

PART D
PROCEDURE RULES

**PART D
PROCEDURE RULES**

SECTION 1: FULL COUNCIL PROCEDURE RULES

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NEWARK & SHERWOOD DISTRICT COUNCIL

CONSTITUTION MAY 2025

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1. Types of Full Council Meeting and Order of Agendas

1.1 The Annual Meeting of the Council

1.1.1 Timing and Business

- (a) In a year where there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in May.
- (b) The annual meeting will:
 - i. elect a person to preside if the Chair of the Council is not present;
 - ii. elect the Chair of the Council;
 - iii. elect the Vice-Chair of the Council;
 - iv. approve the minutes of the last meeting;
 - v. receive any announcements from the Chair and / or the Head of Paid Service;
 - vi. elect the Leader in the year of an ordinary election of councillors;
 - vii. appoint the Committees and Sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (see further detail below at paragraph 1.3);
 - viii. agree the Schemes of Delegation or such part of it as the Constitution determines it is for the Council to agree; and
 - ix. approve a programme of ordinary meetings of the Council for the year if not already agreed.

1.1.2 The Selection of Councillors on Committees

- (a) At the annual meeting, the Council will:-
 - i. decide which Committees and Sub-committees to establish for the municipal year;
 - ii. appoint Chairs and Vice Chairs;
 - iii. decide the size and terms of reference for those Committees;
 - iv. decide the allocation of seats to political groups in accordance with the political balance rules;
 - v. receive a report from the Leader about Cabinet Member appointments and the record of delegations under the Cabinet Scheme of Delegation.

NB Full Council is required to keep the allocation of seats to groups under review if the political balance of the Council changes.

1.2 Ordinary Meetings of the Council

1.2.1 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council. The Chair of the Council and the Leader of the Council may jointly agree to vary the time or date of any ordinary meeting or to cancel any ordinary meeting. If they decide to do so, the decision must be agreed and notified to the Chief Executive no less than one month before the date that the meeting was due to take place, unless the variation or cancellation is due to exceptional and unforeseen circumstances.

1.2.2 The order of business at ordinary meetings will be as set out below.

1.2.3 The Chair has discretion to vary the order of business or add items at any meeting. Such a variation may not displace business falling under items a, b, c, d or e. below:-

- a. at the commencement of a Council meeting, the Chair of the Council shall be announced and members, officers, and the public will be asked to stand;
- b. elect a person to preside if the Chair and Vice-Chair are not present (this cannot be a Cabinet Member);
- c. receive any apologies;
- d. receive any declarations of interest from Councillors
- e. notify those present that the meeting will be recorded and streamed online;
- f. approve the minutes of the last meeting (no discussion except in relation to accuracy);
- g. receive any communications from the Chair, Leader, Chief Executive and Portfolio Holders
- h. receive petitions in accordance with the Council's Petitions Scheme;
- i. deal with questions from members of the public;
- j. deal with questions from Councillors;
- k. 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;
- l. consider motions; and
- m. to receive for noting the minutes of Cabinet, all Committees and Sub Committees held since the last ordinary meeting of the Council

1.3 Extraordinary Meetings of the Council

1.3.1 The Chief Executive may call extra ordinary meetings in addition to ordinary meetings and those listed below may require the Chief Executive to call additional Council meetings:-

- a. the Council by resolution;
- b. the Chair of the Council or in their absence the Vice Chair or in their absence the Leader;

- c. 5 Councillors if they have signed a valid requisition presented to the Chair of the Council and the Chair of the Council has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
 - d. The Head of Paid Service and/or Section 151 Officer and/or Monitoring Officer
- 1.3.2 The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting except that the Chair may at their absolute discretion permit on the grounds of urgency other items of business to be conducted for the efficient discharge of the Council's business. No extraordinary meeting shall be called unless the business it is proposed to transact at the meeting is in accordance with the Procedure Rules and/or the relevant legislation.

2. Arrangements for Meetings

2.1 Time and Place of Council Meetings

The time and place of meetings will be determined by the Chief Executive and notified in the summons. This will normally be at 6pm at the Council's main office.

2.2 Notice of and Summons to Council Meetings

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules set out at Part B Section 4 of this Constitution. At least **5 clear working days** before a meeting, the Chief Executive Officer will send a summons signed by them to every Councillor. 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.

2.3 Chair of Meetings

The person presiding at the meeting may exercise any power or duty of the Chair. The ruling of the person presiding at any meeting regarding the application of these Procedure Rules shall not be challenged at that meeting.

2.4 Quorum

The quorum of a meeting will be one quarter of the whole number of Councillors. If a quorum is not present within 15 minutes of the scheduled start of the meeting or such longer time as allowed by the Chair, or if during any meeting, the Chair counts the number of Councillors present and declares there is not a quorum present, the meeting will be adjourned. The remaining business of the meeting will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business of the meeting will be considered at the next ordinary meeting.

2.5 Signing the Minutes

The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair 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.

2.6 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.

2.7 Duration of Meetings

2.7.1 Time Limit

If the business of the meeting (Council, Committees and Sub-Committees) has not been concluded three hours after the start of the meeting, the Chair will indicate that time has expired and the Member speaking must immediately sit down. The Chair will adjourn the meeting immediately unless a motion to continue the meeting is moved and seconded.

2.7.2 Motion to Continue

A motion to continue the meeting will be voted on without discussion. If the motion is passed, the meeting will continue for a further hour and the procedure in Rule 2.7.1 will be repeated. If the second motion to continue the meeting is passed, the meeting will continue for a further hour and the procedure in 2.7.1 will again be repeated. This procedure will continue until it is resolved by a simple majority that the meeting be adjourned or the business is completed.

2.7.3 Business Not Dealt With

If, when the meeting is adjourned, there is business on the Agenda that has not been dealt with, it will be deferred for consideration at the next meeting of the Council, unless an extraordinary meeting is called.

2.7.4 Minutes

Minutes will contain all motions and amendments in the form and order they were put.

3. Business to be Conducted

3.1 Petitions

- 3.1.1 In accordance with the Council's published Petition Scheme (attached at Part B Section 1 of this Constitution) petitions with less than 1,000 valid signatures can be presented to the Council and will be received but not debated. Petitions with more than 1,000 valid signatures will be received for debate, as set out below.
- 3.1.2 A petition must be signed by persons other than members of the Council and be relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority, or part of it, or the inhabitants of that area, or some of them.
- 3.1.3 A Member wishing to present a petition shall satisfy himself/herself that the petition is proper to be received. The Member shall give notice of his/her intention to present to the Chief Executive at least six clear working days before meeting at which he/she wishes to present it.
- 3.1.4 Petitions shall be presented in the order in which notice of them is received by the Chief Executive.
- 3.1.5 The presentation of any petition shall be limited to not more than one minute and shall be confined to reading out or summarising the purpose of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the Member presenting it shall think fit.
- 3.1.6 The Council will limit debate on any petition of more than 1,000 signatures to a maximum of 15 minutes and will close the debate with an agreed course of action which will normally be to refer the matter to Cabinet or the relevant Portfolio Holder for further consideration, or to note the petition.
- 3.1.7 A report back to Council noting the outcome of any consideration by Cabinet, the relevant Portfolio Holder or Committee will be brought to the next appropriate meeting.

3.2 Decisions Reserved or Referred from Cabinet and Committees

- 3.2.1 The Council's Committee and Cabinet procedure rules allow for matters to be referred to Full Council for decision, or reserved to Full Council after a decision has been made for re-consideration, in prescribed circumstances.
- 3.2.2 In the case of a recommendation or reservation from Cabinet, a Committee or Sub-Committee, the recommendation or the reserved decision, as the case may be, should be formally moved by the Leader or Chair of the Committee and seconded by the Deputy Leader or Vice Chair. If the recommendation or decision is not in accord with their own views, the proposer and seconder of the formal motion shall be permitted to speak against the same in the debate, but the proposer shall not then have a right of reply to the debate.

3.3 Questions

3.3.1 Content of Questions

All questions must, in the opinion of the Chair:-

- i. be relevant to matters in relation to which the Council has powers or duties or which affects the area or the residents of the area;
- ii. not be frivolous, defamatory, vexatious or offensive;
- iii. not require the disclosure of confidential or exempt information;
- iv. not be substantially the same as a question which has been put at a meeting of the Council in the previous 6 months;
- v. not relate to a matter which is of purely personal concern to an individual/family member.

3.3.2 Questions by the Public

- (a) Members of the public resident in the District may submit questions to the Council for consideration at Full Council meetings in accordance with the Procedure for Questions by the Public set out in the Public Participation Section of this Constitution, Part B Section 2.
- (b) Questions (unless rejected in accordance with the Procedure) will be published with the summons for the meeting.

3.3.3 Questions by Councillors

- (a) Any Councillor may ask a question of:-
 - i. The Leader
 - ii. any Cabinet Member;
 - iii. the Chair of any Committee or Sub-Committee
- (b) A Councillor may ask a question if either:-
 - i. they have given notice of the question in writing or by e-mail no later than **midday 3 clear working days** before the day of the meeting to Democratic Services; or
 - ii. the question relates to urgent matters, they have the consent of the Chair or councillor to whom the question is to be put and the content of the question is received by Democratic Services in writing or by e-mail by **9.00 a.m. on the day of the meeting**.

3.3.4 How Questions will be dealt with at Full Council

- (a) Each question shall be taken as read and the relevant Member will be invited to reply.
- (b) The relevant Member may give an oral or written reply (which will be taken as read), unless a full reply cannot be given, but in any case a written reply will be sent to the questioner as soon as practicable after the meeting, in addition to the responses to all questions being published as an appendix to the minutes for the meeting.

- (c) If the questioner is in attendance at the meeting they will be entitled to ask a single supplementary question provided that it is relevant to the subject matter of the original question.
- (d) There will be no discussion of the answers given.
- (e) Questions shall be asked in the order in which they were received, except that the Chair may group together similar questions, or may exercise discretion if in their opinion a valid reason exists, for example if a question relates to urgent priority business.
- (f) A period not exceeding 30 minutes shall be allocated at each Council meeting for questions by the public and questions from Members of the Council and no further questions shall be put once that time period has expired, save that a minimum of 15 minutes will be reserved for questions by the public.
- (g) Questions which have not been answered within the period allowed for questions shall be referred to the relevant Member who shall arrange for a written reply to be sent to the questioner as soon as practicable with a copy to all Members of the Council.
- (h) At any one meeting no person shall submit more than one question and no more than one question may be asked on behalf of one organisation provided that the Chair may, in exceptional circumstances, waive this rule.
- (i) When a question is submitted in accordance with this Rule, significantly in advance of the deadline for submission, the Chief Executive will determine if it is more expedient to respond in writing if it is considered the question should not wait until the next scheduled Council Meeting.

3.3.5 Record of Questions

- (a) Democratic Services will send a copy of any question received under Rule 1.16 to the Councillor to whom it is to be put. Copies of all questions under Rule 1.16 will be published with the agenda for the meeting. Any urgent questions will be made available to all Councillors and the public attending the meeting.
- (b) Rejected questions will be returned to the questioner by Democratic Services with the reasons for rejection.
- (c) Copies of all questions and responses will be available on the Council's website with the minutes for the relevant meeting.

3.3.6 Reference of Question to the Cabinet or a Committee

Unless the Chair decides otherwise, no discussion will take place on any question, but any Councillor may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee or sub-Committee as necessary. Once seconded, such a motion will be voted on without discussion.

3.4 Motions

3.4.1 Motions on Notice

Scope

- (a) Motions must be about matters for which the Council has a direct responsibility or duty, or that directly impact on the Council's residents where the Council may have the ability to influence.
- (b) It shall be the duty of the Monitoring Officer, after consultation with the Chair, to refuse to accept any motion or amendment to a motion which they deem to be illegal, improper, vexatious or out of order.
- (c) A valid motion must:
 - i. Not seek to alter or reverse any Executive decision unless it is contrary to the Policy Framework or contrary to or not wholly consistent with the budget.
 - ii. Not be substantially the same (in terms of subject matter or scope) as a motion already submitted, or a substantive item already on the meeting's agenda, or one that has been put to a meeting of the Full Council (whether passed or not) in the past 6 months.
 - iii. Not relate to a planning application or any other quasi-judicial matter.
 - iv. Not require disclosure of confidential or exempt information.
 - v. Be in accordance with any guidance issued by the Monitoring Officer and/or the Section 151 Officer.

3.4.2 Motions to Reverse Decisions

- (a) Council decisions are final and should normally not be altered or amended for 6 months. However, where a decision proves to be unworkable or not in the best interests of the Council and its communities for whatever reason a further report on the issue can be brought back to Full Council for further consideration with the agreement of the Council's Chair and Vice Chair.
- (b) Alternatively, a notice of motion may be submitted in writing endorsed by at least twelve Councillors. This must be submitted to the Chief Executive not later than noon 8 days before the meeting at which it is intended to be moved. The Chief Executive will determine to what extent the decision has already been implemented and whether it would be practicable for the decision to be reversed or rescinded. When any such motion or amendment has been dealt with, no similar motion or amendment may be proposed within a further period of 6 months.

3.4.3 Notice

- (a) Except for motions which can be moved without notice under Rule 4.11 below or during debate under Rule 4.10 below, written notice of every motion, must be delivered by hand or e-mail, using the motions template available from Democratic Services to the Chief Executive **not later than noon 5 clear working days** before the Council meeting at which it is to be considered. It is recommended that early advice is sought from Democratic Services on the validity of motions.
- (b) Written notice of a motion to move an amendment of the Cabinet's proposals for the Council's General Fund Budget and Precept or Housing Revenue Account Budget and Rent Setting, must be delivered to Democratic Services **not later than midday 3 working days before the Council meeting at which it is to be considered** for financial comments to be added. The Section 151 Officer will comment whether the alternative proposals are reasonably calculated and sufficiently deliverable as to be robust and sustainable in the medium term and continue to ensure that reserves are maintained at an adequate level which protects the Council's financial standing. Once financial comments have been added, the amendment will be circulated at the earliest opportunity for all Members of full Council and where possible published on the Council's website. Motions received after the deadline will only be considered in exceptional circumstances and with the approval of the Chair, Section 151 Officer and Monitoring Officer. Motions under this Rule will be dealt with in the order in which they were received unless this proves unworkable for any reason, in which case the Chair has discretion on how to deal with Motions.

3.4.4 Motion Set Out in Agenda

- (a) Motions for which notice has been given will be listed on the agenda in the order in which they were received.
- (b) Where notice of a motion has been given for any meeting and it is not moved and seconded either by the members who gave the notice or by some other members on their behalf it shall, unless postponed by consent of the meeting, be treated as withdrawn and shall not be moved without fresh notice

3.4.5 Motions Without Notice

Some motions may be moved without notice to facilitate the business of the meeting, or during debate. See 4.11 and 4.10 below.

3.5 Minutes

3.5.1 Presentation of Minutes for Noting

- (a) Minutes will be presented by the Council's Chair en bloc.
- (b) The Chair will ask for questions or comments on each set of minutes, in the order set out in the agenda, to which the Leader or Committee Chair as appropriate may reply immediately or may defer and give the answer to the Member in writing as soon as practicable after the meeting, in which case the answer will be published for information in the agenda for the following Council meeting.
- (c) There shall be no further debate on the decisions contained in the minutes, except for any supplementary question arising out of the replies with the Chair may allow.

4. Rules of Debate

4.1 Etiquette

- 4.1.1 If more than one Councillor signifies their intention to speak, the Chair will ask one to speak.
- 4.1.2 Members shall stand when speaking unless they are not able to and must address the meeting through the Chair.
- 4.1.3 While a Member is speaking, the other Members shall remain seated and silent unless rising to a point of order or in personal explanation.
- 4.1.4 Whenever the person presiding rises during the debate, a Member standing shall sit and the Council shall be silent.

4.2 Commencement of Speeches

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

4.3 Secunder's Speech

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

4.4 Content and Length of Speeches

- 4.4.1 Speeches must be directed to the motion under discussion or to a personal explanation or point of order.
- 4.4.2 A speech by the mover of a motion may not exceed 10 minutes without the consent of the Chair.
- 4.4.3 Speeches by other Councillors, including those Councillors seconding or speaking during their right to reply, may not exceed 5 minutes without the consent of the Chair.

4.5 When a Councillor May Speak Again

- 4.5.1 A Councillor who has made a speech 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 Councillor;
 - b. to move a further amendment if the motion has been amended since they last spoke;
 - c. if their first speech was on an amendment moved by another councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
 - d. in exercise of a right of reply;

- e. on a point of order; or
- f. by way of personal explanation.

4.6 Amendments to Motions

- 4.6.1 An amendment to a motion must be relevant to the motion and will either be:-
- a. to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - b. to leave out words;
 - c. to leave out words and insert or add others; or
 - d. to insert or add words

as long as the effect of b. to d above is not to negate the motion or to introduce a new motion.

- 4.6.2 Except for minor amendments that arise during the meeting and are designed to correct a factual error, or to make the motion more acceptable to Councillors, notice of an amendment must be given in writing using the amendment template available from Democratic Services, as early as practicable before the Full Council meeting. It is recommended that early advice is sought from Democratic Services on the validity of amendments. If accepted as valid, and subject to the relevant Member's consent, the amendment will be circulated to all Members as soon as practicable.

- 4.6.2a At the request of two members of Council or the Chair, an amendment proposed during the meeting may be required to be put in writing and circulated to all Members at the meeting before it is discussed.

- 4.6.3 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.

- 4.6.4 If an amendment is not carried, other amendments to the original motion may be moved.

- 4.6.5 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.

- 4.6.6 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

4.7 Alteration of Motions

- 4.7.1 A Councillor may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

4.7.2 A Councillor may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

4.7.3 Where a proposal by another Councillor to make a change to a motion is accepted by the mover of the original motion this amounts to an alteration of motion. The meeting's consent will be signified without further discussion. The mover of the original motion has the right to reply at the end of the debate on the motion.

4.7.4 Only alterations which could be made as an amendment under 4.6 above may be made.

4.8 Withdrawal of Motion

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

4.9 Right of Reply

4.9.1 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.

4.9.2 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. The mover of the amendment has no right of reply to the debate on their amendment.

4.9.3 If an amendment is carried, it becomes the substantive motion. The mover of the amendment that has now become the substantive motion has a right of reply at the close of the debate on the substantive motion. The mover of the original motion has no right of reply.

4.10 Motions Which May be Moved During Debate

4.10.1 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. to exclude the public and press in accordance with the Access to Information Rules
- h. to not hear further a Councillor named under Rule 6.3.1 or
- i. to exclude a Councillor from the meeting under Rule 6.3.2.

- 4.10.2 If a **motion to proceed to next business** is seconded and the Chair considers the item has been sufficiently discussed, the Chair will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- 4.10.3 If a **motion that the question be now put** is seconded and the Chair considers the item has been sufficiently discussed, the Chair will put the procedural motion to the vote. If it is passed the Chair will give the mover of the original motion a right of reply before putting their motion to the vote.
- 4.10.4 If a **motion to adjourn the debate or to adjourn the meeting** is seconded and the Chair considers the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Chair will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

4.11 Motions to Facilitate the Business of the Meeting

- 4.11.1 The following motions may be moved during the course of the meeting without notice, in order to facilitate the business of the meeting:
- a. to elect a Chair of the Council, to elect a Vice Chair of the Council or to appoint a person to preside at the meeting at which the motion is made if the Chair and Vice Chair are not present Chair;
 - 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 suspend a particular Council Procedure Rule;
 - h. to give the consent of the Council where its consent is required by this Constitution.
 - i. to continue with the meeting (see duration of meetings 2.7 above)

4.12 Point of Order

- 4.12.1 A Councillor may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Councillor must indicate the Rule or law and the way in which they consider it has been breached. The ruling of the Chair on the matter will be final.

4.13 Personal Explanation

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

5. Voting at Council Meetings

5.1 Majority Voting

Any matter will be decided by a simple majority of those Councillors voting and present in the room at the time the question was put unless the law provides otherwise.

5.2 Chair's Casting Vote

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

5.3 Method of Voting

Unless a recorded vote is demanded under Rule 5.4 the Chair will take the vote by show of hands, or by use of the Council's electronic voting system, if any, or if there is no dissent, by the affirmation of the meeting.

5.4 Recorded Vote

If any Councillor present at the meeting requests it immediately before the vote is taken and another Councillor seconds the request, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and included in the minutes.

5.5 Nominations, Elections and Appointments

5.5.1 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.

5.5.2 Where a vote is taken for the election of the Chair and the out-going Chair is present in the room and not seeking re-election, the out-going Chair will preside over the election of the new Chair. If the out-going Chair is not present Members of the Council shall appoint one of their number to preside over the election of Chair if the Vice-Chair is seeking election as Chair or is not present.

5.5.3 The out-going Chair shall be deemed to have retired from that position immediately on the election of a new Chair

5.6 Voting at a Budget Decision Meeting

5.6.1 Immediately after any vote is taken at a budget decision meeting of the Council there must be recorded in the minutes of the proceedings of that meeting the names of the Councillors who cast a vote for the decision or against the decision or who abstained from voting.

5.6.2 A Councillor who has council tax arrears is not eligible to vote on budget decisions.

Note: A budget decision means calculation of the council tax requirement, calculation of the basic amount of council tax, additional calculations where special items relate to part only of the area administered by the Council, calculation of council tax for different variation bands, substitute calculations and calculation of the amount payable by billing authorities.

6. Management of Meetings

6.1 Exclusion of the Press and Public from Council Meetings

6.1.1 Members of the press and public may only be excluded from meetings of the Council either in accordance with the Access to Information Rules in Part B Section 4 of this Constitution or in accordance with the following rules:

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

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

6.2 Disclosable Pecuniary Interests

6.2.1 Where a Member has a Disclosable Pecuniary Interest as defined by Regulations under the Localism Act 2011 they are required to leave the meeting during discussion and voting on the item in which they have a Disclosable Pecuniary Interest (unless a dispensation has been granted).

6.2.2 Officers are required to leave meetings during items in which they have an interest that would amount to a Disclosable Pecuniary Interest.

6.3 Councillors' Conduct at Council Meetings

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

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

6.4 General Disturbance at Council Meetings

6.4.1 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they consider necessary.

6.5 Suspension and Amendment of these Council Procedure Rules

6.5.1 Suspension

Any of these Council Procedure Rules except Rule 2.5 (signing the minutes) and Rules 6.1.3 and 6.4.1 (disorderly conduct) 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 either be for an item or for the duration of the meeting.

6.5.2 Amendment

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

**PART D
PROCEDURE RULES**

SECTION 2: CABINET PROCEDURE RULES

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1. Cabinet Meetings

- 1.1 Cabinet Meetings are convened and conducted in accordance with the Access to Information Procedure Rules which can be found at Part B Section 4 of this Constitution.
- 1.2 The Procedure Rules for Committees apply to meetings of Cabinet subject to the additional rules and variations in these Procedure Rules. For the avoidance of doubt, the Cabinet Procedure Rules take precedence over the Committee Procedure Rules in relation to meetings of Cabinet.
- 1.3 The Head of Paid Service, the Chief Finance Officer and/or the Monitoring Officer may require an item relating to their statutory functions to be included for consideration on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

2. Quorum for Cabinet Meetings

- 2.1 Subject to paragraph 3.1 below, the quorum for any Cabinet meeting is 50% of the Cabinet Members including the Leader or the Deputy Leader. If a quorum is not present within 10 minutes of the scheduled start of the meeting or such longer time as allowed by the Chair, the business of the meeting will be adjourned to the next Cabinet meeting.

3. Chair of Cabinet Meetings

- 3.1 The Leader, or in their absence the Deputy Leader, will chair Cabinet meetings. In the absence of both the Leader the Deputy Leader the meeting will be inquorate unless one or both have been consulted in advance of the meeting and agreed for it to proceed in their absence. In that circumstance, the Cabinet Members present at the meeting will choose from amongst themselves someone to preside at the meeting. The person presiding may exercise any power or duty of the Chair.

4. How the Cabinet Makes Decisions

- 4.1 Decisions as to the executive functions which have been reserved to the Cabinet will be decided by the Cabinet as a whole.

5. Consultation

- 5.1 All reports to the Cabinet from any Cabinet Member or an Officer which concern the Budget and Policy Framework or proposals which otherwise require a consultation, must include details as to the extent of the consultation and its outcome. The extent of a statutory consultation will be as required by the law; the extent of non-statutory consultations will be as appropriate.

6. Order of Business of Cabinet Meetings

- 6.1 The Committee Procedure Rules will apply with the following additions.
- 6.2 Any matters referred to Cabinet for reconsideration by Full Council or Policy & Performance Improvement Committee will be the first reports for decision, followed by any reports from Policy & Performance Improvement Committee.
- 6.3 The agenda will indicate any matters which are Key Decisions.

7. Attendance at Cabinet Meetings

- 7.1 The Statutory Officers of the Council or their nominees may attend Cabinet Meetings and speak on issues affecting their statutory responsibilities as of right. Any Officer may attend and speak at Cabinet Meetings when requested to do so by the person presiding.
- 7.2 Cabinet Members may not appoint substitutes to attend Cabinet Meetings in their place. The absence of a Cabinet Member will not prevent the consideration or making of decisions in respect of a matter. If a matter has been delegated to an absent Cabinet Member, it may be referred to the Cabinet as a whole for consideration and decisions to be made.
- 7.3 Cabinet may invite any person, whether or not a Member or Officer of the Council to address it and/or contribute to its discussion.
- 7.4 Up to two representatives nominated by the Policy and Performance Improvement Committee shall be entitled to attend and speak (but not to vote) at a meeting of the Cabinet when it considers any reference back of a called-in decision.

8. Content and Length of Speeches

- 8.1 The order and length of any contribution to discussion shall be at the discretion of the Leader or the Deputy Leader if they are chairing the meeting.

9. Urgent Cabinet Meetings

- 9.1 In accordance with the Access to Information Procedure Rules, an urgent Cabinet Meeting may be held without **5 clear working days'** notice if an urgent matter requires consideration.
- 9.2 If the Cabinet meets to take an urgent Key Decision then it must comply with the provisions set out in Part D Section 7 of the Constitution – Procedure for Taking Urgent Decisions.
- 9.3 Where an urgent Cabinet Meeting is called there is no requirement for the minutes of the previous Cabinet Meeting to be signed at the urgent meeting.

10. Record of Decisions

- 10.1 After any meeting of the Cabinet, the Monitoring Officer will produce a decision notice for decisions taken at that meeting as soon as practicable. The notice shall include the date such a decision was made, a statement of the reasons for each decision and, where appropriate, any alternative options considered and rejected at that meeting. The notice will also advise whether a dispensation was agreed where a conflict of interest was declared before the decision was taken. The publication of a decision notice does not require the disclosure of exempt or confidential information.

**PART D
PROCEDURE RULES**

SECTION 3 COMMITTEE PROCEDURE RULES

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NEWARK & SHERWOOD DISTRICT COUNCIL

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1. Scope of Committee Procedure Rules

- 1.1 The Council shall appoint such Committees as it considers appropriate for the discharge of its functions, in accordance with this Constitution. A duly constituted Committee acting in the exercise of its delegated powers and in accordance with its terms of reference shall be entitled to take all necessary action to fulfil its duties.
- 1.2 These Committee Procedure Rules apply to meetings of the Committees and Sub-Committees, and subject to the Cabinet Procedure Rules to Cabinet meetings, and are designed to ensure meetings run smoothly and are conducted properly.
- 1.3 The application of these Committee Procedure Rules is subject to any additional Rules for individual Committees provided for under this Constitution and / or as required under the law. The Council's Arrangements for dealing with Conduct Complaints under the Localism Act 2011 set out who is entitled to speak on items relating to Councillor Conduct at meetings of the Governance, General Purposes & LGR Committee and any Sub-Committees.
- 1.4 Joint Committees and their Sub-Committees will follow these Procedure Rules unless other Rules have been agreed within their terms of reference.
- 1.5 If any issues arise at a meeting in relation to interpretation of these Procedure Rules the Chair's decision will be final.

2. Arrangements for Meetings

2.1 Meeting Calendar

Meetings will take place in accordance with a programme decided by the Council. The Chair of the relevant Committee and the Leader of the Council may jointly agree to vary the time or date of any meeting, to convene an additional meeting, or to cancel any meeting. If they decide to vary or cancel a meeting, the decision must be agreed and notified to the Chief Executive no less than two weeks before the date that the meeting was due to take place, unless the variation or cancellation is due to exceptional and unforeseen circumstances.

2.2 Summons and Agenda

- 2.2.1 At least **5 clear working days** before a meeting, a summons will be sent to every Member of the Committee. The summons will give the date, time and place of the meeting and specify the business to be transacted and will be accompanied by such reports as are available.

2.2.3 Any additions or amendments to an agenda that has been sent to Members and / or any supplemental agenda must be approved by the Monitoring Officer and the Chair of the relevant Committee. Approval will only be given where there is a good reason for the addition or amendment and where the need for it could not reasonably have been foreseen at the time when the agenda was compiled.

2.2.4 Notice will be given to the public of the time and place of any meeting in accordance with the Access to Information Rules together with additions or amendments to the agenda that have been sent to Members.

2.3 The Chair

2.3.1 If both Chair and Vice-Chair are absent from a meeting a Chair for the meeting will be elected. The person presiding at the meeting may exercise any power or duty of the Chair.

2.3.2 No person shall hold the office of Chair or Vice-Chair unless they are a member of the Committee in question and are also a Councillor of the Council unless otherwise allowed under the terms of reference of that Committee.

2.4 Quorum

2.4.1 The quorum for a committee or sub-committee is one quarter of the total number of members of the Committee or Sub-Committee rounded up unless otherwise detailed in the relevant Committee's terms of reference but shall not be less than three voting Councillors.

2.4.2 If a quorum is not present within 10 minutes of the scheduled start of the meeting or such longer time as allowed by the Chair, the business of the meeting will be adjourned to the next meeting.

2.5 Duration of Meetings

2.5.1 Time Limit

If the business of the meeting has not been concluded three hours after the start of the meeting, the Chair will indicate that time has expired and will either adjourn the meeting or seek the agreement of the meeting to continue. In the absence of agreement of the meeting, a motion to continue the meeting can be moved and seconded.

2.5.2 Motion to Continue

A motion to continue the meeting will be voted on without discussion. If the motion is passed, the meeting will continue for a further hour and the procedure in Rule 2.5.1 will be repeated. If the second motion to continue the meeting is passed, the meeting will continue for a further hour and the procedure in 2.5.1 will again be repeated. This procedure will continue until it

is resolved by a simple majority that the meeting be adjourned or the business is completed.

2.6 Business Not Dealt With

If, when the meeting is adjourned, there is business on the Agenda that has not been dealt with, it will be deferred for consideration at the next meeting of the Committee.

2.7 Minutes

2.7.1 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair 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.

2.7.2 Minutes will contain all motions and amendments in the form and order they were put.

3. Business to be Conducted

3.1 Order of Business

The order of business will usually be:

- a. at the first meeting after the annual Council meeting, noting the appointment of the Chair and Vice-Chair of the committee
- b. the choice of a person to preside if the Chair and Vice-Chair are absent
- c. apologies for absence
- d. declarations of interest
- e. notify those present that the meeting will be recorded and streamed online;
- f. confirmation of the minutes of the last meeting of the committee
- g. notify those present that the meeting will be recorded and streamed online;
- h. business outstanding from the last meeting
- i. reports for decision by committee
- j. reports for information
- k. work programme (if applicable)

3.2 Motions

The following motions may be moved without notice to facilitate the business of the meeting:

- a. to appoint a Chair of the meeting at which the motion is moved;
- b. in relation to the accuracy of the minutes;
- c. to approve the minutes as a correct record;
- d. to change the order of business in the agenda;
- e. to refer a Sub-Committee's report or any item in it, or any other item, back to the Sub-Committee;

- f. to appoint Sub-Committee members if this arises from an item in the agenda of the meeting;
- g. to adopt a report or recommendation of the Council, the Cabinet, another Committee, a Sub-Committee or an Officer;
- h. to take an action recommended in an Officer's report, or other report submitted to the Committee or Sub-Committee;
- i. to suspend a particular Committee Procedure Rule;
- j. to exclude the public and press in accordance with the Access to Information Rules;
- k. to refer something to an appropriate body or individual
- l. to continue with the meeting (see duration of meetings 2.5 above)

4. Rules of Debate

The following Rules apply to a particular meeting to the extent that the Chair considers appropriate. The Chair may exercise their discretion to adopt a more informal approach in relation to debate to allow free and open discussion and exchange of views. In accordance with Rule 1.5 above the Chair's decision on interpretation of these Rules will be final.

4.1 Speaking at Meetings

- 4.1.1 When a Councillor speaks they must address the meeting through the Chair. If more than one Councillor signifies their intention to speak, the Chair will ask one to speak. Other Councillors must remain silent whilst a Councillor is speaking unless they wish to make a point of order or a point of personal explanation.
- 4.1.2 When the Chair speaks during a debate, any Councillor speaking at the time must stop.

4.2 No Speeches Until Motion Seconded

No speeches may be made after the mover has moved a motion and explained the purpose of it until the motion has been seconded. It then becomes a 'motion' which may be debated before a vote is taken. Where a report contains more than one recommendation they will be moved as a single motion for debate.

4.3 Seconded's Speech

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

4.4 Content of Speeches

Speeches must be directed to the motion under discussion or to a personal explanation or point of order.

4.5 When a Councillor May Speak Again

A Councillor who has made a speech 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 Councillor;
- b. to move a further amendment if the motion has been amended since they last spoke;
- c. if their first speech was on an amendment moved by another Councillor, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- d. in exercise of a right of reply;
- e. on a point of order; and
- f. by way of personal explanation.

4.6 Amendments to Motions

4.6.1 At the request of two Members of the Committee or the Chair an amendment to a motion may be required to be put in writing and circulated to all members of the Committee before it is discussed.

4.6.2 An amendment must be relevant to the motion and will either be:

- a. to refer the matter to an appropriate body or individual for consideration or reconsideration;
- b. to leave out words;
- c. to leave out words and insert or add others; or
- d. to insert or add words.

As long as the effect of any of the above is not to negate the motion or to introduce a new motion.

4.6.3 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.

4.6.4 If an amendment is not carried, other amendments to the original motion may be moved.

4.6.5 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.

4.6.6 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

4.7 Alteration of Motion

- 4.7.1 A Councillor may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 4.7.2 A Councillor may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- 4.7.3 Where a proposal by another Councillor to make a change to a motion is accepted by the mover of the original motion this amounts to an alteration of motion. The meeting's consent will be signified without further discussion. The mover of the original motion has the right to reply at the end of the debate on the motion.
- 4.7.4 Only alterations which could be made as an amendment may be made.

4.8 Withdrawal of Motion

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

4.9 Right of Reply

- 4.9.1 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.
- 4.9.2 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. The mover of the amendment has no right of reply to the debate on their amendment.
- 4.9.3 If an amendment is carried, it becomes the substantive motion. The mover of the amendment that has now become the substantive motion has a right of reply at the close of the debate on the substantive motion. The mover of the original motion has no right of reply.

4.10 Motions Which May Be Moved During the Debate

- 4.10.1 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. to exclude the public and press in accordance with the Access to Information Rules; and
- h. to not hear further a Councillor or to exclude them from the meeting for disorderly conduct.

4.10.2 If a **motion to proceed to next business** is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

4.10.3 If a **motion that the question be now put** is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will put the procedural motion to the vote. If it is passed the Chair will give the mover of the original motion a right of reply before putting their motion to the vote.

4.10.4 If a **motion to adjourn the debate or to adjourn the meeting** is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Chair will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

4.11 Point of Order

A Councillor may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Committee Procedure Rules, additional Rules applicable to the particular Committee or the law. The Councillor must indicate the rule or law and the way in which they consider it has been breached. The ruling of the Chair on the matter will be final.

4.12 Personal Explanation

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

5. Voting

5.1 Any matter will be decided by a simple majority of those Councillors voting and present in the room at the time the question was put unless the law provides otherwise.

5.2 If a Councillor arrives before the casting of votes has been commenced they are entitled to vote, unless the Committee or Sub-Committee is sitting in a quasi-judicial capacity when a Councillor may not vote unless they have been present to hear all the evidence presented on an agenda item.

- 5.3 If there are equal numbers of votes for and against, the Chair will have a casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.
- 5.4 Unless a recorded vote is demanded, the Chair will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.
- 5.5 If any Councillor present at the meeting requests it immediately before the vote is taken and another Councillor seconds the request, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and included in the minutes.
- 5.6 If there are more than two people nominated for any position to be filled by the Committee 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.

6. Management of Meetings

6.1 Exclusion of the Press and Public

- 6.1.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules or in accordance with the Rules below.
- 6.1.2 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.
- 6.1.3 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

6.2 Disclosable Pecuniary Interests

- 6.2.1 Where a Member has a Disclosable Pecuniary Interest as defined by Regulations under the Localism Act 2011 they are required to leave the meeting during discussion and voting on the item in which they have a Disclosable Pecuniary Interest (unless a dispensation has been granted).
- 6.2.2 Officers are required to leave meetings during items in which they have an interest that would amount to a Disclosable Pecuniary Interest.

6.3 Councillor Conduct

- 6.3.1 If a Councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the **Councillor be not heard further**. If seconded, the motion will be voted on without discussion.
- 6.3.2 If the Councillor continues to behave improperly after such a motion is carried, the Chair may move that **either the Councillor leaves the meeting or that the meeting is adjourned for a specified period**. If seconded, the motion will be voted on without discussion.

6.4 General Disturbance

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they consider necessary.

6.5 Appointments to Committees

- 6.5.1 Any permanent changes in membership must be notified to the Governance Team in Democratic Services no later than 4pm the day before the relevant meeting.
- 6.5.2 Democratic Services will ensure that all appointments to committees are reported to the next meeting of the appropriate committee.

6.6 Appointment of Substitute Members on Committees and Sub-Committees

- 6.6.1 The substitution Rules below do not apply to meetings of the Cabinet, Planning, Licensing Committee or Audit & Accounts Committee.
- 6.6.2 Subject to Rule 6.6.1 above any other restrictions elsewhere in the Constitution, any Councillor will be permitted to act as a substitute on a Committee or other Council Body provided that they have been appointed by Council to so act. A request may be made by a Member of a Committee or other Council Body or the Leader of the Political Group of which the Councillor is a member to appoint a Substitute Councillor. The proposed Substitute Councillor must be from the same Political Group as the Councillor for whom they are substituting and must have been appointed by Full Council as a potential substitute for the Committee or Council Body concerned.
- 6.6.3 In order to be eligible to sit as substitute on a Committee or other Council Body, Councillors must have received formal training in the procedures and law applicable to that Committee or Council Body.
- 6.6.4 Substitute members will have all the powers and duties of any ordinary member of the Committee or Council Body but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

- 6.6.5 Substitute members may attend meetings in that capacity only:
- a. to take the place of the Councillor for whom they are designated substitute; and
 - b. where the Councillor being substituted will be absent for the whole of the meeting; and
 - c. where the Councillor being substituted or their group leader has notified Democratic Services of the intended substitution by no later than 24 hours before the start of the relevant meeting, or in exceptional circumstances including sickness and with the consent of the Monitoring Officer, no later than one hour before the start of the relevant meeting.
- 6.6.6 Any substitution will take effect only until the close of the meeting in respect of which the appointment is made.

6.7 Attendance of other District Councillors

- 6.7.1 Any District Councillor who wishes to attend a meeting of Cabinet, a committee or sub-committee of which they are not a member will be entitled to do so. With the consent of the Chair they will be entitled to speak once on any matter that is of primary importance to their electoral division or its inhabitants rather than a general matter, but not to vote.
- 6.7.2 A District Councillor who attends a meeting in this capacity will be entitled to remain in the meeting when a resolution excluding the public is in force.
- 6.7.3 These provisions apply to Planning Committee, subject to its Protocol for Members on Dealing with Planning Matters, but not to any other committee or sub-committee that is exercising a function which is judicial in nature.

6.8 Public Speaking

Planning Committee may make arrangements for public speaking in its Protocol for Dealing with Planning Matters.

6.9 Suspension of Committee Procedure Rules

These Committee Procedure Rules except Rule 2.7.1 (signing minutes) and Rules 6.1, 6.3 and 6.4 (conduct and general disturbance) may be suspended by the Chair of a Committee or by motion without notice if at least one half of the whole number of members of the Committee or Sub-Committee, are present. Suspension can either be for an item or for the duration of the meeting.

6.10 Motions to Reverse Decisions

Committee decisions are final and should normally not be altered or amended for 6 months. However, where a decision proves to be unworkable or not in the best interests of the Council and its communities for whatever reason a further report on the issue can be brought back to Committee for further consideration with the agreement of the Committee's Chair and Vice Chair, subject to any legal restrictions.

6.11 Reservation or Referral of Decisions of Committees and Sub-Committees

- 6.11.1 Any Committee or Sub-Committee, except for Planning Committee, Licensing Committee and General Purposes Committee, when making a decision within the scope of its delegated authority, shall be held to be exercising that authority and the decision shall be implemented accordingly unless:
- a. It shall be resolved prior to making that decision that it is not exercising that authority,
 - b. During the meeting at which the decision is made or before 5.00pm on the next working day:-
 - i. Where the Committee or Sub-Committee comprises 10 or more members, any 3 members of the Committee or Sub-Committee, or
 - ii. Where the Committee or Sub-Committee comprises 9 or less members, any 2 members of the Committee or Sub-Committeerequires the decision or part of it to be reserved to the next meeting of the Council (or in the case of a Sub-Committee to the Parent Committee if that next meets before the Council) by either notifying the Chair of the relevant meeting, in writing, prior to the close of the meeting or by notifying the Chief Executive or his representative in writing or by e-mail before 5.00pm on the next working day.
- 6.11.2 In any such event the said decision, or if only part has been reserved, that part, shall not be implemented unless and until it shall have been approved at a meeting of the Council or committee as appropriate.
- 6.11.3 The written notice or e-mail notification shall clearly set out the decision or the part of the decision which the members exercising the right of reservation require to be reserved and shall specify the names of the members who have exercised the right of reservation.
- 6.11.4 A request for a reservation may be withdrawn at any time prior to the meeting to which it was reserved by written notice to the Chief Executive who shall only agree to withdraw the reservation after consultation with all Group Leaders and where the request to withdraw is signed by all the parties who requested that the decision be reserved.
- 6.11.5 The right to require a decision to be reserved may only be exercised once in respect of the same decision.

6.12 Sub-Committees and Working Groups

- 6.12.1 If provided for in its terms of reference a Committee may at any time appoint such other Sub-Committees or Working Groups and their respective Chair and Vice-Chair as are necessary to carry out the work of the Committee; or dissolve a Sub-Committee or Working Group; or alter its Chairship, Vice-Chairship or its membership.
- 6.12.2 Subject to the above rule, Sub Committees and Working Groups shall continue until the first meeting of the appropriate Committee after the next annual meeting of the Council, or until that Committee has dissolved the Sub Committee or Working Group.
- 6.12.3 Working Groups may be established to act in an advisory capacity and to make recommendations to the parent committee. The relevant Committee will determine its remit, duration and procedures for reporting back to the parent Committee and its membership. Where appropriate the Committee will appoint a lead officer for the conduct of the Working Group

**PART D
PROCEDURE RULES**

SECTION 4: POLICY & PERFORMANCE IMPROVEMENT COMMITTEE

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1. Arrangements for Overview & Scrutiny

- 1.1 The Council has appointed the Policy & Performance Improvement Committee (PPI Committee) which will undertake the Council's overview and scrutiny function.
- 1.2 The PPI Committee is not a decision-making body. The PPI Committee acts in advisory capacity to, and at the request of, the Cabinet in policy development, and in the review of performance and improvement in the exercise of Executive and non-Executive functions.
- 1.3 The PPI Committee may appoint ad hoc, non-decision-making Working Groups for specific tasks on completion of which they cease to exist.
- 1.4 The PPI Committee will appoint a Call-In Sub-Committee to consider decisions 'called-in' in accordance with the Call-In Procedure set out at Part D Section 6.

2. PPI Committee Membership

- 2.1 All Councillors except Members of the Cabinet may be Members of the PPI Committee but no Member may be involved in scrutinising a decision in which they have been directly involved.

3. Co-optees

- 3.1 The PPI Committee may appoint non-voting co-optees to its Working Groups.

4. Meetings of the PPI Committee

- 4.1 Scheduled meetings of the PPI Committee will be agreed each year and extraordinary meetings may be called with the agreement of the Chair from time to time as and when appropriate.

5. Quorum

- 5.1 The Quorum for the PPI Committee shall be $\frac{1}{4}$ of the Committee's Members rounded up.

6. Other Procedure Rules Applicable

- 6.1 The Committee Procedure Rules at Part D Section 3 regarding the rules of debate and voting at meetings, apply to PPI Committee and are not duplicated in these Procedure Rules.
- 6.2 The procedure for Call-in and the Call-in Sub-Committee Procedure Rules are set out separately at Part D Section 6.

7. Work Programme

- 7.1 Following consultation with the Leader, the PPI Committee will set its own work programme for the forthcoming year.
- 7.2 The Chair of the PPI Committee may agree to a request from any Member of the Council for an item to be included on the agenda of the PPI Committee, having regard to the work programme and the appropriateness of the request. The Committee will adopt a protocol for requests and keep it under review. This provision for requests is separate to the provision at paragraph 13 below regarding Issues Affecting a Single Ward.
- 7.3 The PPI Committee shall also respond, as soon as its work programme permits, to requests from the Council and, if it considers it appropriate, the Leader to review particular areas of Council activity.
- 7.4 The PPI Committee shall report its findings and any recommendations back to the Leader and/or Council for consideration.

8. Policy Review and Development

- 8.1 The role of the PPI Committee in relation to the development of the Council's budget and policy framework is set out in Part E Section 3.
- 8.2 The PPI Committee may make proposals to the Leader for policy review and developments insofar as they relate to matters within its Terms of Reference.
- 8.3 The PPI Committee, or Working Groups appointed by it, may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process.
- 8.4 The PPI Committee or Working Groups appointed by it, may undertake site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations.
- 8.5 The PPI Committee or its Working Groups appointed by it may call witnesses to attend to address it on any matter under consideration and may pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so (subject to approval of the PPI in the case of Working Groups).

9. Reports from the PPI Committee

- 9.1 Once it has formed recommendations on proposals for consideration, the PPI Committee will forward the recommendations to the Proper Officer for referral to the Leader (or relevant Executive decision-maker) or in the case of non-Executive functions to the Council.

- 9.2 If the PPI Committee cannot agree on its recommendations to the Council or Leader as appropriate, then the recommendations agreed by the majority of the Committee will be submitted, with the other options considered also identified report.
- 9.3 Following referral of a report under Procedure Rule 9.1 above the Council or Leader (or relevant Executive decision-maker) shall consider the report as soon as is practicable and wherever possible within the next cycle of meetings.
- 9.4 In the case of Executive functions, after consideration of the report the Leader (or relevant Executive decision maker) shall:
- a. Make recommendations to Council where there are policy and budget framework implications; or
 - b. Report on the outcome to the PPI Committee
- 9.5 If for any reason the Leader or relevant Executive decision-maker does not consider the PPI Committee report in line with Procedure Rule 9.1 (i.e. does not formally reach a view on the report) above then the matter will be referred to Council for review or determination, and the Proper Officer will call a Council meeting to make a determination or to make a recommendation to the Leader.

10. Rights of PPI Committee Members to Documents

- 10.1 In addition to their rights as Councillors, Members of the PPI Committee have the additional rights to documents, and to notice of meetings as set out in Procedure Rules 4.17 and 4.18 – Access to Information in Part B Section 4 of this Constitution.
- 10.2 Upon request from a member of the PPI Committee, the Cabinet must make available any material relating to business associated with past decisions. This must be provided as soon as reasonably practicable and no later than 10 clear days after the request is made, unless exceptional circumstances are applicable

11. Members and Officers Giving Account

- 11.1 The PPI Committee or Call-In Sub-Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions.
- 11.2 As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet, Corporate Director and/or any senior Officer agreed with the relevant Corporate Director to attend before it to explain in relation to matters within their remit:
- a. Any particular decision or series of decisions
 - b. The extent to which the actions taken implement Council policy; and/or

- c. Service performance and it is the duty of those persons to attend if so required.
- 11.3 Where any Member or Officer is required to attend a PPI Committee under this provision, the Chair of that Committee will inform the Proper Officer.
- 11.4 The Proper Officer shall inform the Member or Officer in writing giving at least 10 working days' notice of the meeting at which he/she is required to attend.
- 11.5 The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee.
- 11.6 Where the account to be given to the PPI Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 11.7 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the PPI Committee shall in Consultation with the Member or Officer arrange an alternative date for attendance to take place within a maximum of 10 working days from the originally required date.

12. Attendance by Others

- 12.1 The PPI Committee may invite people other than those people referred to in Procedure Rule 11.2 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and may invite such people to attend.

13. Issues Affecting a Single Ward

- 13.1. The PPI Committee will add a matter referred by an individual Councillor to its agenda providing that it:
 - a. Has been submitted in relation to a matter that affects a single Ward;
 - b. Has been submitted by a Councillor from the Ward affected;
 - c. Is in relation to a local authority function
 - d. Demonstrates that all existing avenues have been exhausted and that this is a matter of a 'last resort'
 - e. the Councillor states in their referral:
 - i. The nature of the issue
 - ii. What action has been taken to resolve the issue
 - iii. An outline of the resolution to the problem being sought; and
 - iv. An indication of any other organisations involved in the matter
- 13.2 The PPI Committee will not consider a matter that:
 - a. Is vexatious, persistent, unreasonable, or a discriminatory request; or
 - b. Is in relation to a Planning, Licensing, or Regulatory application

- c. Relates to a matter affecting an individual resident where that resident has a right to access the Council’s complaints process, or a statutory process, for a resolution
- d. Is a matter that has been considered by the Committee within the previous 12 months

14. Crime & Disorder – Detailed Operational Arrangements

- 14.1 For the purposes of the Crime and Disorder (Overview and Scrutiny) Regulations 2009 the following additional detailed operational arrangements apply for the “Crime and Disorder Committee”, i.e. the PPI Committee acting in its capacity as the Crime and Disorder Committee. All other provisions of these Procedure Rules continue to apply; where there is any inconsistency paragraphs 15 to 19 below take precedence.

15. Co-opting Members onto the ‘Crime and Disorder Committee’

- 15.1 The PPI Committee may co-opt additional Members to serve on the Crime and Disorder Committee.
- 15.2 Co-opted Members of the Crime and Disorder Committee:-
- a. Cannot vote on any particular matter unless the PPI Committee so determines.
 - b. May have membership limited to the exercise of the Committee’s powers in relation to a particular matter or type of matter;
 - c. Must be either an employee, officer or member of a responsible authority or of a co-operating person or body;
 - d. Must not be a Member of the Executive of the Committee’s local authority (or authorities);
 - e. May have their membership withdrawn at any time by the Committee.

16. Frequency of Meetings

- 16.1 The Committee shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions as the committee considers appropriate but no less than once in every twelve month period.

17. Information Provision

- 17.1 Where the Committee makes a request in writing for information from the responsible authorities or the co-operating persons (as defined in legislation) or bodies the information must be provided no later than the date indicated in the request.
- 17.2 If some or all of the information cannot reasonably be provided on such date, then that information must be provided as soon as is reasonably possible.

- 17.3 The information provided should be depersonalised unless the identification of an individual is necessary or appropriate in order to enable the Committee to properly exercise its powers.
- 17.4 This information should not include anything that is likely to prejudice legal proceedings or current or future operations of the responsible authorities, whether action together or individually, or of the co-operating persons or bodies.

18. Attendance at Committee Meetings

- 18.1 The Committee may require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body in order to answer questions.
- 18.2 Reasonable notice must be given of the intended date of attendance.

19. Reports and Recommendations

- 19.1 A report or recommendations from the Committee to a responsible authority or to a co-operating person or body require a written response from that body within a period of 28 days from the date of the report or recommendations or, if that is not reasonably possible, as soon as practicable thereafter.

**PART D
PROCEDURE RULES**

**SECTION 5: CALL-IN PROCEDURE AND CALL-IN SUB-COMMITTEE
RULES**

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Rules

- The Committee Procedure Rules, Access to Information Procedure Rules and these Call-In Procedure and Call-In Sub-Committee Rules shall apply as applicable to the Call-In of a Key Decision, and any decision of Cabinet or individual Members of Cabinet and a hearing of the Call-In Sub-Committee of the PPI Committee.
- Where the Committee Procedure Rules and / or the Access to Information Procedure Rules conflict with these Rules as they apply to a hearing of the Call-In Sub-Committee these Rules shall take precedence.

1. Introduction

- 1.1 This “Call-In” procedure is the procedure through which a decision made by the Cabinet, any Committee of Cabinet, or an individual Portfolio Holder or Officer under delegated authority may be formally reviewed and scrutinised by a Call-In Sub-Committee of the PPI Committee and either referred back to the Cabinet or decision-maker for reconsideration or referred by the Call-In Sub-Committee to Council for review or scrutiny.
- 1.2 A decision may only be Called-In once and a decision may not be Called-In where the substance of the decision has already been subject to scrutiny by the PPI Committee or a Call-In Sub-Committee unless there have been substantial changes to the decision or where the Section 151 Officer has certified that the delay in the implementation of a decision will result in significant additional cost to the Council.
- 1.3 The Call-In of a decision must be submitted and determined in accordance with these Rules.
- 1.4 The Call-In of a decision must be submitted within three working days of the publication of the decision.

2. Decision Making Principles

- 2.1 The below principles must be applied in respect of all decisions, and decision-makers will:-
 - a. be open and transparent;
 - b. act within their authority;
 - c. take into account all relevant considerations and ignore irrelevant considerations;
 - d. evaluate alternative options;
 - e. undertake consultation as required or as may be appropriate;
 - f. make decisions which are reasonable and proportionate to the desired outcome;
 - g. obtain and consider professional advice as may be required or appropriate;
 - h. ensure best value;
 - i. have regard to the Council’s Constitution and relevant policies, rules and procedures;

- j. have regard to the rules of natural justice;
- k. comply with all relevant legislation including but not limited to as regards human rights and the public sector equality duty.

3. Who Can Request a Call-In?

- 3.1 The Call-In of a decision can be requested by five elected Members of the Council signing a completed Call-In Notice (Appendix 1 to these Rules) and submitting it to the Monitoring Officer. Electronic signatures are acceptable.

4. Grounds for Call-In

- 4.1 The Call-In of a decision must be made on at least one of the following grounds:-
- a. The decision has not been made in accordance with the Council's, decision-making principles;
 - b. The decision is outside of the Council's approved Budget or Policy Framework;
 - c. The decision is outside of the powers of the Council;
 - d. The decision is unlawful;
 - e. The decision is not in the public interest (it does not benefit, or disadvantages, the welfare or wellbeing of communities living or working in two or more Wards).
- 4.2 In considering the grounds for Call-In regard should be had to the decision-making principles at Rule 2 above and their relevance to the grounds on which a decision is being Called-In.

5. Determining the Validity of a Call-In Notice

- 5.1 The Monitoring Officer, in consultation with the Section 151 Officer and / or the Head of Paid Service as appropriate shall determine the validity of a Call-In Notice. A Call-In Notice will not be valid where:-
- a. The Call-In Notice does not provide sufficient information and / or has not been correctly completed, signed and submitted to the Monitoring Officer within 3 working days of the publication of the decision;
 - b. The Call-In Notice does not identify the decision being Called-In;
 - c. The Call-In Notice does not specify at least one of the grounds detailed above at Rule 4;
 - d. The decision has been taken as a matter of urgency in accordance with the Council's procedure for urgent decisions;
 - e. The Call-In of the decision would seriously prejudice the legal or financial position of the Council or the interests of residents;
 - f. The substance of the decision has already been the subject of scrutiny by the PPI Committee or a Call-In Sub-Committee;
 - g. The Call-In notices raises a question(s) answered in the report(s) relating to the decision.

- h. The decision concerns an “excluded matter” pursuant to the Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2012;
- i. The Call-In is considered to be vexatious or malicious.

6. Consideration of a Call-In Notice by the Call-In Sub-Committee

- 6.1 Where the Monitoring Officer has determined that a Call-In Notice is valid, the Cabinet, PPI Committee and relevant Officers will be notified and a meeting of the Call-In Sub-Committee will be convened to consider the Call-In Notice as soon as reasonably practicable.
- 6.2 The Call-In Sub-Committee shall comprise five Members of the PPI Committee and shall include the Chair or Vice Chair of the PPI Committee wherever possible and be politically balanced as far as practicable
- 6.3 The Committee Procedure Rules and the Access to Information Procedure Rules shall apply to a meeting of the Call-In Sub-Committee.
- 6.4 The purpose of the Call-In Sub-Committee meeting is to establish whether or not the decision has been made incorrectly; the meeting is not intended to be adversarial and shall take the form of a discussion to ascertain the facts.
- 6.5 In considering the Call-In Notice the Call-In Sub-Committee will have the information on which the decision-maker made the decision and the information on which the decision to Call-In the decision was made (if any).
- 6.6 The lead signatory on the Call-In Notice will be invited to attend the meeting of the Call-In Sub-Committee to present the Call-In and answer the Committee’s questions.
- 6.7 The decision-maker will also be invited to attend the meeting of the Call-In Sub-Committee to address the Call-In Notice and answer the Committee’s questions; the Committee may also invite relevant Officers and Members to answer questions.
- 6.8 The Call-In Sub-Committee may request the Monitoring Officer and / or the Section 151 Officer to attend the meeting and provide advice.

7. Decision of the Call-In Sub-Committee

- 7.1 Having considered the decision and the Call-In Notice the Call-In Sub-Committee may:-
 - a. uphold the decision (in which case the decision shall take effect and may be implemented immediately;
 - b. recommend that the decision-maker amends the decision;
 - c. refer the decision back to the decision-maker for reconsideration;

- d. refer the decision to the Cabinet for further consideration as to whether the decision is within the Budget and Policy Framework (where the Call-In Sub-Committee considers it may not be);
- e. refer the decision to the Cabinet for further consideration as to whether the decision should have been a Key Decision (where the Call-In Sub-Committee considers it may be) (for the definition of 'Key Decision' see Part C Introduction);
- f. refer the matter to Council for consideration and to obtain its views.

7.2 The Call-In Sub-Committee will prepare a written report of its recommendations including the reasons for the recommendations. The report will be circulated to the decision-maker, the Cabinet and any relevant Officers or Members.

8. The Amendment and Reconsideration of Decisions

8.1 The decision-maker will consider the recommendations of the Call-In Sub-Committee or reconsider the decision as soon as reasonably practicable.

8.2 Where the decision-maker amends the decision in line with the recommendations of the Call-In Sub-Committee the amended decision will be notified to the Sub-Committee in writing. Upon its amendment the decision will take effect and may be implemented immediately.

8.3 Where the decision-maker disagrees with the recommendations of the Call-In Sub-Committee or is unable to amend the decision or considers that the original decision should stand, the decision-maker shall notify the Sub-Committee as soon as reasonably practicable. The Call-In Sub-Committee may accept the decision-maker's views or may refer the decision to the Cabinet for further consideration or to the Council to obtain its views.

8.4 Where the views of Council are sought the Council may refer the decision back to the decision-maker with its views. Where the Council does not do so, the decision shall be of effect and may be implemented immediately.

8.5 The Council has no power to substitute its own decision for that of the decision-maker unless the Council determines that the decision is contrary to the Policy Framework, or contrary to, or not wholly consistent with, the Budget.

8.6 The Cabinet or decision maker shall meet to reconsider any decision referred back to it by the Call-In Sub-Committee or the Council as soon as reasonably practicable and notify the Sub-Committee or the Council as the case may be in writing of its determination.

8.7 After the procedure set out in this section is concluded, a decision shall take effect and may be implemented three working days after the Cabinet or decision-maker has notified the Call-In Sub-Committee of its reconsideration and determination of the decision.

9. Decisions which the Call-In Sub-Committee considers may be outside of the Budget and Policy Framework

- 9.1 Where the Call-In Sub-Committee considers that a decision is, or if made, would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget, it shall obtain advice from the Monitoring Officer and Section 151 Officer.
- 9.2 The Monitoring Officer and Section 151 Officer shall provide a report to the Cabinet which will also be sent to the Call-In Sub-Committee and every Member of the Council.
- 9.3 The Cabinet will meet as soon as reasonably practicable after receiving the report. Where the Cabinet considers that the decision is, or if made, would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget, the decision shall be referred for the determination of Council at a meeting to held within as soon as reasonably practicable.
- 9.4 Where the Cabinet considers that the decision is within the Budget and Policy Framework it shall prepare a report to the Council which will also be sent to the Call-In Sub-Committee and every Member of the Council.
- 9.5 Upon receipt of the report, where the Call-In Sub-Committee does not agree with the views of Cabinet, it will call a meeting of Council and prepare a report to Council for the purpose which will be sent to the Cabinet and every member of the Council. The meeting will be convened as soon as reasonably practicable of its being called by the Call-In Sub-Committee.
- 9.6 At the meeting the Council will consider the reports and advice from the Monitoring Officer and Section 151 Officer. The Council may:-
- a. endorse the decision of the Cabinet as being within the approved Budget and Policy Framework;
 - b. determine that the decision is, or if made, would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget and amend the Budget or Policy Framework to accommodate the decision;
 - c. determine that the decision is, or if made, would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the Budget and, having declined to amend the Budget or Policy Framework to accommodate the decision, refer it back to the Cabinet for reconsideration with advice from the Monitoring Officer and Section 151 Officer.

10. Decisions which the Call-In Sub-Committee considers should have been Key Decisions

- 10.1 Where the Call-In Sub-Committee considers that a decision should have been a Key Decision and has not been made accordingly it will seek advice from the Monitoring Officer and the Section 151 Officer.

- 10.2 The Monitoring Officer and Section 151 Officer shall provide a report to the Cabinet which will also be sent to the Call-In Sub-Committee and every Member of the Council.
- 10.3 The Cabinet will meet as soon as reasonably practicable after receiving the report. Where the Cabinet considers that the decision should have been a Key Decision it shall notify the Call-In Sub-Committee in writing and reconsider the decision accordingly with advice from the Monitoring Officer and Section 151 Officer.
- 10.4 Where the Cabinet remains of the view that the decision is not a Key Decision it will prepare a report to Council which will be sent to the Call-In Sub-Committee and every member of the Council.
- 10.5 Upon receipt of the report, where the Call-In Sub-Committee does not agree with the views of Cabinet, it will call a meeting of Council and prepare a report to Council for the purpose which will be sent to the Cabinet and every member of the Council. The meeting will be convened as soon as reasonably practicable after its having been called by the Call-In Sub-Committee.
- 10.6 At the meeting the Council will consider the reports and advice from the Monitoring Officer and Section 151 Officer. The Council may:-
 - a. endorse the decision of the Cabinet that the decision is not a Key Decision;
 - b. determine that the decision is a Key Decision and refer the decision back to the Cabinet for reconsideration as a Key Decision with advice from the Monitoring Officer and Section 151 Officer.

11. Review of the Call-In Procedure Rules

- 11.1 These Call-In Procedure Rules and their operational effect will be monitored by the Monitoring Officer, reviewed as required and at least annually.
- 11.2 As required and at least annually the Monitoring Officer will prepare a report to Council as to the Call-In of decisions, which may include recommendations for amendments to the Call-In Procedure Rules.

Appendix 1

Notice of Call-In of Decision

In accordance with Part D Section 5 of the Council’s Constitution, we the undersigned hereby give notice that we wish to Call-In the following Decision):

1. Decision reference and description.....

.....

2. Date of decision.....

.....

We consider that the decision should be Called-In on the following grounds (delete as appropriate):

1. The decision is not in accordance with the Council’s decision-making principles;
2. The decision is outside the approved Budget or Policy Framework;
3. The decision is outside the powers of the Council
4. The decision is unlawful;
5. The decision is not in the public interest.

Reasons (in relation to grounds 2-5 above)

--

In relation to **ground number 1** above, we consider that the following principle(s) of decision-making have been breached (tick as appropriate)

	Decision- Making Principle(s) Breached	Reasons	Please tick
a	open and transparent		
b	within their authority		
c	take into account all relevant considerations and ignore irrelevant considerations		

NEWARK & SHERWOOD DISTRICT COUNCIL

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d	evaluate alternative options		
e	undertake consultation as required or as may be appropriate		
f	make decisions which are reasonable and proportionate to the desired outcome		
g	obtain and consider professional advice as may be required or appropriate		
h	ensure best value		
i	have regard to the Council's Constitution and relevant policies, rules and procedures		
j	Having regard to the rules of natural justice		
k	comply with all relevant legislation including but not limited to as regards human rights and the public sector equality duty		

- 1. Signed.....Name.....
- 2. Signed.....Name.....
- 3. Signed.....Name.....
- 4. Signed.....Name.....
- 5. Signed.....Name.....

**PART D
PROCEDURE RULES**

SECTION 6: PROCEDURE FOR TAKING URGENT DECISIONS

1. Background

- 1.1 Sometimes events will occur which require decisions to be taken urgently. The Council needs to be able to respond quickly where failure to do so would not be in the public interest, for example a service would not be provided, the public would be put at risk of harm, the Council would suffer financial loss, or a government deadline would not be met. Poor planning would not be a suitable justification for taking a decision urgently.
- 1.2 Where the agenda for the relevant meeting has been published, an urgent item may be added to the agenda if the Chair of the meeting is in agreement. Every effort must be made to circulate the urgent report to Councillors at least 24 hours before the meeting and make it available for public inspection.
- 1.3 The issue may be of such significance that it may be more appropriate to call an additional meeting. The procedure for calling additional meetings is set out in the relevant Council, Cabinet or Committee Procedure Rules.
- 1.4 **Note** - In accordance with the Cabinet Scheme of Delegation in Part C of this Constitution – Responsibility for Functions, the Leader is responsible overall for the discharge of Cabinet functions and may discharge any such function themselves regardless of whether the given function has been delegated to Cabinet.

2. Procedure for Taking Urgent Decisions

- 1.1 In the event that any matters arise in circumstances rendering it impossible for the Leader, Cabinet or Council to give instructions within sufficient time in the normal conduct of their business for such matters to be properly dealt with, the Head of Paid Service (or in their absence a nominated deputy) shall have delegated authority to take or authorise all necessary steps to deal with the matters sufficiently to protect the interests of the Council and the public provided that they comply with the applicable legislative requirements for determining decisions, including identifying the decision as being urgent and as such not subject to 'Call-In', and shall, before taking action, consult:
 - i. the Monitoring Officer and the Section 151 Officer (or their deputies); and
 - ii. in respect of Executive functions, either the Leader (or in their absence the Deputy Leader or in their absence another Cabinet Member); or
 - iii. in respect of non-Executive functions, the Chair of the Council (or in their absence the Vice-Chair of the Council or their absence the Chair of the relevant Committee).
 - iv. The Leader of the Council's largest opposition group.

- 1.2 Decisions taken by the Head of the Paid Service or their nominated deputy as a matter of urgency must be reported to the next available meeting of the Council together with the reasons for urgency.

3. Additional Rules for Taking Key Decisions with less than 28 Days Notice

General Exception

- 3.1 Subject to the rules regarding Special Urgency and Major Emergencies below, if a matter which is likely to be a Key Decision has not been advertised for a minimum of **28 clear days** on the Council's website, then the decision may still be taken if:
- a. The decision must be taken by such a date that it is impracticable to defer the decision until it has been possible for **28 clear days' notice** to be given;
 - b. The Monitoring Officer has informed the Chair of the PPI Committee (in its capacity as the overview and scrutiny committee) in advance in writing that the taking of the decision cannot be reasonably deferred and should not be subject to 'Call-In' and made copies of that notice available to the public at the offices of the Council; and on the Council's website; and
 - c. At least **5 clear days** have elapsed since the Monitoring Officer complied with Rules a. and b. above

Special Urgency

- 3.2 If the rule below regarding Major Emergency does not apply and, by virtue of the date by which a decision must be taken the General Exception rule above cannot be followed and the **5 clear days'** notice of the decision cannot be given then the decision can only be taken if the decision taker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Leader and the Chair of the PPI Committee (in its capacity as the overview and scrutiny committee) that the taking of the decision cannot be reasonably deferred and should not be subject to 'Call-In'. Notice in writing of the application to the Chair of the PPI Committee must be published on the Council's website and copies made available to the public at the offices of the Council. If there is no Chair of the PPI Committee or the Chair is unable to act, then the agreement of the Chair of the Council, or in their absence the Vice Chair of the Council will suffice.

4. Major Emergencies

- 4.1 In a major emergency listed below, the Leader or Deputy Leader or in their absence the relevant Cabinet Member or, if appropriate, the Chief Executive or a Director may take any immediate urgent Key Decision if required without consultation. Such decisions will not be subject to 'Call-In'. **Note** – separate provision for the Chief Executive's delegation in relation to civil emergency/disaster is made in Part C, Section 5 – Officer Scheme of Delegation.

4.2 For the purposes of this rule, a major emergency is any event or circumstance (happening with or without warning) that causes or threatens death or injury, disruption to the community, or damage to property or to the environment on such a scale that the effects cannot be dealt with by the emergency services, local authorities and other organisations as part of their normal, day-to-day activities.

5. Quarterly Reports on Special and Major Emergency Urgent Decisions

5.1 The Leader will submit quarterly reports to the Council on the Key Decisions taken under the Special Urgency and/or Major Emergencies rules 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 and the reasons for urgency.

6. Urgent Decisions Outside the Budget or Policy Framework

6.1 Separate provision for these decisions is made in Part E Section 3 – Budget and Policy Framework Procedure Rules.

**PART D
PROCEDURE RULES**

SECTION 6: PROCEDURE FOR TAKING URGENT DECISIONS

1. Background

- 1.1 Sometimes events will occur which require decisions to be taken urgently. The Council needs to be able to respond quickly where failure to do so would not be in the public interest, for example a service would not be provided, the public would be put at risk of harm, the Council would suffer financial loss, or a government deadline would not be met. Poor planning would not be a suitable justification for taking a decision urgently.
- 1.2 Where the agenda for the relevant meeting has been published, an urgent item may be added to the agenda if the Chair of the meeting is in agreement. Every effort must be made to circulate the urgent report to Councillors at least 24 hours before the meeting and make it available for public inspection.
- 1.3 The issue may be of such significance that it may be more appropriate to call an additional meeting. The procedure for calling additional meetings is set out in the relevant Council, Cabinet or Committee Procedure Rules.
- 1.4 **Note** - In accordance with the Cabinet Scheme of Delegation in Part C of this Constitution – Responsibility for Functions, the Leader is responsible overall for the discharge of Cabinet functions and may discharge any such function themselves regardless of whether the given function has been delegated to Cabinet.

2. Procedure for Taking Urgent Decisions

- 1.1 In the event that any matters arise in circumstances rendering it impossible for the Leader, Cabinet or Council to give instructions within sufficient time in the normal conduct of their business for such matters to be properly dealt with, the Head of Paid Service (or in their absence a nominated deputy) shall have delegated authority to take or authorise all necessary steps to deal with the matters sufficiently to protect the interests of the Council and the public provided that they comply with the applicable legislative requirements for determining decisions, including identifying the decision as being urgent and as such not subject to 'Call-In', and shall, before taking action, consult:
 - i. the Monitoring Officer and the Section 151 Officer (or their deputies); and
 - ii. in respect of Executive functions, either the Leader (or in their absence the Deputy Leader or in their absence another Cabinet Member); or
 - iii. in respect of non-Executive functions, the Chair of the Council (or in their absence the Vice-Chair of the Council or their absence the Chair of the relevant Committee).
 - iv. The Leader of the Council's largest opposition group.

- 1.2 Decisions taken by the Head of the Paid Service or their nominated deputy as a matter of urgency must be reported to the next available meeting of the Council together with the reasons for urgency.

3. Additional Rules for Taking Key Decisions with less than 28 Days Notice

General Exception

- 3.1 Subject to the rules regarding Special Urgency and Major Emergencies below, if a matter which is likely to be a Key Decision has not been advertised for a minimum of **28 clear days** on the Council's website, then the decision may still be taken if:
- a. The decision must be taken by such a date that it is impracticable to defer the decision until it has been possible for **28 clear days' notice** to be given;
 - b. The Monitoring Officer has informed the Chair of the PPI Committee (in its capacity as the overview and scrutiny committee) in advance in writing that the taking of the decision cannot be reasonably deferred and should not be subject to 'Call-In' and made copies of that notice available to the public at the offices of the Council; and on the Council's website; and
 - c. At least **5 clear days** have elapsed since the Monitoring Officer complied with Rules a. and b. above

Special Urgency

- 3.2 If the rule below regarding Major Emergency does not apply and, by virtue of the date by which a decision must be taken the General Exception rule above cannot be followed and the **5 clear days'** notice of the decision cannot be given then the decision can only be taken if the decision taker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Leader and the Chair of the PPI Committee (in its capacity as the overview and scrutiny committee) that the taking of the decision cannot be reasonably deferred and should not be subject to 'Call-In'. Notice in writing of the application to the Chair of the PPI Committee must be published on the Council's website and copies made available to the public at the offices of the Council. If there is no Chair of the PPI Committee or the Chair is unable to act, then the agreement of the Chair of the Council, or in their absence the Vice Chair of the Council will suffice.

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disruption to the community, or damage to property or to the environment on such a scale that the effects cannot be dealt with by the emergency services, local authorities and other organisations as part of their normal, day-to-day activities.

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6. Urgent Decisions Outside the Budget or Policy Framework

- 6.1 Separate provision for these decisions is made in Part E Section 3 – Budget and Policy Framework Procedure Rules.