

- 2.04.3 A duty not to divulge to anyone, other than a County Councillor or an Officer entitled to know it any "confidential" or "exempt" information received from a Council source;

*Note: The terms "confidential" and "exempt" are defined in the Access to Information Rules in Part 4 the Constitution and further information is included in the "Protocol on the Relationship between Officers and Members of Gloucestershire County Council" in Part 5 of the Constitution*

- 2.04.4 County Councillors have a right to support from Officers to help them discharge their duties to the Council and their constituents.

## 2.05 Conduct

County Councillors are required to comply with the Code of Conduct for Members and the Protocol on Relationships between Officers and Members, both of which may be found in Part 5 of the Constitution.

## 2.06 Allowances

County Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 5 of this Constitution.

## Article 3 - The public and the County Council

### 3.01 The rights of the public regarding the Council's business

The public have the following rights:

- 3.01.1 To attend meetings of the Council and its committees and of the Cabinet, except where confidential or exempt information is likely to be disclosed;
- 3.01.2 To find out from the ~~Forward Plan~~ forthcoming Executive Decision List what and when key decisions will be taken by the Cabinet;
- 3.01.3 To inspect agendas, reports, background papers and minutes subject to exceptions in respect of confidential and exempt information. These rights are explained in the Rules on Access to Information about the County Council Formal Business in Part 4 of this Constitution;
- 3.01.4 At certain times of the year, the public are also entitled to inspect the Council's accounts and express their views on them to its external auditor (whose name and address may be obtained from the Director: Strategic Finance).

### 3.02 Executive arrangements ~~Voting and petitions~~

- 3.02.1 In addition to their right to vote in elections or referenda, people who are on the electoral register for Gloucestershire are entitled to petition for a referendum to replace the Leader and Cabinet of the County Council with an elected mayor and Cabinet. Information on this right may be obtained from the Head of Democratic Services.

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3.02.2 People who live or work in Gloucestershire are entitled to petition the Council on various issues either through paper based petitions or e-petitions. The petitions scheme is available on the County Council website or from Democratic Services.

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### **3.03 Participation**

The people of Gloucestershire have the right to ask questions at meetings of the full Council and its committees (except Overview and Scrutiny Committees). These rights are explained by Procedural Standing Orders 9 and 27 which may be found in Part 4 of this Constitution.

### **3.04 Complaints**

The public may complain to the Council about its services under the Council's complaints scheme or, after having complained under the Council's scheme, to the Local Government Ombudsman if they believe the Council has failed to carry out its duties properly. Complaints about the conduct of County Councillors and co-opted Members of the Council may be made to the Audit and Governance Committee of the Council.

## **Article 4 - The Full Council**

### **4.01 Functions of the full Council**

4.01.1 The principal function of the full Council is to approve, adopt and change the Council's budgetary and Policy Framework. The documents that make up the Policy Framework are prescribed by law under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, but may, in addition, include any other plans and strategies that the Council decides should be considered by the full Council. The documents currently comprising the Policy Framework are listed in the Policy Framework and Budget Procedure Rules;

4.01.2 The full Council is also responsible for a number of other important functions, which are described in Tables 3.1 and 3.2 in Part 3 of this Constitution.

### **4.02 Full Council meetings**

4.02.1 There are three kinds of meeting of the full Council:

- The Annual Meeting;
- Ordinary Meetings (including the Budget Meeting);
- Extraordinary Meetings.

4.02.2 Each of these meetings will be conducted in accordance with the Council's Procedural Standing Orders in Part 4 of the Constitution.

### **4.03 Responsibility for functions**

Part 3 of the Constitution describes how the functions that are not carried out by the Cabinet are distributed between other Council bodies.

## **Article 5 - Chairperson of the Council**

#### **8.04 Proceedings of the Overview and Scrutiny Committees**

Overview and Scrutiny Committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of the Constitution. The committees and their functions are set out in 3.9 of Section 3, Part 3 of the Constitution.

#### **Article 9 - Regulatory and other Committees**

The Council has created a number of regulatory and other committees (also known as "Council bodies") to discharge those functions of the full Council that may not be delegated to the Cabinet. These Council bodies and the functions that have been allocated to each of them are described in Part 3 of the Constitution.

#### **Article 10 - Area committees**

The Council and/or the Cabinet may appoint area committees or fora, with or without decision making powers, if it appears this will secure the delivery of best value services to the people of Gloucestershire.

#### **Article 11 - Joint arrangements**

##### **11.01 Arrangements to promote well-being**

11.01.1 The Council or the Cabinet may promote the social, economic and environmental well-being of its area by:

1. Entering into arrangements or agreements with any person or body;
2. Co-operating with, or facilitating or co-ordinating the activities of, any person or body;
3. Exercising on behalf of another person or body any functions that are the responsibility of that person or body.

##### **11.02 Joint arrangements**

11.02.1 The Council may establish joint arrangements with one or more Local Authorities to exercise non-Cabinet functions or to advise the Council. These kinds of arrangement may involve the appointment of joint committees whose members may include members of other Local Authorities.

11.02.2 Where there is, or is proposed to be a consultation on a substantial development or variation to health services that extend beyond Gloucestershire, the Health and Care Overview and Scrutiny Committee may determine:

1. The size of any joint committee appointed for this purpose in consultation with other appropriate Authorities, which have an interest as consultees;
2. The number of the Council's seats on each such joint committee;

8. Liaise with external organisations operating in the area, whether national, regional or local, to ensure that the interests of the people of Gloucestershire are enhanced by collaborative working;
  9. Raise the profile of the County Council;
  10. Consider called-in decisions (Overview and Scrutiny Management Committee only);
  11. Consider any matters referred by full Council or Cabinet.
- 8.01.2 The principal role of the Health and Care Overview and Scrutiny Committee is to focus on health improvement by working in partnership and bringing together the Council's responsibilities for well-being and reviewing, constructively challenging and monitoring local services provided and commissioned by the NHS, including equality of provision. It also includes the scrutiny of those of the Council's functions, which are the responsibility of Adult Social Care;
- 8.01.3 The role of the Environment and Communities Overview and Scrutiny Committee is also to scrutinise the actions and decisions of the responsible authorities in respect of crime and disorder;
- 8.01.4 The role of the Audit and Governance Committee includes the provision of independent assurance of the adequacy of the risk management framework and the associated control environment; independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment and to oversee the financial reporting process;
- 8.01.5 The County Council has appointed several overview and scrutiny committees to carry out these tasks and, other than those of the Audit and Governance Committee, their work programmes are monitored agreed by the Overview and Scrutiny Management Committee. The remit and role of each overview and scrutiny committee are described fully in Part 3 of the Constitution.

## **8.02 Finance and other resources**

The Overview and Scrutiny Management Committee will exercise overall responsibility for the finances and other resources that the Council makes available to the overview and scrutiny function (if any).

## **8.03 Annual Report**

The Overview and Scrutiny Management Committee will report annually to the full Council on its and all overview and scrutiny committees' work. The report may make recommendations to secure adequate resources for the discharge of the overview and scrutiny function. Upon receiving this report, the full Council will take such action as it considers necessary to address those recommendations.

### 3.9 OVERVIEW AND SCRUTINY COMMITTEES

#### Introduction

- 3.9.1 The roles of overview and scrutiny committees are set out in Article 8 of the Constitution;
- 3.9.2 Work programmes, except those of the Audit and Governance Committee, will be ~~monitored~~agreed by the Overview and Scrutiny Management Committee, which will also establish overview and scrutiny policy and working practices and related Member training and development;
- 3.9.3 All overview and scrutiny committees, except the Audit and Governance Committee, will undertake work in relation to service area key targets, Council's key priorities and issues of public interest or concern including by use of ~~focussed~~time-limited task groups;
- 3.9.4 The Council will appoint the overview and scrutiny committees set out in the left hand column of the table below to discharge the overview and scrutiny functions on behalf of the Council (as conferred by Section 21 of the Local Government Act 2000, Sections 7-10 of the Health and Social Care Act 2001 and Section 19 Police and Justice Act 2006) as set out in the right hand column of the same table.

Scrutiny committee	Terms of reference
<p data-bbox="150 1227 421 1317">Overview and Scrutiny Management Committee</p> <p data-bbox="150 1350 421 1384">12 County Councillors</p>	<p data-bbox="432 1227 1115 1294">Direct, carry out and manage the overview and scrutiny functions of the County Council by:</p> <ol data-bbox="432 1317 1115 1771" style="list-style-type: none"> <li data-bbox="432 1317 1115 1417">1. Co-ordinating and overseeing an annual planning cycle for the whole overview and scrutiny function of the County Council.</li> <li data-bbox="432 1440 1115 1541">2. Commissioning all Scrutiny Task Groups, including agreeing their objectives, their political balance (if any) and time limit.</li> <li data-bbox="432 1563 1115 1771">3. Managing, co-ordinating and reviewing resources available to support time limited task groups commissioned by all overview and scrutiny committees with clear terms of reference delivering the roles set out in Article 8 of the Constitution in respect of any County Council functions.</li> </ol>

	<ol style="list-style-type: none"> <li>4. Receiving reports from overview and scrutiny committees and progressing the matters addressed.</li> <li>5. Receiving and determining all call-ins under the Call-in Procedure Rules.</li> <li>6. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution by providing a corporate overview of performance, the budget and service improvement.</li> <li>7. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution by scrutinising those County Council functions not covered by other overview and scrutiny committees. These include Strategy and Challenge, Enabling and Transition, customer services, equalities and the Meeting the Challenge Programme.</li> </ol>
<p>Children and Families Overview and Scrutiny Committee</p> <p>9 County Councillors</p>	<p>Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution in the context of all children and young persons' related matters in accordance with a work plan <u>monitored</u> approved by the Overview and Scrutiny Management Committee.</p>
<p>Health and Care Overview and Scrutiny Committee</p> <p>9 County Councillors</p>	<ol style="list-style-type: none"> <li>1. Carry out the overview and scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution focussing on health issues from the public's perspective including the use of task groups to carry out its overview and scrutiny functions. To act as a lever to improve the health and those services that impact on the health of local people, working in partnership with other agencies. To address issues of health inequalities between different groups in the community. To determine those matters referred to in Article 11.02.2 of the Constitution (joint committees concerning health service changes).</li> <li>2. Under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, to exercise the Council's role: <ul style="list-style-type: none"> <li>• in reviewing and scrutinising matters</li> </ul> </li> </ol>

	<p>email/website/internet access;</p> <p>g) Exclusion from the Council offices or other premises with the exception of meeting rooms as necessary for attending Council, Committees or Sub-Committees and/or nominating a single point of contact; and/or</p> <p>h) Requesting the Member to undertake actions deemed appropriate e.g. training, issue of an apology.</p> <p>(4) To set-up when necessary an interview panel comprising of the lead members of each party to shortlist and interview candidates for the role of Independent Person.</p> <ul style="list-style-type: none"> <li>• To recommend successful candidates to the County Council to be chosen by a majority of Councillors.</li> </ul>
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### Specific Functions of Overview and Scrutiny Management Committee

3.9.5 The Overview and Scrutiny Management Committee shall have the following additional functions:

1. To co-ordinate and ~~monitor~~manage the County Council's overview and scrutiny function;
2. To publish the Council's annual overview and scrutiny plan;
3. To commission and co-ordinate Scrutiny Task Groups, other than that of the Audit and Governance Committee; this may include the commissioning of a Scrutiny Task Group jointly with one or more of the District Councils in Gloucestershire;
4. To take such other steps as are necessary to promote the efficient and effective exercise of the Council's overview and scrutiny function;
5. To develop and implement a system for monitoring the performance of Scrutiny Task Groups and overview and scrutiny committees;
6. Where matters (other than a called-in decision) fall within the remit of more than one overview and scrutiny committee, determine the division of responsibility;
7. To promote good practice in the operation of the Council's overview and scrutiny function and to develop and manage a programme for Member training in the overview and scrutiny function and committee process;

8. Overall responsibility for the finances and other resources that the Council makes available to the overview and scrutiny function (if any);
9. To report annually to the full Council on its and all overview and scrutiny committees' work undertaken during the year and make recommendations for future work programmes. The report will consider and may make recommendations to secure adequate resources ~~are available~~ for the discharge of the overview and scrutiny function. Upon receiving this report, the full Council will consider any recommendations on the resources available to the overview and scrutiny function and take such action as it considers necessary to address those recommendations. This function is in addition to reports to full Council from the Overview and Scrutiny Management Committee and overview and scrutiny committees on specific issues during the year;
10. To ~~monitor~~agree the individual work programmes ~~proposed by of~~ the overview and scrutiny committees (except the Audit and Governance Committee). In the event the Overview and Scrutiny Management Committee considers those work programmes cannot be appropriately resourced, co-ordinated and/or managed, they may be referred back to the relevant overview and scrutiny committee for further consideration. ~~Ultimately, work programme content shall be decided by the Overview and Scrutiny Management Committee.~~

### Meetings and Proceedings of overview and scrutiny committees

3.9.6 Meetings of Overview and Scrutiny Committees shall take place in accordance with Scrutiny Procedure Rules 9 and 10.

#### 3.9.7 Scrutiny Task Groups

1. This paragraph 3.9.7 shall apply to all Scrutiny Task Groups.
2. All Scrutiny Task Groups will undertake work in relation to key targets for service areas, the Council's key priorities and issues of public interest or concern. Each Scrutiny Task Group will operate in pursuit of the aims set it by the Overview and Scrutiny Management Committee.
3. Where the commissioning of a Scrutiny Task Group is urgently required, the Lead Members of the Overview and Scrutiny Management Committee may agree to do so in advance of the next Overview and Scrutiny Management Committee meeting.
4. Before each Scrutiny Task Group begins its work, the terms of reference will be agreed by the Overview and Scrutiny Management Committee or its Lead Members.



Note 5: Substitutions: There will be no substitutions, if an organisation is unable to send any representative a named substitute may be nominated for that meeting only. Notice of this shall be given by the absent Board member to the committee administrator in advance of the meeting. Ideally a week's notice shall be given to allow all Board members to be advised of the substitution.

Note 6: Quorum: The quorum for meetings of the Health and Wellbeing Board is that one quarter of the membership be present and at least 3 be voting member organisations.

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- 2.1.7 Receive reports that require a decision to be made by the Council from the Cabinet, any Overview and Scrutiny Committee or any other Council body, and debate and decide those matters;
  - 2.1.8 Except at the first annual meeting of a new Council, cConsider motions;
  - 2.1.9 Subject to Procedural Standing Order 10, afford the opportunity to all County Councillors present to ask questions about every decision made by the Cabinet, any Cabinet Member or any other Council body, or a key decision taken by an Officer, since the last ordinary meeting of the Council;
  - 2.1.10 Debate reports as appropriate from each Overview and Scrutiny Committee;
  - 2.1.11 Other business specified in the agenda.
- 2.2 The person presiding at the meeting may, at his or her discretion, vary the order of business. He or she may bring forward for consideration at any point, as a requirement of statute or urgency, any item that is not on the agenda and the reasons for so doing shall be recorded in the minutes of the meeting.
- 2.3 The person presiding at the meeting may at any time call upon the Chief Executive or any other person who is not a Member of the Council to advise the Council on any matter referred to in the business under discussion.

### 3. EXTRAORDINARY MEETINGS

#### 3.1 Calling extraordinary meetings.

Those listed below may require the Chief Executive to call a Council meeting in addition to ordinary meetings:

- 3.1.1 The Council by resolution;
- 3.1.2 The Chairperson of Council, in response to a written request from five County Councillors;

When five County Councillors give written notice of their wish to call a meeting, the Chairperson may:

- Call a meeting within a reasonable time;
- Refuse to call a meeting;
- Take no action;

If the Chairperson refuses to call a meeting or takes no action within seven days, the five named County Councillors may require the Chief Executive to convene a meeting on a date which they will determine. The Chief Executive shall then convene the meeting on the specified date.

## 6. NOTICE AND SUMMONS TO MEETINGS

- 6.1 The Chief Executive will give notice to the public of the time and place of any meetings in accordance with the Access to Information Procedure Rules.
- 6.2 Whenever possible, at least nine five clear working days before a meeting, the Chief Executive will send a signed summons by post to every County Councillor or leave it at their usual home address. The summons will give the date, time and place of each meeting and will set out the business to be transacted. Reports relating to the business to be transacted at the meeting will also be sent to County Councillors.

## 7. CHAIRPERSON OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chairperson. Where these Procedural Standing Orders apply to committee meetings, any reference to the Chairperson also includes the Chairperson of committees.

## 8. QUORUM

- 8.1 No business shall be transacted at a meeting of the full Council unless at least one-quarter of the whole number of Members of the Council is present.
- 8.2 The quorum for meetings of the full Council is 14 County Councillors.
- 8.3 During any meeting of the full Council, the Chairperson may count the number of Members present and if that number has fallen below the required quorum, the Chairperson shall declare that there is not a quorum present and the meeting will be adjourned.
- 8.4 If the meeting is adjourned, any business that has not been dealt with will be deferred to the next meeting of the full Council.
- 8.5 Where this Procedural Standing Order applies to a committee, it will be subject to a requirement that there must be at least three voting Members in attendance.

## 9. QUESTIONS FROM THE PUBLIC

- 9.1 At each ordinary meeting of the full Council (excluding the first annual meeting of the new Council) there shall be up to 30 minutes set aside for written and oral questions from the public.
- 9.2 An oral question under this Procedural Standing Order may be asked with the consent of the Chairperson and within the 30 minutes set aside for written and oral questions under provision 9.1, providing that he or she gives notice of the question to the Chief Executive at least 30 minutes prior to the start of the meeting.

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### 9.3 Written question at full Council

People who live or work in the county or are affected by the work of the County Council may ask:

- 9.3.1 The Chairperson of the Council;
- 9.3.2 The Leader of the Council;
- 9.3.3 A Cabinet Member;
- 9.3.4 A Chairperson of any other Council body, whose remit covers the subject matter in question;
- 1.3.5 A Cabinet Project Champion

a question on any matter which is within the powers and duties of the Council.

#### 9.4 Notice of questions

A question under this Procedural Standing Order may be asked if a written copy of the question has been delivered to the Chief Executive by 10.00 a.m. four clear working days before the date of the meeting.

#### 9.5 Response

A written answer will be provided to a written question and will be given to the questioner and to County Councillors before ~~the meeting. The question and answer will then be taken as read at the meeting itself and need not be read out.~~ ~~being read out at the meeting by the Chairperson or other County Councillor to whom it was addressed.~~

~~If the person who submitted the question agrees, the answer need not be read out. If the person who submitted the question is not present, the Chairperson may decide whether or not the answer shall be read out.~~

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- 9.6 A copy of all written questions and written answers circulated at the meeting will be attached to the signed copy of the minutes of the meeting.

#### 9.7 Additional Questions

A member of the public who has put a written question may, with the consent of the Chairperson, ask an additional oral question on the same subject, providing that he or she gives notice of the question to the Chief Executive at least 30 minutes prior to the start of the meeting.

- 9.8 An answer to an oral question under this Procedural Standing Order will take the form of:

- 9.8.1 A direct oral answer;
- 9.8.2 Where the information required is contained in a Council document or other published work, the questioner will be given the name of that document and if the Chairperson considers it appropriate the relevant part of the document will be read out;

A Member may ask the Leader of the Council or any Cabinet Member or the Chairperson of a committee a question relating to any matter contained in a Cabinet or a committee report as long as that question is put when the report is being discussed at the meeting of the full Council.

## 11. NOTICES OF MOTION

### 11.1 Notice

Except for motions which can be moved without notice under these Procedural Standing Orders and unless the Chairperson is of the opinion that the motion should be considered as a matter of urgency, written notice of motions for discussion at full Council meetings must be delivered to the Chief Executive not later than 10 a.m. five clear working days ~~on the ninth day~~ before the date of the meeting. The Chief Executive will maintain a record of all motions submitted and the public may inspect that record except in respect of motions considered in the absence of the press and public. Motions are not considered at the first annual meeting of a new Council.

### 11.2 Motion set out in the agenda for a meeting

11.2.1 Motions for which proper notice has been given under this Procedural Standing Order will be listed on the agenda in the order in which they are received;

11.2.2 Unless the Chairperson, in consultation with Group Leaders, decides otherwise, subject to Procedural Standing Order 11.8, there will be no time restrictions on motions from each political group (for the purposes of this Procedural Standing Order 11.2.2 only, all independent Councillors are considered as a political group). Immediately after the end of the debate the proposer of the original motion then under debate may choose whether the motion be put or withdrawn (the consent of the seconder and full Council not being required in these circumstances) and if he or she decides that the motion be put, he or she shall first have the right of reply which shall be limited to 3 minutes;

11.2.3 If the Chief Executive considers that such a motion qualifies to be considered by the full Council in the absence of the press and public, the Chief Executive may decide appropriate agenda wording to avoid public disclosure of confidential or exempt information.

### 11.3 Scope

Motions must be about matters which are related to the responsibilities of the Council or which affect the County. The Chairperson's decision on whether or not a motion is relevant to the responsibilities of Council will be final.

11.4 Subject to Procedural Standing Order 11.9, unless the Chairperson, in consultation with Group Leaders, decides otherwise a motion that has been properly notified and which has been moved and seconded will be discussed by full Council at the meeting for which notice has been given, (excluding the first annual meeting of a new Council).

11.5 If the motion relates to an executive function and whether or not it is discussed at full Council at that time, full Council may:

11.5.1 Refer the motion to Cabinet who will consider the matter in the light of any views expressed by the full Council and advise the full Council of its decision; or

11.5.2 Refer the motion to the relevant Overview and Scrutiny Committee who will consider the matter in the light of any views expressed by the full Council. Following consideration, the Overview and Scrutiny Committee will refer the motion to Cabinet, Leader of the Council or Cabinet Member who will consider the matter in the light of any views expressed by full Council and the Overview and Scrutiny Committee and advise the full Council of its or his or her decision.

11.6 If a motion is referred by full Council to the Cabinet or another Council body (or both under Procedural Standing Order 11.5.2) the proposer and seconder of the motion may attend the meeting of the Cabinet or other Council body (or both) and speak to the motion but not vote unless a Member of the Cabinet or other Council body.

11.7 If a motion is referred by full Council to the Leader of the Council or Cabinet Member (either directly or via an Overview and Scrutiny Committee under Procedural Standing Order 11.5.2) the proposer and seconder of the motion may attend the meeting of the Overview and Scrutiny meeting and speak to the motion but not vote (unless a Member of the Overview and Scrutiny meeting) and/or submit in writing to the Leader of the Council or Cabinet Member, their views on the motion

11.8 ~~The total period of time spent on motions on the day of a meeting shall not exceed two hours immediately following which the motion under discussion shall be put to a vote. This Procedural Standing Order may not be suspended.~~

The total period of time spent on motions on the day of a meeting shall not exceed two hours. However, debate on motions may be extended beyond the two hour limit to allow those members who have indicated to the chairman, before the end of the two hour period, their intention to speak on the motion being debated at that time. The mover of the motion will then have the opportunity to sum up and the vote will take place. This Procedural Standing Order may not be suspended.

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11.9 In the event a motion has not been discussed at the meeting for which notice has been given, that notice of motion shall then be void.

## 12. MOTIONS WITHOUT NOTICE

12.1 The following motions may be moved without notice:

12.1.1 To appoint a Chairperson of the meeting;

12.1.2 Concerning the accuracy of the minutes;

12.1.3 To change the order of business in the agenda;

13.5.2 To leave out words and add others; or

13.5.3 To insert or add words.

No amendment shall be allowed which is contrary to the motion before the Council or has the effect of introducing a new proposal.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been dealt with.

If an amendment is rejected, different amendments may be proposed on the original motion.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion on which any further amendments are moved.

After an amendment has been carried, the Chairperson will advise the meeting of the content of the amended motion before accepting any further amendments.

The time spent debating an amendment to a motion shall count within the overall two hours allocation time for motions.

#### 13.6 When a Member may speak again

When a Member has spoken on a motion they may not, without the consent of the Chairperson, speak again during the debate, except:

13.6.1 To speak once on an amendment moved by another Member;

13.6.2 To move a further amendment if the motion has been amended since he or she last spoke;

13.6.3 If the first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment was carried;

13.6.4 To exercise the right to reply;

13.6.5 On a point of order;

13.6.6 By way of personal explanation.

#### 13.7 Alteration of motion by the proposer

With the consent of the full Council agreed without discussion, a Member may:

13.7.1 Alter a motion of which he or she has given notice; or

## 9. QUESTIONS AT CABINET MEETINGS

9.1 At each meeting of the Cabinet there shall be up to 30 minutes set aside for written and oral questions.

9.2 A County Councillor or any person who lives or works in the county, or is affected by the work of the County Council, may ask the Leader of the Council or a Cabinet Member a written question on any matter which relates to any item on the Cabinet agenda for that meeting.

9.3 A written copy of the question must have been delivered to the Chief Executive by 10am/4pm ~~three~~four clear working days before the date of the meeting.

9.4 An oral question may be asked by a member of the public about any item on the Cabinet agenda for that meeting provided that he or she gives notice of the question to the Chief Executive at least 30 minutes prior to the start of the meeting.

### 9.5 Response

A written answer will be provided to a written question and will be given to the questioner and to Cabinet Members before the meeting. The question and answer will then be taken as read at the meeting itself and need not be read out. ~~being read out at the meeting by the person presiding or other Cabinet Member to whom it was addressed.~~

~~If the person who submitted the question agrees, the answer need not be read out. If the person who submitted the question is not present, the person presiding may decide whether or not the answer shall be read out.~~

9.6 A copy of all written questions and written answers circulated at the meeting will be attached to the signed copy of the minutes of the meeting.

### 9.7 Supplementary Questions

A person who has put a written question may, with the consent of the person presiding, ask a supplementary question on the same subject.

9.8 An answer to a supplementary question will take the form of:

9.8.1 A direct oral answer;

9.8.2 Where the information required is contained in a Council document or other published work, the questioner will be given the name of that document and if the person presiding considers it appropriate the relevant part of the document will be read out;

9.8.3 If the information required is not easily available, a written answer will be sent to the questioner and circulated to all Cabinet Members.

9.9 There will be no discussion on any question from a member of the public.



### **The public's right to obtain copies of the agenda to meetings and reports and documents that are to be discussed at meetings**

5. The public is entitled to see and obtain a copy of the agenda of every meeting of the full Council, Council body and any meeting of the Cabinet held in public at least five days before the day of the meeting (excluding the day the agenda is first publicised and the day of the meeting itself). The public may also see and obtain a copy of every report that is to be considered at the meeting and any "background paper" that was relied on to produce the report. A member of the public will know whether there are any background papers to a report because the author of a report will list any that they have used. Background papers need not be listed in the case of any report that contains confidential or exempt information.

6. Sometimes the agenda is changed, and new items of business added to it, after an agenda is published in accordance with paragraph 5 of these rules. When this happens, the ~~Monitoring Officer~~ ~~Director of Law and Administration~~ will ensure that the revised agenda is available to the public as soon as a new agenda item has been added. Any new report, and any associated background papers, will be made available to the public at the same time they are made available to elected Members of the Council.

7. Occasionally an item of "urgent business" will arise and need to be added to the agenda of the full Council, a Council body or the Cabinet in circumstances that precluded its prior publication in accordance with paragraphs 5 and 6 of these rules. Subject to advice from the Monitoring Officer, the Chairperson of any meeting may add an urgent business to the agenda of any meeting but when they do so, they must explain why the item is urgent and this reason must be written down in the minutes of the meeting.

8. The public's right to look at and obtain copies of reports and background papers in accordance with paragraphs 5 to 7 of these rules is subject to the limitation that they are not entitled to look at, or receive a copy of, any exempt or confidential information. Any item of business that is restricted in this way will be clearly described on the agenda as being "not for publication" and contain a statement that it contains either exempt or confidential information within the meaning of the Local Government Act 1972. Reports containing exempt or confidential information will be clearly marked in the same way. In the case of exempt material the agenda and the report will specify which paragraph of Schedule 12A to the 1972 Act applies to place an item of business into this category.

At least 28 clear days before a private meeting ie a meeting or part of a meeting from which the public are to be excluded because exempt or confidential information may be disclosed, Cabinet must publish at Shire Hall and on the Council's web site, notice of the intention to hold a private meeting, stating its reasons. A further such notice must be published at least 5 clear days before the private meeting and will include details of any representations received by Cabinet about why the meeting should be open to the public, and its response to any such representations. Where compliance with this requirement is impracticable Cabinet must obtain agreement from the Chair of the relevant Overview & Scrutiny Committee, or where he or she is unable to act, the Chair of the Council, that the meeting is urgent and cannot reasonably be deferred. Once agreement has been obtained notice of it and the reasons will be published.

recommend the Cabinet, Leader of the Council or Cabinet Member to reconsider the decision and/or consider an alternative decision the called in decision shall not be implemented until the Cabinet, Leader of the Council or Cabinet Member has considered the recommendation of full Council and decided how to proceed.

- 7.2 The full Council has no power to make final decisions in respect of matters which are the responsibility of Cabinet unless the decision in question is contrary to the Policy Framework or budget.

## **8. ACTION BY THE CABINET, LEADER OF THE COUNCIL OR CABINET MEMBER**

- 8.1 A report of the Overview and Scrutiny Management Committee (and full Council in the event Call-In Procedure Rule 7.1.4 is invoked) will be submitted to the Cabinet, Leader of the Council or Cabinet Member who will consider the views of the Overview and Scrutiny Management Committee (and full Council if appropriate) and either:

- 8.1.1 Confirm the called in decision without modification; or
- 8.1.2 Confirm the called in decision with modification; or
- 8.1.3 Rescind the called in decision, take the alternative decision recommended by full Council or (if considered appropriate) propose a new one.

- 8.2 In each case, the reasons must be given, particularly if the action is not as proposed by the Overview and Scrutiny Management Committee.

- 8.3 The outcome of the Cabinet's, Leader of the Council's or Cabinet Member's consideration of the views of the Overview and Scrutiny Management Committee will be published by the Chief Executive.

## **9. RESPONSE TO THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE**

The Cabinet's, Leader of the Council's or Cabinet Lead Member's response will be reported to the next available meeting of the Overview and Scrutiny Management Committee.

## **10. CALL-IN OF URGENT DECISIONS**

- 10.1 On rare occasions, decisions will need to be implemented so urgently that pre-implementation review is not appropriate.
- 10.2 A decision will be urgent if any delay, likely to be caused by the process, would seriously prejudice the interest of the County Council or of the public or the interests of any person to whom the decision relates.
- 10.3 The record of the decision and notice by which it is made public must contain an explanation as to why the decision needs to be treated with such urgency.
- 10.4 The Chairperson of Council and of the Overview and Scrutiny Management Committee must agree that the decision is urgent and cannot reasonably be deferred. If either is unavailable then the Vice Chairperson of that body must agree on their behalf.

## PANEL OPERATING PRINCIPLES

*Referred to in Cabinet Procedure Rule 13 and Scrutiny Procedure Rule 21*

References to Panels includes references to Scrutiny Task Groups

1. Panels may be established from time to time by the Cabinet, Leader of the Council, Cabinet Member or Officer acting under delegated powers or a committee to undertake standing or task based work in support of the Cabinet, Leader of the Council, Cabinet Member or a committee. Panels may also be established jointly by the Cabinet, Leader of the Council, Cabinet Member or a committee. The full Council will not establish panels and may instead call upon the Cabinet, Leader of the Council, Cabinet Member and/or a committee to support its work. Occasionally full Council may wish to set up a working group outside of the scrutiny arrangements and these will follow the panel operating principles where appropriate.

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2. In order to assist in understanding its role, every Panel will be named in keeping with the following:

*[Task or standing function] Cabinet Panel*

*[Task or standing function] Scrutiny Task Group*

*[Task or standing function] Joint Panel*

*[Task or standing function] [e.g., Constitution] Panel*

*[Task or standing function] [e.g., Working Group]*

3. Each Panel will operate on a time limited basis unless otherwise agreed by the Cabinet, Leader of the Council, Cabinet Member and/or committee.
4. Panels will not have any decision taking powers.
5. If appropriate the task to be undertaken by the Panel will be scoped and defined beforehand, together with the timeframe within which the work of the Panel is to be completed and the reporting time for the outcome of the Panel's work.
6. Panels will be politically balanced where possible, unless otherwise agreed by Cabinet, the Leader of the Council, Cabinet Member or committee.

*Note: At the first meeting of each new Council, the numbers of Members on Panels will be reviewed*

7. All members, except Members of the Cabinet, may serve on Scrutiny Task Groups.
8. Cabinet Panels will be chaired by the Leader of the Council or Cabinet Member as appropriate.

Joint Panels will be chaired as agreed by:

## OFFICER EMPLOYMENT PROCEDURE RULES

### 1. RECRUITMENT AND APPOINTMENT

#### 1.1 Declarations:

- (a) The Council will require any candidate applying for an appointment as an employee of the Council to declare on the Council's standard application form whether they are related to an existing County Councillor, an employee of the Council or the partner of such persons;
- (b) No candidate so related to a County Councillor or an Officer will be appointed without the authority of the relevant Director or an Officer nominated by him or her.

#### 1.2 Seeking support for Appointment

Subject to paragraph (b) below:

- (a) The County Council will disqualify any applicant who directly or indirectly seeks the support of any County Councillor for any appointment with the County Council. This rule will be included in any recruitment information as well as the County Council's standard application form;  
  
No County Councillor or Officer will seek support for any person for any appointment with the County Council;
- (b) A request for, and the provision of, a written reference will not constitute seeking support for the purposes of this rule.

### 2. THE CABINET'S RIGHT TO BE CONSULTED ABOUT THE APPOINTMENT AND DISMISSAL OF SENIOR OFFICERS

2.1 Under Part 3 of the Constitution, the Appointments Committee is responsible for appointing and dismissing the most senior Officers of the Council, except the Head of the Paid Service, whose appointment or dismissal must be confirmed by the full Council. By law, the Cabinet must, however, be consulted by the Appointments Committee before it makes any appointment or dismisses an Officer or recommends the appointment or dismissal of any Officer who is mentioned in Part 3, Table 3.4 of the Constitution.

2.2 Subject to delegation CE5, the Appointments Committee (acting through the sub-committee) will determine who shall be appointed to or dismissed from (or recommended for appointment to, or dismissal from) a post within its remit.

2.3 Upon determining who should be appointed to or dismissed from a post, the Appointments Committee will immediately inform the Head of the Paid Service who it intends should be appointed to, or dismissed from, employment with the Council and the Chief Executive will then write to every Member of the Cabinet giving notice of:

the Council or a Council body. This paragraph shall not apply to political assistants to the extent that they are expressly instructed by the political party in whose work they are engaged.

13. In circumstances when an Officer is asked to provide advice or information to a Member and it is proper that it should be supplied, the Officer must ensure the advice that is given is **full** and **accurate** and that it is provided **promptly**. Officers should also avoid withholding advice or information that is plainly relevant to and embraced by any request for assistance. In other words, Officers should always be **helpful** in the way they deal with any enquiry by a Member provided that in giving such help they comply with paragraphs 8 to 11 of this guidance. Officers must never fail to advise any Member about a risk that their conduct might break the law, breach Council policy, or be contrary to the budget if ever they become aware of such a risk.

#### Confidentiality

14. Information and advice should normally be provided to Members in confidence and should not, therefore, be copied to any other Member unless disclosure has been expressly authorised. If, however, an Officer who is asked to provide information believes it would, if disclosed more widely, be of benefit to the Council as a whole, they may provide the information to others. Before they do so, they should, however, consult the County Councillor who asked for the information and their Director or Head of Service.
15. Members must give due regard to Officer's advice on the sensitivity of any information or advice that they receive by virtue of their position. They should take care not to release any such information inappropriately, without good reason. In no case should any information, which is confidential or exempt in law, be disclosed. If Officers have concern about a County Councillor's action in this regard, they should inform their Director or Head of Service who will discuss the issue with the relevant Group Leader and the Monitoring Officer. Members and Officers should be aware that unresolved breaches of this duty may be referred to the Audit and Governance Committee of the Council.

#### Dealing with the Press

16. Particular care must be exercised in dealing with the media. Officers, including political assistants, must not criticise the policies of the County Council, any other Council body or a Member of the Council in the media in their capacity as employees of the Authority. Political assistants may prepare press releases on behalf of their groups that are critical of the County Council or any Council body or Member. All political group press releases must be issued in the name of the political group that produces the press release and include the name of the relevant County Councillor. The name and contact details of the political assistant may be included but only in order to obtain further information and it must be clear that the political assistant is not the author of the press release. If a press release is prepared by a political assistant, that Officer must ensure, so far as is reasonably practicable, that the information it contains is factually correct.

- (g) The performance of any duty in connection with arrangements made by the Authority for the attendance of pupils at any school approved for the purposes of Section 342 (approval of non-maintained special schools) of the Education Act 1996; and
- (h) The carrying out of any other duty approved by the Authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Authority or of any of its committees or sub-committees."

**Note 2:** Members' homes are regarded as their work base for the purpose of claims and a specified number of visits to Shire Hall each year for "contact" purposes should be regarded as an "approved duty" for the purposes of travel claims. Further advice will be issued from time to time listing activities for which travel and subsistence may be claimed.

**Note 3:** County Council has resolved that a travel allowance may be payable to County Councillors on journeys to and from parish and town council meetings within their division with effect from 19<sup>th</sup> June 2013. This should apply to full town or parish council meetings only and the County Councillor should not be a member of that particular parish or town council.

**(a) Travelling**

**1.1 By Public Transport Services**

The actual fares paid supported by receipts. Members should be reimbursed for the actual cost of a rail ticket up to the cost of an open standard return. Train tickets can be arranged through ~~Legal~~ and Democratic Services (Tel: (01452) 425479/426946).

Actual expenditure (receipts should be provided) incurred on:

- (a) Reservation of seats;
- (b) Porterage of baggage;
- (c) Sleeping accommodation on an overnight journey.

**1.2 Taxi-cabs**

Taxi-cab fares (including a reasonable gratuity) may be paid in cases of urgency or when no public service is reasonably available. Receipts should be provided.

**1.3 Member's Private Motor Vehicles**

The rates of allowance shall be in accordance with the HMRC authorised mileage allowance rate.