

Declarations of Interest

Any Member attending the meeting is reminded of the requirement to declare if he/she has a personal interest in any item of business, as defined in the Code of Conduct. If that interest is a prejudicial interest as defined in the Code the Member should also withdraw from the meeting.

A G E N D A

(Pages)

1. **Apologies for Absence**
2. **Minutes**
To confirm the minutes of the meeting held on 27 September 2017. **(4 - 5)**
3. **Declarations of Interest**
To receive any declarations of interest
4. **Review of the Constitution - Part B:** **(6 - 8)**
Appendix 1: Political Balance Rules **(9 - 11)**
Appendix 2: Council Procedure Rules **(12 - 28)**
Appendix 3: Cabinet Procedure Rules **(29 - 33)**
Appendix 4: Overall and Scrutiny Procedure Rules **(34 - 38)**
Appendix 5: Access to Information Procedure Rules **(39 - 49)**
Appendix 6: Budget and Policy Framework Procedure Rules **(50 - 55)**
Appendix 7: Officer Employment Procedure Rules **(56 - 60)**
5. **Exclusion of Public**
The Chairman to move the following resolution:-

"That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act."

The next meeting is due to take place on Tuesday, 16 January 2018

GOVERNANCE AND ELECTORAL ARRANGEMENTS COMMITTEE

Meeting - 27 September 2017

Present: P Hogan (Chairman)
Dr W Matthews, D Anthony, J Lowen-Cooper and D Smith

Apologies for absence: D Pepler

6. MINUTES

The Minutes of the meeting of the Governance & Electoral Arrangements Committee held on 18 July 2017 were agreed as a correct record.

7. DECLARATIONS OF INTEREST

There were no declarations of interest.

8. JOINT WORKING - APPOINTMENT OF JOINT OVERVIEW AND SCRUTINY COMMITTEE

The Joint Committee agreed that this item was to be deferred for consideration at a future meeting.

RESOLVED that the item be deferred for consideration at a future meeting.

9. REVIEW OF THE CONSTITUTION - PART A THE FRAMEWORK OF THE CONSTITUTION

In accordance with the agreed constitutional review work programme, Members undertook a detailed review of Part A - 'The Framework of the Constitution'.

The Council's Constitution was last reviewed in 2014/15 and an updated version came into effect in May 2015. This took account of the reduction in the number of members and incorporated shared working arrangements with Chiltern District Council in place at the time. Therefore substantial changes to the Framework were not required. However, Members were advised that it has been necessary to incorporate provisions relating to the Governance & Electoral Arrangements Committee's new role in respect of monitoring and reviewing the Constitution in the paragraphs dealing with changes to the Constitution and the details of standing committees. Members also noted that changes to the Joint Waste arrangements have been incorporated, as well as the new Joint Staffing Committee and Sub-Committee, which replaced the Joint Appointments and Implementation Committee.

Having considered the framework, the Committee were of the opinion that the quoracy for meetings of the Cabinet and Overview and Scrutiny Committee were too low and in both cases should be increased to three members.

The Committee requested that the following paragraphs/sentences be rewritten to make them easier to understand:

- 3.2 (Approval of changes to and within the constitution) – first bullet point
- Title of 3.3 (change from a leader and cabinet form of executive to alternative arrangements or vice versa)
- 8.4.2 (use of substitutes)
- 8.6.4 (shared independent persons) – second sentence
- Staffing Sub Committee – bullet point number a) - to refer to South Bucks District Council not Chiltern District Council.

Governance and Electoral Arrangements Committee- 27 September 2017

The Committee requested that where relevant, cross referencing should be used. The Committee also agreed that there was a need to include legal and complex terminology into a glossary so that readers could look up their meanings in plain English. This should include the definition of a "Mayoral Form of Executive".

The Committee questioned whether it was usual practice to limit councillors who were non-members of the Planning Committee to no more than 5 minutes when addressing the Planning Committee on an application. The Head of Legal and Democratic Services agreed to review this and report back to Members.

The amendments to the document as agreed would be reflected in the final draft Constitution presented for consideration by the Committee as outlined in the Committee's Work Programme.

RESOLVED that the proposed revisions to the Framework of the Constitution shown at Appendix 1 be agreed subject to the incorporation of the amendments set out in the minute above.

10. CONSTITUTIONAL REVIEW WORK PROGRAMME

The Committee received the Review of the Constitution Work Programme 2017/2018.

The meeting terminated at 7.15 pm

SUBJECT:	Review of the Council's Constitution
REPORT OF:	Monitoring Officer
RESPONSIBLE OFFICER	Jim Burness, Director of Resources
REPORT AUTHOR	Joanna Swift, Head of Legal and Democratic Services joanna.swift@southbucks.gov.uk Tel: 01494 732761
WARD/S AFFECTED	None

1. Purpose of Report

In accordance with the agreed work plan to undertake a detailed review of Part B Procedural Rules.

RECOMMENDATION

That the Committee consider and agree the proposed revisions to Part B of the Constitution at Appendices 1 to 7

2. Reasons for Recommendation

To ensure the Council's Constitution is up to date and user-friendly for members, staff and the public and to introduce harmonised procedures with Chiltern District Council where this will facilitate more effective running of shared services.

3. Content of Report

- 3.1 The Committee agreed a work programme for reviewing and updating the Council's Constitution at their meeting in July. This report deals with Part B Procedural Rules. The proposed changes are shown in track changes in the appendices to this report and the main issues are explained in more detail below.
- 3.2 The Political Balance Rules at Appendix 1 have been amended to reflect new committees established since the Constitution was last reviewed in 2015.
- 3.3 Proposed revisions to the Council Procedure Rules at Appendix 2 include the following issues:-
- Clarification of the order of business at annual council meetings including the establishment of committees and the procedure for appointing chairman for the council year
 - Updating the order of business at ordinary meetings of the council including provision for presentations from relevant organisations such as TVP and a standing item on the receipt of petitions and deputations which was omitted from the 2015 revision

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- Provision for filling casual vacancies and for temporary changes to Committee membership
 - Additional safeguards on the right to record council proceedings

- 3.4 The Cabinet Procedure Rules at Appendix 3 have been updated to reflect changes made by the Localism Act 2011.
- 3.5 The Overview and Scrutiny Procedure Rules at Appendix 4 have been amended to replace the words “proper officer” with the title of the relevant council officer for ease of reference.
- 3.6 The Access to Information Procedure Rules at Appendix 5 have also been amended to replace the words “proper officer” with the title of the relevant council officer for ease of reference.
- 3.7 No revisions are proposed to the Budget and Policy Framework Procedure Rules at Appendix 6.
- 3.8 Revised Officer Employment Procedure Rules are attached at Appendix 7 to comply with amendments to the Mandatory Standing Order Regulations 2001 which require the appointment of Independent Persons to a Panel dealing with disciplinary action against statutory officers. The Rules have also been updated to reflect the appointment of the Joint Staffing Committee.

4 Consultation

The Committee is asked to consider whether, and if so how, they wish to consult on the proposed revisions with members more widely, either via committees/cabinet or individually.

5 Options

The Committee is being invite to consider and agree the revisions to the Framework document and can suggest further changes if considered appropriate.

6. Corporate Implications

Financial – There are no financial implications arising directly from this report.

Legal – As set out in the report

Risks issues – The lack of an up to date and effective Constitution could increase the risk of governance failures

Equalities - None specific

7. Links to Council Policy Objectives

There are no direct links to the policy objectives. But the Council has a statutory duty to maintain an up to date Constitution and publish this on the website.

8. Next Steps

As set out in the agreed work programme.

Background Papers:	None except those referred to in the report
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PART B
SECTION A: Political Balance Rules

Sections 15-17 of the Local Government and Housing Act 1989 ("the Act") requires the Council to follow rules to secure the political balance on Committees, Sub-Committees and Groups as explained below.

1. What does the Act seek to achieve?

Members of this Authority have chosen to divide themselves into political groups for the purposes of the Act and the Council is under a duty to review the allocation of seats between the respective groups on Committees. These reviews must have regard to certain principles aimed at avoiding one party committees, giving the majority group a majority of seats on each Committee and achieving pro rata allocations according to the strengths of the groups on the Council. Committees are in turn required to review the allocation of seats on their Sub-Committees having regard to the same principles.

The results of a review must be implemented as soon as practicable and must give effect to each group's wishes as to which of their Members are to sit on which Committee/Sub-Committees. A group's wishes must similarly be followed in terminating a Member's appointment.

2. What is a political group?

Political groups for the purposes of the Act should not be confused with political parties. A group is constituted when two or more Members deliver to the Chief Executive a signed written request (signed by all of them) that they wish to be treated as a political group. The request has to state the name by which the group is to be known and has to name one Member as its leader.

Other Members who did not sign the original request may become a Member of an existing political group. Alternatively, at least two Members may decide to form their own group.

3. When must reviews take place?

Reviews must take place as soon as practicable after each of the following occurs:

- Members first divide into political groups.
- The annual meeting of the Council and Members are divided into political groups at the time of the meeting.
- When the Chief Executive receives a written request in respect of the formation of a new group, a Member to join an existing group or from a newly elected Member within one month of election.

4. How are the rules applied?

The formula for determining entitlement to seats is complicated. The number of seats on the main Committees which are allocated to a political group must bear the same proportion to the total of all the seats on those Committees as is borne by the number of Members of that group to the total membership of the Council.

5. What about Members not in a political group?

In such cases the calculations may provide that a proportion of seats on each Committee are not allocated to any political group equal to the proportion of Council Members who do not belong to any group. The Council or the parent Committee in the case of Sub-Committees, make appointments to these seats. To safeguard non-political group members only such non-group members may be appointed to these seats.

6. Can alternative arrangements be approved?

The Council in carrying out any review may decide unanimously (this means without any Members voting against the proposal) that they wish to adopt arrangements other than those required by the Act. Committees can also decide to make alternative arrangements for Sub-Committees with the unanimous agreement of their Members.

7. What is the allocation of seats?

The number of seats that will need to be allocated at Annual Council is shown below and although there is no statutory requirement the Council's Protocol for the operation of Policy Advisory Groups (PAGs) requires these Groups also to be politically balanced.

Whenever a review of the allocation of seats is required the Chief Executive will prepare a report showing what the allocation of seats would in his/her opinion best meet the requirements of Section 15(5) of the 1989 Act.

8. Seats to be allocated

Audit [and Standards](#) Committee - 6
 Licensing Committee – 12
 Overview and Scrutiny Committee – 8
[Joint Staffing Personnel](#) Committee - 6
 Planning Committee – 12
[Governance and Electoral Arrangements Committee](#) - 6

Plus seats on the PAGs.

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PART B
SECTION B: Council Procedure Rules

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1. Annual Meeting of the Council

1.1 Timing and Business

The annual meeting of the Council shall be held:

- a) In a year when there is an ordinary election of Councillors, on the eighth day after the retirement of Councillors or on such other day within twenty-one days immediately following the retirement of the outgoing councillors, as the Council may fix.
- b) In any other year, on such day in the month of April or May as the Council may fix.

The order of business at the annual meeting will be:

- a) To elect a person to preside if either the Chairman or Vice-Chairman is not present;
- ~~b) To deal with any item of business required by law to be transacted before any other item; Chairman and appoint a Vice-Chairman.~~
- ~~c) To elect the Chairman of the Council for the forthcoming year; If the Chairman and Vice-Chairman are absent, to choose a person to preside such person not being a member of the Cabinet.~~
- ~~d) To appoint the Vice-Chairman of the Council for the forthcoming year;~~
- ~~e) To receive any apologies for absence;~~
- ~~f) To approve the minutes of the last meeting;:-~~
- ~~g) To receive any declaration of interest from members;~~
- ~~h) To receive any announcements from the Chairman and/or Head of the Paid Service;:-~~
- ~~e) To receive any apologies for absence.~~
- ~~f) To elect a Leader of the Council (unless the Leader has further year(s) of unexpired term of office);:-~~
- ~~g) To receive the names of Members of the Cabinet appointed by the Leader, the allocation of responsibilities to Cabinet Members and appointments to outside organisations carrying out cabinet functions;:-~~
- ~~h) To deal with any business required by statute.~~
- ~~i) To establish at least one Overview & Scrutiny Committee and such regulatory and other committees and sub-committees as the Council considers appropriate to deal with matters which by law or by this Constitution are neither cabinet functions or reserved to full Council; receive any reports from statutory officers of the Council.~~
- ~~l) To determine the size and terms of reference of the committees and sub-committees referred to in paragraph k) above;~~
- ~~m) To determine the allocation of seats to political groups in accordance with political balance rules;~~
- ~~n) To receive nominations of councillors to serve on each Committee and appoint the members thereto;~~
- ~~o) To receive nominations of councillors to serve on outside bodies and appoint to those bodies except where appointment to any such body is by law or by this Constitution exercisable by the Cabinet;~~
- ~~p) To approve a programme of ordinary meetings of the Council for the forthcoming year (if not already agreed);~~
- ~~q) To consider petitions if any.~~
- ~~r) To answer questions asked under Rules 9 and 10.~~
- ~~s) To dispose of business (if any) remaining from the last meeting.~~

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- ~~m) To consider reports of the Cabinet, the Leader and/or Cabinet Members.~~
- ~~n) To consider reports of the Committees of the Council.~~
- ~~o) To consider notices of motion in the order in which they have been received.~~
- ~~qp) To consider any other items of business set out in the summons convening the meeting specified in the agenda.~~

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council will establish and appoint Members to Committees and Groups in accordance with the political balance rules.

Seats on Committees shall be distributed among the political groups in proportion to their membership on the Council. Before the annual meeting of the Council, and at any other time that a review of the allocation of seats is required, the ~~Head of Legal and Democratic Services~~~~Director of Resources~~ shall consult Group Leaders on the membership of Committees and report to the annual or next following meeting of the Council. Such consultations and report determine the allocation to the different political groups and recommend such appointments to give effect to the wishes of the political groups.

1.3 Appointment of Chairman and Vice- Chairman of Committees and Sub-Committees

~~The Council shall adjourn its annual meeting to enable every committee to appoint a chairman and vice-chairman who shall hold office until the next annual meeting. The Chairman of the Council or in his/her absence the Vice-Chairman of the Council shall preside at the first meeting for the purpose of appointing a chairman~~

~~Every sub-committee shall at their first meeting after the annual meeting of the Council, appoint a chairman and vice-chairman who shall hold office until the first meetings following the annual meeting of the Council. The chairman of the appointing committee or in his/her absence the vice-chairman of that committee shall preside at the first meeting for the purpose of appointing a chairman.~~

~~If a chairman or vice-chairman are absent from a meeting a chairman for that particular occasion shall be appointed.~~

~~The Chairman, vice-chairman or other person presiding may in exceptional circumstances vacate the chair if they feel that to speak on a particular issue would not be compatible with their role as chairman of the meeting. In such circumstances the member concerned may remain in the meetings and participate in the debate. The vice-chairman shall preside or, if necessary another member shall be appointed to take the chair for this particular item.~~

~~At the conclusion of the Annual Meeting the Standing Committees will meet to elect their Chairmen and Vice-Chairmen for the Municipal Year and appoint to sub-committees if appropriate.~~

~~The Council will appoint members to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable by the Cabinet.~~

2. Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme to be fixed by the Council. Ordinary meetings will:

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- a) Elect a person to preside if the Chairman and Vice-Chairman are not present;
- ~~b) Deal with any item required by statute to be dealt with before any other item;~~
- ~~c) Receive any apologies for absence;~~
- ~~d) Approve the minutes of the last meeting;~~
- ~~e) Receive any declarations of interest from members;~~
- ~~f) Receive any announcements from the Chairman, Leader, Cabinet members ~~of the Cabinet~~ or the Head of ~~the~~ Paid Service;~~
- ~~g) Dispose of any business carried over from a previous meeting;~~
- ~~f) Fill any vacancies on Committees and Outside Bodies;~~
- ~~hg) Receive a presentation from a relevant individual or organisation including Thames Valley Police, as applicable and agreed in advance of the meeting by the Chairman, on a subject area relevant to the work of the Council or pertinent to a current issue for the Council.~~
- ~~i) To receive and consider reports and recommendations from the Committees of the Council in date order of the meeting. A full minute pack to be made available separately for members' information~~
- ~~j) To receive and consider reports and recommendations from the Cabinet and receive questions and answers on any of those reports and recommendations in accordance with Rule 9.1 of these Procedural Rules~~
~~Receive answers to questions of which written notice has been given under Rules 9 and 10 from members of the Council and members of the public.~~
- ~~kh) Receive and consider any reports from the Cabinet ~~and/or~~ Leader, Cabinet Portfolio holder or Chairman of a Committee and receive questions and answers on any of those reports in accordance with Procedure Rule 9.1 and receive questions and answers on any of those reports.~~
- ~~li) Receive- answers from the Cabinet Leader, Cabinet Portfolio holders or Chairman of a Committee to questions from members of the Council and members of the public of which written notice has been given under Procedure Rule 9.2 or 10. ~~to questions of which written notice has been given under Rules 9 and 10 from members of the Council and members of the public.~~ Receive reports from the Council's committees and receive questions and answers on any of those reports.~~
- ~~m) to receive petitions and/or deputations from members of the public with the opportunity for members to ask questions of clarification at the discretion of the Chairman~~
- ~~n) Receive any reports ~~about and receive~~, questions and answers relating to ~~on~~ the business of joint any arrangements ~~or~~ external organisations.~~
- ~~o) Consider motions.~~
- ~~p) Consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework and reports of the Chairman of the Overview and Scrutiny Committee.~~

3. Extraordinary Meetings

3.1 Calling Extraordinary Meetings

Those listed below may request the Director of Resources to call a Council meetings in addition to ~~an~~ Ordinary ~~M~~meetings:

- a) The Council by resolution;
- b) The Chairman of the Council;

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- c) The Leader
- d) The Monitoring Officer or Chief Finance Officer.
- ed) Any five members of the Council if they have signed a requisition presented to the Chairman of the Council (and copied to the Chief Executive) and the Chairmanhe/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Business

An extraordinary meeting of the Council shall be limited to a single of business notice of which shall be given in the summons for the meeting~~consider only such item of business as may be specified in the request for the meeting.~~

4. Changes in Membership of Committees and Sub-Committees

4.1 Casual Vacancies

The Chief Executive or such deputy appointment by him/her shall:

- a) Determine after consultation with the Group Leaders the allocation of seats to groups when there is a change in political composition during the term of the Council
- b) Make and terminate the appointments to committee and sub0committees to reflect the wishes of the political group or party which is entitled to the seats

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4.2 Temporary Changes

Temporary changes may be made to the membership of committees as follows:

- a) the Democratic & Electoral Services Manager or other officer he/she authorises shall agree temporary changes to membership of Committees submitted by Group Leaders, their deputies or other nominated representative;
- b) the Democratic & Electoral Services Manager is notified in writing or electronic form by 10 am on the day of the meeting;
- c) the change applies to the entire meeting;
- d) the notification will specify whether the change is for a particular meeting or for a period, the dates for which must be given. The maximum period that can apply to a temporary change is 3 months;
- e) temporary changes may be made to Planning Committee and Licensing Committee provided that the replacement members have received the mandatory training relevant to the Committee's functions;
- f) temporary changes may be made to Joint Staffing Committee provided that where the committee is dealing with a particular staff appointment or issue the change is applicable to the whole period that the committee is dealing with that appointment or issue.

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These rules do not apply to Licensing Sub-Committee

4.3 Powers and Duties

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Temporary members will have all the powers of any ordinary member of the committee/sub-committee but will not be able to exercise any special duties exercisable by the person they are replacing.

5. Time and Place of Meetings

The time and place of every Ordinary or Extraordinary meeting will be determined by the Head of Legal and Democratic Services and meetings will be determined by the Council and notified in the summons ~~sent by the Director of Resources.~~

6. Notice of and Summons to Meetings

The Head of Legal and Democratic Services~~Director of Resources~~ will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the Head of Legal and Democratic Services~~Director of Resources~~ will send a summons to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

7. Chairman of Meeting

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to committee, sub-committee and panel meetings, references to the Chairman also include the Chairman of committees, sub-committees and panels.

8. Quorum

The quorum of a meeting will be one quarter of the whole number of members of the Council or the quorum as specified in the particular committee or sub-committee's terms of reference. If the meeting does not have a quorum at the time stated in the summons for it or begun the Chairman will wait up t 15 minutes to establish if the meeting has become quorate. If it has not , or if at any time during a~~During any~~ meeting ~~if~~ the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

~~7.1 Quorum of Committees~~

~~The quorum for a Committee is one quarter of the whole number of the Committee but shall not be less than two voting members. The quorum for Planning Committee shall be one half of the number of the Committee.~~

9. Duration of Meeting

Unless the majority of members present vote for the meeting to continue, any meeting that has lasted for 4 hours will adjourn immediately. Remaining business will be considered at a time and

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date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. Questions by Members

10.1 On Reports of the Cabinet or Committees

A member of the Council may ask the Leader, Cabinet Portfolio holder, Chairman of a Committee or Panel any question without notice upon an item of the report of the Cabinet, a Committee or a Panel when that item is being received or under consideration by the Council.

10.2 Questions on notice at Full Council

Subject to Rule 10.3, a member of the Council may ask:

- The Chairman;
- The Leader;
- A Cabinet Portfolio holder; or
- The Chairman of any Committee.

A question on any matter in relation to which the Council has powers or duties or which affects the District.

The period set aside for answering questions will not exceed 15 minutes.

10.3 Notice of Questions

A member may only ask a question under Rule 10.2 if:

- a) They have submitted their question in writing to the Democratic and Electoral Services Services Manager~~Director of Resources~~ at least ~~three~~two clear days before the Council meeting (this excludes the day of receipt, the day of the meeting, bank holidays, Saturdays and Sundays).
- b) The question relates to urgent ~~business~~matters, the ~~y have the~~ consent of the Chairman or Member to whom the question is to be put has been received in advance or is given at the meeting and the content of the question has been given to the Democratic and Electoral Services Manager by is received by the Director of Resources by by not later than 12 noon on the day of the meeting.

10.4 Response

An answer may take the form of:

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

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10.5 Supplementary Question

A member asking a question under Rule 10.2 may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

11. Questions by the Public

11.1 General

Members of the public may ask questions of the Chairman, Leader of the Council, Portfolio holders or Chairman of Committees at ordinary meetings of the Council during a period of up to 15 minutes during a period set aside for the purpose.

11.2 Order of Questions

Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

11.3 Notice of Questions

A question may only be asked if a member of public has submitted their question in writing to the Democratic and Electoral Services Manager ~~Director of Resources~~ at least three ~~two~~ clear days before the Council meeting (this excludes the day of receipt, the day of the meeting, bank holidays, Saturdays and Sundays). Each question must give the name and address of the questioner.

The Chairman, in consultation with the Democratic and Electoral Services Manager ~~Director of Resources~~, will select the Member to provide the reply.

11.4 Number of Questions

At any one meeting no person may submit more than 3 questions and no more than 3 such questions may be asked on behalf of one organisation.

11.5 Scope of Questions

The Democratic and Electoral Services Manager ~~Director of Resources~~ in consultation with the Head of Legal and Democratic Services may reject a question if it:

- Is not about a matter for which the local authority has a responsibility or which affects the District;
- Is defamatory, frivolous or offensive;
- Is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- Relates to any existing or proposed application, permission, licence, consent, benefit, grant or enforcement action; or
- Requires the disclosure of confidential or exempt information.

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11.6 Asking the Question at the Meeting

The Chairman will invite the questioner to put the question to the Member the Chairman has selected to make the reply. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

11.7 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer.

11.8 Discussion

Unless the Chairman decides otherwise, no discussion will take place on any question.

12. Motions with Notice

12.1 Notice

Except for motions which can be moved without notice under Rule 13, written notice of every motion, signed by at least 2 members, must be submitted to the [Democratic and Electoral Services Manager](#)~~Director of Resources~~ at least 7 clear days before the date of the meeting (excluding the day of receipt, the day of the meeting, bank holidays, Saturdays and Sundays). The [Democratic and Electoral Services Manager](#)~~Director of Resources~~ will date and file each notice of motion received. The file is to be open to public inspection.

12.2 Motion set out in Agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

12.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the District [or part of it](#).

12.4 Reference of Motion to Cabinet or Committee

Motions for which notice has been given under 12.1 shall, upon being moved and seconded, stand referred to the Cabinet, a Committee or Panel as the Council may determine for consideration and report, unless the Chairman considers it convenient and conducive to the dispatch of business to allow the motion to be dealt with at the meeting at which it is brought forward. Where a motion stands referred, the mover shall not speak until the report on the motion comes before the Council. The Cabinet, Committee or Panel shall report back to the next ordinary meeting of the Council or

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such other meeting as it may advise, and the report shall advise the Council whether or not the motion should be adopted or give such other advice as is appropriate.

13. Motions without Notice

The following motions may be moved without notice:

- a) To appoint a chairman of the meeting at which the motion is moved;
- b) In relation to the accuracy of the minutes;
- c) To change the order of business in the agenda;
- d) To refer something to an appropriate body or individual;
- e) To appoint a committee or member arising from an item on the summons for the meeting;
- f) To receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- g) To withdraw a motion;
- h) To amend a motion;
- i) To hold a recorded vote or ballot;
- j) To proceed to the next business;
- k) That the question be now put;
- l) To adjourn a debate;
- m) To adjourn a meeting;
- n) That the meeting continue beyond 4 hours in duration – see Rule 8;
- o) To extend the time limit for questions or speeches;
- p) To suspend a particular council procedure rule;
- q) To exclude the public and press in accordance with the Access to Information Rules;
- r) To not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 21.4; and
- s) To give the consent of the Council where its consent is required by this Constitution.

14. Rules of Debate

14.1 No Speeches until Motion Seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

14.2 Right to Require Motion in Writing

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

14.3 Seconder's Speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

14.4 Content and length of Speeches

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Speeches must be directed to the motion under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes.

14.5 When a Member may speak again

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

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

14.6 Amendments to Motions

- a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) To refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) To leave out words;
 - (iii) To leave out words and insert or add others; or
 - (iv) To insert or add words.
 As long as the effect of (b) to (d) is not to negate the motion.
- b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- c) If an amendment is not carried, other amendments to the original motion may be moved.
- d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- e) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

14.7 Alteration of Motion

- a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- c) Only alterations which could be made as an amendment may be made.

14.8 Withdrawal of Motion

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A member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

14.9 Right of Reply

- a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- c) The mover of the amendment has no right of reply to the debate on his or her amendment

14.10 Motions which may be moved during Debate

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

- a) To withdraw a motion;
- b) To amend a motion;
- c) To proceed to the next business;
- d) That the question be now put;
- e) To adjourn a debate;
- f) To adjourn a meeting;
- g) That the meeting continue beyond 4 hours in duration – (Rule 8 above refers);
- h) To exclude the public and press in accordance with the Access to Information Rules; and
- i) To not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

14.11 Closure Motions

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

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on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

14.12 Point of Order

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

14.13 Personal Explanation

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

~~15. Themed Debate~~

~~The Agenda for an ordinary meeting of the Council may contain an item for consideration of a particular theme or subject on any matter within the Council's powers or duties or which affects the District. The Chairman may move that the Council Rules of Procedure be suspended (in accordance with Rule 21—Suspension and Amendment of Council Procedure Rules) to enable a speaker (who need not be a Member of the Council) to address the Council on the theme or subject, and to deal with questions or comments either from Members of the Council or from the public.~~

16. Previous decision and motions

16.1 Motion to rescind a previous decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 10 members.

16.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 10 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

17. Voting

17.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a majority of those members voting and present in the room at the time the question was put.

17.2 Chairman's Casting Vote

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

17.3 Show of hands

Unless a recorded vote is demanded under Rules 17.4, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

17.4 Recorded Vote

If one-quarter of the members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014 a recorded vote will be taken when the Council makes a calculation of the budget requirement or issues a Council tax precept under relevant sections of the Local Government Finance Act 1992.

17.5 Right to require individual vote to be recorded

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

17.6 Voting on Appointments

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

18. Minutes

18.1 Signing the Minutes

The Chairman will sign the minutes of the proceedings at the next suitable meeting. As soon as the minutes have been read, or taken as read, the Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy, and any question of their accuracy shall be raised by moving a formal amendment to the minutes.

18.2 No Requirement to sign minutes of previous meeting at Extraordinary Meeting

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

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18.3 Form of Minutes

Minutes will contain all motions and amendments received ~~in accordance with Rule 11~~ in the exact form and order the Chairman put them.

19. Record of Attendance

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

20. Attendance by the public

20.1 Exclusion of the public

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part B of this Constitution or Rule 20.3 (Disturbance by Public).

20.2 Recording of proceedings

~~Audio recording and text based communication shall be allowed at meetings which are open to the public, whether carried out by a member of the public, a representative of the media or a councillor. Members of the public and the press may film, photograph or audio record the proceedings of any part of meetings which is open to the press and public for simultaneous or subsequent broadcast or publication via social media, the internet or other publication.~~ When carrying out reporting activities they must remain in their seat and not disrupt the proceedings. The Chairman may ~~limit the number of mobile electronic devices in use at any time if there is any interference with the Council's own audio visual equipment. Such devices should always be set to their silent or vibrate mode. The Chairman may~~ halt any recording if it is causing disruption. ~~Filming or photography during proceedings shall only take place with the prior agreement of the Chairman who shall announce any arrangements which have been agreed at the start of the meeting.~~

20.3 Removal of member of the public

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

20.4 Clearance of part of meeting room

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

21. Members' Conduct

21.1 Standing to speak

When a member speaks at full Council they must stand and address the meeting through the Chairman. If more than one member stands, the chairman will ask one to speak and the others

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must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

21.2 Chairman standing

When the Chairman stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

21.3 Member not to be heard further

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

21.4 Member to leave the meeting

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

21.5 General Disturbance

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

21.6 Disclosable Pecuniary Interests

Members who have a Disclosable Pecuniary Interest in any item of business being considered at a meeting of the Council, its Committees, Sub-Committees, Joint Committees, Cabinet and/or Policy Advisory Groups, must leave the room or chamber including the public gallery during the whole of the consideration of that item except where a member is permitted to remain as a result of the grant of a dispensation.

22. Suspension and Amendment of Council Procedure Rules

22.1 Suspension

All of these Council Rules of Procedure except Rule 17.5 and 18.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

22.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

23. Application to Committees and Sub-Committees

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All of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet. Only Rules 4–9, 13–14, 16–18, 20–23 (but not Rule 21.1) apply to meetings of committees and sub-committees. The application of these rules to the Chiltern and South Bucks Joint Committee / Joint Staffing Committee are set out in their respective terms of reference set out in Part A of the Constitution.

A member who is not a member of a committee or sub-committee may attend any meeting and may speak (but not vote), at the discretion of the Chairman of the committee or sub-committee. A member who is not a member of Planning Committee shall have the right to address the Committee on any application. Such address shall be limited to a total speaking time by non-members of not more than 5 minutes on each application.

24. Petitions

To receive and debate as necessary Petitions received in accordance with the adopted Petition Scheme in Part C of the Constitution.

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PART B
SECTION C: Cabinet Procedure Rules

1. Role and Composition

- 1.1 The Cabinet is responsible for the discharge of all functions allocated to it by the Council in accordance with the Local Government Act 2000 Section 13 and subsequent legislation and regulations. The arrangements for the discharge of those functions will be as laid out by the Council from time to time and in the absence of such arrangements, the Leader will decide how they are to be exercised.
- 1.2 The current allocation of responsibilities is set out in Part A of this Constitution.
- 1.3 At the Annual Meeting of the Council, the Leader will present a report containing the following information regarding the discharge of Cabinet functions in the forthcoming year:
- a) The names of the Councillors he has appointed to the Cabinet.
 - b) The extent of any authority delegated to Cabinet Members individually as Portfolio Holders, including details of the limitation on their authority.
 - c) The terms of reference and Constitution of any Cabinet Committees the Leader appoints and the names of the Members appointed to them.
 - d) The nature and extent of any delegation to Officers, with details of limits on those delegations and the title of the Officer to whom the delegation is made.
 - e) The nature and extent of any delegation of a Cabinet function to any other authority, or any joint arrangements including names of the Cabinet Members appointed to serve under those arrangements.

2. Appointments

2.1 Appointment of Leader

The Leader shall be a Councillor elected to that office by a majority of the Council. The Leader will hold office for a term of four years to the annual general meeting after the district elections unless he/she:

- a) Resigns from the office of Leader;
- b) Resigns from the Council;
- ~~c) Is suspended from being a Councillor under Part 3 of the Local Government Act 2000;~~
- d) Is removed from office by a resolution of the Council; or
- e) Is otherwise disqualified from holding the office of Councillor.

Where the Leader ceases to hold office other than by the normal expiry of their term of appointment, the Council shall appoint a replacement to hold office until the date of the next post election Annual Meeting of the Council.

2.2 Appointment of Cabinet Members

With regard to appointment of Cabinet Members, Councillors serving on the Cabinet shall be appointed by the Leader.

Members of the Cabinet shall hold office for a term of four years unless they:

- a) Resign from the office of Cabinet member;
- b) Resign from the Council;
- ~~c) Are suspended from being a Councillor under Part 3 of the Local Government Act 2000;~~
- d) Are removed from office by written notice to that effect from the Leader, (who shall immediately give notice of the removal to the Chief Executive with details of their replacement); or
- e) Are otherwise disqualified from holding the office of Councillor.

Where a member of the Cabinet ceases to hold office other than by the normal expiry of their term of appointment, the Leader shall appoint a replacement to hold office until the end of the current term of office of Cabinet members.

2.3 Appointment of Deputy Leader

There will be a Deputy Leader who will be chosen by the Leader from the Cabinet. The term of the Deputy Leader shall be as for the Leader, but it will be open to the Leader to revoke the appointment and appoint a new Deputy at any time.

3. Decisions of the Cabinet

3.1 Decisions will be made either by:

- a) The Cabinet as a whole;
- b) By individual Portfolio Holders or the Leader acting within the delegations of authority to them set out in Part E of this Constitution;
- c) By an Officer acting under delegated powers, the Scheme of Delegation for Officers being set out in Part E of this Constitution;
- d) By joint arrangements; or
- e) By another Local Authority; ~~or~~
- ~~f) By an individual member limited to the exercise of a specific function in the ward for which the member is elected.~~

Where the Cabinet is collectively responsible for a Cabinet function, they may in turn delegate that function to an Officer or to joint arrangements, but the delegation of the function will not prevent the discharge of that function by the Cabinet.

4. Conflicts of Interest

- 4.1 If a conflict of interest arises during the consideration of any matter which is a Cabinet Function, it will be dealt with in accordance with the Code of Conduct for Members set out in Part C of this Constitution.
- 4.2 If during the exercise of a Cabinet function that has been delegated to a Committee or to an Officer a conflict of interest arises, then the function will in the first instance be exercised instead by the body or person by whom the delegation was made or otherwise in accordance with the Code of Conduct for Members, set out in Part C of this Constitution.

5. Meetings of the Cabinet

- 5.1 The Cabinet will normally meet on a quarterly cycle, at such dates and times as shall be determined by the Leader and notified to the Council.
- 5.2 The Cabinet shall meet at the Council Offices, Oxford Road, Denham, or at such other location as the Leader may from time to time determine.
- 5.3 All meetings of the Cabinet shall be in public in accordance with the Council's Access to Information Procedure Rules, set out in Part B of this Constitution.
- 5.4 The quorum for a meeting of the Cabinet or a Committee of the Cabinet shall be ~~threetwo~~ and must include either the Leader or the Deputy Leader.
- 5.5 Substitutes are not permitted for Cabinet Members, but the absence of a Cabinet Member shall not prevent consideration and determination of any matter. If a matter is delegated to a Cabinet Member, it may be referred by that Cabinet Member to the Cabinet for decision.
- 5.6 Any Councillor may attend any meeting of the Cabinet, but there is no right for non-Cabinet members to speak at Cabinet meetings.
- 5.7 The Statutory Officers of the Council shall have the right to attend any meeting of the Cabinet and shall be entitled to speak on issues affecting their statutory responsibilities.

6. Conduct of Meetings

- 6.1 At each meeting of the Cabinet, the following business will be conducted:
 - a) Consideration of the minutes of the last meeting.
 - b) Declarations of interest, if any.
 - c) Matters referred to the Cabinet (whether by the Overview and Scrutiny Committee or by the Council) for reconsideration in accordance with the provisions of the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part B of this Constitution.
 - d) Consideration of reports from the Overview and Scrutiny Committee.
 - e) The Cabinet Forward Plan
 - f) Reports from Statutory Officers in respect of their functions.
 - g) The items of business set out in the agenda for the meeting.
- 6.2 The items of business set out in the Cabinet 28 Day Notice and in the agenda will indicate those which are likely to result in a Key Decision being made, with a Key Decision being defined as a decision which:
 - a) Has an income or expenditure effect of £50,000 or more subject to the exclusion as set out in full in Part A; or
 - b) Is likely to have a significant effect on more than one ward.
- 6.3 The Cabinet 28 Day Notice will also indicate the non – Key Decisions Portfolio Holders are likely to make having regard to the advice they receive from their respective Policy Advisory

Group, the dates of meetings of which will also be included in the 28 Day Notice. The Scheme of Delegation to Portfolio Holders is set out in Part E of this Constitution and the role of Policy Advisory Groups is explained in a Protocol in Part C. Decisions made by Portfolio Holders will be reported to Cabinet for information.

- 6.4 The placing of items on the agenda will be decided by the Leader and the Proper Officer will comply with the Leader's requests in this respect. The Leader may also place any matter on the agenda for any meeting of the Cabinet, even where authority has been delegated by the Cabinet to another body, Officer or Portfolio Holder. Where a matter falls within the terms of reference of a Committee or Sub-Committee, then matters relating to the remit of those Committees or sub-Committees may not be placed on the agenda.
- 6.5 Matters referred by the Overview and Scrutiny Committee, the Council itself or by a Statutory Officer if falling within their Statutory Responsibilities shall also be placed on the agenda by the Proper Officer, in consultation with the Leader.

PART 2

SECTION D: Overview and Scrutiny Procedure Rules

1. Application of Rules

These rules apply to the Overview and Scrutiny Committee and to any of its Sub-Committees or Panels.

2. Composition and Terms of Reference

These are described in Part 1 of this Constitution.

3. Work Programme and Agenda Items

- 3.1 The Overview and Scrutiny Committee and where appropriate its sub-Committees and Panels, will be responsible for setting their own work programme. That work programme will be published annually to the Council and will incorporate consultation with the Cabinet on any issues the Cabinet and any Committee may wish to request the Overview and Scrutiny Committee to consider.
- 3.2 Any Member of the Committee or of its Sub-Committees and Panels shall be entitled to give notice to the Proper Officer if they wish an item relevant to the functions and remit to be included on the agenda for the next available meeting.
- 3.3 Any Member of the Council who is not a member of the Overview and Scrutiny Committee may give written notice to the Proper Officer that they would like the Committee to consider any particular item for inclusion in their work programme. The Overview and Scrutiny Committee will then decide whether to include that item.
- 3.4 Where the Cabinet or Council request an area of the Council's activity to be reviewed, the Overview and Scrutiny Committee will adjust their work programme to the extent necessary to carry out that review and report back to either the Cabinet or the Council in written form.

4. Call-ins

- 4.1 Any five Members of the Council who are not members of the Cabinet may, by written notice to the Democratic and Electoral Services Manager~~Proper Officer~~, require that a key or non-key decision of the Cabinet, Portfolio Holder or a key decision of an Officer not be implemented until it has been considered by the Overview and Scrutiny Committee. The call-in procedure is a statutory right – Section 21(3) Local Government Act 2000. Such written notice must be given within five working days of the electronic mail dissemination of the relevant Cabinet minutes or Portfolio Holder/Officer decision notice. The validity of the call-in notice will be determined by the Democratic and Electoral Services Manager in consultation with the Head of Legal and Democratic Services~~Proper Officer~~ as a preliminary issue.

Where a valid notice of call-in has been received, the Democratic and Electoral Services Manager ~~Proper Officer~~ shall convene an extraordinary meeting of the Overview and Scrutiny Committee as soon as possible but in any event within 15 working days of receipt of the call-in request unless an ordinary meeting is scheduled to take place within that period – in which case the subject matter of the call-in request will be added to that agenda

and taken as an urgent item as necessary. The [Democratic and Electoral Services Manager](#)~~Proper Officer~~ will notify the Cabinet and any other Members and Officers of the call-in and the date on which it will be considered.

Unless implementation of the decision is considered urgent – see paragraph 4.2 until the matter has been considered by the Overview and Scrutiny Committee, and unless the Overview and Scrutiny Committee resolve that it is content with the decision, the decision the subject of the Call-In Request may not be implemented before the decision making body or person has reconsidered the decision having regard to the views of the Overview and Scrutiny Committee.

The call-in request will be discussed by the Overview and Scrutiny Committee. The Members who requested the call-in will be invited to attend to explain the ground/s for the request - and the appropriate decision maker will also be invited to attend the meeting.

The Overview and Scrutiny Committee can then make one of the following 2 decisions:

- a) Over-rule the call-in and allow the earlier decision to stand and implementation to proceed.
- b) Remit the matter back to the decision-making body or decision maker for reconsideration at the next appropriate meeting if applicable – with an explanation of the Committees concerns and any specific considerations that need to be taken into account on re-consideration.

If the decision-making body or decision maker requires more time to consider the Committees recommendations, the Chairman of the Overview and Scrutiny Committee can agree to such request after consultation with the members of the Committee.

If after reconsideration the decision maker does not consider any changes should be made to the earlier decision, then the decision maker shall recommend accordingly to Cabinet setting out the reasons why no changes are considered necessary – or where the decision maker was the Cabinet – it shall notify the Council of its decision.

The call-in procedures will not apply where the decision is taken by the full Council on the basis of a recommendation - and shall not apply where the decision is urgent.

A decision can only be called in once, unless the original decision is substantially amended other than in accordance with the Committee recommendation.

4.2 In the Case of Urgency

In the case of urgent implementation, the procedure shall be that the Leader and the relevant Portfolio Holder(s) /Officer will obtain the written agreement of the Chairman of the Overview and Scrutiny Committee (or suitable alternate in his/her absence) that implementation of the decision is genuinely urgent. The Portfolio Holder/Officer must then make the decision in consultation with the Leader. If the decision is one that falls to the Cabinet as a whole, then the same procedure must be followed but the final decision will be made by the Cabinet.

Decisions taken as a matter of urgency must be reported to the next available meeting of the Cabinet/Council together with the reasons for urgency.

Note: The urgency procedure set out above is separate from the urgency procedure under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to (i) include a key decision on the 28 Day Notice which has already been published; and (ii) to enable the Cabinet to make a key decision when compliance with (i) is impracticable - see paragraph 17 of Access to Information Procedure Rules in Part B of this constitution for procedure.

5. The Conduct of Meetings

5.1 The Overview and Scrutiny Committee and any sub-Committees and Panels shall consider the following business in the following order:

- a) Minutes of the last meeting.
- b) Any declarations of interest.
- c) Any response from the Cabinet to a previously forwarded report.
- d) The business otherwise set out in the agenda for meeting.

5.2 When the Overview and Scrutiny Committee or one of its Sub-Committees or Panels is conducting a review or investigation, it shall have the right to documents and other information as described in the Access to Information Procedure Rules set out in Part B of this Constitution.

5.3 The Overview and Scrutiny Committee or any of its Sub-Committees or Panels (in relation to matters falling within their terms of reference) may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. It may require the Leader and any member of the Cabinet, the Head of Paid Service and any Director or Head of Service to attend before it to explain, in matters in relation to their remit, the following:

- a) Any particular decision or series of decisions and the reasons for them.
- b) The extent to which any action or lack of action affects the Council and/or implements Council policy.
- c) Performance and outcomes in relation to the areas under their control.

It is the duty of those persons to attend if required, but such attendance will follow written notice from the ~~Democratic and Electoral Services Manager~~ **Proper Officer**, who will give at least seven days notice in writing or by electronic mail of the meeting at which he/she is required to attend. The notice will indicate the nature of the item and whether there is a requirement to produce any papers or other background information, or whether a report is required.

If, exceptionally, the relevant Member or Officer is unable to attend on the required date, an alternative date may be arranged by mutual agreement, but this must take place within a maximum of six weeks of the date of the original request.

5.4 The Overview and Scrutiny Committee or its Sub-Committees and Panels may invite persons other than those set out above to give evidence, including individuals from outside

the Council or from other organisations. There is no requirement on these individuals to attend.

If there is a wish for Officers below Head of Service to give evidence, then that attendance shall be at agreement of the Head of Paid Service or the relevant Director.

- 5.5 The Overview and Scrutiny Committee may require information from and for:
- a) Any person to attend from any partner authority designated in Section 104 of the Local Government and Public Involvement in Health Act 2007 – as amended from time to time; or
 - b) Any officer or employee of a responsible authority or a co-operating person or body as defined by section 5 of the Crime and Disorder Act 1988 in relation the scrutiny of a crime and disorder function.
- 5.6 A member who has raised a matter referred to the Overview and Scrutiny Committee may attend the meeting of the Overview and Scrutiny Committee where the matter is discussed unless the matter to be discussed includes confidential or exempt information. The Overview and Scrutiny Committee will in any event notify the relevant member of its decision and the reasons for it - subject the exclusion of confidential or exempt information.
- 5.7 In relation to scrutiny of a crime and disorder function – additional members may be co-opted if they are an employee, officer or member of a responsible authority or co-operating person or body – and shall only be able to vote if the Overview and Scrutiny Committee so permit.
- 5.8 Where the Overview and Scrutiny Committee completes its consideration of a matter it will:
- a) Decide whether to make any recommendations to Cabinet/Council/publish its report
 - b) With regard to CCfA matter – report/make recommendations in accordance with the Local Government Act 2000 as amended
 - c) In relation to a crime and disorder matter – comply with the reporting requirements under the Police and Justice Act 2006 – as amended.
- 5.9 The Overview and Scrutiny Committee will receive and consider petitions – in particular hearing evidence from Senior Officers in relation to petitions received – as set out in the adopted Petition Scheme in Part C.

PART B
SECTION E: Access to Information Procedure Rules

1. Scope

These rules apply to all meetings of the Council, Overview and Scrutiny Committee, area committees (if any), regulatory committees and meetings of the Cabinet (together called meetings). The rules do not apply to Policy Advisory Groups (PAGs) or any other Advisory Groups.

Any documentation which is being referred to as being posted or made available means "made available at the Council Offices, Capswood, Oxford Road, Denham, and on the Council's website".

2. Additional Rights To Information

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

3. Rights To Attend Meetings

Members of the public may attend all meetings and in accordance with The Openness of Local Government Bodies Regulations 2014 (hereafter referred to as the Openness Regulations 2014) may report on the meeting and use any communications method, including the internet, to publish, post or otherwise share the results of the reporting activities, subject only to the exceptions in these rules.

4. Notice of Public Meetings

The Council will give at least five clear (working) days notice of any meeting by posting details of the meeting.

5. Notice of Private Meetings

- 5.1 The Council will give at least 28 clear calendar days' notice of its intention to hold a meeting of the Cabinet in private by posting a notice. The notice must include a statement of the reasons for the meeting to be held in private.
- 5.2 At least five clear (working) days before a private meeting of the Cabinet, the Council will post a further notice of its intention to hold a meeting in private. The notice must include a statement of the reasons for the meeting to be held in private and details of any representations received about why the meeting should be open to the public and a statement of its responses to any such representations.
- 5.3 Where the date by which the meeting must be held makes compliance with regulation 5 of the Executive Procedure Rules 2012 impracticable and is therefore not included in 28 clear calendar days' notice, the meeting may only be held in private where the decision-making body has obtained agreement from:
 - (a) the chairman of the relevant overview and scrutiny committee; or
 - (b) if there is no such person, or if the chairman of the relevant overview and scrutiny committee is unable to act, the chairman of the relevant local authority; or

- (c) where there is no chairman of either the relevant overview and scrutiny committee or of the relevant local authority, the vice-chairman of the relevant local authority

6. Access to Agenda and Reports before the Meeting

The Council will make copies of the agenda and reports, which are open to the public, available for inspection at least five clear (working) days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda. That item will only be considered at the meeting if the Chairman agrees that it is urgent with the reasons for the urgency set out in the minutes of that meeting. Where a report is prepared after the summons has been sent, it will be made available to the public as soon as the report is completed and sent to councillors.

7. Supply of Copies

The Council will make available 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 Democratic and Electoral Services Manager~~Proper Officer~~ thinks fit, copies of any other documents supplied to councillors in connection with an item.

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

8. Access to Agenda and Minutes after the Meeting

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

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

9. Background Papers

9.1 List of Background Papers

Every report considered at a meeting will set out a list of those documents (called background papers) relating to the subject matter of the report which:

- a) Disclose any facts or matters on which the report or an important part of the report is based; and
- b) Have been relied on to a material extent in preparing the report; excluding any published works or those which disclose exempt or confidential information (as defined in Rule 10).

9.2 Public Inspection of Background Papers

In accordance with The Openness Regulations 2014 the Council will make available for public inspection copies of any background papers, for six years after the date of the meeting.

10. Summary of Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents, as set out in these Rules, must be kept at and available to the public. These Rules constitute the written summary.

11. Exclusion of Access by the Public to Meetings

11.1 Confidential Information and Exempt Information – Requirement to Exclude Public

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

The meeting which the public may attend will be referred to as the "public part of the meeting" with "private part of the meeting" referring to that part where confidential information or exempt information is likely to be disclosed.

11.2 Meaning of Confidential Information

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

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.

11.3 Meaning of Exempt Information

Exempt information means information falling within any of the categories set out in the Table below, subject to the qualifications and interpretations in Parts 2 and 3 of Schedule 12A to the Local Government Act 1972 (as amended).

Category	
1.	Information relating to any individual.
2.	Information which is likely to reveal the identity of any individual.
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the

	authority or a Minister of the Crown and employees of, or office holders under, the authority.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6.	Information which reveals that the authority proposes: <ul style="list-style-type: none"> 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.
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The following qualifications to exempt information apply:

Qualifications	
1.	Information falling within category 3 above is not exempt information if it is required to be registered under: <ul style="list-style-type: none"> a) the Companies Act 1985; b) the Friendly Societies Act 1974; c) the Friendly Societies Act 1992; d) the Industrial and Provident Societies Acts 1965 to 1978; e) the Building Societies Act 1986; f) the Charities Act 1993.
2.	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
3.	Information which: <ul style="list-style-type: none"> a) Falls within any of categories 1 to 7 above; and b) Is not prevented from being exempt by virtue of qualifications 1 or 2 above. <p>Is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>

For interpretation see Part 3 of Schedule 12A of the Local Government Act 1972 (as amended).

11.4 Public Interest Test

In respect of all categories there is a public interest test asking whether it would benefit the public more to withhold the information than to release it. Every copy of a report of which the whole or part is not available for public inspection must be marked "Not for Publication" and must contain a description of the exempt information in terms of the categories. There is an inherent public interest in access to information held by public bodies and factors favouring disclosure include:

- a) Promoting accountability for public expenditure;
- b) Allowing individuals to understand decisions and being able to question those decisions;
- c) Promoting public order, Health and Safety;

- d) Enabling people to become informed and able to participate in public debate; and
- e) Where the disclosure of information assists the applicant to enforce their rights under the European Convention on human rights.

The exemptions provide the list of factors against disclosure. If disclosure would affect these matters adversely, then it is relevant to weigh the possible harm against the positive benefits of openness.

12. Exclusion of Access by the Public to Reports

The Council may, if the ~~Democratic and Electoral Services Manager~~~~Proper Officer~~ thinks fit, exclude access by the public to reports which in his/~~or~~ her opinion relate to items during which, in accordance with Rule 11, 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.

13. Application of Rules to the Cabinet

When the Cabinet meets it must comply with Rules 1-12 unless Rule 16 (general exception) or Rule 17 (special urgency) apply. In addition, the Cabinet must also comply with Rules 14 – 22, as set out below. This requirement does not include meetings, whose sole purpose is for officers to brief members.

14. Procedure Before Taking Key Decisions - The 28 Day Notice

A key decision is as defined in the Cabinet Procedure Rules (see Part B of this Constitution).

In accordance with the Executive Arrangements Regulations 2012 subject to Rule 16 (general exception) and Rule 17 (special urgency), a key decision may not be taken unless:

- a) A document (called here 28 Day Notice) has been made available at least 28 clear days (which includes weekends and public holidays) before the decision is made. The following information will be included:
 - The matter in respect of which the decision is to be made;
 - Where the decision taker/maker is the Cabinet, Portfolio Holder or an Officer, their name and title and where the decision-maker is a decision-making body its name and a list of its members;
 - The date on which or the period within which the decision is to be made;
 - A list of documents to be submitted to the decision maker or decision-making body;
 - The procedure for requesting details of those documents;
 - A statement of the reasons for the why the item will be held in private (if appropriate and the category being used to exempt the information);
 - The identity of the principal groups whom the decision taker proposes to consult before taking the decision;
 - The means by which any such consultation is proposed to be undertaken;
 - The steps any person might take who wishes to make representations to the decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and

- b) At least five clear working days have elapsed since the publication of the 28 Day Notice; and
- c) Where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

15. The 28 Day Notice

The Leader will prepare a 28 Day Notice which in addition to listing all Key Decisions the Cabinet is expected to make during the next 28 days, will also list the non-Key Decisions that Portfolio Holders are expected to make during the same period following advice from their Policy Advisory Groups. The dates of PAG meetings will also be listed in the 28 Day Notice. It will also list any key decisions that officers are expected to make.

16. General Exception

If a matter which is likely to be a key decision has not been included in the published 28 Day Notice and notice of the meeting has not been published, then the decision may still be taken provided:

- a) The Chairman of Overview and Scrutiny Committee (or if there is no such person, each member of the Overview and Scrutiny Committee) has been informed in writing in accordance with Regulation 10 of the Executive Procedure Rules 2012.
- b) The Proper Officer has made available the Regulation 10 Notice for inspection by the public and published it on the Council's website. Such notice to include why compliance was not met.
- c) After five clear days have elapsed following the day on which the Proper officer made available the notice referred to in sub paragraph (b).

17. Special Urgency

If the date by which a key decision must be made makes compliance with Regulation 10 of the Executive Procedure Rules 2012 impracticable and it is therefore not included in a published agenda, then in accordance with Regulation 11 a decision may be made provided that the decision is urgent and cannot be reasonably deferred and agreement has been obtained from:

- a) The Chairman of the Overview and Scrutiny Committee; or
- b) If there is no such person or if the Chairman of the Overview and Scrutiny Committee is unable to act, the Chairman of the Council;
- c) Where there is no Chairman of either the Overview and Scrutiny Committee or of the Council, the Vice-Chairman of the Council.

Regulation 11 Notice will be published on the website.

18. Report to Council

18.1 When the Overview and Scrutiny Committee can require a Report

In accordance with Regulation 18 of the Executive Arrangements 2012, if the Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

1. included in the 28 Day Notice; or
2. the subject of the general exception procedure; or
3. the subject of the urgency procedures;

The Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, and the communication of that request rests with the [Democratic and Electoral Services Manager](#)~~Proper Officer~~, who shall require such a report on behalf of the Committee when so requested by the Committee.

18.2 The Cabinet's Report to Council

The Cabinet will prepare a report for submission to the next available meeting of the Council setting out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision, the reasons for that opinion. If the next meeting of the Council is within 14 calendar days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that.

18.3 Quarterly Reports on Special Urgency

The Leader will submit quarterly reports to the Council on the Cabinet decisions taken in the circumstances set out in Rule 17 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

19. Record of Decisions

After any meeting of the Cabinet, the Council or Committees of the Council, whether held in public or private, the [Democratic and Electoral Services Manager](#)~~Proper Officer~~ or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

20. Decisions by Individual Members of the Cabinet

20.1 Consultation with Policy Advisory Group

Individual members of the Cabinet will be able to make decisions on matters delegated to them by the Cabinet (as set out in the Scheme of Delegation included in Part E of the Constitution), after consultation with a Policy Advisory Group in accordance with the Protocol for the operation of Policy Advisory Groups (PAGs) as set out in Part C of this Constitution. Unless they contain

confidential or exempt information the reports taken into account in making the decision will be published on the Council's website.

20.2 Provision of Copies of Reports to Overview and Scrutiny Committee

Reports provided to an individual decision maker with the agenda for the meeting of the PAG will also be provided for the Chairman of the Overview and Scrutiny Committee at the same time.

20.3 Recording of Cabinet Decisions Made by Cabinet Portfolio Holders and Officers

As soon as reasonably practicable (within a maximum of two working days), after a Cabinet decision has been taken by an individual member of the Cabinet or by an officer of the Council he/she will prepare, or instruct the ~~Democratic and Electoral Services Manager~~~~Proper Officer~~ to prepare, a written statement of the decision to include:

- a) A record of the decision including the date it was made;
- b) A record of the reasons for the decision;
- c) Details of any alternative options considered and rejected when making the decision;
- d) A record of any conflict of interest declared by any Cabinet member who was consulted when making the decision; and
- e) In respect of any declared conflict of interest, a note of dispensation granted by the ~~Monitoring Officer~~~~relevant local authority's Head of Paid Service~~.

The statement, together with any report considered by the person making the decision, will be made available for inspection by members of the public at the Council's Offices and on the Council's website.

The provisions of Rules 8 and 9 (inspection of documents after meetings) will also apply to the making of decisions by individual members of Cabinet. This does not require the disclosure of exempt or confidential information or advice from an officer.

20.4 Recording Decisions Made By Officers and Availability of Background Papers

As soon as reasonably practicable after an officer has made a decision that would otherwise have been made by a committee, sub-committee or a joint committee but has been delegated to that officer either:

- a) Under a specific express authorisation; or
- b) Under the a general authorisation to officers to take such a decision and the effect of the decision is to:
 - (i) Grant a permission or licence;
 - (ii) Affect the rights of an individual; or
 - (iii) Award a contract with a value of over £50,000 or incur expenditure over £50,000.

He/she will prepare a written record of that decision to include:

- a) The date it was made;
- b) A record of the reasons for the decision;
- c) Details of any alternative options considered and rejected ; and

- d) A record of any conflict of interest declared by any member who was consulted when making the decision.

Note: If the decision would have otherwise been taken by the Cabinet and:

- a) Has as an expenditure or income effect of over £50,000; or
- b) Significantly affects more than one ward.

Then the decision is to be treated as a Key Decision and can only be taken if Rule 14 has been followed.

Such a record is not required when the information referred to in (a) and (b) is already required to be produced in accordance with any other statutory requirement (such as Planning/Licensing Decision Notices). Nor is there a requirement to disclose confidential or exempt information.

The written record, together with any background papers, must be made available for inspection by members of the public. The written record must be kept available for a period of six years from the date the decision was made with the background papers remaining available for four years again from the date the decision was made.

21. Overview and Scrutiny Committee Access to Documents

21.1 Rights to Copies

Subject to Rule 21.2, a member of the Overview and Scrutiny Committee (including its sub-committees) will be entitled to receive within 10 working days of the request being made to the Cabinet copies of any document which is in the possession or control of the Cabinet and which contains material relating to:

- a) Any business transacted at a public or private meeting of the Cabinet or its committees; or
- b) Any decision taken by an individual member of the Cabinet or a Cabinet decision taken by an officer.

21.2 Limit on Rights

The Member of the Overview and Scrutiny Committee will not be entitled to:

- a) Any document that is in draft form;
- b) Any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- c) The advice of a political adviser.

Where the Cabinet determines that a member of Overview and Scrutiny Committee is not entitled to a copy of the document they have requested it must provide the Committee with a written statement setting out its reasons for that decision. (Regulation 17 - The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012)

22. Additional Rights of Access for Members

22.1 Material Relating to Previous Business

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

- a) It appears to the Democratic and Electoral Services Manager~~Proper Officer~~ it contains exempt information; or
- b) It contains the advice of a political adviser.

However, the document is required to be open to inspection if the information is of a description falling within:

- a) Paragraph 3 of exempt information, being information relating to the financial or business affairs of any particular person (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract), or
- b) Paragraph 6 of exempt information, being information which reveals that the authority proposes to give notice by virtue of which requirements are imposed on a person or make an order or direction.

22.2 Material Relating to Key Decisions

All members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet which relates to any key decision unless paragraph 22.1 (a) or (b) above applies.

22.3 Nature of Rights

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

PART B
SECTION F: Budget and Policy Framework Procedure
Rules

1. The Framework for Executive Decisions

The Council will be responsible for the adoption of its budget and policy framework and once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2. Process for Developing the Framework

The process by which the budget and policy framework shall be developed is as set out below and is in accordance with The Local Authorities (Standing Orders) (England) Regulations 2001.

- 2.1 The Cabinet will publicise (by including in 28 Day Notice) a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The Chairman of the Overview and Scrutiny Committee will also be notified. The consultation period shall in each instance be not less than 6 weeks.
- 2.2 At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If the Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. During the consultation period the Cabinet can also refer the matter to a Policy Advisory Group or commission a specially convened Policy Advisory Group for this purpose. The Policy Advisory Group will have the power to investigate and/or research the proposal and can report with recommendations before the end of the consultation period. The Cabinet will take any response from the Overview and Scrutiny Committee and any Policy Advisory Group into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect all comments made and the Cabinet's response.
- 2.3 Once the Cabinet has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the Council for decision.
- 2.4 If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision and must take the actions as set out in paragraphs (2.6 to 2.13) below.
- 2.5 The decision will be publicised in accordance with Rule 19 of The Access to Information Procedure Rules (see Part B of this Constitution) and a copy shall be given to the Leader.
- 2.6 Before the Council:
 - a) Amends a draft plan or strategy.
 - b) Approves for the purpose of its submission to the secretary of state or any minister of the crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted.
 - c) Adopts (with or without modification) a plan or strategy.

It must inform the Cabinet leader of any objections which it has to the draft plan or strategy and must give to him/her instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.
- 2.7 Where the Council gives instructions in accordance with paragraph 2.6, it must specify a period of at least five working days beginning on the day after the date on which the

Cabinet leader receives the instructions on behalf of the Cabinet within which the Cabinet leader may:

- a) Submit a revision of the draft plan or strategy as amended by the Cabinet with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council for the Council's consideration.
- b) Inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

2.8 When the period specified by the Council, referred to in paragraph 2.7 has expired, the Council must, when:

- a) Amending the draft plan or strategy or the revised draft plan or strategy
 - b) Approving, for the purpose of its submission to the Secretary of state or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft or revised draft) of which any part is required to be so submitted
 - c) Adopting (with or without modification) the plan or strategy
- take into account any amendments made to the draft plan or strategy that are included in any revised draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement, which the Cabinet leader submitted to the Council, or informed the Council of, within the period specified.

2.9 Subject to paragraph 2.13 where, before the 8 February in any financial year the Council's Cabinet submits to the Council for its consideration in relation to the following financial year:

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

And following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in paragraph 2.10.

2.10 Before the Council makes a calculation (whether originally or by way of substitute) in accordance with any of the sections referred to in paragraph 2.9, or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Cabinet leader of any objections which it has to the Cabinet's estimates or amounts and must give to him instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.

2.11 Where the Council gives instructions in accordance with paragraph 2.10, it must specify a period of at least five working days beginning on the day after the date on which the Cabinet leader receives the instructions on behalf of the Cabinet within which the Cabinet leader may:

- a) Submit a revision of the estimates or amounts as amended by the Cabinet, which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for the Council's consideration; or

- b) Inform the Council of any disagreement that the Cabinet has with any of the Council's objections and Cabinet's reasons for any such disagreement.

2.12 When the period specified by the Council referred to in paragraph 2.11 has expired, the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph 2.9, or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:

- a) Any amendments to the estimates or amounts that are included in any revised estimates or amounts;
- b) The Cabinet's reasons for those amendments;
- c) Any disagreement that the Cabinet has with any of the authority's objections; and
- d) The Cabinet's reasons for that disagreement.

Which the Cabinet leader submitted to the Council, or informed the Council of, within the period specified.

2.13 Paragraphs 2.9 to 2.12 shall not apply in relation to:

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

(Provisions whereby a duty is imposed on the designated billing/precept authority).

2.14 An in-principle decision will automatically become effective after the expiry of the time period specified in accordance paragraphs 2.7 or 2.11 unless the Leader informs the proper officer in writing within that period of any revisions or disagreement to the proposals and provides reasons why.

2.15 The Council will be required to meet to consider the Leader's written submission within 21 working days.

The Council may:

- a) Approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or
- b) Approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority.

2.16 The decision shall then be made public in accordance with Rule 19 of The Access to Information Procedure Rules (see Part B of this Constitution), and shall be implemented immediately.

2.17 In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with the Financial Procedure Rules (see Part B of the Constitution). Any other changes to the policy and budgetary framework are reserved to the Council.

3. Decisions Outside the Budget or Policy Framework

- 3.1 Subject to the provisions of the Financial Procedure Rules the Cabinet, individual members of the Cabinet and any officers, (or any joint arrangements) discharging Cabinet functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to section 4 (urgent decisions outside the budget and policy framework) below.
- 3.2 If the Cabinet, individual members of the Cabinet and any officers, (or any joint arrangements) discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in section 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent Decisions Outside the Budget or Policy Framework

- 4.1 The Cabinet, an individual member of the Cabinet or officers, (or any joint arrangements) discharging Cabinet functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
- a) If it is not practical to convene a quorate meeting of the full Council; and
 - b) If the Chairman of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the chair of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the Overview and Scrutiny Committee, the consent of the Chairman of the Council and in the absence of both, the Vice-Chairman of the Council will be sufficient.

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

5. Call-In of Decisions Outside the Budget or Policy Framework

- 5.1 Where the Overview and Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget or is not otherwise authorised by the terms of this Constitution, then it shall seek advice from the Monitoring Officer and/or Chief Financial Officer.

- 5.2 In respect of decisions which are executive decisions, the Monitoring Officer's report and/or the Chief Financial Officer's report shall be to the Cabinet and the Overview and Scrutiny Committee with a copy to every member of Council. In the event that the Monitoring Officer and/or the Chief Finance Officer conclude that the decision is or would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, if the decision has yet to be made or has been made but not yet implemented no further action shall be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 21 working days of the request of the Overview and Scrutiny Committee. At this meeting it will receive a report of the decision or proposals from the Cabinet and the Overview and Scrutiny Committee, and the advice of the Monitoring Officer and/or the Chief Finance Officer. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take and prepare its report to Council. The Council may either:
- a) Endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way; or
 - b) Amend the Council's financial regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function 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 to all councillors in the normal way; or
 - c) Where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the monitoring officer/chief financial officer.

PART B
SECTION G: Officer Employment Procedure Rules

These Rules incorporate the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

1. Recruitment and Appointment

Declarations

- 1.1 The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or Officer of the Council, or of the partner of such persons.
- 1.2 No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him/her.

Seeking Support for Appointments

- 1.3 The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- 1.4 No Councillor will seek support for any person for any appointment with the Council. Any breach of this provision will be referred to the Audit and Standards Committee

2. Recruitment of Head of Paid Service and Chief Officers

- 2.1 Where the Council proposes to appoint a Head of Paid Service or other Chief Officer and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:
 - 1) draw up a statement specifying the duties of the Officer concerned and any qualifications or qualities to be sought in the person to be appointed; and
 - 2) make suitable 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
 - 3) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.
- 2.2 For the purposes of these Rules a "Chief Officer" means a Director, statutory section 151 officer, statutory monitoring officer and Head of Service.

3. Appointment of Head of Paid Service and Chief Officers

- 3.1 The full Council will appoint the Head of Paid Service on recommendation from the Joint Staffing Committee (JSC).
- 3.2 The JSC will appoint Chief Officers.

- 3.3 An offer of employment as the Head of Paid Service or a Chief Officer shall only be made following compliance with the following procedure:
- a) JSC has notified the HR Manager of the name of the person to whom it is proposed to make the offer and any other particulars JSC considers are relevant to the appointment.
 - b) The HR Manager has notified every member of the Cabinet of:
 - (i) The name of the person to whom it is proposed to make the offer.
 - (ii) Any other particulars relevant to the appointment which have been notified to the HR Manager.
 - (iii) The period within which any objections to the making of the offer is to be made to the HR Manager by the Leader on behalf of the Cabinet.
 - c) And either:
 - (i) The Leader has within the period specified in the notice under paragraph 3.3b) above notified the JSC that neither he/she or any other member of the Cabinet has any objection to the making of the offer
 - (ii) The HR Manager has notified JSC that no objection was received by him/her within that period from the Leader; or
 - (iii) The JSC is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

4. Other Appointments

Officers below Heads of Service

- 4.1 Appointment of officers below Heads of Service (other than an Assistant to Political Group) is the responsibility of the Head of Paid Service or relevant Director or other officer nominated by him.

Assistants to Political Groups

- 4.2 Appointment of an Assistant to a Political Group shall be made in accordance with the wishes of that Political Group.

5. Appointment to be on Merit

All appointments (other than as an Assistant to a Political Group) shall be made on merit irrespective of race, ethnicity, gender, or religious or political beliefs or affiliations;

6. Disciplinary Action

6.1 Disciplinary Action against the Head of Paid Service, statutory Chief Finance Officer and statutory Monitoring Officer

- 6.1.1 Disciplinary action against the Head of Paid Service, statutory Chief Finance Officer and Monitoring Officer will be in accordance with the Council's agreed Disciplinary Policy and Procedures except that disciplinary actions in the form of the issue of a notice of dismissal can only be taken in compliance with paragraphs 6.2.2 and 6.3.1 below.
- 6.1.2 The Head of Paid Service, Chief Finance Officer or Monitoring Officer may not be dismissed by the Council unless the following procedure is complied with:
- a) The Independent Persons (IPs) appointed under section 28(7) of the Localism Act 2011 by the Council and by Chiltern District Council are invited to be considered for appointment to a Joint Panel (the Panel) established by the JSC for the purpose of advising the council on matter relating to the dismissal of statutory officers, with a view to appointing at least two such persons to the Panel.
 - b) The Council must appoint to the Panel such relevant IPs who have accepted an invitation in accordance with the following priority order:
 - (i) An IP who is an local government elector in the Council's area or the area of Chiltern District Council.
 - (ii) Any other IP.
 - (iii) An IP who has been appointed by another council or councils.
 - c) The Council is not required to appoint more than two IPs but may do so.
 - d) The Panel must be appointed at least 20 working days before a meeting of Full Council to consider whether or not to approve a proposal to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer.
 - e) Before the taking of a vote on whether or not to approve such a dismissal the Full Council must take into account, in particular:
 - (i) Any advice, views or recommendations of the Panel;
 - (ii) The conclusions of any investigation into the proposed dismissal; and
 - (iii) Any representations from the relevant officer.
 - f) Any remuneration, allowances or fees paid by the Council to an IP appointed to the Panel must not be exceed the level of remuneration, allowances or fees paid to that IP in respect of the person's role as IP under the Localism Act 2011.

6.2 Dismissal of Head of Paid Service and Chief Officers

- 6.2.1 Subject to Rule 6.2 above, the Council may not give notice of dismissal of the Head of Paid Service, Chief Finance Officer, Monitoring Officer or Chief Officer until:
- a) The Panel or Head of Paid Services as appropriate has notified the HR Manager of the name of the person to whom it is proposed to dismiss and any other particulars the Panel or Head of Paid Service considers are relevant to the dismissal;

- b) The HR Manager has notified every member of the Cabinet of:
 - (i) The name of the person to whom it is proposed to dismiss;
 - (ii) Any other particulars relevant to the dismissal which have been notified to the HR Manager;
 - (iii) The period within which any objections to the dismissal is to be made to the HR Manager by Leader on behalf of the Cabinet.

- c) And either:
 - (i) The Leader has within the period specified in the notice under paragraph 6.3.1 b) above notified the Panel that neither he/she or any other member of the Cabinet has any objection to the dismissal;
 - (ii) The HR Manager has notified the Panel that no objection was received by him/her within that period from the Leader; or
 - (iii) The Panel is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

6.3 Role of Councillors

Councillors will not be involved in disciplinary action (including dismissal) against any Officer below Heads of Service, other than as a member of an Appeals Panel, except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

6.4 Disciplinary Action against Directors and Heads of Service

Disciplinary action against Directors and Heads of Service (other than the Chief Finance Officer and Monitoring Officer) will be in accordance with the Council's agreed Disciplinary Policy and Procedures. In addition, disciplinary action in the form of the issue of notice of dismissal can only be taken following compliance with paragraph 6.3.1 above.

6.5 Disciplinary Action against Officers below Heads of Service

Disciplinary action in relation to Officers below Heads of Service will be in accordance with the Council's agreed Disciplinary Policy and Procedures.