegated decision-making powers, or the Chief Executive and/or any Executive Director to attend before it to explain in relation to matters within their remit:
- any particular decision or series of decisions.
 - the extent to which actions taken implement Council policy.
 - their performance.

and it is the duty of those persons, if requested, to attend.

- 17.2 In addition, those officers listed in the Council's Petition Scheme may also be required to attend a scrutiny committee in accordance with that scheme.
- 17.3 Where a member or officer is requested to attend under this rule, the Chair will inform the Proper Officer. The Proper Officer will inform the person concerned in writing giving at least 7 working days' notice of the meeting at which they are asked to attend. The notice will give detail of the item on which they are required to attend and whether any papers are required for the committee. If the account to be given requires the production of a report, then the member or officer required to attend will be given enough time to prepare it.
- 17.4 Where exceptionally the member or officer is unable to attend as required, an alternative date will be arranged.
- 17.5 The Overview and Scrutiny Committee and select committees may invite people other than members and officers to address them on matters of local concern and/or answer questions. It may, for example, wish to hear from other service providers, local residents and stakeholders, and may invite them to attend.

18. Call-In

- 18.1 The following Executive decisions may be subject to call-in:
- the Mayor
 - the Executive
 - a committee of the Executive
 - an individual member of the Executive

- an individual ward member
 - an officer (if it is a key decision)
 - an area committee
 - joint arrangements
- 18.2 The following Executive decisions shall not be subject to call-in:
- decisions to note reports.
 - decisions to recommend matters for onward consideration and decision by Council.
 - decisions taken by officers relating to the provision of services to individual service users, (for example when a service user goes into residential care or child into a residential special school)
- 18.3 When an Executive decision is made the decision will be published by the Proper Officer on the Council's website, including where possible by electronic means, and will in any event be available at the Council's main offices, within two working days of being made. Copies of the decisions will be sent to all members of the Council's Overview & Scrutiny Committee within the same timescale by the Proper Officer.
- 18.4 The notice will bear the date on which it is published and will specify that the decision will come into force on the expiry of five clear working days after the publication of the decision unless the decision is called-in in accordance with the provisions of this paragraph, 18.
- 18.5 If the decision has been taken in accordance with paragraph 19: Call-in and Urgency below, it will be effective on publication of notice that it has been made and cannot be called-in.
- 18.6 In order for a call-in to be valid, it must satisfy the following provisions:
- Be received by the Proper Officer before the expiry of five working days after the publication of the decision.
 - Identify the Executive decision to which it refers.
 - Include specific and reasonable reasons for call-in.
 - Requests for call-in should include details of why the decision is defective and where appropriate suggest an alternative course of action.
 - Requests for call-in should not be made for party political purposes, for trivial reasons or where a decision is not liked.
 - Be made by at least seven (7) councillors that are not members of the Executive or Cabinet Advisors.
- 18.7 The Proper Officer will consider any application for call-in to determine its validity in accordance with paragraph 18.6. If the application for call-in is accepted the provisions of paragraphs 18.9 to 18.17 shall apply.
- 18.8 Should the Proper Officer be minded to reject the application for call-in, they must first consult with the chair of Overview & Scrutiny Committee before

reaching a final decision. The reasons for rejecting any application for call-in will be communicated in writing to the lead councillor on the application.

- 18.9 Where an application for call-in has been accepted as valid by the Proper Officer, they shall convene a meeting of the Overview and Scrutiny Committee as soon as reasonably practicable to consider the call-in. Any Executive decision subject to a valid call-in shall not be implemented pending the conclusion of the call-in procedure.
- 18.10 When the Overview & Scrutiny Committee considers the Executive decision it may either:
- Take no action. The decision becomes effective immediately; or
 - Refer the matter back to the decision maker for reconsideration.
 - Refer the matter to full Council, if it appears that the decision which the Executive has taken is outside the Budget & Policy Framework.
- 18.11 When the Overview & Scrutiny Committee meets to consider whether to call-in an executive decision it may request the decision maker to attend to explain the decision. Wherever possible, the decision maker will attend.
- 18.12 Where the Overview & Scrutiny Committee refers the matter back to the decision maker for reconsideration or to the Council, it must set out its reasons for doing so in writing. The Proper Officer will ensure that these reasons are brought to the attention of the Council or the decision maker when they consider the matter.
- 18.13 If the matter is referred back to the decision maker for reconsideration, they will then reconsider their decision usually within seven working days of the date on which it is referred back to them in writing by the Proper Officer. The decision maker may amend the decision or not, before adopting a final decision. The final decision will be recorded by the Proper Officer and published. This decision is not subject to call in.
- 18.14 Should the decision maker be Mayor & Cabinet, The Chair (or in their absence the Vice-Chair) of the Overview & Scrutiny Committee will be entitled to attend and speak at any meeting at which the original decision is being reconsidered.
- 18.15 If the decision was made by the Mayor acting alone, or by an individual member of the Mayor and Cabinet, or an individual officer, the Chair (or in their absence the Vice-Chair) of the relevant Overview & Scrutiny Committee may attend when that person reconsiders their decision, to address them before their further decision is made.
- 18.16 If the matter is referred to Council for being outside the Budget & Policy Framework, then:
- The Council must meet within 21 calendar days of the decision of the relevant Overview & Scrutiny Committee to refer it to Council, to consider the matter. If the Council does not meet, then the decision becomes effective on expiry of the 10-day period, unless the Monitoring

Officer advises that the decision would be ultra vires, in which case the decision will not be effective until the Executive has formally considered the advice of the Monitoring Officer.

- If, when the Council meets, it does not object to a decision made by the Executive, (either because it is of the view that the original decision was consistent with the budget and policy framework or it has amended the budget and/or policy framework to accommodate it,) the decision will become effective immediately on the conclusion of the Council meeting at which it is considered.
- If, when the Council meets, it does object to the Executive decision, but it is not contrary to the policy framework or contrary to or wholly inconsistent with the budget, the Council has no power to change the Executive's decision. It must refer the matter back to the decision maker with its comments in writing. The decision will not be effective pending reconsideration by the decision maker, who may or may not amend the original decision in the light of Council comments before making a final decision.

18.17 The Council will put in place call-in arrangements in relation to executive decisions made by area committees if the Council appoints such bodies and the Mayor decides to delegate to them, and those call-in arrangements once agreed will form part of this Constitution.

19. Call In and Urgency

19.1 The call-in procedure set out in Rule 18 above shall not apply where the decision being taken is urgent. A decision will be urgent if the delay likely to be caused by the call in process would seriously prejudice the interests of the Council or the public. The Speaker, and in their absence the Deputy Speaker, must agree in writing both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Speaker and Deputy Speaker, the consent of the Chief Executive, or their nominee is required.

19.2 Decisions taken as a matter of urgency under this Rule must be reported to the next ordinary meeting of the Council together with the reason for urgency.

19.3 The operation of these provisions relating to call in and urgency shall be monitored annually and a report submitted to the Council with proposals for review if appropriate.

20. The party whip

20.1 When considering any matter in respect of which a member of the Overview and Scrutiny Committee is subject to a party whip, members must declare the existence of the whip and the nature of it before the commencement of the deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

21. Procedure at overview and scrutiny meetings

- 21.1 The business to be conducted at meetings of the Overview and Scrutiny Committee and its select committees will be:
- Minutes of last meeting.
 - Declarations of interest (including whipping declarations).
 - Responses of the Executive to reports from that committee, select committee or task & finish group.
 - The business set out in the agenda for the meeting.
- 21.2 When the select committees conduct investigations (for example with a view to policy development), the select committee/ Overview and Scrutiny Committee may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:
- The investigation will be conducted fairly, and all members of the committee be given the opportunity to ask questions of attendees and to contribute and speak;
 - Those assisting the committee/select committee/panel will be treated with respect and courtesy;
 - The investigation will be conducted so as to maximise the efficiency of the investigation or analysis.

22. Overview & Scrutiny of Crime and Disorder Issues

- 22.1 For the purposes of these procedure rules:
- “responsible authority” means those defined as such by Section 5 of the Crime and Disorder Act 1998 and any amendments thereto from time to time, including the Council and the police; and
 - “co-operating person or body” means those defined as such by Sections 5 and 38 of the Crime and Disorder Act 1998 and any person prescribed as such by the Secretary of State from time to time (currently the probation service)
- 22.2 The Council appoints an Overview and Scrutiny Committee or sub committee to fulfil the overview and scrutiny function in relation to the discharge by responsible and co-operating persons/bodies of their crime and disorder functions, as required by Section 19 Police & Justice Act 2006 as amended from time to time, and all other relevant legislation. The overview and scrutiny select committee with these functions is the Safer Stronger Communities Select Committee, in accordance with Article 6.
- 22.3 The Safer Stronger Communities Select Committee may co-opt additional members to serve on that select committee. Any such co-optee is not entitled to vote on any particular matter unless the Select Committee so decides, and it may only do so in accordance with a co-option scheme agreed by the Council. A co-optee’s membership may be limited to the exercise of the select committee’s powers in relation to a particular matter or type of matter.
- 22.4 Membership of a person co-opted to serve on the Safer Stronger Communities Select Committee may be withdrawn at any time by the select committee.

- 22.5 Request for information The Safer Stronger Communities Select Committee may make a written request to a responsible body or co-operating person or body for information relating to:
- the discharge, or decisions made, or other action taken in connection with the discharge of their crime and disorder functions, or
 - local crime and disorder matters in respect of which the select committee has overview and scrutiny functions by virtue of Section 19 of the Police and Justice Act 2006.
- 22.6 Supply of information Where a written request is made for information, the responsible authority/co-operating person or body must provide the requested information. It should be supplied no later than the date indicated in the request, but if some or all of the information cannot reasonably be provided by such date, it must be provided as soon as reasonably possible.
- 22.7 The information provided:
- must be de-personalised unless the identification of an individual is necessary or appropriate to enable the Safer Stronger Communities Select Committee to properly exercise its powers; and
 - shall not include information that would be reasonably likely to prejudice legal proceedings or current or future operations of the responsible authorities, whether acting together or individually, or of the co-operating person or bodies.
- 22.8 The Safer Stronger Communities Select Committee may require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body in order to answer questions. The select committee will give reasonable notice of the intended date of attendance. In the absence of reasonable notice, the person will not be required to attend.
- 22.9 If the Safer Stronger Communities Select Committee makes a report or recommendation to a responsible authority or to a co-operating person/body, that person or body must respond to the report/recommendation in writing within 28 days of the date of making the report/recommendation, or if this is not reasonably possible, as soon as reasonably possible after that.
- 22.10 With regard to agenda items. The following provisions apply:
- Any member of the Council may refer a local crime and disorder matter to the Committee for inclusion on the agenda and for discussion at a meeting of the select committee.
 - In deciding whether to exercise its powers in response to the referral, the select committee will have regard to any powers available to the referring member by virtue of Section 236 Local Government in Health Act 2007 (exercise of functions by councillors) and any representations made by the referring member as to why it would be appropriate for the select committee to exercise its powers.
 - If the select committee decides not to exercise its powers, it will inform the referring member and give reasons for its decision.

- Where the select committee makes a report/recommendations, it must supply a copy to the referring member and a copy to the responsible authorities and co-operating bodies/persons as it considers appropriate. It must inform those authorities/bodies that they must respond indicating what action (if any) they intend to take and that they must have regard to the report/recommendations in exercising their functions. A response must be made within 28 days or if that is not possible as soon as is reasonably possible thereafter.
- For the purposes of paragraph 22.9, a “local crime and disorder matter” means a matter concerning crime and disorder, in particular forms of crime and disorder that involve antisocial behaviour or other behaviour adversely affecting the local environment or the misuse of drugs, alcohol or other substances affecting all or part of the ward for which the member was elected or any person who lives or works in that area.

23 Overview & Scrutiny of health matters

- 23.1 The Council has appointed the Healthier Communities Select Committee to carry out, among other things, the scrutiny of health bodies under the Local Authority (Public Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 and other relevant legislation in place from time to time.
- 23.2 The Healthier Communities Select Committee may review and scrutinise any matter relating to the planning, provision and operation of health services in the area.
- 23.3 If a matter is referred to it by Local Healthwatch, or a local Healthwatch organisation, the Select Committee must invite interested parties to comment and consider the matter having regard to relevant information, including that provided to it by Healthwatch. The Council will acknowledge the referral within 20 days and keep the referrer informed of action taken.
- 23.4 The Healthier Communities Select Committee may make reports and recommendations to local NHS bodies and to the Council/Executive on any matter reviewed or scrutinised by it. Such reports will contain an explanation of the matter reviewed, a summary of the evidence considered, a list of participants involved in the review and any recommendations made.
- 23.5 The Healthier Communities Select Committee may request a response from the NHS body to whom it has made a report, and the NHS body is under a duty to provide one within 28 days of the request.
- 23.6 NHS bodies must, subject to certain exceptions, consult the Healthier Communities Select Committee about any proposal for substantial variation in, or substantial development of, a service in the area, and where consulted the Select Committee is entitled to comment, and in appropriate cases the Select Committee may make referrals to the Secretary of State under the 2013 Regulations.

- 23.7 The Healthier Communities Select Committee may require a local NHS body to provide such information about the planning, provision and operation of health services in the Borough as the Select Committee reasonably requires and the NHS body is under a duty to provide it subject to certain exceptions set out in regulation.
- 23.8 Subject to any directions made by the Secretary of State, the Healthier Communities Select Committee may require an officer of a local NHS body to attend before it to answer questions, and it shall be the duty of such an officer to comply, provided reasonable notice of the requirement to attend has been given.
- 23.9 The Council may from time to time appoint joint committees to discharge the overview and scrutiny function in relation to local health bodies and may delegate relevant overview and scrutiny functions to another authority's Overview and Scrutiny Committee where it considers that that other authority would be better placed to undertake the function, and that other Council agrees to do so.

24. Task and Finish Groups

- 24.1 The conduct of meetings at task and finish groups shall be a matter for the Chair of the task and finish group, subject to:
- any legal requirements; and
 - provisions and principles set out in paragraph 21, which shall also apply to the conduct of task and finish groups
- 24.2 When the task and finish group completes an investigation it shall produce a report detailing its findings and any recommendations which it shall refer to Mayor & Cabinet and/or an appropriate Council decision making body for consideration.
- 24.3 The Mayor & Cabinet and/or other appropriate Council decision making body, shall refer their response back to the full Overview & Scrutiny Committee

Access to Information Rules

1. SCOPE

- 1.1 These Rules apply to all meetings of the Council including meetings of the Executive, any committees, sub-committees, regulatory committees, panels and commissions which the Council may establish (together called “meetings”).
- 1.2 In these Rules the term “clear working day” excludes the date on which the notice of a meeting is published and the date on which the meeting is to be held and also excludes any weekends and public holidays.
- 1.3 These Rules do not detract from any more specific right to information contained elsewhere in this constitution or the law.
- 1.4 In these Rules “**the public**” includes members of the press.

2. RIGHT OF PUBLIC TO ATTEND MEETINGS

- 2.1 Any member of the public may attend all meetings subject only to the exceptions in these Rules.

3. NOTICE OF MEETINGS

- 3.1 The Council will give at least five clear working days’ notice of any meeting by posting details of the meeting at Town Hall, Catford London SE6 4RU (the “**designated office**”) and where possible on its website.
- 3.2 If a meeting is called at shorter notice than five clear working days, notice is to be given by the Council in the same manner as set out above at the time the meeting is called.
- 3.3 Where a meeting of the Executive is to be held in private, at least 28 clear days before the private meeting, the Council will make available at the designated office a notice of intention to hold the meeting in private and where possible publish that notice on its website. That notice will contain a statement of why the meeting is to be held in private.
- 3.4 At least five clear working days before a private meeting of the Executive the Council will make available at the designated office and where possible publish on its website a notice which will include a statement of the reasons for the meeting to be held in private, details of any representations received about why it should be open to the public and a statement of its response to those representations.
- 3.5 Where the date by which a meeting must be held makes compliance with Rules 3.3 and 3.4 impracticable, the meeting may only be held in private where the decision making body has obtained agreement that the meeting is urgent and cannot reasonably be deferred from:

- (a) the Chair of the Overview and Scrutiny Committee; or,
- (b) if there is no such person or if the Chair of the Overview and Scrutiny Committee is unable to act, the Speaker; or,
- (c) where there is no Chair of the Overview and Scrutiny Committee or Speaker, the Deputy Speaker.

3.6 As soon as reasonably practicable after the decision-making body has obtained agreement under Rule 3.5 to hold a private meeting the Monitoring Officer must make available at the designated office and where possible on the Council's website a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred.

3.7 The Executive or one of its committees may meet in private if it meets with officers for the purposes only of briefing.

4. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

4.1 The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and where possible on the Council's website at least five clear days before the meeting except:

- (a) Where the meeting is called at shorter notice, copies of the agenda and reports shall be made available from the time the meeting is called; and
- (b) Where an item is added to the agenda later, copies of the item, the revised agenda and copies of any report relating to that item will be open to inspection from the time that the item was added to the agenda.

5. ACCESS TO MINUTES ETC. AFTER THE MEETING

5.1 For 6 years after a meeting, the Council will make available for public inspection, copies of the following:

- (a) the minutes of the meeting, to include the record of decisions taken, together with reasons, any options considered and rejected and details of any declarations of conflict of interest and any dispensation granted in relation to that conflict, excluding any part of the minutes of proceedings when the meeting was not open to the public or which would disclose exempt or confidential information;
- (b) a summary of proceedings when the meeting was 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;
- (d) reports relating to items when the meeting was open to the public.

6. BACKGROUND PAPERS

6.1 The author will set out in every report a list of documents ("background papers") relating to the subject matter of the report which in the opinion of author and the Monitoring Officer:

- (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.

This requirement does not apply to published works or those which disclose confidential or exempt information.

- 6.2 Any background papers will be retained by the Council and made available for public inspection for a period of four years after the date of the meeting at which a report referring to them was considered.

7. SUPPLY OF COPIES

- 7.1 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 Monitoring Officer thinks fit, copies of any other documents supplied to councillors and/or the Mayor in connection with an item,

to any person on payment of a reasonable charge for postage and any other costs.

8. SUMMARY OF PUBLIC RIGHTS

- 8.1 A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and made available to the public at the designated office.
- 8.2 Where documents are open to public inspection they will be available at all reasonable office hours at the designated office.
- 8.3 Any member of the public may in any publicly available medium reproduce or provide commentary in relation to any document available for public inspection under regulations applying specifically to executive decisions and documents, save that this does not authorise any breach of the copyright of any person other than the Council by a member of the public.

9. EXCLUSION OF THE PUBLIC FROM MEETINGS

a. Confidential information – requirement to exclude public

The public must be excluded from meetings or those parts of 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.

b. Exempt information – discretion to exclude public

The public may be excluded from all or parts of a meeting 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 and

public interest in maintaining the exemption outweighs the public interest in disclosing the information.

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

c. Advice of a political advisor or assistant

Nothing in these Rules shall require the Council to disclose to the public or make available for public inspection any information which is likely to contain the advice of a political advisor or assistant.

d. Excluding the public to prevent disorder

Under Regulation 4(2) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public may be excluded from a meeting in order to maintain orderly conduct or to prevent misbehaviour at a meeting.

e. 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 the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

f. Meaning of exempt information

Exempt information means information falling within the following seven categories:

	Category	Condition
1.	Information relating to an individual.	Information falling within this paragraph is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2.	Information which is likely to reveal the identity of an individual.	Information falling within this paragraph is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3.	Information relating to the financial or business affairs of any particular person (including the authority holding the information).	Information falling within this paragraph is not exempt if it must be registered under various statutes such as the Companies Acts 1985 and 2006, the Friendly Societies Acts 1974 and 1992, the

		Industrial and Provident Societies Acts 1965 to 1978, the Co-operative and Community Benefit Societies Act 2014, or the Charities Acts 1993 and 2011.
4.	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.	Information falling within this paragraph is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Information falling within this paragraph is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
6.	Information which reveals that the authority proposes: a. To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b. To make an order or direction under any enactment.	Information falling within this paragraph is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
7.	Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Information falling within this paragraph is exempt information if and so long as in all the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Information falling within 1-7 above 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.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

- 10.1 If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items, during which, in accordance with Rule 9 (Exclusion of the public from meetings) the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

11. APPLICATION OF RULES TO THE EXECUTIVE

11.1 In addition to those Rules set out above, the following Rules apply to meetings of the Executive and its committees.

12. PROCEDURE BEFORE TAKING KEY DECISIONS

12.1 Key decisions are defined at Article 16.

12.2 Subject to Rule 14 (Urgency – General Exemption) and Rule 15 (Urgency - Special urgency), a key decision shall not be taken unless:

- (a) the matter has been included in the Council's forward plan, which must be available for public inspection at the designated office and on the Council's website for 28 clear days before a key decision is made; and
- (b) where the decision is to be made at a meeting of the Executive or its committees, notice has been given in accordance with Rule 3 (Notice of meetings).

13. THE FORWARD PLAN

13.1 Each notice published in the forward plan under Rule 12 (Procedure before taking key decisions) must include:

- (a) The matter in respect of which the decision is to be made;
- (b) The date on which, or the period within which, the decision is to be made;
- (c) Where the decision maker is an individual, their name and title, if any;
- (d) Where the decision maker is a decision-making body, its name and details of its membership;
- (e) Where the decision relates to confidential or exempt information, as defined above, a statement that the decision will be made in private;
- (f) A list of the documents submitted to the decision maker for consideration in respect of their decision;
- (g) The address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (h) That other documents relevant to those matters may be submitted to the decision maker;
- (i) The procedure for requesting details of those documents (if any) as they become available;
- (j) A unique reference number;
- (k) Details of the wards affected by the decision.

13.2 Where, in relation to any matter:

- (a) The public may be excluded from the meeting at which the matter is to be discussed; or
- (b) Documents relating to the decision need not be disclosed to the public,

the forward plan must contain particulars of the matter and a statement of the reasons for the intended non-disclosure but may not contain any confidential or exempt information or particulars of the advice of a political adviser or assistant.

13.3 Any outstanding matters from the previous forward plan will be included in the latest forward plan.

13.4 The most recent forward plan shall supersede all previous forward plans.

14. URGENCY - GENERAL EXCEPTION

14.1 If it is impracticable for a matter which is likely to be a key decision to be included in the key decision plan, then subject to Rule 15 (Urgency - special urgency) the decision may still be taken if:

- (a) the Monitoring Officer has informed the Chair of the Overview and Scrutiny Committee or, if there is no such person, each member of the Overview and Scrutiny Committee, by notice in writing of the matter in respect of which the decision is to be made; and
- (b) the Monitoring Officer has made copies of that notice available to the public at the designated office and where possible published it on the Council's website; and
- (c) at least 5 clear days have elapsed since the Monitoring Officer complied with (a) and (b) above.

14.2 As soon as reasonably practicable after the Monitoring Officer has complied with this Rule they must publish at the designated office and where possible on the Council's website a notice setting out the reasons why it was not practicable to comply with the requirement in Rule 12 (Procedure before taking key decisions).

15. URGENCY - SPECIAL URGENCY

15.1 If by virtue of the date by which a key decision must be made Rule 14 (Urgency – General Exemption) above cannot be followed, then the decision may only be taken if the Chair of the Overview and Scrutiny Committee agrees that the taking of the decision is urgent and cannot reasonably be deferred. If there is no Chair of the Overview and Scrutiny Committee, or if there is but they are unable to act, then the agreement of the Speaker, or if there is neither a Chair of Overview and Scrutiny Committee nor Council, the Deputy Speaker may agree.

15.2 If agreement is given under Rule 15(a) (Urgency – Special Urgency), the Monitoring Officer will make available at the designated office and where possible publish on the Council's website a notice setting out the reasons why the decision is urgent and cannot reasonably be deferred.

15.3 The Mayor will submit a quarterly report to Council on the executive decision taken under this Rule in the preceding three months. This report will contain the number of decisions so taken and a summary of the matters in respect of which each decision was made.

16. RIGHTS OF OVERVIEW AND SCRUTINY IN RESPECT OF KEY DECISIONS

- 16.1 If the Overview and Scrutiny Committee thinks that a key decision has been made which was not included in the key decision plan or properly decided in accordance with Rule 14 (Urgency – General Exception) or 15 (Urgency – Special Urgency), then the Overview and Scrutiny Committee may require the Executive to submit a report to Council within such reasonable time as the Overview and Scrutiny Committee specifies.
- 16.2 Any report prepared by the Executive under these provisions shall set out the particulars of the decision, the reasons for it, the identity of the individual or body making the decision, and if the Executive is of the opinion that it was not a key decision, the reasons for that view.
- 16.3 The report prepared by the Executive under these provisions shall be submitted to the next ordinary meeting of Council. However, if the next meeting of Council is within 10 working days of receipt of the written notice or the resolution of the Overview and Scrutiny Committee, then the report may be submitted to the next ordinary Council meeting after that.

17. RECORD OF DECISIONS - EXECUTIVE DECISIONS MADE AT MEETINGS

- 17.1 Decisions taken at a meeting may only be taken on the basis of a written report, setting out key legal, financial, service and corporate implications and may not be taken at any meeting unless the Monitoring Officer or their nominee is present.
- 17.2 As soon as reasonably practicable after any meeting of the Executive or any of its committees, the Monitoring Officer (or their nominee who was present at the meeting) will produce a written statement of every decision taken at that meeting including:
- a record of the decision;
 - a record of the date on which the decision was made;
 - a record of the reasons for the decision;
 - details of any alternative options considered and rejected at the meeting;
 - a record of any conflict of interest declared in relation to the matter by any member of the decision-making body; and
 - any dispensation relating to any declared conflict of interest.

18. RECORD OF DECISIONS - EXECUTIVE DECISIONS MADE BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

- 18.1 All decisions taken individually by the Mayor or by individual members of the Executive must be based on written reports setting out key legal, financial, service and corporate implications.
- 18.2 When an officer prepares a report which is to be given to the Mayor or an individual member for decision, that officer must first give a copy of the report to the Monitoring Officer.

- 18.3 The Monitoring Officer will submit the report to the individual decision maker and serve a copy on every member of the Overview and Scrutiny Committee, the Chief Executive and the Chief Finance Officer.
- 18.4 Individual decisions by the Mayor or by individual members of the Executive may only be made in the presence of the Chief Executive, Chief Finance Officer or the Monitoring Officer or their nominee (unless they waive that requirement) and the officer whose responsibility it is to record the decision.
- 18.5 As soon as reasonably practicable after the Mayor or an individual member of the Executive has made an executive decision, but in any event within 2 working days of the decision, the Monitoring Officer will produce a written statement of the decision including:
- a record of the decision;
 - a record of the date the decision was made;
 - a statement of the reasons for the decision;
 - details of any alternative options considered and rejected at the time by the member when the decision was made;
 - a record of any conflict of interest declared by any executive member who has been consulted by the member in relation to the decision;
 - in respect of any declared conflict of interest, a note of any dispensation granted.

19. RECORD OF DECISIONS - EXECUTIVE DECISIONS BY AN OFFICER

- 19.1 The Mayor, the Executive or its committees may delegate decision making to an officer. Where they do so, the officer may only take an executive decision on the basis of a written report setting out key legal, financial, service and corporate implications.
- 19.2 The person who supplies a copy of the report to the officer making the decision, must first supply a copy to the Monitoring Officer.
- 19.3 The decision-making officer must inform the Monitoring Officer immediately any decision has been taken and provide to them a written statement of the decision for publication containing the following:
- a record of the decision
 - a record of the date the decision was made;
 - a record of the reasons for the decision;
 - details of any alternative options considered and rejected by the officer making the decision;
 - a record of any conflict of interest declared by any executive member who is consulted by the officer making the decision; and
 - details of any dispensation in relation to any such conflict of interest

20. OVERVIEW AND SCRUTINY COMMITTEE – ACCESS TO DOCUMENTS AFTER A DECISION HAS BEEN MADE

20.1 Subject to Rule 20.2, any member of the Overview and Scrutiny Committee and of its sub-committees will be entitled to copies of any document (within 10 clear days of a request being made) which:

- (a) is in the possession or control of the Mayor, the executive or any of its committees; and
- (b) it contains material relating to:
 - any business which has been transacted at a public or private meeting of the executive; or
 - any decision taken by an individual member of the Executive; or
 - any key decision that has been taken by an individual officer in accordance with executive arrangements.

20.2 Overview and Scrutiny Committee members shall not be entitled to:

- (a) Any document that is in draft form;
- (b) Any document or part of a document that contains exempt or confidential information unless:
 - it is relevant to an action or decision that they are scrutinising or reviewing, or that they intend to review or scrutinise;
 - or is contained in any programme of work of an Overview and Scrutiny Committee or sub-committee;
- (c) Any document or part of a document that contains the advice of a political adviser or assistant.

21. ADDITIONAL RIGHTS OF ACCESS FOR ALL MEMBERS

21.1 All members are entitled to inspect any document which is in the possession of or under the control of the Mayor, the Executive or any of its committees and which contains material relating to any business to be transacted at a public meeting 5 clear days in advance of the meeting unless the meeting is called at shorter notice in which case the document must be available for inspection when the meeting is called. When an item is added to an agenda at shorter notice, the document must be available for inspection when the item is added to the agenda.

21.2 All members are entitled to inspect any document which is in the possession or under the control of the Mayor or the Executive and contains material relating to any business transacted at a private meeting of the Executive, any individual Executive member decision, or an officer Executive decision immediately or within 24 hours after the relevant decision has been made unless:

- (a) It contains exempt information falling within categories 1, 2, or 3 (to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract) and 4, 5 and 7 of the Table in Rule 9;
- (b) It contains the advice of a political advisor or assistant.

Budget & Policy Framework

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

- 1.1 The Council is responsible for the adoption of its budget and policy framework. Once a budget or a policy framework is in place, it is the responsibility of the Executive and officers to implement it.

2. PROCESS FOR DEVELOPING THE FRAMEWORK

The process by which the budget and plans and strategies within the policy framework are developed shall be as follows:

- 2.1. Before a plan, strategy or budget needs to be adopted, the Executive will publish initial proposals having first canvassed the views of local stakeholders as appropriate and in a manner suitable to the matter under consideration.
- 2.2. Once drawn up, the Executive will provide a copy of the initial proposals to the proper officer who will serve copies of it on the Chair of the Overview and Scrutiny Committee and the Chair of any relevant Overview and Scrutiny select committee.
- 2.3. The Overview and Scrutiny Committee and any relevant Overview and Scrutiny select committee should be allowed at least 10 clear days to respond to the initial proposals unless the Executive considers that there are special reasons that make this timetable inappropriate. If this is the case, then the Executive will inform the Overview and Scrutiny Committee and any relevant Overview and Scrutiny select committee of the time for response when the initial proposals are referred to it.
- 2.4. At the end of the period referred to in Rule 2.3, having taken into account the views of the Overview and Scrutiny Committee and any relevant Overview and Scrutiny select committee, the Executive will prepare its recommended proposals for the Council to consider. The Executive will also report to the Council on how it has taken into account any recommendations from the Overview and Scrutiny Committee and any relevant Overview and Scrutiny select committee, or its reasons for not doing so.
- 2.5. The Council will consider the proposals of the Executive and may resolve by a simple majority to adopt them, refer them back to the Executive for further consideration or substitute its own proposals in their place.
- 2.6. If Council accepts the Executive's proposals without amendment, then the decision will take immediate effect.
- 2.7. If Council wishes to amend the Executive's proposals, or substitute its own proposals in their place, it must inform the Mayor of their objections to the proposals and give instructions requiring the Executive to reconsider the proposals. The instruction must give a period of at least 10 clear days

beginning with the day after which the Mayor receives the instructions to reconsider, within which time the Executive may:

- i. submit a revision of the original Executive proposal with reasons for any amendments that have been made; or
- ii. resubmit the unamended original Executive proposal to the Council and inform it of any disagreement that the Executive has with any of the Council's objections and the reasons for that disagreement.

2.8. When the period referred to in Rule 2.77 has expired the proposals (whether amended or not) will be referred back to Council. In considering the proposals referred back to it by the Executive, the Council will take account of the following:

- i. any amendments made to the proposals by the Executive and the Executive's reasons for those amendments; and
- ii. any disagreement that the Executive has with any of the Council's objections and the Executive's reasons for that disagreement.

2.9. Council may either:

- i. Approve either the original Executive proposal or any revision to that proposal put forward by the Executive by way of a simple majority of those present and voting; or
- ii. Approve a different decision which does not accord with either the original Executive proposal or any revision to that proposal put forward by the Executive by way of a two-thirds majority of those members of the Council present and voting.

2.10. Subject to Rule 2.144, where before 8th February in any financial year, the Executive submits to Council for consideration in relation to the following financial year:

- i. estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of Sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 522F, or 522J of the Local Government Finance Act 1992 (calculation of Council Tax requirements etc);
- ii. estimates of other amounts to be used for the purposes of such a calculation;
- iii. estimates of such a calculation; or
- iv. amounts required to be stated in precept under Chapter IV of Part I of the Local Government Finance Act 1992 (precepts)

and following consideration of those estimates or amounts the Council has any objections to them it must take the actions set out in Rule 2.111 below.

2.11. Before Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in Rule 2.100, or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Mayor of any objections which it has to the Executive's estimates or amounts and must give to the Mayor instructions requiring the Executive to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

- 2.12. Where Council requires reconsideration in accordance with Rule 2.111 above, it must specify a period of at least 10 working days beginning on the day after the date on which the requirement is received within which the Mayor may:
- i. submit a revision of the estimates or amounts as amended by the Executive (the “**revised estimates or amounts**”), which have been reconsidered in accordance with Council’s requirements, with the Executive’s reasons for any amendments made to the estimates of amounts, to the Council for reconsideration; or
 - ii. inform Council of any disagreement that the Executive has with any of the Council’s objections and the Executive’s reasons for any such disagreement
- 2.13. Subject to Rule 2.144 below, when the period set out in Rule 2.111 has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in Rule 2.100, or when issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:
- i. any amendments to the estimates or amounts that are included in any revised estimates or amounts and the Executive’s reasons for those amendments; and
 - ii. any disagreement that the Executive has with any of the Council’s objections and the Executive’s reasons for that disagreement.
- 2.14. If Council for the purpose of making the calculations or issuing the precept proposes to use estimates or amounts (the “**different estimates or amounts**”) which are not in accordance with the Executive’s estimates or amounts or, as the case may be, the Executive’s revised estimates or amounts, the question whether to use the different estimates or amounts must be decided by a two-thirds majority of the members of the Council present and voting.
- 2.15. The provisions for approval of the decisions in these Budget Policy and Procedure Rules apply to decisions whether or not they would result in a Council Tax increase which would be deemed excessive using principles set by the Secretary of State under Part 5 Chapter 1 Localism Act 2011 and relevant regulations.
- 2.16. Where Council seeks to set a Council Tax which would be deemed excessive by reference to Part 5 of Chapter 1 Localism Act 2011, it must hold a referendum in accordance with relevant regulations and propose additional measures that would be effective in the event that the binding referendum does not approve the imposition of the “excessive” Council Tax increase.
- 2.17. **Recorded vote on budget decisions.** Immediately after any vote related to the making of the calculation or issuing of the precept is taken at a budget decision meeting, there must be recorded in the minutes of the proceedings at that meeting, the names of the persons who cast a vote for the decision, against the decision, or who abstained from voting. A “**budget decision meeting**” means one which:

- i. makes a calculation (whether original or substitute) in accordance with any of the sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 522F, 522J of the Local Government Finance Act 1992; or
- ii. issues a precept under Chapter 4 of Part 1 of that Act and includes a meeting where making the calculation or issuing the precept was included as an item of business on the agenda for that meeting.

2.18. Opposition budget proposals. Any opposition group may submit an alternative budget proposal for consideration by Council. This should be provided in writing to the Monitoring Officer by 5pm one working day before the meeting. Amendments may only be considered after this deadline with the agreement of the Monitoring Officer and the Chief Finance Officer. In developing alternative proposals an opposition group must seek advice from the Chief Finance Officer. This is so that the Chief Finance Officer can fulfil their statutory duty to comment on the robustness of the estimates and the adequacy of reserves contained within the alternative proposal (section 25 Local Government Act 2003). When considering alternative budgets, Council shall consider each alternative individually in the order in which they were received by the Monitoring Officer. If an alternative budget is carried by way of simple majority of those present and voting, then this amounts to an amendment to the Executive's proposals and the steps specified in Rules 2.7 to 2.9 will apply.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 3.1. Subject to Rule 5 (Virement), the Mayor, Executive, a committee of the Executive, officers to whom powers have been delegated and those acting under joint arrangements that may be in place (each a "**decision maker**") may only make decisions which are in line with the budget and policy framework.
- 3.2. If any decision maker wishes to make a decision which is contrary to the policy framework or contrary to or not wholly consistent with the budget previously approved by Council then subject to 9 below, that decision can only be taken by the Council.
- 3.3. A decision by the Mayor will not be contrary to or not wholly in accordance with the budget or capital plan provided any additional costs incurred as a result of the decision can be offset by additional income, contingency funds or savings from elsewhere within the budgetary allocation to executive functions.
- 3.4. If a decision maker wishes to make a decision which may be contrary to the policy framework or contrary to or not wholly consistent with the budget, they must first take the advice of the Monitoring Officer and/or the Chief Finance Officer. If the advice of either of these officers is that the decision would be contrary to the policy framework, or contrary to or not wholly consistent with the budget then the decision must be referred to the Council for decision, unless the decision is a matter of urgency, in which case the provisions of Rule 4 below apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 4.1. Executive decisions which are contrary to the policy framework or contrary to or not wholly consistent with the budget may only be taken if the decision is a matter of urgency and
 - i. it is not practical to convene a quorate meeting of the Council in sufficient time to make the decision; and
 - ii. the Chair of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency
- 4.2. The reasons why it is not practical to convene a quorate meeting of the Council, and the Chair of the Overview and Scrutiny Committee's consent must be noted on the record of the decision. In the absence of the Chair of the Overview and Scrutiny Committee, the consent of the Speaker of the Council will suffice, and in the absence of both, the Deputy Speaker.
- 4.3. Following the decision, the decision maker must provide a report to the next Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. VIREMENT

- 5.1 The Council's Finance Procedure Rules set out virement limits within which the Executive and officers may move financial allocations across budget heads in order to maintain a degree of flexibility in the Council's financial arrangements.

6. IN YEAR CHANGES TO THE BUDGET OR POLICY FRAMEWORK

- 6.1 Each of the Council's plans and strategies which go to make up the policy framework will have written into them the extent to which any amendment to it may be agreed by the Executive. The report submitted to Council in relation to the adoption of the plan or strategy will deal with this issue specifically, so that the Council is aware of the proposed extent of discretion to be given to the Executive before agreeing the proposals.
- 6.2 No changes to the budget or policy framework may be made by any decision maker other than:
 - i. Changes necessary to ensure compliance with the law, ministerial direction, or government guidance; or
 - ii. Where Council has agreed in advance the circumstances in which changes can be made.

7. CALL IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 7.1. Where an Overview and Scrutiny Committee considers that an Executive decision is, or if made would be, contrary to the policy framework or contrary to or not wholly consistent with the budget, then it shall seek advice from the Monitoring Officer and/or the Chief Finance Officer.

- 7.2. In respect of functions which are the Mayor's or the Executive's responsibility, a report of the Monitoring Officer and/or of the Chief Finance Officer will then be submitted to the Executive with a copy supplied to every member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the report of the Monitoring Officer and/or the Chief Finance Officer. The Executive must also prepare a report to Council in the event that the Monitoring Officer and/or Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer/Chief Finance Officer decide that it was not.
- 7.3. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or Chief Finance Officer is that the decision is, or would be, contrary to the policy framework, or contrary to or not wholly consistent with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases no further action may be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council will meet within 21 calendar days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer.
- 7.4. The Council may then either:
- i. endorse the decision or proposal as falling within the existing policy framework and budget. In this case no further action is required, save that the decision of the Council be minuted and circulated in the normal way. If the decision has not yet been taken however, it will be for the Executive and not the Council to make it; or
 - ii. amend the Council's budget, Financial Procedure Rules or the policy concerned to encompass the decision or proposal and agree to the decision with immediate effect. In this case no further action is required, save that the decision of the Council be minuted and circulated in the normal way; or
 - iii. where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly consistent with the budget and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter having regard to the advice of the Monitoring Officer and/or Chief Finance Officer.
- 7.5. If Council does not meet within the timescale set out in Rule 7.4, the decision will become effective on the date of the expiry of the period in which the meeting of Council should have been held provided that the Monitoring Officer and/or the Chief Finance Officer are satisfied that the decision is within the budget or policy framework or falls within Rule 6. In such circumstances the decision of the Monitoring Officer and/or the Chief Finance Officer is final.

Financial Procedure Rules

1. Introduction

- 1.1 The purpose of these Financial Regulations is to set out the Council's financial policies and the framework for managing the Council's financial affairs. The Financial Regulations aim to ensure that the Council conducts its financial affairs in a sound and proper manner that delivers value for money and in a way that complies with statutory requirements and best professional practice. These Financial Regulations apply to every member and officer of the Council and anyone acting on its behalf.
- 1.2 The officer designated by the Council as having the statutory responsibility for the proper administration of the Council's financial affairs set out in section 151 of the Local Government Act 1972 is the Executive Director for Finance, Digital and Corporate Resources.
- 1.3 The Executive Director for Finance, Digital and Corporate Resources is responsible for issuing Financial Procedures which are to be read together with these Financial Regulations and provide further explanation of the procedures to be followed by officers in discharging their financial duties. The Executive Director for Finance, Digital and Corporate Resources may also issue detailed advice and guidance where necessary to assist with the interpretation of these Financial Regulations and/or the Financial Procedures. These Financial Regulations and the Financial Procedures must be read in conjunction with the Council's Scheme of Delegation.
- 1.4 Executive Directors are responsible for ensuring the officers in their directorates comply with these Financial Regulations, the Financial Procedures, the Scheme of Delegation and any guidance issued by the Executive Director for Finance, Digital and Corporate Resources. Failure to comply with these Financial Regulations, the Financial Procedures and any guidance issued may constitute misconduct, including gross misconduct, and lead to formal disciplinary action.

2. Roles and responsibilities

2.1 Chief Finance Officer

- 2.1.1 The officer designated by the Council as having the statutory responsibility set out in Section 151 of the Local Government Act 1972 is the Executive Director for Finance, Digital and Corporate Resources.
- 2.1.2 The Executive Director for Finance, Digital and Corporate Resources has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:
 - Section 151 of the Local Government Act 1972.
 - The Local Government Finance Act 1988.
 - The Local Government and Housing Act 1989.
 - The Accounts and Audit Regulations 2015.

- The Local Government Act 2003.

2.1.3 Section 114 of the Local Government Finance Act 1988 requires the Executive Director for Finance, Digital and Corporate Resources to report to (as appropriate) the Full Council, the Executive and the External Auditor if the Council:

- Has made, or is about to make, a decision which involves incurring unlawful expenditure.
- Has taken, or is about to take, an unlawful action which is likely to cause a loss or deficiency to the Council.
- Is about to make an unlawful entry in the Council's accounts.
- Appears to have incurred or is proposing to incur expenditure in a financial year which is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.

2.1.4 The Executive Director for Finance, Digital and Corporate Resources is responsible for the following:

- The proper administration of the Council's financial affairs, including accountancy, audit and risk management
- Ensuring lawfulness and financial prudence of decision making
- Advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
- Providing financial information in conjunction with senior managers.
- Advising and reporting to the Executive on the resources required to implement council policies
- The Treasury Strategy
- The Annual Statement of Accounts and its publication
- Overseeing Council procedures regarding debt recovery.

2.1.5 The Executive Director for Finance, Digital and Corporate Resources has a statutory duty to ensure that the accounts and supporting records of the Council are maintained in accordance with proper practices and kept up to date, that the accounts present fairly the Council's financial position and that reasonable steps have been taken for the prevention of fraud and other irregularities.

2.1.6 The Executive Director for Finance, Digital and Corporate Resources shall have access to all financial records held in the Council and require explanations from Council officers as necessary.

2.1.7 The Executive Director for Finance, Digital and Corporate Resources shall receive a report, from the appropriate Executive Director, of any material breach of financial regulations or procedures. If deemed to be of a serious nature, then the Executive Director for Finance, Digital and Corporate Resources shall submit an appropriate report to the Executive.

2.2 **Executive Directors**

2.2.1 Executive Directors have overall accountability for the finances of their directorate and must ensure there are proper systems and processes in place

for financial administration and control. Executive Directors shall consult the Executive Director for Finance, Digital and Corporate Resources on any matter which is liable materially to affect the finances of the Council before any provisional or other commitment is incurred and before reporting to the Executive.

2.2.2 Executive Directors shall ensure that accounting systems and procedures in place within their directorates incorporate adequate controls to safeguard against loss and fraud.

2.2.3 Executive Directors shall ensure that officers in their directorates have adequate training in order for them to comply with financial regulations.

2.3 Directors

2.3.1 Under the arrangement for financial devolution, the Director of Finance and Deputy s151 Officer shall support Executive Directors and budget holders in discharging their financial and budgetary responsibilities.

2.3.2 The Director of Finance and s151 Officer shall be accountable to the Executive Director for Finance, Digital and Corporate Resources for all matters pertaining to Section 151 responsibilities as they affect the Council's finances. Where a potential conflict arises between the service considerations and the S151 duties, the S151 duties must prevail.

3. Financial planning and financial accountabilities

3.1 Budget format - Annual revenue budget and budgetary control

The general format of the budget will be approved by the Council and proposed by the Executive on the advice of the Executive Director for Finance, Digital and Corporate Resources. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

3.2 Budget preparation

3.2.1 The Executive Director for Finance, Digital and Corporate Resources is responsible for issuing guidance on the general content of the budget. Following approval of the budget for the forthcoming year by full Council, the Executive Director for Finance, Digital and Corporate Resources will allocate resources for discharge by the directorates, which will operate within allocated cash limits.

3.2.2 Financial control and administration are the responsibility of officers in finance, with responsibility for budgetary control and financial monitoring vested in the budget holders.

3.2.3 Executive Directors shall prepare budgets in accordance with guidance given by the Executive Director for Corporate Resources.

3.3 Budget monitoring and control

- 3.3.1 Executive Directors must ensure effective budgetary control within their directorates. They shall establish budgets for directorate services and shall ensure that such budgets are properly and effectively managed by named budget holders.
- 3.3.2 Capital and revenue projects will be managed in accordance with Lewisham's Standard for Project Management as contained in the Financial Procedures.
- 3.3.3 Budget holders have operational responsibility for budgetary control. They shall record financial commitments against their budgets, monitor their budgets and reconcile their own records to the Council's financial information system on a regular basis and take corrective action promptly to deal with any problems that may arise. Budget holders shall ensure that their expenditure does not exceed their budget and that any required budget income target is achieved so as to meet their cash limit.
- 3.3.4 Executive Directors are accountable for ensuring that their aggregate directorate cash limit is not overspent, and they comply with the rules governing virements as set out within the Financial Procedures and Directorate Schemes of Delegation.
- 3.3.5 The financial position will be monitored regularly through the year and reported to the Executive. At the end of the financial year and following closure of the revenue accounts, Executive Directors will report to the Executive Director for Finance, Digital and Corporate Resources on the outturn of expenditure and income and the comparison with the approved budget. The Executive Director for Finance, Digital and Corporate Resources will report on the aggregate of the revenue outturn for all services to the Executive and full Council, as part of routine budget reporting.

3.4 **Budget Virements**

All budget virements shall be in accordance with the Financial Procedure for budget preparation and the limits set out in the Scheme of Delegation.

3.5 **Treatment of year-end balances**

The Executive Director for Finance, Digital and Corporate Resources is responsible for agreeing procedures for carrying forward under and over-spending on budget headings as part of the final outturn.

3.6 **Capital expenditure**

At the end of the financial year and following closure of the capital accounts, the Executive Director for Finance, Digital and Corporate Resources shall report to the Executive on the aggregate of capital expenditure compared to budget and the financing of the expenditure.

3.7 **Accounting policies and standards**

- 3.7.1 The Executive Director for Finance, Digital and Corporate Resources is responsible for ensuring that the general principles adopted in compiling and presenting the annual audited accounts are in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of

Recommended Practice (CIPFA/LASAAC). Any deviations must be stated in the accounts.

- 3.7.2 The accounts and accounting records shall be prepared in accordance with Financial Regulations and Procedures as issued by the Executive Director for Finance, Digital and Corporate Resources. Executive Directors shall close down accounts under their responsibility in accordance with the closing timetable and guidance notes issued by the Executive Director for Finance, Digital and Corporate Resources.
- 3.7.3 Budget holders shall ensure that all expenditure and income transactions are recorded accurately on the Council's main financial information system by the use of the correct accounting code.
- 3.7.4 Executive Directors shall ensure that all systems of accounting and financial organisations in their directorates are regularly reconciled with the Council's main financial information system administered by the Executive Director for Finance, Digital and Corporate Resources, and that the financial systems are kept up to date.
- 3.7.5 The Executive Director for Finance, Digital and Corporate Resources must approve all financial systems before introduction or revision.
- 3.7.6 Executive Directors shall observe the following principles in the allocation of accounting duties:
 - the duties of providing information regarding sums due to or from the Council, and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them; and
 - officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

3.8 Maintenance of reserves

The Executive Director for Finance, Digital and Corporate Resources shall advise the Executive and/or the full Council on prudent levels of reserves for the Council.

4. Risk management and control of resources

4.1 Banking arrangements

- 4.1.1 Only the Executive Director for Finance, Digital and Corporate Resources (or an officer authorised in writing by the Executive Director for Finance, Digital and Corporate Resources) may enter into banking arrangements on behalf of the Council.
- 4.1.2 All instructions to draw on a bank account shall be made by the Executive Director for Finance, Digital and Corporate Resources or an officer authorised in writing by the Executive Director for Finance, Digital and Corporate Resources.

4.2 Audit requirements

Internal Audit

- 4.2.1 The Accounts and Audit Regulations 2015 require every local authority to maintain an adequate and effective internal audit to evaluate the effectiveness of its risk management, control, and governance processes, taking into account public sector internal auditing standards or guidance.
- 4.2.2 Officers and members must, if required to do so for the purposes of an internal audit, promptly make available such documents and records and supply such information and explanations as are considered necessary by those conducting the internal audit.

External Audit

- 4.2.3 The Council is responsible for appointing its own external auditor and has opted in to a national scheme run by Public Sector Audit Appointments Limited for this purpose. The basic duties of the external auditor are governed by part 5 of the Local Audit and Accountability Act 2014.
- 4.2.4 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenue & Customs, who have statutory rights of access.
- 4.2.5 Officers and Members must cooperate fully with auditors and inspectors in the pursuance of their duties

4.3 Preventing fraud and corruption

- 4.3.1 The Executive Director for Finance, Digital and Corporate Resources is accountable for the development and maintenance of an anti-fraud and anti-corruption policy.
- 4.3.2 Any officer discovering or having reasonable suspicion of any irregularity, misconduct or fraud immediately must immediately notify the relevant Executive Director or the Director Corporate Resources. When so informed, the Executive Director shall promptly notify the Executive Director for Finance, Digital and Corporate Resources. All information shall be treated in complete confidence.

4.4 Contracts, orders for works, goods and services

- 4.4.1 Officers must comply with the Council's Contract Procedure Rules.

4.5 Accounting treatments

- 4.5.1 Executive Directors shall ensure adequate arrangements for the certification of payments which provide proper verification and authorisation of sums due, including adequate internal division of duties and internal control. Expenditure incurred on contracts must not exceed the value of the contract regardless of authorised order and/or invoice approval limits.

4.5.2 The Finance team shall maintain up to date lists of authorised signatories and Executive Directors shall ensure compliance. Orders shall be issued for all work, goods or services to be supplied to the Council, with the exception of purchases made using the corporate credit card.

4.5.3 In all matters of payments, orders and payroll, officers must follow the designated internal division of duties and internal control set by the directorate. Officers must maintain a readily accessible audit trail of financial information in compliance with the Council's policies in respect of the retention of documents.

4.6 Interests in contracts

By law, officers are required to give written notice to the Chief Executive of any pecuniary, personal or prejudicial interest they may have in a contract which has been or is to be entered into by the Council, other than a contract to which they are a party. Members too are under a legal duty to declare any personal interest they may have in any contract.

Members and officers shall be required to abide by the Member and Employee Code of Conduct (copies of which are included as Part V of the Constitution), particularly in relation to their personal interests in contracts which have been or are to be awarded by the Council.

4.7 Related Party Transactions

Members, Executive Directors, Directors and all staff graded SMG1 and above shall state any declarations of interest or related party transactions at least once a year in accordance with the guidance issued.

4.8 Corporate Assets

4.8.1 The management of assets shall be the responsibility of the relevant officer as detailed below:

- Property and Accommodation – Director for Inclusive Regeneration
- Information Technology – Director of IT and Digital Services
- Fleet – Director of Public Realm
- Housing – Director of Housing Quality and Investment
- Records – Director of Law and Corporate Governance

4.8.2 Management of these assets includes maintaining a full inventory in a form determined by the Executive Director for Finance, Digital and Corporate Resources, ensuring their security, arranging insurance through the Executive Director for Finance, Digital and Corporate Resources and ensuring that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

4.9 Directorate Assets

4.9.1 Executive Directors shall be responsible for managing their directorate's assets, to include maintaining a full inventory in a form determined by the Executive Director for Finance, Digital and Corporate Resources, ensuring their security and arranging insurance through the Executive Director for Finance, Digital and Corporate Resources. All assets valued at purchase

above £40,000 must be logged as directed by the Executive Director for Finance, Digital and Corporate Resources and the records maintained by the Core Accounting Team.

- 4.9.2 Executive Directors should ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

4.10 Acquisition and Disposal of Assets

- 4.10.1 Officers, in acquiring and disposing of assets, shall comply with the Council's Financial Procedures and Schemes of Delegation.

- 4.10.2 With regard to the acquisition and disposal of land and property, including the granting and taking of leases, licences, wayleaves and easements, all negotiations must be conducted either by or under the supervision of an appropriately qualified officer or adviser. For the purpose of these Financial Regulations the appropriately qualified officers or advisers are the Executive Director for Finance, Digital and Corporate Resources and the Director of Law and Corporate Governance. They shall expressly be required to approve any proposed terms in advance and thereafter the terms tentatively agreed. When disposing of land and property, the Executive Director for Corporate Resources shall comply with Section 123 of the Local Government Act 1972 and if the disposal is at less than best consideration ensure that the necessary ministerial consents have been obtained.

4.11 Debts

- 4.11.1 The Executive Director for Finance, Digital and Corporate Resources is responsible for assessing the level of bad debt provision. Only the Executive Director for Corporate Resources and the Executive Director for Housing (in relation to housing rent debt) are permitted to write off individual debts against the directorate bad and doubtful debts provision within the limits of their delegated authority, after all reasonable steps have been taken to collect the debt. Debts in excess of these limits must be reported to the Executive.

- 4.11.2 Officers must comply with the Scheme of Delegation in respect of the write off of debts.

4.12 Income

- 4.12.1 All income receivable by the Council, in respect of work done, goods supplied, or services rendered, under contracts, leases or other arrangements or agreements, or for any other reason, shall be properly collected, recorded and accounted for through the Council's main financial information system.

Demands for income due shall be raised and posted/sent promptly. Written or printed receipts shall be issued immediately for cash income received by an officer of the Council.

- 4.12.2 Officers collecting income must ensure that sufficient information is obtained at the point of collection to enable the allocation of income from the Council's bank account to the correct outstanding charge or account. All income received, in whatever form, shall be banked without delay.

4.13 Treasury management and leasing

4.13.1 Treasury management and transactions, including investments and borrowings by the Council, may only be undertaken as authorised by the Executive Director for Finance, Digital and Corporate Resources who shall report these transactions to the Executive in accordance with the CIPFA Treasury Management Code of Practice. The Treasury Management Strategy approved by the Council specifies the parameters within which all treasury management dealings shall operate.

4.13.2 All securities which are the property of, or which are in the name of the Council or its nominees, shall be held in the custody of the Executive Director for Finance, Digital and Corporate Resources. The registration of the Council's stocks, bonds and mortgages and the recording of all borrowing of money by the Council shall be carried out by the Executive Director for Finance, Digital and Corporate Resources or under such arrangements as the Executive Director for Corporate Resources may determine.

4.13.3 All proposed finance leasing schemes should first be notified to the Executive Director for Finance, Digital and Corporate Resources, who shall appraise them and direct on necessary arrangements.

4.13.4 All proposed operating leasing schemes should first be notified to the Executive Director for Corporate Resources, who shall appraise them and direct on necessary arrangements.

4.13.5 The Executive Director for Corporate Resources is responsible for reporting to the Executive quarterly, and to the Public Accounts Select Committee bi-annually, each financial year on the activities of the treasury management operation and on the exercise of their delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.

4.14 Salaries, wages and pensions

4.14.1 The full Council is responsible for determining how officer support for executive and non-executive roles within the authority will be organised.

4.14.2 The Chief Executive is responsible for providing overall management to staff. The Chief Executive is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

4.14.3 Executive Directors are responsible for controlling total staff numbers by:

- advising the Executive on the budget necessary in any given year to cover estimated staffing levels;
- adjusting the staffing to a level that can be funded within the approved budget provision; and

- varying the provision as necessary within that constraint in order to meet changing operational needs and the proper use of appointment procedures.

4.14.4 The Council shall only pay such salaries, wages and pensions, compensations and other emoluments to employees or former employees as are permissible in law, and payment shall only be in a manner approved by the Executive Director for Finance, Digital and Corporate Resources.

4.15 Risk management and insurance

4.15.1 The Executive Director for Finance, Digital and Corporate Resources is responsible for preparing the authority's risk management policy statement and strategy, for promoting it throughout the authority and for maintaining the Corporate Risk Register.

4.15.2 The Executive Director for Finance, Digital and Corporate Resources is responsible for advising the Executive on proper insurance cover where appropriate and for effecting all insurance cover on behalf of the Council.

4.15.3 Executive Directors shall be responsible for identifying and effectively managing all significant risks within their directorates and for maintaining a register of all areas of significant risk within their directorates.

4.15.4 Executive Directors or their nominated representative shall notify the Executive Director for Finance, Digital and Corporate Resources or their nominated representative in writing immediately upon the occurrence of any event that to their knowledge might give rise to a claim by or against the Council.

4.15.5 The Executive Director for Finance, Digital and Corporate Resources shall be responsible for negotiating all insured and self-insured claims in conjunction with claims handlers, legal advisers, loss assessors and loss adjustors as appropriate

4.16 Local management of schools

4.16.1 These Financial Regulations also apply to schools and other institutions with delegated budgets under local management arrangements apart from the exceptions detailed in the Scheme of Delegation to Schools. The Financial Regulations also apply to anyone employed under local management arrangements.

4.17 Record Keeping

Each Executive Director shall be responsible for keeping and maintaining full financial, staffing and other records necessary for the proper administration of their directorate's affairs. They shall supply such information and records to the Executive Director for Finance, Digital and Corporate Resources on request. All records shall be maintained for the periods agreed with the Council's External Auditor.

5. Definitions

For the purposes of these Financial Regulations the following definitions shall apply:

Assets

means land, buildings, plant, equipment, vehicles, furniture, IT hardware and software, fixtures and fittings, materials;

authorised signatory

means an employee with delegated authority to sign orders and payments on behalf of a directorate;

budget holder

means an officer approved by the Executive Directors to take responsibility for budgets which have been allocated to them;

contract

means a legal agreement with another party to do work or have work done, or provide supplies and services;

inventory

means a list of all assets held above a specified value or by type, containing a description of each asset, its location, its value, any service contract and date of acquisition;

order

means an instruction from the Council to a contractor or supplier to supply works, goods or services;

virement

means the transfer of a budget from the purposes for which Council originally voted in setting the Budget and Council Tax to another purpose (e.g. from one service to another), or another use (e.g. from pay to non-pay or vice versa).

Contract Procedure Rules

1. Introduction

- 1.1 These Contract Procedure Rules (the “Rules”) are made under Section 135 of the Local Government Act 1972 and any subsequent qualifying or amending legislation.
- 1.2 These Rules must be complied with by all officers of the Council and all agents, consultants and organisations who carry out Procurement activities on behalf of the Council.
- 1.3 A Procurement Handbook is available to provide further support and guidance to officers. The Procurement Handbook provides more detailed information and links to supporting information to ensure compliance with these Rules. In the event of any discrepancy between these Rules and the Procurement Handbook, these Rules shall prevail.
- 1.4 Officers requiring advice on Procurement practice should contact the Procurement Team and/or Legal Services or, in relation to Contracts for Social Care and Health, the Joint Commissioning Team.

2. Scope

- 2.1 Subject to the exceptions in 2.2, these Rules apply to the Procurement of all Contracts for the provision of supplies, services or works. These Contracts include but are not limited to:
 - Framework Agreements;
 - Dynamic Markets;
 - Purchase orders;
 - Leasing/ licensing/ Financing arrangements (e.g., Photocopiers);
 - Consultancy Contracts;
 - Concession Contracts.
- 2.2 These Rules **do not** apply to Contracts:
 - which are not for the provision of goods, services or works;
 - which make an individual a direct employee of the Council;
 - for the acquisition, transfer, or disposal of any interest in land or property (including leasehold interest);
 - for residential placements sought for an individual with a registered care provider of their choice;
 - for supported living services for an individual with a care provider of their choice under the National Health Service and Community Care Act 1990;
 - for social care packages under the personalisation agenda;
 - for individual school placements sought for a child with Special Educational Needs (SEN);
 - Services covered by the Provider Selection Regime as part of the Health and Care Act 2022. Contracts for health care services. Such Contracts

must be awarded, modified, managed and terminated in accordance with The Health Care Services (Provider Selection Regime) Regulations 2023 and statutory guidance issued pursuant to section 122B of the National Health Service Act 2006. When procuring Contracts for health care services the Council must act (i) with a view to securing the needs of people who use the services, improving the quality of the services, improving efficiency in the provision of the services and (ii) transparently, fairly and proportionately.; and

- low value purchases which may be made by procurement cards provided that they are made in accordance with any operational instructions and financial limits issued by the s151 Officer.

3. General Principles

Every Contract entered into by or on behalf of the Council must comply with the Council's Constitution, Procurement Legislation, these Rules and the Council's Sustainable Procurement Code of Practice.

- 3.1 The Procurement Handbook sets out further details and guidance for officers.
- 3.2 The purpose of any Procurement activity is to achieve best value for the residents of Lewisham in accordance with the Council's statutory or approved objectives and the Council's Sustainable Procurement Code of Practice. Officers with responsibility for Procurement must ensure that they are able to demonstrate achievement of best value by having regard to a combination of economy, efficiency and effectiveness. In pursuit of these aims officers shall treat suppliers equally and without discrimination and shall act in a transparent and proportionate manner.
- 3.3 These Rules apply where the Council is taking the lead role in a joint Procurement with one or more other Contracting Authorities. Where the Council is participating in a joint Procurement, but is not acting as the lead authority, the Director of Finance (or designated deputy) and the Director of Law and Corporate Governance (or designated deputy) shall satisfy themselves that the Procurement process being followed complies with Procurement Legislation and provides the same level of compliance and assurance to the Council as under these Rules.

4. Roles and Responsibilities

Any officer involved in Procurement activity should have the necessary competence to conduct this on the Council's behalf.

- 4.1 Officers must ensure that they have attended the necessary compulsory training prior to carrying out any Procurement activity on behalf of the Council. The Procurement Handbook provides further information on compulsory training requirements and other training that is available to support officers.

- 4.2 Where there is expertise and knowledge within a Service Department or responsibility has been given to a Service Department, the commissioning Service Department must meet and consult with the specialist department to ensure that existing Contracts are maximised and consolidated where possible. Contracts that must be procured by the specialist department or authority given from that department to proceed are set out in the Procurement Handbook.
- 4.3 The Corporate Procurement Board has been established to ensure regulatory compliance, promote Procurement best practice, provide assurance on Procurement delivery and value for money for awarded Contracts.
- 4.4 Business cases for all proposed Contract over £500,000 for goods and services and £1,000,000 for works and Concession Contracts must be presented to and endorsed by the Corporate Procurement Board.
- 4.5 The Director of Finance, in consultation with the Director of Law and Corporate Governance, is responsible for issuing and maintaining these Rules. The Director of Law and Corporate Governance (in consultation with the Director of Finance) may issue urgent amendments to these Rules at any time if failing to do so would result in the Council breaching its legal obligations.
- 4.6 Any breaches of these Rules must be reported to the Director of Finance. Compliance with these rules will be monitored by the Corporate Procurement Team and the Corporate Procurement Board.

5. GOVERNANCE, APPROVALS AND NOTIFICATION

No Contract may be entered into unless the authority to spend is in place and there are sufficient funds to cover the commitment for the minimum term of the Contract.

Officers must obtain the approvals required by these Rules to undertake any Procurement activity.

- 5.1 A genuine estimation of the value of the proposed Contract and any associated costs must be carried out prior to commencement of any Procurement activity. Any authority report must set out both the estimated value of the Contract and all other associated costs of the Contract including but not limited to mobilisation costs, additional staffing costs directly arising from the Procurement (e.g. TUPE, additional support), and migration costs.
- 5.2 The estimate of the Contract value must be **inclusive of VAT**. Where the estimated value falls within a range, the highest value must always be used for determining the threshold. Similar rules apply to the valuation of Framework Agreements and Concession Contracts. The Procurement Handbook sets out the valuation methodology that must be used in each case.

- 5.3 Contracts must not be subdivided or split (disaggregated) to try and avoid the application of these Rules or Procurement Legislation.
- 5.4 Although officers must not deliberately disaggregate any Contract to avoid the application of these Rules or the Procurement Legislation, the use of lots can help smaller suppliers to bid for work. When designing a competitive tendering procedure above the Procurement Threshold, officers must consider whether the goods, service or works to be supplied could reasonably be supplied under more than one Contract and awarded by reference to lots. Officers must then arrange for the award of the Contract by reference to lots or provide reasons for not doing so.
- 5.5 Before entering into any Procurement process for Contracts of £50,000 or more officers must produce a robust business case which shows:
- how the Contract is to be funded and whether the funding is from Capital, Revenue or from another source
 - that the expenditure required has been fully considered and sufficient money has been allocated in the relevant budget;
 - full consideration has been given to the use of any existing corporate and departmental Contracts covering the works, supplies or services required but are considered not suitable to meet the additional requirement imposed by the proposed Contract;
 - full consideration has been given to those in-house services whose area of expertise covers the works, supply or services required and based on a value for money assessment (including outcomes, social value, TUPE and other considerations), it has been concluded that Procurement is the most suitable option;
 - where applicable the equalities impact and/or data protection impact of the Contract. The Equalities Impact Assessment and Data Protection Impact Assessment process must be followed. Please liaise with the relevant teams for advice and support.
- 5.6 Where Mayor and Cabinet approval is required, officers can seek approval to procure and award in one a single report by including the recommendation in the approval to procure report. Such report should contain a delegation to select the chosen supplier in accordance with the selection and award criteria published in the tender documentation and agree final form of Contract.
- 5.7 Where the Key Decision process was used to obtain authority for budget and/or authority for a strategy or concept, this cannot be used for authority to procure or award, unless the forward plan description specifically included the proposed Procurement, and the authority report approved the Procurement or award.

Officers must comply with notification requirements for each stage of a Procurement.

- 5.8 The Council is required by Procurement Legislation to publish notices at various stages of the Procurement cycle, dependent on the type and value of the Contract. The Procurement Handbook sets out full details of the

notification requirements and officers and Procurement Services must cooperate to comply with these requirements.

6. PRE-TENDER STAGE

Officers must ensure that Procurement activity is designed to deliver value for money in accordance with the Council's Corporate Priorities and the Sustainable Procurement Policy.

- 6.1 When carrying out any Covered Procurement officers must in addition have regard to the objectives set out in section 12 of the Procurement Act 2023.
- 6.2 Officers are responsible for developing specifications which are designed to deliver value for money and the Council's required outcomes, ensuring that there is adequate consultation with users and their representative bodies (where necessary). Further information for officers about how to prepare specifications are contained in the Procurement Handbook.
- 6.3 For Contracts relating to the Council's housing stock the Landlord and Tenant Act 1985 and/or the Housing Act 1985 may apply to require the Council to carry out consultation with tenants. Officers must liaise with Home Ownership Services to clarify the statutory requirements before commencing any Procurement likely to affect tenants.
- 6.4 Officers must consider whether pre-market engagement is necessary and ensure that any pre-market engagement is adequately factored into any Procurement time plan. Pre-market engagement can help officers prepare for and design the Procurement, clarify their requirements, assess market capacity and identify potential suppliers. This engagement must not be conducted in a way that gives a supplier an unfair advantage or distorts competition. Any supplier which is placed at an unfair advantage must be excluded from the Procurement.

Officers must carry out a risk assessment at the pre-tender stage to determine risks associated with the proposed Contract and to ensure that the tender process and Contract documents adequately address and mitigate such risks.

- 6.5 Officers must ensure that the risks associated with any Contract are identified and assessed in consultation with the Corporate Procurement Team, Legal Services and Financial Services. Appropriate actions must be taken to ensure that the Council's potential and actual exposure is managed or minimised, this includes making appropriate provisions for the supplier's liability within the terms of the Contract.
- 6.6 Appropriate actions to mitigate and manage risks include, without limitation:
 - (i) Ensuring appropriate levels of insurance are maintained by the supplier;
 - (ii) Ensuring there is an appropriate allocation of liability in the Contract;

- (iii) Requiring a performance bond, guarantee or other form of security from the supplier; and/or
- (iv) in relation to works Contracts making appropriate provision for liquidated damages.

6.7 With regard to the need for security, through a bond, parent company guarantee or some other means, The Section 151 Officer and Monitoring Officer should determine the level and nature of security for Contracts, taking into account the nature and risks of the Contract.

Officers must have regard to the guidance and minimum requirements in the Procurement Handbook regarding risk mitigation measures.

Officers must identify, keep under review and manage any Conflicts of Interest or Potential Conflicts of Interest.

- 6.8 Managing Conflicts of Interest is required throughout the Procurement lifecycle. It begins at the planning stage, prior to the commencement of the Procurement exercise, and continues throughout the Procurement for the Contract to the expiry of the Contract or Dynamic Market. Conflicts of Interest assessments must be carried out, kept under review and revised/updated at each stage.
- 6.9 The Procurement Handbook sets out guidance on how to effectively manage, monitor and mitigate Conflicts of Interest and Potential Conflicts of Interest.

Officers must comply with the terms of any Framework Agreement or Dynamic Market.

- 6.10 A Framework Agreement or Dynamic Market may be used for procuring supplies, services and/or works where:
- (i) It has been assessed by the Corporate Procurement Team as being legally compliant and accessible to the Council; and
 - (ii) considering the rates and prices offered as balanced against the quality and convenience of use of the Framework Agreement or Dynamic Market, it has assessed as representing best value to the Council in all circumstances.
- 6.11 Framework Agreements and Dynamic Markets have their own distinct rules, and these must be complied with when awarding call-off Contracts.
- 6.12 Services who wish to create a Dynamic Market or Framework Agreement must instruct the Corporate Procurement Team prior to starting any activity.

7. TENDER STAGE

The award of all Contracts shall be based on disclosed pre-determined award criteria, and conditions of participation and in accordance with Procurement Legislation and these Rules.

Officers must use approved procurement templates.
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- 7.1 Tender documentation must clearly describe how tenders are to be evaluated, including award criteria, scoring mechanisms and any weightings. Price/Quality weightings must be in accordance with the Procurement Handbook or otherwise approved by the Director of Finance.
- 7.2 In setting award criteria, officers must be satisfied that they:
 - (i) relate to the subject-matter of the Contract;
 - (ii) are sufficiently clear, measurable, and specific;
 - (iii) do not break the rules on technical specifications in the Procurement Legislation; and
 - (iv) are a proportionate means of assessing tenders, having regard to the nature, complexity, and cost of the Contract.
- 7.3 Suppliers, subcontractors and connected persons must be checked to ensure that they are not required to be excluded from the Procurement activity. The Procurement Handbook provides guidance on how to do this and on steps that should be taken when suppliers, subcontractors or connected persons fail such checks.
- 7.4 For Regulated Below Threshold Contracts the Council may not restrict the submission of tenders/quotations by reference to an assessment of a supplier's suitability to perform the Contract. This includes:
 - (i) Legal and financial capacity; and
 - (ii) Technical ability
- 7.5 Where Procurements are above the Procurement Thresholds, all associated tender documents, including the draft Contract, must be available at the time the tender notice is advertised.
- 7.6 It is Council policy to use the contract templates maintained by Legal Services. The advice of Legal Services must be sought in the limited circumstances where the standard contract templates are not appropriate, require amendment or in the event of any query concerning the applicability of standard contract terms.

Officers must take practicable steps to secure value for money through a combination of cost, quality and competition. Competitive tenders or quotations must be sought unless a waiver or exception is applicable.
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- 7.7 Officers must ensure that the minimum number of suppliers are invited to bid as set out in Table below.
- 7.8 Officers should invite a variety of suppliers to bid and should not invite the same suppliers to bid for opportunities on a regular basis as this may be seen as aggregation or anti-competitive, and open to challenge. If the same suppliers are needed for the same provision on a regular basis, then a Framework Agreement should be established.

8. Procurement Thresholds

Estimated total expenditure per contract	Permitted method of competition
Above the Public Procurement threshold	(a) By an invitation to tender by public advertisement compliant with the Procurement Act 2023; or (b) By the use of a Framework Agreement and Open Framework Agreement; or (c) By the use of a Dynamic Markets
Works Contracts £500,001 - the relevant Public Procurement threshold	(a) By an invitation to tender by public advertisement compliant with the Procurement Act 2023; or (b) By tendering with a minimum of four contractors; or (c) By the use of a Framework Agreement and Open Framework Agreement; or (d) By the use of a Dynamic Markets
Services & Supplies £100,001 - the relevant Public Procurement threshold	(a) By an invitation to tender by public advertisement compliant with the Procurement Act 2023; or (b) By tendering with a minimum of four contractors; or (c) By the use of a Framework Agreement and Open Framework Agreement; or (d) By the use of a Dynamic Markets
Works Contracts £50,001 - £500,000	Three written quotations
Services & Supplies contract £50,001 – £100,000	Three written quotations
Contract between £10,001 – £50,000	Two written quotations
Contract up to £10,000	One written quotation

- 8.1 Carrying out a competitive process is the best way to ensure and demonstrate value for money. A Direct Award is only permitted in the following limited circumstances:
- (i) Where the Contract is either to be awarded between the Council and a controlled entity or to implement co-operation exclusively between the Council and other Council(s) - in these circumstances, officers must seek advice from Legal Services as to the application of the proposed Direct Award.
 - (ii) The Contract value is below [£5,000] - however evidence of value for money must be demonstrated.
 - (iii) If the Contract value is below the Procurement Threshold, either
 - o a Framework Agreement is used, and the Corporate Procurement Team have authorised the use of the Framework Agreement and evidence of value for money is demonstrated;

- an emergency situation exists which puts people at serious risk and/or damage to property or to urgently meet a function the Council has to carry out under statute or pursuant to a court order; or
 - otherwise in exceptional circumstances where the Director of Finance considers a Direct Award to be in the Council's best interest, value for money has been demonstrated and the Direct Award is permissible under law. Not allowing sufficient time for a competitive Procurement due to poor planning or a desire to retain incumbent suppliers through avoidance of competition will not be a justification for an approval under this provision.
- (iv) If the Contract is a PSR Contract and the Direct Award is permitted by the Provider Selection Regime;
- (v) If the Contract value is above the Procurement Threshold, the Direct Award is permitted by Procurement Legislation.
- 8.2 Direct Awards under Framework Agreements may only be considered if the Framework Agreement terms permit and any Direct Award must be conducted strictly in accordance with the Framework Agreement terms.
- 8.3 Procurement Legislation permits a variety of different routes to Procurement and officers must select the most suitable route for the Contract in consultation with the Corporate Procurement Team. Further information is provided in the Procurement Handbook.

The evaluation of bids must comply with relevant legislation, be properly documented and be conducted in such a way as to stand up to internal and external scrutiny.

- 8.4 Officers must comply with the detailed guidance on bid evaluation in the Procurement Handbook.
- 8.5 All tenders must be submitted electronically and will be kept secure until the closing date when they will be opened by a designated officer. In exceptional cases, where a tender process cannot be undertaken electronically, the Corporate Procurement Team shall be responsible for the safekeeping of the tenders until the published opening date. Such tenders shall be opened and recorded by two officers who have had, or will have, no material involvement in the Procurement, at least one of whom shall be from the Corporate Procurement Team.
- 8.6 A tender or quotation received after the time and date specified in the invitation shall not be accepted or considered unless no other tender has been opened, and the Director of Finance or their nominee (in consultation with Legal Services) has given written approval.
- 8.7 Where there are errors or discrepancies in a tender, the tenderer is to be given details of these and afforded an opportunity of clarifying, confirming or withdrawing the tender. However, discussion with suppliers, after submission of a tender and before the award of a Contract, with a view to obtaining modifications to scope, price or specification is not permitted, save where

permitted by Procurement Legislation and approved in writing by the Director of Finance or their nominee (in consultation with Legal Services).

- 8.8 Full contemporaneous written records of the evaluation process must be kept and retained in accordance with the Council's document retention policies.

9. CONTRACT AWARD

In all cases approval to award Contracts must be sought at the appropriate level of authority for the value of the Contract and officers must comply with applicable standstill, notice and publication requirements.

All Contracts shall be in writing and shall be signed on behalf of the Council in accordance with the requirements set out in these Rules.

- 9.1 The Council's Scheme of Delegation sets out the authority granted to officers relating to Contract award.
- 9.2 There may be circumstances where final Contract value is greater than the approved original estimated Contract value. In such circumstances the person or body providing authority to enter into the Contract may be different depending on the degree of disparity and increase in total Contract value. The Council's Scheme of Delegation sets out the level of authority required in such circumstances.
- 9.3 Further detail about standstill, notice and publication requirements can be found in the Procurement Handbook.
- 9.4 The arrangements for the signing and sealing of Contracts are as follows:
- **Up to £200,000 total Contract value** – Signed by the relevant Executive Director, Chief Executive, Monitoring Officer or any other officer duly authorised under the Scheme of Delegation;
 - **Over £200,000 total Contract value or any other Contract as directed by the Monitoring Officer** – Sealed.
- 9.5 That all of the above figures are adjusted annually on 1st April each year in accordance with movement in the Consumer Prices Index.
- 9.6 No supply of goods, services or works may commence until all Contract documentation is duly completed. In cases of unavoidable urgency, the Director of Law and Corporate Governance may approve committing to contractual arrangements through an initial exchange of correspondence (e.g. letter of intent/acceptance) provided that there is appropriate authority in place for the Contract which is to be formalised and entered into as quickly as possible. Any such correspondence must be in a form agreed by Legal Services.
- 9.7 Officers must, within 5 working days of the date of the award, inform the Procurement Team promptly of all Contracts entered into so that details of the

contract can be added to the Council's electronic contracts register and notification requirements can be complied with.

- 9.8 Copies of all Contracts must be retained for 6 years or, if they are executed under seal, for 12 years from the date of termination or expiry of the Contract.

10. CONTRACT MANAGEMENT

All Contracts must be managed in accordance with the Council's Contract Management Framework so that they deliver value for money and achieve the objectives and outcomes set out in the specification.

- 10.1 Officers must ensure that sound financial controls and contract management processes are applied to all Contracts. Officers must ensure that all costs and KPIs are monitored, and that any overspend is promptly reported to Finance and approved through the relevant Council governance processes.
- 10.2 Officers must maintain a risk register during the contract term highlighting the risk and mitigation strategy for the Contract and, for identified risks, must ensure sufficient contingency or risk mitigation measures are in place.
- 10.3 Contract management must be conducted in accordance with the requirements of the Contract Management Framework which sets out minimum requirements dependent on the categorisation of the relevant Contract.
- 10.4 Officers must keep a written record of each contract review.
- 10.5 Issues of poor performance should be dealt with promptly and professionally with recorded actions and timescales for improvement.
- 10.6 Officers must ensure that sufficient time is allowed for to replace Contracts that are due to expire. Failure to do so will not justify any waiver of these Rules or use of urgency provisions in Procurement Legislation.

11. CONTRACT EXTENSION, MODIFICATION, NOVATION & TERMINATION

Extensions, modifications and novation of Contracts are permitted if they comply with Procurement Legislation and these Rules and are properly authorised.

- 11.1 Contracts should not be automatically extended. Extensions or modifications will only be permitted if they are not prohibited by Procurement Legislation and:
- (i) The supplier is performing well and satisfactorily delivering on contractual obligations including KPIs;
 - (ii) Value for money can be demonstrated;
 - (iii) It is in the best interests of the Council to extend or modify the Contract;
 - (iv) Provision for the extension or modification is made in the Contract; or

- (v) The extension or modification has otherwise been approved by the Director of Finance (in consultation with Legal Services), and

the extension is properly authorised in good time in accordance with the Council's Scheme of Delegation with the reasons for the extension noted.

- 11.2 Contracts may be assigned or novated if permitted by Procurement Legislation, following a corporate restructuring or similar. The novation must be properly authorised in accordance with the Council's Scheme of Delegation.
- 11.3 Officers must refer to the Procurement Handbook which provides further information on the circumstances in which contract modifications are permitted by Procurement Legislation.

Officers must obtain advice from Legal Services when considering the termination or early expiry of any Contract. All costs associated with the early termination must be reflected in the approval process.

- 11.4 Officers must inform the Corporate Procurement Team and Legal Services where the supplier has breached the terms of a Contract which may result in:
 - (i) termination;
 - (ii) award of damages or other settlement agreement between the supplier and the Council.
- 11.5 Officers must inform the Corporate Procurement Team and Legal Services where it is considered that the supplier:
 - (i) Is not performing to the Council's satisfaction;
 - (ii) has been given opportunity to improve performance and has failed to do so.
- 11.6 Any decision to terminate a Contract early where there has been no breach or failure by the supplier must comply with the notice provisions in the Contract.
- 11.7 Any decision to terminate a Contract must be authorised in accordance with the Council's Scheme of delegation. All associated costs of the termination must be noted in the authority report.
- 11.8 Officers must comply with all notification requirements set out in Procurement Legislation in relation to any approved contract extension, novation, modification or termination. Further details of these are available in the Procurement Handbook.

12. PROVIDER SELECTION REGIME AND LIGHT TOUCH

- 12.1 Contracts for health services must be awarded, modified, managed and terminated in accordance with The Health Care Services (Provider Selection Regime) Regulations 2023 and statutory guidance issued pursuant to section 12ZB of the National Health Service Act 2006. Detailed guidance is in the Procurement Handbook.

13. DEFINITIONS

The following terms used in these Rules shall have the following meanings:

Concession Contract:	a type of Contractual arrangement under which, rather than paying the supplier to deliver a work or service, the Council grants the supplier the right to exploit an opportunity and receive some or all of its income from third parties, retaining the profit.
Conflict of Interest:	occurs when a person acting for or on behalf of the Council has the ability to influence a decision to award a Contract and they have a personal, professional, or financial interest (directly or indirectly) in the outcome of the Procurement.
Contract:	an agreement between the Council and any other organisation, including another public authority, made formal agreement or by issue of a letter of acceptance or official purchase order for Works, Goods or Services.
Contracting Authority:	has the meaning set out in section 2 of the Procurement Act 2023.
Covered Procurement:	any Procurement activity for above the Procurement Threshold.
Direct Award:	entering into a Contract where no competition has taken place.
Dynamic Market:	a list of qualified suppliers who have met the 'conditions for membership' who are eligible to participate in future procurements. A Dynamic Market may be split into categories, with suppliers only eligible to participate in the parts for which they have qualified.
Framework Agreement:	An agreement with suppliers which sets out the terms and conditions under which specific purchases can be made throughout the term of the agreement and which where necessary has been Tendered in accordance with Procurement Legislation.
Potential Conflict of Interest:	arises when a person acting on behalf of the Council has a direct or indirect personal, professional, or financial interest that could create an unfair advantage for a supplier or potentially compromise the integrity of the Procurement process. This includes situations where a person's involvement in the Procurement process could grant them or others unjustified advantages, or where they have access to privileged information leading to unfair competition.

Procurement:	any action, process of decision making that relates to the creation of a Contract for the supply of Goods, Services or Works, including all elements of the sourcing cycle from market research, engagement, Tendering, evaluation, award, and Contract management to the end of the Contract term including Termination.
Procurement Legislation:	any legislation and statutory guidance covering Public Contract requirements for England including but not limited to: <ul style="list-style-type: none"> • Procurement Act 2023 • Public Procurement Regulations 2024 • The Health Care Services (Provider Selection Regime) Regulations 2023 • Public Contract Regulations 2015
Procurement Threshold:	the threshold set from time to time over which the Procurement Legislation applies. Current thresholds are set out in the Procurement Handbook.
Provider Selection Regime:	the set of rules for procuring health care Services set out in the Health Care Services (Provider Selection Regime) Regulations 2023.
PSR Contract:	A Contract procured under the Provider Selection Regime.
Regulated Below Threshold Contract:	Contracts covered by the Procurement Act 2023 which are below the Procurement Threshold.

Employment Procedure Rules

1 Declarations

- 1.1 Candidates for appointment as employees of the Council shall be required to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, aunt, uncle, niece or nephew of an existing member or employee of the Council, or the partner of such a person.
- 1.2 No candidate so related to a member or employee of the Council will be appointed without the authority of the relevant Executive Director or an officer nominated by them.

2 Canvassing for appointment

- 2.1 Canvassing of members of the Council or of any members of any committee of the Council, directly or indirectly, for appointment by the Council will disqualify the candidate concerned from that appointment. The content of this paragraph will be included in any recruitment information.
- 2.2 No councillor shall seek support for any person for any appointment with the Council. However, this does not preclude a member from giving a written reference for a candidate for submission with an application for appointment.

3 Statement of duties for Chief Officer posts

- 3.1 Where the Council intends to appoint the Head of Paid Service or any Chief Officer within the meaning of Section 2(6) or 2(7) Local Government and Housing Act 1989 and it is not proposed that the appointment will be made exclusively from among existing officers, the Council will:
 - (a) draw up a statement specifying:
 - i. the duties of the post concerned; and
 - ii. any qualifications or qualities to be sought in the person to be appointed; and
 - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - (c) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

4 Responsibility for appointment, dismissal and disciplinary action below Deputy Chief Officer

- 4.1 The Head of Paid Service, or such person as they nominate will be responsible for the appointment, dismissal and disciplinary action in respect of all employees with the exception of the following posts:
 - The Head of Paid Service
 - Chief Officers as defined in Sections 2(6) and 2(7) Local Government and Housing Act 1989

- Deputy Chief Officers as defined in Section 2(8) Local Government and Housing Act 1989
- Assistants for political groups
- Assistant to the Mayor

5 Meaning of disciplinary action

- 5.1 For the purposes of these Employment Procedure Rules, 'disciplinary action' means any action occasioned by alleged misconduct which, if proved, would according to the usual practice of the Council, be recorded on an employee's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term, unless the Council has undertaken to renew such a contract.

6 Recruitment and dismissal of Head of Paid Service

- 6.1 Where the Council requests the Appointments Committee to assist with the appointment of the Head of Paid Service, the functions of the appointment of the Head of Paid Service are delegated to the Appointments Committee in accordance with Article 9, subject to the approval of the full Council. No letter of appointment (or dismissal) may be sent until such approval is obtained.

7. Appointment and dismissal of the Chief Finance Officer and the Monitoring Officer

- 7.1 The functions of the appointment of the Chief Finance Officer and the Monitoring Officer are delegated to the Appointments Committee in accordance with Article 9, but dismissal of the Chief Finance Officer and/or Monitoring Officer is subject to the approval of the full Council. No notice of dismissal may be sent until such approval is obtained.

8. Recruitment of Head of Paid Service, Chief Officers & Deputy Chief Officers

- 8.1 Subject to paragraph 6 above and 9 below, the appointment of the Head of Paid Service, Chief Officers and Deputy Chief Officers is delegated to the Appointments Committee in accordance with Article 9. Subject to paragraph 6 above in relation to the appointment of the Head of Paid Service, an offer of appointment may not be made until:
- (1) the appointer has notified the Proper Officer of the name of the person to whom it wishes to make the offer of appointment, and any other particulars which are relevant to the appointment; and
 - (2) the Proper Officer has notified every member of the Executive of:
 - the name of the person to whom the Committee wishes to make an offer;
 - any other particulars relevant to the appointment; and
 - the period within which any objection to the making of the offer is to be made by the elected Mayor on behalf of the executive; and
 - (3) either

- i. the Mayor has within the time specified for doing so in the notice served by the Proper Officer, notified the Chair of the Appointments Committee that neither they nor any other member of the Executive has any objection to the making of the offer; or
- ii. the Proper Officer has notified the appointer that no objection was received by them from the Mayor within the period for doing so; or
- iii. the appointer has received an objection from the Mayor but is satisfied that it is not material or well founded

8.2 For the purpose of paragraph 8.1, 'the appointer' means the Council in the case of the Head of Paid Service, and the Appointments Committee in respect of the appointment of Chief Officers and Deputy Chief Officers, or such other committee or sub-committee or officer to whom the appointment of Chief Officers and Deputy Chief Officers has been delegated.

9. The Director of Public Health – recruitment and dismissal

9.1 The Council's first Director of Public Health transferred to the Council's employment on 1 April 2013 by statutory instrument.

9.2 For subsequent appointments, the following provisions shall apply.

9.3 The appointment will be made by the Council's Appointments Committee acting jointly with the Secretary of State for Health. Current Guidance provides for an advisory appointments committee to be established to advise the Council in accordance with the Faculty of Public Health Guidance. This provides that the advisory panel should be chaired by a lay member such as a local authority elected member. The constitution of the advisory panel is recommended in the Faculty of Public Health Guidance from time to time. The Council must provide the Secretary of State with details of their preferred candidate and their professional competence, compliance with regulation and necessary registration to perform the role. Public Health England will perform this role on behalf of the Secretary of State. In the event of disagreement between the Council and Public Health England, the matter will be referred to the Secretary of State who will advise the Council about the appointment.

9.4 The Council may dismiss the Director of Public Health but before doing so, will consult the Secretary of State.

10. Dismissal of Head of Paid Service, Chief Officers and Deputy Chief Officers

10.1 Subject to paragraph 6 above in relation to the Head of Paid Service, paragraph 9 above in relation to the Director of Public Health, and subject to paragraph 13 below in relation to disciplinary action against the Head of Paid Service, Chief Finance Officer and Monitoring Officer, the dismissal of Chief Officers and Deputy Chief Officers will be delegated to the Head of Paid Service, or such other person as they shall nominate from time to time.

- 10.2 Notice of dismissal may not be served on the Head of Paid Service, a Chief Officer or Deputy Chief Officer unless:
- The dismissor has notified the Proper Officer of the name of the person whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal; and
 - the Proper Officer has notified every member of the executive of:
 - the name of the person who the dismissor wishes to dismiss;
 - any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
 - the period in which any objection to the dismissal is to be made by the Mayor on behalf of the executive to the Proper Officer; and
 - either:
 - (i) the Mayor has within the period specified in the notice, notified the dismissor that neither they nor any other member of the executive has any objection to the dismissal; or
 - (ii) the Proper Officer has notified the dismissor that no objection was received by them within that period from the elected Mayor; or
 - (iii) the dismissor is satisfied that any objection received from the Mayor within that period is not material or is not well founded
- 10.3 For the purposes of paragraph 10, “the dismissor” means the Council, a committee, sub-committee or officer of the Council discharging the function of dismissal on behalf of the Council.

11. Membership of committees with the responsibility for the appointment and or dismissal of Head of Paid Service, Chief Officers and Deputy Chief Officers

- 11.1 Any committee or sub committee of the Council which discharges the function of appointing or dismissing the Head of Paid Service, Chief Officer or Deputy Chief Officer, must have at least one member of the Executive among its membership.

12. Eligibility to sit on appeals committees

- 12.1 Nothing in paragraph 10 prevents a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by:
- another person against any decision relating to the appointment of that other person as a member of staff of the Council; or
 - a member of Council staff against any decision relating to the dismissal of, or taking of disciplinary action against, that member of staff.

13. Disciplinary action against the Head of Paid Service, Chief Finance Officer and the Monitoring Officer

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- 13.1 The Council may not dismiss the Head of Paid Service, Chief Finance Officer or the Monitoring Officer unless the procedure set out in the following paragraphs 13.2 – 13.6 has been complied with.

- 13.2 The Council must invite “relevant independent persons” to be considered for appointment to a Panel to be established under Section 102(4) Local Government Act 1972 to advise it on matters relating to the dismissal of the officer concerned.
- 13.3 For the purposes of paragraph 13.2 a “relevant independent person” is any independent person who has been appointed by the Council to advise it on alleged breaches of the Council’s Member Code of Conduct pursuant to Section 28(7) Localism Act 2011. If the Council has appointed fewer than 2 such persons, the definition shall include independent persons appointed by another authority/authorities.
- 13.4 Appointment to the Panel shall include at least 2 relevant independent persons who have accepted the invitation issued in accordance with paragraph 13.2 above. The Council must appoint Panel members in the following priority order:
- (a) a relevant independent person who has been appointed by the Council who is a local government elector in the London Borough of Lewisham.
 - (b) any other relevant independent person who has been appointed by the Council.
 - (c) a relevant independent person who has been appointed by another authority or authorities.
- 13.5 The Council must appoint the Panel at least 20 working days before any Council meeting to consider whether or not to approve the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer.
- 13.6 Before the taking of a vote at a meeting convened to consider whether or not to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer, the Council must take into account, in particular:
- (a) any advice, views or recommendations of the Panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
- 14. Involvement of members in disciplinary action below deputy chief officer**
- 14.1 Councillors will not be involved in disciplinary action against officers (including dismissal) below the level of Deputy Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct. However, the Council’s disciplinary, capability and related procedures as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.
- 15. Political Assistants/Advisors**
- 15.1 The Council may appoint to the post of Political Assistant/Advisor as defined in Section 9 Local Government and Housing Act 1989 from time to time.

- 15.2 These posts must be filled from time to time in accordance with the wishes of the group to which the post has been allocated.
- 15.3 A prohibition is imposed on appointment to any post allocated to a political group until the Council has allocated a post to each political group which qualifies for one. No party may have more than one Political Assistant/Advisor.
- 15.4 Political Assistants/Advisors must not be allocated to a political group which does not qualify for one.

16. Mayor's Assistant/Advisor

- 16.1 The Council may appoint a Mayor's Assistant/Advisor in pursuance of regulations made under paragraph 6 of Schedule A1 of the Local Government Act 2000 as amended.

17. Pay Policy Statement

- 17.1 The Council will approve its Pay Policy Statement annually as required by Section 38 Localism Act 2011 and will act in accordance with it.