



AGENDA ITEM 8

FULL COUNCIL MEETING

26 MAY 2015

AMENDMENTS TO THE CONSTITUTION

Report of the Service Director – Legal and Democratic Services

1. Purpose of Report

- 1.1. The purpose of this report is to propose amendments to the Council's Constitution.
- 1.2. The changes proposed are primarily administrative changes but also include amendments aimed at improving the decision making processes of the Council.

2. Background

- 2.1. Article 16 of the Constitution requires the Monitoring Officer to monitor and review the operation of the Constitution to ensure that its aims and principles are given full effect. Any changes considered necessary are subject to approval by Full Council following prior consideration by the Monitoring Officer.
- 2.2. Section 37 of the Local Government Act 2000 also requires the Council to keep its Constitution under review.
- 2.3. A number of changes were agreed by full Council in June 2014 covering the following four areas of governance:
 - Scrutiny and Policy Development
 - Executive Functions and Neighbourhoods
 - Public forum, member engagement and full council
 - Regulatory and Non-Executive Committees
- 2.4. The current process leading to the preparation of this report has involved a lighter touch process intended to refine the constitution having regard to the four lines of enquiry set out in paragraph 4.3 below.

3. Procedure

- 3.1. Council Procedure Rule 21.2 provides that any motion to add to, vary or revoke the Council Rules of Procedure (CPR) will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the full Council. In order to give immediate effect to any agreed changes to the

Council Procedure Rules it is recommended that CPR 21.2 be suspended for the purposes of the meeting.

4. Proposal

4.1 The Council's Constitution is its primary document setting out how it operates its decision making processes and is comprised of the following parts:

Part 1	Summary and Explanation
Part 2	Articles of the Constitution
Part 3	Responsibility for Functions
Part 4	Council Procedure Rules
Part 5	Council Codes
Part 6	Members Allowance Schemes
Part 7	Council's Management Structure
Part 8	Members Details
Part 9	Forward Plan

4.2 The main changes proposed to the constitution are summarised in the table contained in **Appendix 1**. Extracts from those parts of the constitution to which the proposed amendments relate are set out as tracked changes in **Appendix 2**.

4.3 The proposals emanate from the following processes:

- Administrative amendments to reflect current law and practice
- Recommendations of a report prepared by the Centre for Public Scrutiny in February 2014
- Discussions with Senior Officers and Party Group Leaders
- Discussions with the Mayor's Office in relation to the Mayor's Scheme of Delegation

Draft (Functions and Responsibilities) (England) Regulations 2015

4.4 There would be additional changes that would be required if the draft Local Authorities (Functions and Responsibilities) (England) Regulations 2015 are enacted. These went out to consultation just before the pre election period. The salient proposals are summarised below:

Full Council	<ul style="list-style-type: none"> • Terms of reference to include responsibility for any change to new parking enforcement areas, parking charges or changes to the frequency of waste collection. • Consent of full Council to the disposal of any land or other asset with a value in excess of £500,000. • Approval of the creation of a combined authority/economic prosperity board, based on proposals submitted by the Executive.
Policy and budget framework rules	<ul style="list-style-type: none"> • Executive to have power to move money between budget heads as long as overall budget not exceeded.
Executive procedure rules	<ul style="list-style-type: none"> • Mayor's plan to be adopted within 6 months of election. There is no requirement for consistency with

	Council-approved plans, policies or strategies.
Health and Wellbeing board	<ul style="list-style-type: none"> Executive and non-executive functions to be delegated to Health and Wellbeing Boards by making this a "local choice" function ie for full Council to decide if the matter should be executive or non executive.

4.5 If enacted, these would necessitate further amendments to the constitution at the appropriate time.

5. Recommendations

It is **RECOMMENDED** That Full Council

- (i) Suspend Council Procedure Rule 21.2 so that the proposed amendments to the said rules can take immediate effect.
- (ii) Adopt the proposed amendments to the Constitution summarised in Appendix 1 and detailed in Appendix 2 to this report.
- (iii) Authorise the Monitoring Officer to make such further amendments to the constitution as required pursuant to future implementation of the draft Local Authorities (Functions and Responsibilities) (England) Regulations 2015.
- (iv) Authorise the Monitoring Officer to make any other minor editorial amendments to the constitution as may be required from time to time.

6. Other Options Considered

Not applicable

7. Risk Assessment

Not applicable

8 Public Sector Equality Duties

Not applicable

9. Legal and Resource Implications

(a) Revenue

Not applicable.

(b) Capital

Not applicable.

Personnel

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers:

Draft Local Authorities (Functions and Responsibilities) (England) Regulations 2015

Appendices:

Appendix 1 - Table summarising proposed constitutional amendments

Appendix 2 - Detailed proposals with tracked changes

Appendix 1

Part	Section	Proposed Change	Reason
3	Responsibility for Functions – Functions not to be responsibility of an Authority's Executive	Changes to Strategic Director responsible for function column 3 to reflect current directorate structures	Administrative
3.1	Full Council Functions	Delete under Local Choice Functions approval of draft Local Area Agreement	Administrative
3.2	Terms of reference of committees	Scrutiny commission terms of reference to reflect City Director and strategic director portfolios	Consistency
4	Council Procedure Rules (a)	CPR10.1(g) to now read 'Questions by members of the public may be asked of the Mayor and executive members' (remove i – iii)	Administrative
	Council Procedure rules	CPR10.5 delete 'questions must concern an item of business on the council agenda'.	CFPS rec 1
4	Council Procedure Rules (a)	CPR10.8 Response – delete last sentence 'The questions and answers will be included in the Minutes of the meeting'	Consistency ie, statements and report text are not duplicated in the Minutes. All are held on record in Minute Book
4	Council Procedure Rules (e)	OSR 15 – amend wording to firm up that questions are from the Chair not the public	Improved efficiency for Scrutiny process
4	Council Procedure Rules (g)	CMR9.8 Response – delete last sentence 'The questions and answers will be included in the Minutes of the meeting'	Consistency ie, statements and report text are not duplicated in the Minutes so should answers to questions (see political group comments). All are held on record in Minute Book
4	OSR 17	Validity of call in to be agreed by Proper Officer within 5 working days of submission. Call in meeting to be held within 5 days of request for call	Improve speed of decision making

Part	Section	Proposed Change	Reason
		in being approved by Proper Officer. If debate at full Council called for then this will be held within ten days at an extraordinary meeting of the Council or at the Lord Mayors discretion.	
	OSR 20	Chair of OSM to decide which commission should consider a matter, not MO	CFPS rec 4
4	Officer employment procedure rules OER6	Delete OER6 as the Council is required to appoint an independent panel to make recommendations to full Council who will be responsible for the dismissal of the three statutory officers from 11 th May 2015	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 which remove the requirement to appoint a designated independent person to discipline a statutory officer ie Head of Paid Service, Chief Finance Officer (s151) and Monitoring Officer
5	Code of Conduct for Members	To request Audit Committee to consider adding new clause on commercial/sensitive information 'There is always a presumption in favour of openness whenever decisions are made. You will, therefore, on occasion be privy to confidential and sensitive information, such as personal information about someone, or commercially sensitive information which, if disclosed, might harm the commercial interests of the Council or another person or organisation. This information must not be revealed without proper authority'	To ensure confidentiality of exempt information provided to Councillors CFPS rec 2

AGENDA ITEM 8 - APPENDIX 2

DETAILED PROPOSALS WITH TRACKED CHANGES

FUNCTIONS NOT TO BE THE RESPONSIBILITY OF AN AUTHORITY'S EXECUTIVE - Regulation 2(1) of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
A. Functions relating to town and country planning and development control			
5. Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8)	NHCDPLAC E	Relevant dev. con. committee
6. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990	NHCDPLAC E	Relevant dev. con. committee
7. Power to grant planning permission for development already carried out.	Section 73(A) of the Town and Country Planning Act 1990	NHCDPLAC E	Relevant dev. con. committee
8. Power to decline to determine application for planning permission	Section 70A of the Town and Country Planning Act 1990	NHCDPLAC E	Relevant dev. con. committee
9. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure Order 1995 (S.I. 1995/419 and directions made thereunder)	NHCDPLAC E	Relevant dev. con. committee
10. Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)	NHCDPLAC E	Relevant dev. con. Committee

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
11. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995	NHCDPLAC E	Relevant dev. con. committee
12. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990	NHCDPLAC E	Relevant dev. con. committee
13. Power to issue a certificate of existing or proposed lawful use or development.	Section 191(4) and 192(2) of the Town and Country Planning Act 1990	NHCDPLAC E	Relevant dev. con. committee
14. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990	NHCDPLAC E	Relevant dev. con. Committee
15. Power to grant consent for the display of advertisements.	Section 220 the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992	NHCDPLAC E	Relevant dev. con. Committee
16. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990	NHCDPLAC E	Relevant dev. con. Committee
17. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990	NHCDPLAC E	Relevant dev. con. committee
18. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990	NHCDPLAC E	Relevant dev. con. committee

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
18A Power to issue a temporary stop notice	Section 171 of the Town and Country Planning Act 1990	NHCDPLAC E	Relevant dev.con. committee
19. Power to issue an enforcement notice	Section 172 of the Town and Country Planning Act 1990.	NHCDPLAC E	Relevant dev. con. Committee
20. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990	NHCDPLAC E	Relevant dev. con. committee
21. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10)	NHCDPLAC E	Relevant dev. con. committee
22. Duty to determine conditions of which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 of the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 of the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act	NHCDPLAC E	Relevant dev. con. committee
23. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990	NHCDPLAC E	Relevant dev. con. Committee
24. Power to determine application for listed building consent, and related powers.	Sections 16(1) and (217), and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)	NHCDPLAC E	Relevant dev. con. Committee

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
25. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Buildings in Conservation Areas Act 1990, as applied by section 74(3) of that Act	NHCDPLAC E	Relevant dev. con. committee
26. Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and regs 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (S.I. 1990/1519) and paragraphs 8, 15 and 26 of the Dept. of the Environment, Transport and the Regions Circular 01/01.	NHCDPLAC E	Relevant dev. con. committee
27. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990	NHCDPLAC E	Relevant dev. con. committee
28. Power to issue enforcement notice in relation to demolition of listed building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990	NHCDPLAC E	Relevant dev. con. committee
29. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Section 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990	NHCDPLAC E	Relevant dev. con. committee
30. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990	NHCDPLAC E	Relevant dev. con. committee
31. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990	NHCDPLAC E	Relevant dev. con. committee

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)			
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c.62)	NHCDN'HO ODS	Public Safety and Protection
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49)	NHCDN'HO ODS	Public Safety and Protection
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55) and section 15 of the Transport Act 1985 (c.67); and sections 47, 57, 58, 60 and 79 of the Local Government (Misc. Provisions) Act 1976 (c.57); (b) as to private hire vehicles, sections 48, 57, 68 60 and 79 of the Local Government (Misc. Provisions) Act 1976	NHCDN'HO ODS	Public Safety and Protection
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54 59, 61 and 79 of the Local Government (Misc. Provisions) Act 1976	NHCDN'HO ODS	Public Safety and Protection
5. Power to license operators of hackney carriages & private hire vehicles	Sections 55 to 58, 62 and 79 of the Local Government (Misc. Provisions) Act 1976	NHCDN'HO ODS	Public Safety and Protection

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c.2) as saved for certain purposes by article 3(3)(c) of the Gambling Act 2005 (Commencement No 6 and Transitional Provisions Order 2006 (S.I. 2006/3272) ("the Gambling Act Order"))	NHCDN'HO ODS	Public Safety and Protection
7. Power to grant track betting licences	Schedule 3 to the Betting Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(c) of the Gambling Act Order	NHCDN'HO ODS	Public Safety and Protection
8. Power to license inter-track betting schemes	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by article 3(3)(c) of the Gambling Act Order	NHCDN'HO ODS	Public Safety and Protection
9. Power to grant permits in respect of premises with amusement machines	Schedule 9 to the Gaming Act 1968 (c.65) as saved for certain purposes by article 3(3)(c) of the Gambling Act Order	NHCDN'HO ODS	Public Safety and Protection
10. Power to register societies wishing to promote lotteries	Schedule 1 to the Lotteries and Amusements Act 1976 (c.32) as saved for certain purposes by article 3(3)(c) of the Gambling Act Order	NHCDN'HO ODS	Public Safety and Protection
11. Power to grant permits in respect of premises where amusements with prizes are provided	Schedule 3 to the Lotteries and Amusements Act 1976 as saved for certain purposes by article 3(3)(c) of the Gambling Act Order	NHCDN'HO ODS	Public Safety and Protection
12. Power to issue cinema and cinema club licences	Section 1 of the Cinema Act 1985 (c.13)	NHCDN'HO ODS	Public Safety and Protection

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
13. Power to issue theatre licences	Section 12 to 14 of the Theatres Act 1968 (c.54)	NHCDN'HO ODS	Public Safety and Protection
14. Power to issue entertainments licences	Section 12 of the Children and Young Persons Act 1933 (c.12), section 52 of, and Schedule 12 to, the London Government Act 1963 (c.33), section 79 of the Licensing Act 1964 (c.26), sections 1 to 5 and 7 of, and Parts I and II of the Schedule to, the Private Places of Entertainment (Licensing) Act 1967 (c.19) and Part I of, and Schedules 1 and 2 to, the Local Government (Misc. Provisions) 1982	NHCDN'HO ODS	Public Safety and Protection
14A Functions relating to licensing	Sections 5 - 8 of the Licensing Act 2003	NHCDN'HO ODS	
14AA Duty to comply with requirement to provide information to Gambling Commission	Section 29 of the 2005 Act	NHCDN'HO ODS	Licensing Committee
14AB Functions relating to exchange of information	Section 30 of the 2005 Act	NHCDN'HO ODS	Licensing Committee
14AC Functions relating to occasional use notices	Section 39 of the 2005 Act	NHCDN'HO ODS	Licensing Committee
14B Power to resolve not to issue a casino premises licence	Section 166 of the Gambling Act 2005 ("the 2005 Act")	full Council	N/A

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
14C Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises	Section 304 of the 2005 Act	NHCDN'HO ODS	Licensing Committee
14CA Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises	Section 284 of the 2005 Act	NHCDN'HO ODS	Licensing Committee
14D Power to institute criminal proceedings for offences	Section 346 of the 2005 Act	Service Director, Head of Legal Services	
14E Power to exchange information	Section 350 of the 2005 Act	NHCDN'HO ODS	Licensing Committee
14F Functions relating to the determination of fees for premises licences	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (S.1. 2007/479)	NHCDN'HO ODS	Licensing Committee
14G Functions relating to the registration and regulation of small society lotteries	Part 5 of Schedule 11 to the 2005 Act	NHCDN'HO ODS	Licensing Committee
15. Power to license sex shops and sex cinemas	The Local Government (Misc. Provisions) Act 1982, section 2 and Schedule 3	NHCDN'HO ODS	Licensing Committee
16. Power to license performances of hypnotism	The Hypnotism Act 1952 (c.46)	NHCDN'HO ODS	Public Safety and Protection

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
17. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis	Section 13 to 17 of the Local Government (Misc. Provisions) Act 1982	NHCDN'HO ODS	Public Safety and Protection
18. Power to license pleasure boats and pleasure vessels	Section 94 of the Public Health Acts Amendment Act 1907 (c.53)	NHCDN'HO ODS	Public Safety and Protection
20. Power to license market and street trading	Part III of, and Schedule 4 to, the Local Government (Misc. Provisions) Act 1982, Part III of the London Local Authorities Act 1990 (c.vii) and section 6 of the London Authorities Act 1994 (c.xii)	NHCDN'HO ODS	Public Safety and Protection
21. Powers to license night cafes and take-away food shops	Section 2 of the Late Night Refreshment Houses Act 1969 (c.53), Part II of the London Local Authorities Act 1990 and section 5 of the London Local Authorities Act 1994	NHCDN'HO ODS	Public Safety and Protection
22. Duty to keep list of persons entitled to sell non-medicinal poisons	Sections 3 (1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66)	NHCDN'HO ODS	Public Safety and Protection
23. Power to license dealers in game and the killing and selling of game	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; ss2 to 16 of the Game Licensing Act 1860, s. 4 of the Customs and Inland Revenue Act 1883, section 12(3) and 27 of the Local Government Act 1874), and section 213 of the Local Government Act 1972 (c.70)	NHCDN'HO ODS	Public Safety and Protection
24. Power to register and license premises for the preparation of food	Section 19 of the Food Safety Act 1990 (c.16)	NHCDN'HO ODS	Public Safety and Protection

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
25. Power to license scrap yards	Section 1 of the Scrap Metal Dealers Act 1964 (c.69)	NHCDN'HO ODS	Public Safety and Protection
26. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds	The Safety of Sports Grounds Act 1975 (c.52)	NHCDN'HO ODS	Public Safety and Protection
27. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27)	NHCDN'HO ODS	Public Safety and Protection
28. Power to issue fire certificates	S. 5 of the Fire Precautions Act 1971 (c. 40)	NHCDN'HO ODS	Public Safety and Protection
29. Power to license premises for the breeding of dogs	Section 1 of the Breeding of Dogs Act 1973 (c.60) and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11)	NHCDN'HO ODS	Public Safety and Protection
30. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	S1 of the Pet Animals Act 1951 (c.35); S1 of Animal Boarding Establishments Act 1963 (c.43); the Riding Establishments Acts 1964 and 1970 (1964 c70 & 1970 c70); s.1 of the Breeding of Dogs Act 1973 (c.60), and s1 & 8 of the Breeding and Sale of Dogs (Welfare) Act 1999	NHCDN'HO ODS	Public Safety and Protection
31. Power to register animal trainers and exhibitors	S. 1 of the Performing Animals (Regulation) Act 1925 (c.38)	NHCDN'HO ODS	Public Safety and Protection

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
32. Power to license zoos	S.1 of the Zoo Lic. Act 1981 (c.37)	NHCDN'HO ODS	Public Safety and Protection
33. Power to license dangerous wild animals	S.1 - Dangerous Wild Animals Act 1976 (c. 38)	NHCDN'HO ODS	Public Safety and Protection
34. Power to license knackers' yards	S 4 - Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646)	NHCDN'HO ODS	Public Safety and Protection
35. Power to license the employment of children	Part II - Children & Young Persons Act 1933 (c.33), bylaws made under that Part, & Part II - Children & Young Persons Act 1963 (c.37)	CYPSPEOP LE	Public Safety and Protection
36. Power to approve premises for the solemnisation of marriages	S. 46A of the Marriage Act 1949 (c.76) & the Marriages (approved Premises) Regs 1995 (S.I. 1995/510)	CSBC	
37. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to -(a) an exchange of lands effected by an order under section 19(3) of, or para 6(4) of Sch. 3 to, the Acquisition of Land Act 1981 or (b)an order under s. 147 of the Inclosure Act 1845	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843) (On 6 April 2007 these provisions were repealed)	CSBC	Public Rights of Way and Green Committee
38. Power to register variation of rights of common	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471)	CSBC	Public Rights of Way and Green Committee

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
39. Power to license persons to collect for charitable and other causes	Section 5 of the Police, Factories etc. (Misc. Provisions) Act 1916 (c.31) and s. 2 of the House to House Collections Act 1939 (c.44)	NHCDN'HO ODS	Public Safety and Protection
40. Power to grant consent for the operation of a loudspeaker	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40)	NHCDN'HO ODS	Public Safety and Protection
41. Power to grant a street works licence	Section 50 of the New Roads and Street Works Act 1991 (c.22)	NHCDN'HO ODS	PROWGC
42. Power to license agencies for the supply of nurses	Section 2 of the Nurses Agencies Act 1957 (c.16)	NHCDN'HO ODS	Public Safety and Protection
43. Power to issue licences for the movement of pigs	Article 12 of the Pigs (Records, Identification & Movement) Order 1995 (S.I. 1995/11)	NHCDN'HO ODS	Public Safety and Protection
44. Power to license the sale of pigs	Article 13 of the Pigs (Records, Identification & Movement) Order 1995	NHCDN'HO ODS	Public Safety and Protection
45. Power to license collecting centres for the movement of pigs	Article 14 of the Pigs (Records, Identification and Movement) Order 1995	NHCDN'HO ODS	Public Safety and Protection
46. Power to issue a licence to move cattle from a market	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).	NHCDN'HO ODS	Public Safety and Protection
46A Power to grant permission for provision etc of services, amenities recreation & refreshment facilities on highway & related powers	Sections 115E, 115F & 115K of the Highways Act 1980	NHCDN'HO ODS	Licensing Committee
47. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980 (c.66)	NHCDN'HO ODS	PROWGC

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
47A Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115E of the Highways Act 1980	NHCDN'HO ODS	PROWGC
48. Power to license planting, retention and maintenance of trees etc. in part of highway	Section 142 of the Highways Act 1980	NHCDN'HO ODS	PROWGC
49. Power to authorise erection of stiles etc. on footpaths or bridleways	Section 147 of the Highways Act 1980	NHCDN'HO ODS	PROWGC
50. Power to license works in relation to buildings etc. which obstruct the highway	Section 169 of the Highways Act 1980	NHCDN'HO ODS	PROWGC
51. Power to consent to temporary deposits or excavations in streets	Section 171 of the Highways Act 1980	NHCDN'HO ODS	PROWGC
52. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980	NHCDN'HO ODS	PROWGC
53. Power to restrict the placing of rails, beams etc over highways.	Section 178 of the Highways Act 1980	NHCDN'HO ODS	PROWGC
54. Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980	NHCDN'HO ODS	PROWGC

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
55. Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980	NHCDN'HO ODS	PROWGC
56. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c.35)	NHCDN'HO ODS	Public Safety and Protection
57. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082)	NHCDN'HO ODS	Public Safety and Protection
58. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205)	NHCDN'HO ODS	Public Safety and Protection
59. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086)	NHCDN'HO ODS	Public Safety and Protection
60. Power to approve egg product establishments	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520)	NHCDN'HO ODS	Public Safety and Protection
61. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763)	NHCDN'HO ODS	Public Safety and Protection

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
62. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994)	NHCDN'HO ODS	Public Safety and Protection
63. Power to approve dispatch or purification centres.	Reg. 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regs. 1998	NHCDN'HO ODS	Public Safety and Protection
64. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	NHCDN'HO ODS	Public Safety and Protection
65. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	NHCDN'HO ODS	Public Safety and Protection
66. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998	NHCDN'HO ODS	Public Safety and Protection
67. Duty to keep register of food business premises.	Reg. 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828)	NHCDN'HO ODS	Public Safety and Protection
68. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991	NHCDN'HO ODS	Public Safety and Protection
71. Power to register motor salvage operators	Part 1 of the vehicles (Crime) Act 2001	NHCDN'HO ODS	Public Safety and Protection
72. Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008	CSBC	PROWG

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
C. Functions relating to health and safety at work			
Functions under any of the "relevant statutory provisions" within the meaning of Part 1 (health, safety and welfare in connection with work, and control of dangerous substances) of the H&SW etc. Act 1974 to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part 1 of the Health and Safety at Work etc. Act 1974 (c.37)	NHCD N'HO ODS	Public Safety and Protection
D. Functions relating to elections			
1. Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983(c.2)	Reserved to full Council*	Selection Committee
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983	C SBC	
3. Functions in relation to parishes and parish councils.	Part II of the LG and Rating Act 1997 (c.29) and subordinate legislation under that Part	N/A	
4. Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972	N/A	

* Appointment made on recommendation of Selection Committee

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
5. Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972	N/A	
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983	Reserved to full Council*	Selection Committee
7. Duty to provide assistance at European Parliamentary elections.	Section 6(7) and (8) of the European Parliamentary Elections Act 2002 (c.24)	CSBC	
8. Duty to divide constituency into polling districts	Sections 18A to 18E of, and Schedule A1 to, the Representation of the People Act 1983	Reserved to full Council	
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983	CSBC	
10. Power in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983	CSBC	
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983	CSBC	
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985	CSBC	
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972	CSBC	
* Appointment made on recommendation of Selection Committee			

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972	CSBC	
15. Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972	N/A	
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	Section 10 of the Representation of the People Act 2000 (c.2)	CSBC	
18. Duty to consult on change of scheme for elections	Sections 33(2), 38(2) and 40(2) of the Local Government and Public Involvement in Health Act ("the 2007 Act")	CSBC	
19. Duties relating to publicity	Sections 35, 41 and 52 of the 2007 Act	CSBC	
20. Duties relating to Electoral Commission	Sections 36 and 42 of the 2007 Act	CSBC	
21. Power to alter years of ordinary elections of parish councillors	Section 53 of the 2007 Act	N/A	
22. Functions relating to change of name of electoral area	Section 59 of the 2007 Act	Reserved to full Council; serving notice: CSBC	

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
E. Functions relating to name and status of areas and individuals			
1. Power to change name of a county, district or London borough	Section 74 of the Local Government Act 1972	Reserved to full Council	
2. Power to change the name of a parish	Section 75 of the Local Government Act 1972	N/A	
3. Power to confer title of honorary alderman/alderwoman or to admit to be an honorary freeman/freewoman	Section 249 of the Local Government Act 1972	Reserved to full Council	
4. Power to petition for a charter to confer borough status	Section 245b of the Local Government Act 1972	N/A	

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
F. Power to make, amend, revoke, re-enact or enforce byelaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c.30)	Except enforcement : Reserved to full Council	
FA. Functions relating to smoke- free premises, etc.			
1. Power to enforce offences to the display of no-smoking signs	Section 6(5) of the Health Act 2006 (“the 2006 Act”)	NHCDN’HO ODS	Public Safety and Protection
2. Power to enforce offences relating to smoking in smoke-free places	Section 7(4) of the 2006 Act	NHCDN’HO ODS	Public Safety and Protection
3. Power to enforce offence of failing to prevent smoking in smoke-free places	Section 8(4) of the 2006 Act	NHCDN’HO ODS	Public Safety and Protection
4. Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement) Regulations 2006 (S.I. 2006/3368)	NHCDN’HO ODS	Public Safety and Protection

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
G. Power to promote or oppose local or personal Bills	Section 239 of the Local Government Act 1972	Reserved to full Council	
H. Functions relating to pensions etc.			
1. Functions relating to local government pensions etc	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c.11)	CSBC	Human Resources Committee
2. Functions under the Fireman's Pension Scheme relating to pensions, etc. as respects persons employed by fire and rescue authorities pursuant to Section 1 of the Fire and Rescue Services Act 2004	Sections 34 and 36 of the Fire and Rescue Services Act 2004 (c.21)	CSBC	
I. Miscellaneous functions			
Part I : Functions relating to public rights of way			
1. Power to create footpath, bridleway or restricted byway by agreement	Section 25 of the Highways Act 1980 (c.66)	NHCDN'HO ODS	PROWGC
2. Power to create footpaths, bridleways and restricted byways	Section 26 of the Highways Act 1980	NHCDN'HO ODS	PROWGC

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
3. Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980	NHCDN'HO ODS	PROWGC
4. Power to stop up footpaths, bridleways and restricted byways	Section 118 of the Highways Act 1980	NHCDN'HO ODS	PROWGC
5. Power to determine application for public path extinguishment order	Sections 118ZA and 118C(2) of the Highways Act 1980	NHCDN'HO ODS	PROWGC
6. Power to make a rail crossing extinguishment order	Section 118A of the Highways Act 1980	NHCDN'HO ODS	PROWGC
7. Power to make a special extinguishment order	Section 118B of the Highways Act 1980	NHCDN'HO ODS	PROWGC
8. Power to divert footpaths, bridleways and restricted byways	Section 119 of the Highways Act 1980	NHCDN'HO ODS	PROWGC
9. Power to make a public path diversion order	Sections 119Za and 119C(4) of the Highways Act 1980	NHCDN'HO ODS	PROWGC
10. Power to make a rail crossing diversion order	Section 119A of the Highways Act 1980	NHCDN'HO ODS	PROWGC
11. Power to make a special diversion order	Section 119B of the Highways Act 1980	NHCDN'HO ODS	PROWGC
12. Power to require applicant for order to enter into agreement	Section 119C(3) of the Highways Act 1980	NHCDN'HO ODS	PROWGC
13. Power to make an SSSI diversion order	Section 119D of the Highways Act 1980	NHCDN'HO ODS	PROWGC

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
14. Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA & 119C of the Highways Act 1980	Section 121B of the Highways Act 1980	NHCDN'HO ODS	PROWC
15. Power to decline to determine certain applications	Section 121C of the Highways Act 1980	NHCDN'HO ODS	PROWGC
16. Duty to assert and protect the rights of the public to use and enjoyment of highways	Section 130 of the Highways Act 1980	NHCDN'HO ODS	PROWGC
17. Duty to serve notice of proposed action in relation to obstruction	Section 130B(7) of the Highways Act 1980.	NHCDN'HO ODS	PROWGC
18. Power to apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980	NHCDN'HO ODS	PROWGC
19. Power to authorise temporary disturbance of surface of footpath, bridleway or restricted byway	Section 135 of the Highways Act 1980	NHCDN'HO ODS	PROWGC
20. Power temporarily to divert footpath, bridleway or restricted byway	Section 135A of the Highways Act 1980	NHCDN'HO ODS	PROWGC
21. Functions relating to the making good of damage and the removal of obstructions	Section 135B of the Highways Act 1980	NHCDN'HO ODS	PROWGC

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
22. Powers relating to the removal of things so deposited on highways as to be a nuisance	Section 149 of the Highways Act 1980	NHCDN'HO ODS	PROWGC
23. Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981 (c.67)	NHCDN'HO ODS	PROWGC
24. Duty to keep definitive map and statement under review	Section 53 of the Wildlife and Countryside Act 1981 (c.69)	NHCDN'HO ODS	PROWGC
25. Power to include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981	NHCDN'HO ODS	PROWGC and relevant Development Control Committee
26. Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981	NHCDN'HO ODS	PROWGC
28. Power to prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981	NHCDN'HO ODS	PROWGC
29. Power to designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984 (c.38)	NHCDN'HO ODS	PROWGC
30. Power to extinguish public right of way over land acquired for clearance	Section 294 of the Housing Act 1981 (c. 68)	NHCDN'HO ODS	PROWGC

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
30A Power to authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act 1990 (c8)	NHCDN'HO ODS	Relevant dev. con. Committees
31. Power to authorise stopping-up or diversion of footpath, bridleway or restricted byway	Section 257 of the Town and Country Planning Act 1990	NHCDN'HO ODS	Relevant dev. con. committees
32. Power to extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990	NHCDN'HO ODS	Relevant dev. con. committees
33. Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000 (c. 37)	NHCDN'HO ODS	PROWGC
34. Power to provide access to absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000	NHCDN'HO ODS	PROWGC

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
Part II : other miscellaneous functions			
35. Functions relating to sea fisheries	Section 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c.38)	NHCD N'H OODS	Public Safety and Protection
36. Power to make standing orders	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972 (c.70)	Reserved to full Council	
37. Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Section 112 of the Local Government Act 1972	Head of Paid Service CD	Human Resources Committee/Selection Committee / Appeals Committee
38. Power to make standing orders as to contracts	Section 135 of the Local Government Act 1972	Reserved to full Council	
39. Duty to make arrangements for proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972	CSBC	
40. Power to appoint officers for particular purposes (appointment of "proper officers")	Section 270(3) of the Local Government Act 1972	HOPS in consultation with HOLS except where legislation provides otherwise	

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
41. Power to make limestone pavement order	Section 34(2) of the Wildlife and Countryside Act 1981 (c.69)	NHCD N'H OODS	PROWGC
42. Power to make closing order with respect to take-away food shops	Section 4 of the Local Government (Misc. Provisions) Act 1982 (c.30)	NHCD N'H OODS	Public Safety and Protection
43. Duty to designate officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c. 42)	Reserved to full Council *	Selection Committee
44. Duty to designate officer as the monitoring officer, & to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989	Reserved to full Council *	Selection Committee
44A Duty to provide staff etc to person nominated by monitoring officer	Sections 82A (4) and (5) of the Local Government Act 2000	Head of Paid Service CD	
44B Powers relating to overview and scrutiny committees (voting rights of co-opted members)	Paragraphs 12 and 14 of schedule 1 to the Local Government Act 2000		Overview and Scrutiny Committee
45. Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be)	The Accounts and Audit Regulations 1996 (S.I. 1996/590).		Audit Committee

* In the case of appointments, on the recommendation of the Selection Committee.

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
46. Powers relating to the protection of important hedgerows	Hedgerows Regulations 1997 (S.I. 1997/1160)	NHCDN'H OODS	Relevant dev. con. committee
47. Powers relating to the preservation of trees	Sections 197 to 214D of Town & Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892)	NHCDN'H OODS	Relevant dev. con. committee
47A. Powers relating to complaints about high hedges	Part 8 of the Anti-social Behaviour Act 2003	NHCDN'H OODS	Relevant dev. Con. committee
48. Power to make payments or provide other benefits in cases of maladministration etc	Section 92 of the Local Government Act 2000	All strategic directors insofar as the case of maladministration etc arises in respect of functional areas administered within their directorate	
49. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption	Section 13(2) of the Criminal Justice and Police Act 2001 (c. 16)	NHCDN'H OODS	Licensing Committee

(1)	(2)	(3)	(4)
Function	Provision of Act or Statutory Instrument	Strategic Director responsible for function	Committee (if any) responsible for function
50. Power to make or revoke an order designating a locality as an alcohol disorder zone	Section 16 of the Violent Crime Reduction Act 2006	NHCDN'H OODS	Licensing Committee
51. Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006	CSBC	PROWG
52. Power to protect unclaimed common land and unclaimed town or village greens against unlawful interference	Section 45 (2)(a) of the Commons Act 2006	CSBC	PROWG
53. Power to institute proceedings for offences in respect of unclaimed registered common land or unclaimed town or village greens	Section 45(2)(b) of the Commons Act 2006	CSBC	PROWG
54. Power to discharge, and acquire from other authorities, functions relating to Definitive Map Modification Orders and Public Path Orders	Section 101 of the Local Government Act 1972	CSBC	PROWG

1. FULL COUNCIL FUNCTIONS

The full Council has responsibility for adopting the budget and policy framework and approving housing land transfers.

- (a) The **policy framework** is made up of overarching plans and strategies as set out in Article 4.01. Additional corporate strategies may become part of the policy framework once adopted by full Council.
- (b) The **budget** includes the allocation of financial resources to corporate priorities, services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the council's borrowing, investments, capital expenditure, determining the authority's minimum revenue provision and the setting of virement limits.
- (c) **Housing Land Transfer** means the approval of an application to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under section 32 or 43 of the Housing Act 1985.

Functions of the full Council

Only the full Council can exercise the following functions:

- (a) Adopting or amending the constitution;
- (b) Approving or adopting the budget and policy framework and the statement of licensing policy;
- (c) Subject to the urgency procedure contained in the council's Access to Information Rules, making decisions about any matter in the discharge of an executive function which is covered in the budget and policy framework where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget;
- (d) Approving Housing Land Transfers;
- (e) Adopting standing orders including standing orders as to contracts;

- (f) Electing the Lord Mayor and Deputy Lord Mayor;
- (g) Establishing committees and agreeing their terms of reference, size and the allocation of seats on committees to political groups unless the function (in so far as it relates to overview and scrutiny) has been delegated by the full Council;
- (h) Adopting and revising a members' allowance scheme;
- (i) Changing the name of the area and conferring Freedom of the City, or the title of Honorary Alderman, Honorary Alderwoman or Honorary Recorder;
- (j) Confirming the appointment of the Head of Paid Service and Monitoring Officer;
- (k) Making, amending, revoking or re-enacting or adopting byelaws and promoting or opposing the making of local legislation or private Bills;
- (l) Deciding not to issue a casino premises licence;
- (m) Making a request for single-member electoral areas (s. 14A(1) Local Government Act 1992);
- (n) Making proposals to change governance arrangements of the kind set out in sections 33A and 33B of the Local Government Act 2000 ("the 2000 Act"); deciding whether the proposed change should be subject to a referendum (s.33E of the 2000 Act); and passing a resolution to make a change in governance arrangements (s.33F the 2000 Act);
- (o) Changing a scheme for elections (s. 32(1), 37(1) or 39(1) Local Government and Public Involvement in Health Act 2007 ("the 2007 Act"));
- (p) All local choice functions which the council decides should be undertaken by itself;
- (q) All other matters which by law must be reserved to full Council.

Local Choice Functions

The full Council has determined that the following function shall be exercised by full Council:

~~Approval of the draft Local Area Agreement for submission to Secretary of State (s. 106 of the 2007 Act)~~

Non-executive Functions

The full Council has decided that the following additional non-executive functions shall be exercised by full Council:

- (a) Duty to appoint an electoral registration officer (section 8(2) of the Representation of the People Act 1983);
- (b) Duty to appoint returning officer for local government elections (section 35 of the Representation of the People Act 1983);
- (c) Duty to divide constituency into polling districts (section 18A to 18E of, and Schedule A1 of the Representation of the People Act 1983);
- (d) Changing the name of an electoral area (s. 59 of the 2007 Act);
- (e) Power to promote or oppose local or personal Bills (section 239 of the Local Government Act 1972);
- (f) Powers relating to overview and scrutiny committees (voting rights of co-opted members) (Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000);
- (g) Duty to comply with a direction given by the Secretary of State in connection with making a change to executive arrangements (s. 33K of the 2000 Act).

B. TERMS OF REFERENCE OF COMMITTEES

Each committee has delegated authority to undertake all responsibilities and actions falling within its terms of reference.

COMMITTEE TERMS OF REFERENCE:

A. OVERVIEW AND SCRUTINY COMMITTEES

OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Terms of Reference

Functions

In accordance with legislation (Local Government Act 2000, Health and Social Care Act 2001, NHS Act 2006, Police and Justice Act 2006, Flood and Water Management Act 2010, Localism Act 2011, Health and Social Care Act 2012) the Board will meet quarterly to discharge the council's overview and scrutiny function, including but not limited to the following:

General

1. Overview and scrutiny of strategic priorities and policy, including the council's budget, spending plans and policy framework and review of their impact on service delivery and outcomes for people in Bristol.
2. Work with, inform and hold the Mayor/Executive to account in relation to the development, implementation and review of strategic priorities and policy.
3. Review and scrutinize decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Mayor/Executive, functions which are not the responsibility of the Executive, and functions which are the responsibility of any other bodies the Council is authorized to scrutinize.
4. Make reports and recommendations to Full Council, the Mayor/Executive and/or any "Other Body" on matters within their remit and on matters which affect the authority's area or the inhabitants of that area.

5. Develop the external focus of overview and scrutiny on 'city-wide issues' (and where appropriate sub regional, regional and national issues), in particular through collaborative work with local partner authorities, providers, stakeholders and members of the public.
6. Working with joint scrutiny committees, namely West of England Joint Scrutiny, Joint Health Committee, and the Joint Ambulance Committee, scrutinize the work and effectiveness of partners, where the powers of scrutiny allow, and other local strategic partnerships such as the Local Enterprise Partnership..
7. Scrutinize governance arrangements at strategic and local level (e.g. Neighbourhood Partnerships) to ensure these are fit for purpose and deliver good decision making, accountability, transparency and involvement
8. To consider organisational performance and commission performance reviews through the relevant scrutiny commissions.

Management Function

9. To manage, develop and champion the overview and scrutiny function of the Council:
 - As a vehicle to provide constructive challenge, public accountability and improved outcomes for people in Bristol.
 - As a forum to consider evidence and different views and opinions and respond to public priorities.
 - To promote confidence and greater involvement in local democracy
 - To set the overall scrutiny work programme, oversee the work programme of each of the Commissions and ensure the effective co-ordination of those programmes within the ten meetings per year allocated to each Commission (to include select committees, sub-committees, working groups and any other forms of scrutiny that may be established by virtue of the Overview and Scrutiny Procedure Rules)

9.

-
- 12. To consider requests for scrutiny reviews under the Councillor Call for Action process.
- 13. To review and evaluate the effectiveness of the overview and scrutiny function and make recommendations to full Council and propose any changes to the Constitution as necessary.

B BUSINESS CHANGE AND RESOURCES SCRUTINY COMMISSION

Terms of reference

Overview

The role of the commission is the overview and scrutiny of matters relating to the Business Change Directorate including the councils business change programme, ICT, integrated customer services, legal, financial and HR services. **Functions**

1. To ensure that overview and scrutiny directly responds to corporate and public priorities, is used to drive service improvement, provides a focus for policy development and engages members of the public, key stakeholders and partner agencies.
2. To develop an annual work programme within the total of ten meetings per year allocated to the Commission which concentrates on limited areas for in depth review (including the use of time limited task and finish groups to facilitate this e.g. Select Committees, Working Groups, Inquiry Days) using the following framework:
 - (a) Scrutiny of corporate plans and other major plan priorities with particular reference to those areas where targets are not being met or progress is slow;
 - (b) Input to significant policy developments or service reviews;
 - (c) Review and scrutiny of decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Mayor/Executive, functions which are not the responsibility of the

Mayor/Executive, and functions which are the responsibility of any other bodies the Council is authorized to scrutinize

3. To make reports and recommendations to Full Council, the Mayor/Executive and/or any other body on matters within their remit and on matters which affect the authority's area or the inhabitants of that area and to monitor the response, implementation and impact of recommendations.
4. To work in collaboration with the Mayor/relevant Executive Member and receive updates from that member on key policy developments, decisions taken or to be taken and progress against corporate priorities.
5. To report on a quarterly basis to the Overview and Scrutiny Management Board on progress against the work programme and on any recommendations it makes.
7. 6. To develop a budget review process and ensure that budget proposals are subject to rigorous challenge

C PEOPLE SCRUTINY COMMISSION

Terms of reference

Overview

The role of the commission is the overview and scrutiny of matters relating to the People Directorate. including care provision, housing solutions, child and family support, education and skills, health (including the statutory health function) and strategic commissioning

Functions

1. To ensure that overview and scrutiny directly responds to corporate and public priorities, is used to drive service improvement, provides a focus for policy development and engages members of the public, key stakeholders and partner agencies.
2. To develop an annual work programme within the total of ten meetings per year **allocated to the commission**

which concentrates on limited areas for in depth review (including the use of time limited task and finish groups to facilitate this e.g. Select Committees, Working Groups, Inquiry Days) using the following framework:

- (a) Scrutiny of corporate plans and other major plan priorities with particular reference to those areas where targets are not being met or progress is slow;
- (b) Input to significant policy developments or service reviews;
- (c)

Review and scrutiny of decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Mayor/Executive, functions which are not the responsibility of the Executive, and functions which are the responsibility of any other bodies the Council is authorized to scrutinize.

- 3. To make reports and recommendations to Full Council, the Mayor/Executive and/or any other body on matters within their remit and on matters which affect the authority's area or the inhabitants of that area and to monitor the response, implementation and impact of recommendations.
- 4. To work in collaboration with the Mayor/relevant Executive Member and receive updates from that member on key policy developments, decisions taken or to be taken and progress against corporate priorities.
- 5. To report on a quarterly basis to the Overview and Scrutiny Management Board on progress against the work programme and on any recommendations it makes.

D PLACE SCRUTINY COMMISSION

Terms of Reference

Overview

The role of the commission is the overview and scrutiny of matters relating to the Place Directorate including property, planning and place strategy, highways and transport management development and regeneration, ~~recycling, waste and environmental issues,~~ and the statutory flood risk management scrutiny function.

Functions

1. To ensure that overview and scrutiny directly responds to corporate and public priorities, is used to drive service improvement, provides a focus for policy development and engages members of the public, key stakeholders and partner agencies.
2. To develop an annual work programme **within the total of ten meetings per year allocated to the Commission which** concentrates on limited areas for in depth review (including the use of time limited task and finish groups to facilitate this e.g. Select Committees, Working Groups, Inquiry Days) using the following framework:
 - (a) Scrutiny of corporate plans and other major plan priorities with particular reference to those areas where targets are not being met or progress is slow;
 - (b) Input to significant policy developments or service reviews;

Review and scrutiny of decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Mayor/Executive, functions which are not the responsibility of the Executive, and functions which are the responsibility of any other bodies the Council is authorized to scrutinize.
3. To make reports and recommendations to Full Council, the Mayor/Executive and/or any other body on matters within their remit and on matters which affect the authority's area or the inhabitants of that area and to monitor the response, implementation and impact of recommendations.
4. To work in collaboration with the Mayor/relevant Executive Member and receive updates from that member on key

policy developments, decisions taken or to be taken and progress against corporate priorities.

5. To report on a quarterly basis to the Overview and Scrutiny Board on progress against the work programme and on any recommendations it makes.

E NEIGHBOURHOODS SCRUTINY COMMISSION

Terms of reference

Overview

The role of the commission is the overview and scrutiny of matters relating to the Neighbourhoods Directorate including environment and leisure, housing delivery, crime and disorder (including the statutory scrutiny function) , **recycling, waste and environmental issues**, neighbourhoods, and public health.

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Functions

1. To ensure that overview and scrutiny directly responds to corporate and public priorities, is used to drive service improvement, provides a focus for policy development and engages members of the public, key stakeholders and partner agencies.
2. To develop an annual work programme **within the total of ten meetings per year allocated to the commission which** concentrates on limited areas for in depth review (including the appointment of time limited task and finish groups to facilitate this e.g. Select Committees, Working Groups, Inquiry Days) using the following framework:
 - (a) Scrutiny of corporate plans and other major plan priorities with particular reference to those areas where targets are not being met or progress is slow;
 - (b) Input to significant policy developments or service reviews;
 - (c) Review and scrutinize decisions made, or other action taken in connection with the discharge of any functions which are the responsibility of the Mayor/Executive, functions which are not the responsibility of the Executive, and

functions which are the responsibility of any other bodies the Council is authorized to scrutinize

3. To make reports and recommendations to Full Council, the Mayor/Executive and/or any other body on matters within their remit and on matters which affect the authority's area or the inhabitants of that area and to monitor the response, implementation and impact of recommendations.
4. To work in collaboration with the Mayor/relevant Executive Member and receive updates from that member on key policy developments, decisions taken or to be taken and progress against corporate priorities.
5. To report on a quarterly basis to the Overview and Scrutiny Management Board on progress against the work programme and on any recommendations it makes.

F JOINT HEALTH SCRUTINY COMMITTEE

Terms of Reference

Functions

1. Where more than one local authority is consulted by a local NHS body in respect of any proposal, which it has under consideration for the substantial development of the health service or the substantial variation of such service, to review and scrutinise such proposal jointly with any other local authority so consulted.
2. Where a matter is referred to it by Healthwatch to consider whether to exercise any powers in relation to the matter, taking into account information supplied by Healthwatch.
3. Where more than one local authority has an interest in the planning, provision and operation of health services which cross geographical boundaries, to review and scrutinise any such matters jointly with any such other local authority.
4. To require the local NHS body to provide information about the proposal under consideration and where appropriate to require the attendance of a representative of the NHS body to answer such questions as appear to it to be necessary for the discharge of its function in connection with the

consultation.

5. To prepare a report to the health body and the participating local authorities, setting out any comments and recommendations on any matter reviewed or scrutinised.
6. To report to the Secretary of State in writing where it is not satisfied that consultation on any proposal referred to in paragraph (1) has been adequate in relation to the content or time allowed.
7. To report to the Secretary of State in writing in any case where it considers that the proposal referred to in paragraph 1 above would not be in the interests of the health service in the area of the joint committees participating local authorities.

G SOUTH WEST JOINT AMBULANCE SCRUTINY COMMITTEE

Terms of reference

Functions

To collectively scrutinise the planning, design and delivery of services provided by the South Western Ambulance NHS Trust (SWAS) to:

1. To hold SWAS to account for its performance on a Trust-wide basis.
2. To review and develop policy that affects all local authority areas served by SWAS.
3. To scrutinise the impact of the services provided by SWAS on all local communities served by the Trust.
4. To review the impact of legislative changes which directly or indirectly affect the provision of ambulance services in the area served by SWAS.

H WEST OF ENGLAND JOINT SCRUTINY COMMITTEE

Terms of reference

To be concerned with the aspects of the Local Enterprise Partnership (LEP) that relate to public funding and resources.

Within the LEP structure, the committee shall:

- Scrutinise any relevant proposals from the Joint Transport Executive Committee, Planning Housing and Communities Board and the stakeholder group in relation to the activities outlined in their terms of reference.
- Scrutinise other relevant proposals related to public funding and resources made from the Local Enterprise Board and the Skills sub-group.
- Review actions taken and decisions made by these bodies related to public funding and resources.
- Make reports or recommendations to these bodies, as appropriate and/or the constituent authorities' respective Overview and Scrutiny committees or equivalent.
- Scrutinise the activities of private sector companies, recognising that the private sector is not under the same obligation to appear in public or have regard to recommendations made by a scrutiny committee in the same way that public service providers are required to do so.

Note: this committee will normally meet jointly with the equivalent scrutiny bodies of the other local authorities within the West of England Partnership area.

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CPR1 ANNUAL MEETING OF THE FULL COUNCIL

CPR1.1 Timing and business

In a year when 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 March, April or May. The annual meeting will commence at 2.00 p.m.

The annual meeting will:

- (i) elect a person to preside if the Lord Mayor is not present;
- (ii) elect the Lord Mayor;
- (iii) elect the deputy Lord Mayor;
- (iv) deal with any other civic business
(for example appointment of honorary aldermen);
- (v) approve the minutes of the last meeting;
- (vi) receive any declarations of interest from members of council;
- (vii) receive any announcements from the Lord Mayor and / or head of paid service;
- (viii) receive a statement from the Mayor and a statement from the group leaders and a final response from the Mayor;
- (ix) note any appointment of Cabinet (Executive) Members and/or Deputy Mayor made by the Mayor;
- (x) appoint at least one overview and scrutiny committee, and such other committees as the council considers appropriate to deal with matters which are neither reserved to the full Council nor are executive functions (as set out in part 3, of this constitution);
- (x) agree the scheme of delegation (or such part of it) as the constitution determines it is for the full Council to agree (as set out in part 3 of this constitution);
- (xi) approve a programme of ordinary meetings of the full Council for the year including a meeting to determine the budget and policy framework; and
- (xii) consider any business set out in the notice convening the meeting.

CPR1.2

Selection of members of council on committees and outside bodies

At the annual meeting, the full Council will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats [and substitutes] to political groups in accordance with the political balance rules; and
- (iv) receive nominations of members of council to serve on each committee.

CPR2

ORDINARY MEETINGS (including a meeting to determine the budget)

CPR2.1

Ordinary meetings

- (1) Ordinary meetings of the full Council (including a meeting to determine the budget) will take place seven times each year in accordance with a programme decided at the annual meeting.
- (2) Ordinary meetings (except the meeting to determine the budget) (total time limit three hours 30 minutes excluding time taken for refreshments) will:
 - (i) elect a person to preside if the Lord Mayor and deputy Lord Mayor are not present;
 - (ii) approve the minutes of the last meeting;
 - (iii) receive any declarations of interest from members of council
 - (iv) receive any announcements from the Lord Mayor, Mayor, members of the executive or the head of paid service;
 - (v) receive petitions, questions (and provide answers) and statements from members of the public.
Time limit - 30 minutes
 - (vi) receive petitions, from members of council .
Time limit - 10 minutes
 - (vii) receive any other business which the Lord Mayor accepts as urgent;

- (viii) receive reports from the executive;
Time limit - 1 hour 15 minutes
- (ix) receive reports from council committees;
Time limit - 1 hour
- (x) receive reports on the business of joint arrangements and external organisations;
- (xi) consider motions; and
Time limit - 30 minutes
- (xii) consider any other business specified in the summons to the meeting.

CPR3 EXTRAORDINARY MEETINGS

CPR3.1 Calling extraordinary meetings

Those listed below may request the proper officer to call full Council meetings in addition to ordinary meetings:

- (i) the full Council by resolution;
- (ii) the Lord Mayor;
- (iii) the proper officer; and
- (iv) any five members of council if they have signed a requisition presented to the Lord Mayor and the Lord Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

CPR3.2 Business

The agenda for an extraordinary meeting will specify the matters that the meeting will deal with. Petitions, questions and statements will be accepted only if they relate to the business for which the extraordinary meeting has been arranged.

CPR4
APPOINTMENT OF SUBSTITUTE
MEMBERS OF COMMITTEES AND SUB-COMMITTEES
(Including regulatory)

CPR4.1
Allocation

As well as allocating seats on committees and sub-committees, the full Council will allocate seats for substitute members.

CPR4.2
Number

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

CPR4.3
Powers and duties

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

CPR4.4
Substitution

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the designated substitute;
- (ii) where the ordinary member will be absent for the whole of the meeting; and
- (iii) after notifying the proper officer by no later than **one hour** before the meeting of the intended substitution.

Notice required 1 hour

CPR5
TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the proper officer notified in the summons.

CPR6 NOTICE OF, AND SUMMONS TO, MEETINGS

The proper officer will give notice to the public of the time and place of any meeting in accordance with the **Access to Information Rules** (APR). At least five clear working days before a meeting, the proper officer will send a summons signed by them by post to every member of council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

Notice required - 5 clear working days

CPR7 CHAIR OF MEETING

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

CPR8 QUORUM

The quorum for full Council is 18. During any meeting if the Lord Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Lord Mayor. If a date is not fixed, the remaining business will be considered at the next ordinary meeting.

CPR9 DURATION OF MEETING

CPR9.1 Interruption of the meeting

If the business of the meeting has not been concluded within three hours 30 minutes (excluding time taken for refreshments), a bell will be rung and the member of council speaking must immediately sit down. The Lord Mayor must interrupt the meeting and call for the vote if appropriate immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion.

CPR9.2

Motions and recommendations not dealt with

If there are other motions or recommendations on the agenda that have not been dealt with within three hours 30 minutes, they will be deemed to fall.

The Council will continue with the 'golden motion' process whereby the first motion received by the Proper Officer will be debated. Other motions may be debated but this will be determined by a ballot to be operated by the Proper Officer and will not include members of the party with the golden motion.

Any other motions received will be itemised on the agenda with an explanatory note that they are unlikely to be reached within the available time. The time limit for debating motions is 30 minutes.

CPR9.3

Recorded vote

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

CPR9.4

Motions which may be moved

During the process set out in CPR9.1, 9.2 and 9.3 above, the only other motions which may be moved are:

- that a matter be withdrawn; or
- that a matter be delegated or referred to an appropriate body or individual for decision or report.

CPR9.5

Close of the meeting

When the time limit for the meeting has been reached, the Lord Mayor will declare the meeting closed and any motions and recommendations which have not been dealt with will fall.

CPR10

PETITIONS, QUESTIONS AND STATEMENTS

(This rule does not apply at a meeting to determine the budget)

CPR10.1

General

Public Petitions and statements

- (a) Members of the public , provided they give notice in writing or by electronic mail to the proper officer (and include their name and address and details of the wording of the petition, and in the case of a statement, a copy of the submission), by no later than 12 noon of the working day before a meeting, may present a petition or submit a statement at ordinary meetings of the full Council.
- One statement per member of the public shall be admissible
 - A maximum of one minute shall be permitted for the presentation of each petition and statement.

Notice required - 12 noon of the working day before the meeting

- (b) The total time allowed for dealing with petitions, statements (including questions under CPR 10.1g below) is thirty minutes. Petitions will be addressed in priority to statements and questions.

Time limit - 30 minutes

- (c) Persons presenting petitions will be required to read out the objectives of the petition. A written reply will be provided to the lead petitioner within 10 working days following the Council meeting.
- (d) Statements, provided they are of reasonable length, will be copied and circulated to all members of council and will be made available to the public attending the meeting by not later than one hour before the meeting. If requested, a written reply will be provided within 10 working days following the Council meeting.

Time limit 1 hour before the meeting

- (e) There will be no debate but after receiving a petition with less than 3500 signatures / statement the Lord Mayor will refer the petition / statement for further consideration to the relevant executive member, committee or officer of any other person he or she considers appropriate.
- (f) Where a petition has more than 3500 signatures then the petition will be debated by Council but no recommendation will be made prior to its referral to the decision making body for consideration at its next available meeting. The next available Council meeting

will then be informed of any action taken by the decision making body.

Public Questions

(g) Questions by members of the public may be asked of:

(i) the Mayor and executive members;

~~(ii) —~~

~~(iii) —~~

CPR10.2

Order of questions

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

CPR10.3

Notice of questions

(a) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than three clear working days before the day of the meeting. Each question must give the name and address of the questioner and must identify the person to whom it is to be put. Questions will be included on the printed agenda.

Notice required - 3 clear working days before the meeting

(b) Late urgent questions **may** be asked provided:

- the question relates to urgent matters; and
- the consent of the Lord Mayor has been obtained; and
- the content of the question has been given to the proper officer by no later than **two hours** before the meeting on the day of the meeting.

Notice required - 2 hours before the meeting

CPR10.4

Number of questions

A member of the public may ask a maximum of two questions

CPR10.5

Scope of questions, statements and petitions

~~• Questions must concern an item of business on the Council agenda.~~

• The Lord Mayor in consultation with the proper officer may reject a question, statement or petition if it:

- is not about a matter for which the local authority has a responsibility or which directly affects the city;
- is defamatory, frivolous or offensive;
- requires the disclosure of confidential or exempt information.

CPR10.6

Record of questions

The proper officer will record each question in a format open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all members and will be made available to the public attending the meeting, by not later than one hour before the meeting.

Time limit 1 hour before the meeting

CPR10.7

Supplementary questions

A questioner who has put a question in person may also put without notice, one supplementary question to the councillor who has replied to their original question. A supplementary question must arise directly out of the original question or the reply. The Lord Mayor may reject a supplementary question on any of the grounds in CPR10.5 (scope of questions) above. A maximum of two supplementary questions may be asked by a member of the public

CPR10.8

Response

- (1) Replies to questions will be given verbally. If a reply cannot be given at the meeting (including due to lack of time) or if written confirmation of the verbal reply is requested by the questioner, a written reply will be provided within 10 working days of the meeting. ~~The questions and replies will be included in the minutes of the meeting.~~

Time limit – 10 working days following the meeting

- (2) Oral answers will be given to urgent questions asked under CPR10.3 (b) (notice of questions).

CPR 10.9

MEMBER PETITIONS

Upon the conclusion of the public petitions questions and statements the Council shall receive petitions from Members of Council. The rules

in respect of public petitions shall apply equally to those presented by Members of Council.

CPR11 MOTIONS ON NOTICE

CPR11.1 Notice

Except for motions which can be moved without notice under CPR11, written notice of every motion must be delivered to proper officer not later than **six clear working days** before the date of the meeting. These will be entered in a book open to public inspection.

Notice required - 6 clear working days

CPR11.2 Motion set out in agenda

- (1) Motions for which notice has been given will be listed on the agenda in the order in which the notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.
- (2) Where notice of motions has been given in accordance with the above rule, at the meeting, the Lord Mayor (at their discretion) may allow the motion to be moved by another member.

CPR11.3 Scope

Motions must be about matters for which the council has a responsibility or which directly affect the city of Bristol.

CPR12 MOTIONS WITHOUT NOTICE

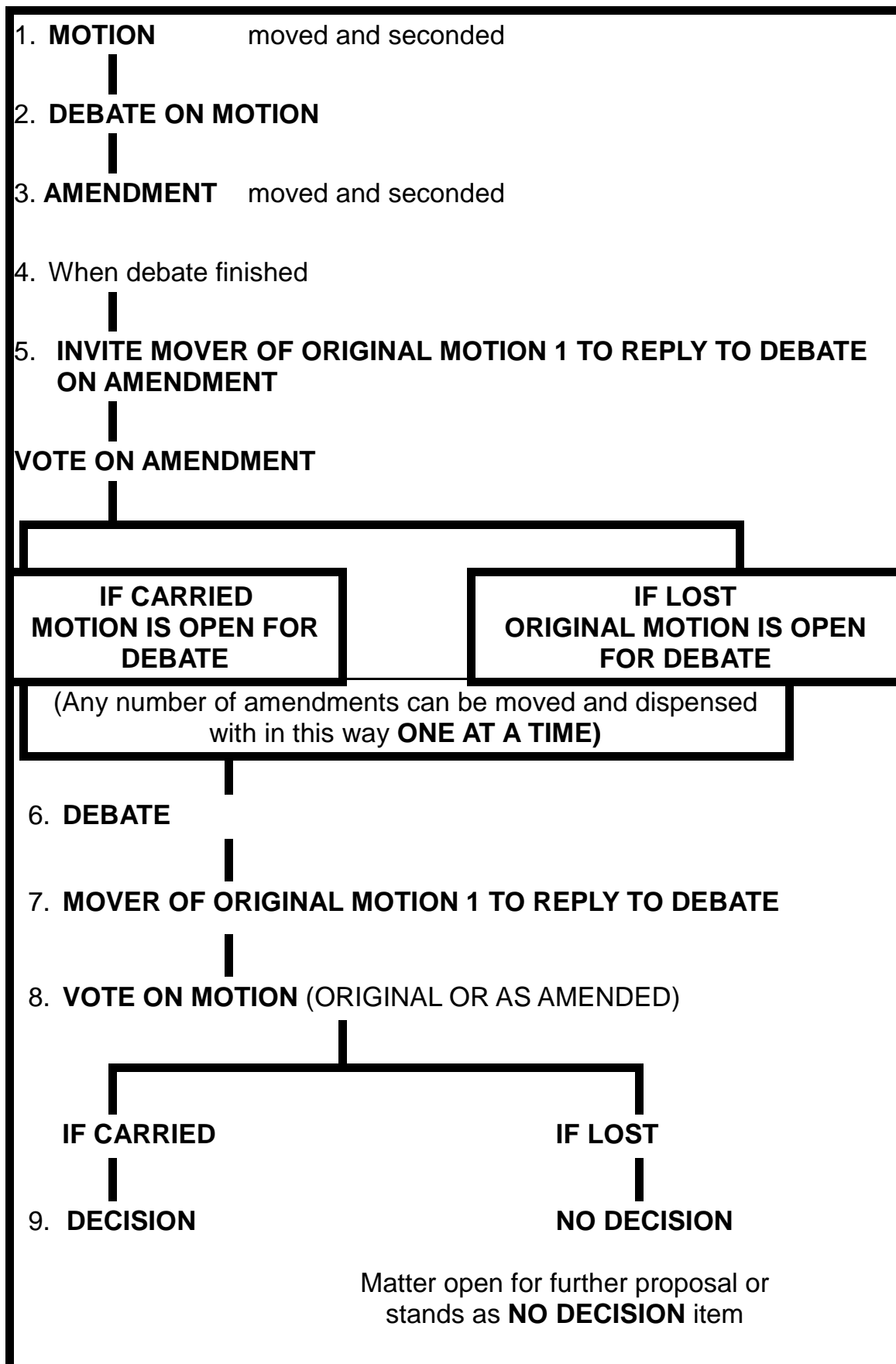
The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;

- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond three hours 30 minutes in duration.
- (n) to suspend a particular **Council Procedure Rule** (CPR);
- (o) to exclude the public and press in accordance with the **Access to Information Rules** (APR);
- (p) to not hear further a councillor named under CPR 19.3 or to exclude them from the meeting under CPR 19.4; and
- (q) to give the consent of the council where its consent is required by this constitution.

**CPR13
RULES OF DEBATE**

Simplified diagram showing how decisions might be reached



CPR13.1

No debate until motion or amendment is seconded

A motion or an amendment may be debated only after it has been seconded by another member of council.

CPR13.2

Right to require motion or amendment in writing

Unless notice of the motion or amendment has already been given, a signed copy of the motion must be put in writing and handed to the proper officer either before it is moved or immediately after it is moved. (See also CPR13.6 (g) re. amendments).

CPR13.3

Secunder's speech

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

Time limit - 5 minutes

CPR13.4

Content and length of speeches

(These time limits do not apply at a meeting to determine the budget)

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech moving a substantive motion may exceed **three minutes** and no other speech shall last more than **three minutes**.

Time limit - 3 minutes for moving a motion

Time limit - 3 minutes for speeches

CPR13.5 When a Councillor may speak again

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

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

- (f) by way of personal explanation (see CPR 13.13).

CPR13.6

Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words as long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Any amendment must be read out, save for published amendments to the proposed civic budget (see CPR 2.2 (4)).
- (c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (f) After an amendment has been carried, the Lord Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.
- (g) A signed copy of the amendment must be given to the proper officer either before it is moved or immediately after it has been moved.

CPR13.7

Alteration of a motion

- (a) A member may alter a motion (of which they have given notice) with the consent of the meeting. The consent of the meeting will be signified without discussion.

- (b) A member may alter a motion (which they have moved) without notice with the consent of both the meeting and the seconder. The consent of the meeting will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

CPR13.8

Withdrawal of motion

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

CPR13.9

Right of reply

- (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.
- (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.
- (3) The mover of the amendment has no right of reply to the debate on their amendment.

CPR13.10

Motions which may be moved during debate

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

- (a) to amend a motion;
- (b) that the question be now put;
- (c) to adjourn a debate;
- (d) to adjourn a meeting;
- (e) that the meeting continue beyond four hours 30 minutes in duration;
- (f) to exclude the public and press in accordance with the **Access to Information Rules**; and

- (g) to not hear further a member named under CPR19.3 or to exclude them from the meeting under CPR19.4.

CPR13.11

Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
- (i) that the question be now put;
 - (ii) to adjourn a debate; or
 - (iii) to adjourn a meeting.
- (b) If a motion "*that the question be now put*" is seconded and the Lord Mayor considers the item has been sufficiently discussed, the procedural motion will be put to the vote. If it is passed the Lord Mayor will give the mover of the original motion a right of reply before putting their motion to the vote.
- (c) If a motion "*to adjourn the debate*" or "*to adjourn the meeting*" is seconded and the Lord Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the procedural motion will be put to the vote without giving the mover of the original motion the right of reply.

CPR13.12

Point of order

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

CPR13.13

Personal explanation

A member may make a personal explanation at any time. A personal explanation should relate to an action or statement of the member which may appear to have been misunderstood. The ruling of the Lord Mayor on the admissibility of a personal explanation will be final.

CPR14 STATE OF CITY DEBATE

CPR14.1 Calling of debate

The Mayor may call a state of the city debate annually on a date and in a form to be agreed with the Lord Mayor.

CPR14.2 Form of debate

The Mayor will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the state of the city debate.

CPR14.3 Chairing of debate

The debate will be chaired by the Lord Mayor.

CPR14.4 Results of debate

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) considered by the Mayor in proposing the budget and policy framework to the council for the coming year.

CPR15 PREVIOUS DECISIONS AND MOTIONS

CPR15.1 Motion to rescind a previous decision

A motion to rescind a decision (made at a meeting of the full Council within the past six months) cannot be moved unless:

- (a) written notice of the motion has been supplied to the proper officer before the rising of the meeting of the full Council at which the original motion has been passed; and

- (b) oral notice has been given to the Lord Mayor during the meeting of the full Council at which the original motion was passed (and then placed in writing to the proper officer within fifteen minutes of the end of the rising of that full Council meeting).

Note required 15 minutes after meeting

CPR15.2 Motion similar to one previously rejected

A motion in similar terms to one that has been rejected at a meeting of the full Council in the past six months cannot be moved unless the notice of motion is given in accordance with CPR15.1(motion to rescind a minute) above. Once the motion is dealt with, no one can propose a similar motion for six months.

CPR16 VOTING

CPR16.1 Majority

A motion to adopt a Policy or the Budget shall be decided by a simple majority of those members present and voting.

If the Council approves the proposals with amendments or approves alternative proposals, the Mayor may resubmit his proposals or make fresh proposals and submit these to the Council. He may exercise this right by writing to the Monitoring Officer within five working days of the Council decision. He may also waive the right by writing to the Monitoring Officer.

If the Council rejects the proposals, the Mayor must resubmit his proposals or make fresh proposals.

If the Mayor submits or resubmits proposals as set out above the Council shall consider these proposals. It shall make its final decision on the matter in that it may approve the proposals of the Mayor by a simple majority of votes cast at the meeting; or approve a different decision which does not accord with the recommendations of the Mayor by a two thirds majority.

Once proposals are approved, the Mayor shall implement them.

CPR16.2 Lord Mayor's casting vote

If there are equal numbers of votes for and against, the Lord Mayor will have a second or casting vote.

CPR16.3

Recorded vote

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

CPR16.4

Right to require individual vote to be recorded

[This rule cannot be suspended]

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

CPR16.5

Voting on appointments

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

If there are two people nominated then there will be a vote and the person with the majority of votes will be elected.

CPR16.6

Voting on the Budget

At a budget decision meeting of the Council:

- (a) 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 members who cast a vote for or against the decision or who abstained from voting;
- (b) Reference to a "budget decision meeting" means a meeting of full Council at which it—
 - (i) makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, 42A, 42B, 45 to 49, 52ZF, 52ZJ of the Local Government Finance Act 1992(4); or
 - (ii) issues a precept under Chapter 4 of Part 1 of that Act;
 - (c) References to a vote are references to a vote on any

decision related to the making of the calculation or the issuing of the precept as the case may be.

CPR17 MINUTES

CPR17.1 Signing the minutes

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

CPR17.2 No requirement to sign minutes of previous meeting at extraordinary meeting

[This rule cannot be suspended]

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.

CPR17.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the Lord Mayor put them.

CPR18 EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the **Access to Information Rules** (APR) in part 4 of this constitution or CPR 20 (disturbance by public).

CPR19 MEMBERS' CONDUCT

CPR19.1 Standing to speak

When a member of council speaks at the full Council they must stand and address the meeting through the Lord Mayor unless the Lord Mayor permits the speaker to remain seated. If more than one councillor stands, the Lord Mayor will ask one to speak and the others must sit.

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

CPR19.2

Lord Mayor standing

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

CPR19.3

Member not to be heard further

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

CPR19.4

Member to leave the meeting

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

CPR19.5

General disturbance

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

CPR 20

DISTURBANCE BY PUBLIC

CPR20.1

Removal of member of the public

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

CPR20.2

Clearance of part of meeting room

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

**CPR21
SUSPENSION AND AMENDMENT
OF COUNCIL PROCEDURE RULES**

**CPR21.1
Suspension**

All of these **Council Rules of Procedure** (CPR) except CPR 16.4* and 17.2* may be suspended by motion on notice or without notice if at least 35 members are present. Suspension can only be for the duration of the meeting.

- * CPR16.4 - *Right to require and individual vote to be recorded*
- CPR17.2 - *No agreement to sign minutes of previous meeting if extraordinary.*

**CPR21.2
Amendment**

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

COMMITTEE PROCEDURE RULES (CMR)

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COMMITTEE PROCEDURE RULES (CMR)

CMR1 ANNUAL MEETING OF COMMITTEES

CMR1.1 Timing and business

The annual meeting will:

- (i) elect a person to chair the committee for the ensuing municipal year;
- (ii) elect a person to be vice-chair of the committee for the ensuing municipal year (if appropriate);
- (iii) establish any sub-committees considered necessary including:
 - determining the membership of the sub-committee; and
 - agreeing the terms of reference of the sub-committees;
- (v) approve the minutes of the last meeting;
- (vi) receive any declarations of interest from councillors;
- (vii) receive any announcements from the chair; and
- (viii) consider any business set out in the notice convening the meeting.

CMR2 ORDINARY MEETINGS

CMR2.1 Ordinary meetings

- (1) Ordinary meetings will:
 - (i) elect a person to preside if the chair (and vice chair, if appointed) are not present;
 - (ii) approve the minutes of the last meeting;
 - (iii) receive any declarations of interest from members ;
 - (iv) receive any announcements from the chair;

- (v) receive petitions, questions (and provide answers) and statements from local residents;
- (vi) receive petitions, questions (and provide answers) and statements from members of council;
- (vii) receive reports on any matter which is within the committee's general remit; and
- (viii) consider any other business which the chair has agreed is urgent.
- (ix) receive whipping declarations (in accordance with OSR17).

CMR3 EXTRAORDINARY MEETINGS

CMR3.1 Calling extraordinary meetings

Those listed below may request the proper officer to call committee meetings in addition to ordinary meetings:

- (i) the committee by resolution;
- (ii) the chair;
- (iii) the proper officer; and
- (iv) any two members of the relevant committee, if they have signed a requisition presented to the chair and the chair has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

CMR3.2 Business

The agenda for an extraordinary meeting will specify the matters that the meeting will deal with. Petitions, questions and statements will be accepted only if they relate to the business for which the extraordinary meeting has been arranged.

CMR4 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

CMR4.1

In accordance with CPR4.1 the full Council will allocate seats for substitute members.

CMR4.2 Powers and duties

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

CMR4.3 Substitution

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary councillor for whom they are the designated substitute;
- (ii) where the ordinary member of council will be absent for the whole of the meeting; and
- (iii) after notifying the proper officer by no later than **one hour** before the meeting of the intended substitution.

Notice required 1 hour

CMR5 TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the proper officer notified in the summons. The place and time of meetings can be varied by the proper officer in consultation with the Lord Mayor, the Mayor and Leaders of each of the Council's political groups.

CMR6 NOTICE OF AND SUMMONS TO MEETINGS

The proper officer will give notice to the public of the time and place of any meeting in accordance with the **Access to Information Rules** (APR). At least five clear working days before a meeting, the proper officer will send a summons signed by them by post or email to every councillor or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

Notice required - 5 clear working days

**CMR7
CHAIR OF MEETING**

The person presiding at the meeting (where this is not the person appointed at the annual meeting as chair) may exercise any power or duty of the chair.

**CMR8
QUORUM**

The quorum for meetings will be as indicated on the table below. During any meeting if the chair counts the number of councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If a date is not fixed, the remaining business will be considered at the next ordinary meeting.

Committee Size	Quorum
25 - 30	8
21 - 24	7
16 - 20	6
13 - 15	5
10 - 12	4
7 - 9	3
3 - 6	2

**CMR9
PETITIONS, QUESTIONS AND STATEMENTS**

**CMR9.1
General**

Petitions and statements

- (a) Save for the exceptions in CMR9.10, members of the public and members of council, provided they give notice in writing or by electronic mail to the proper officer (and include their name and address and details of the wording of the petition, and in the case of a statement, a copy of the submission), by no later than 12 noon of the working day before the meeting, may present a petition or submit a statement at ordinary meetings of the committee. The petition or statement must relate to the terms of reference and role and responsibility of the committee in question.

Notice required - 12 noon on the working day before the meeting

- (b) Save for committees established to determine planning applications, the total time allowed for dealing with petitions,

statements (including questions under CMR 9.2 below) is thirty minutes.

Time limit - 30 minutes

- (c) Persons presenting petitions may be required to read out the objectives of the petition.
- (d) Statements, provided they are of reasonable length, will be copied and circulated to all members and will be made available to the public attending the meeting by not later than one hour before the meeting.

Time limit 1 hour before the meeting

- (e) Save for committees established to determine planning applications, there will be no debate but after receiving the petition / statement the committee will resolve;

- (1) *“that the petition / statement be noted”*; or

- (2) if the content relates to a matter on the agenda for the meeting:

- “that the contents of the petition / statement be considered when the item is debated”*; or

- (3) *“that the petition / statement be referred (as appropriate) to the:*

- *Mayor; or the*
 - *relevant executive member*

- for appropriate action.”*

Variations - committees established to determine planning applications (development control committees):

- (f) Petitions / statements relating to planning applications to be determined at the meeting will be received at the time the item is determined. There will be no discussion on the submissions, but the committee will consider the issues as the item is debated.

Questions

- (g) Questions by members of the public or members of council may be asked of the chair of the committee.

CMR9.2

Order of questions

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

CMR9.3

Notice of questions

- (a) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than three clear working days before the day of the meeting. Each question must give the name and address of the questioner.

Notice required - 3 clear working days before the meeting

- (b) Late urgent questions **may** be asked of the chair of the committee provided:

- the question relates to urgent matters; and
- the consent of the chair has been obtained; and
- the content of the question has been given to the proper officer by no later than **two hours** before the meeting on the day of the meeting.

Notice required - 2 hours before the meeting

CMR9.4

Number of questions

There will be no limit to the number of questions asked.

CMR9.5

Scope of questions, statements and petitions

The chair in consultation with the proper officer may reject a question, statement or petition if it:

- is not about a matter for which the committee has a responsibility;
- is defamatory, frivolous or offensive, or
- requires the disclosure of confidential or exempt information

CMR9.6

Record of questions

The proper officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the chair of the relevant committee. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all members of the relevant committee and will be made available to the public attending the meeting, by not later than one hour before the meeting.

Time limit - 1 hour before the meeting

CMR9.7

Supplementary questions

A questioner who has put a question in person may also put without notice, one supplementary question to the chair. A supplementary question must arise directly out of the original question or the reply. The chair may reject a supplementary question on any of the grounds in CMR9.5 (scope of questions) above.

CMR9.8

Response

- (1) Replies to questions (*for which three clear working days' notice has been given*) will be made available in the committee room **one hour** before the meeting. ~~The questions and replies will be included in the minutes of the meeting.~~

Time limit - 1 hour before the meeting

- (2) Oral answers will be given to urgent questions asked under CMR9.3 (b) (notice of questions).

CMR9.9

Exceptions

CMR9.1 - CMR9.8, will **not** apply to committees established to deal with:

- the appointment or dismissal of first and second tier officers;
- appeals; or
- business (referred to it by the full Council) which would normally be dealt with by the full Council, (e.g. the Outside Bodies Committee).

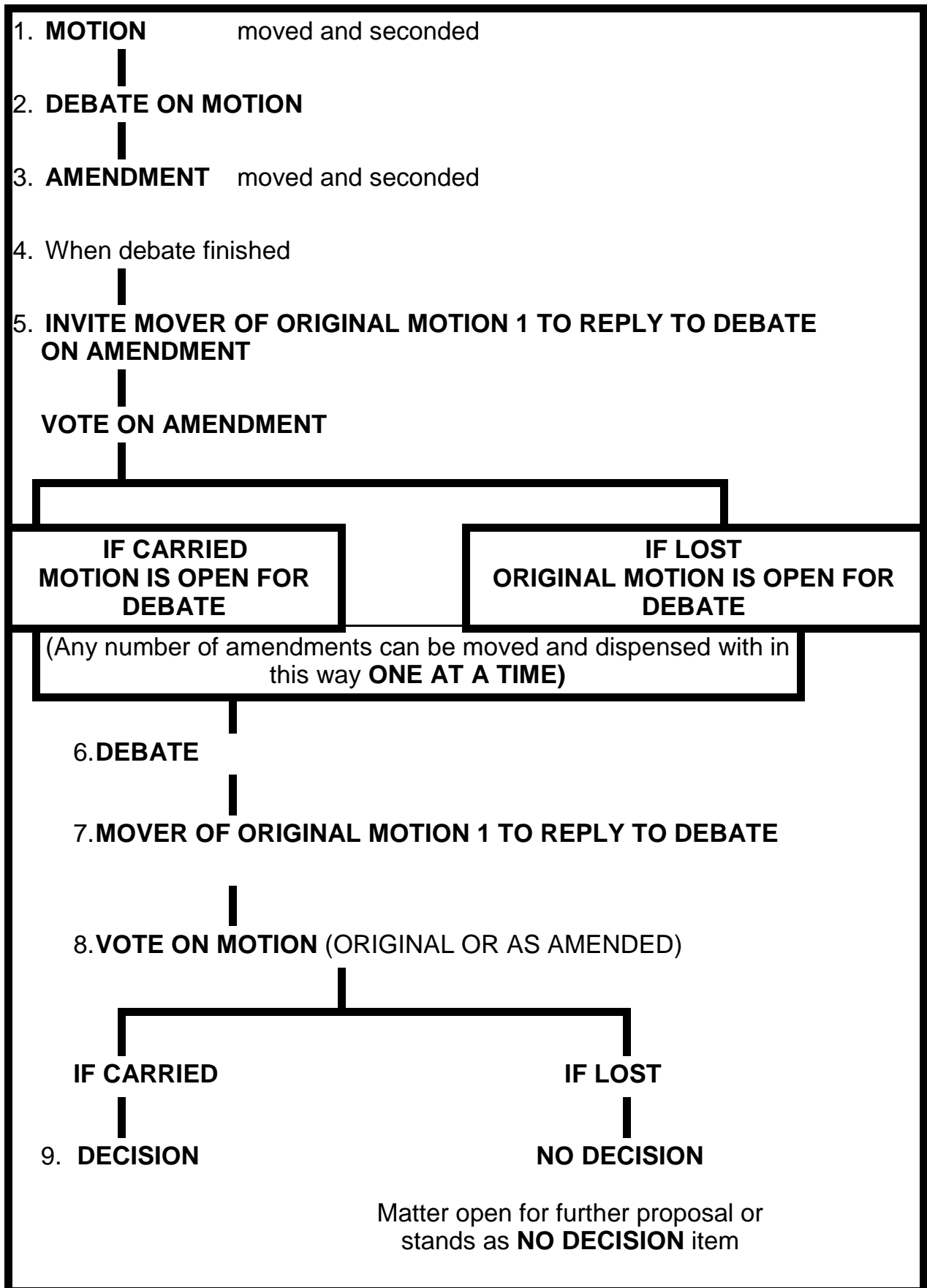
CMR10 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a sub-committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular **Committee Procedure Rule** (CMR);
- (n) to exclude the public and press in accordance with the **Access to Information Rules** (APR);
- (o) to not hear further a member or co-optee named under CMR 16.3 or to exclude them from the meeting under CMR 16.4; and
- (p) to give the consent of the council where its consent is required by this constitution.

**CMR11
RULES OF DEBATE**

Simplified diagram showing how decisions might be reached



CMR11.1

No debate until motion or amendment is seconded

A motion or an amendment may be debated only after it has been seconded by another councillor.

CMR11.2

Right to require motion or amendment in writing

Unless notice of the motion or amendment has already been given, a signed copy of the motion must be put in writing and handed to the proper officer either before it is moved or immediately after it is moved. (See also CMR11.6 (f) re. amendments).

CMR11.3

Secunder's speech

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

CMR11.4

Content of speeches

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

CMR11.5

When a councillor may speak again

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

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

CMR11.6

Amendments to motions

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

CMR11.7

Alteration of a motion

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

CMR11.8

Withdrawal of motion

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

CMR11.9

Right of reply

- (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.
- (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.
- (3) The mover of the amendment has no right of reply to the debate on their amendment.

CMR11.10

Motions which may be moved during debate

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

- (a) to amend a motion;
- (b) that the question be now put;
- (c) to adjourn a debate;
- (d) to adjourn a meeting;
- (e) to exclude the public and press in accordance with the **Access to Information Rules**; and
- (f) to not hear further a member or co-optee named under CMR 16.3 or to exclude them from the meeting under CMR 16.4.

CMR11.11

Closure motions

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
 - (i) that the question be now put;
 - (ii) to adjourn a debate; or
 - (iii) to adjourn a meeting;

- (b) if a motion *“that the question be now put”* is seconded and the chair considers the item has been sufficiently discussed, the procedural motion will be put 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; or
- (c) 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 procedural motion will be put to the vote without giving the mover of the original motion the right of reply.

CMR11.12

Point of order

A member 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** (CMR) or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the chair on the matter will be final.

CMR11.13

Personal explanation

A member may make a personal explanation at any time. A personal explanation should relate to an action or statement of the councillor which may appear to have been misunderstood. The ruling of the chair on the admissibility of a personal explanation will be final.

CMR12

PREVIOUS DECISIONS AND MOTIONS

CMR12.1

Motion to rescind a previous decision

A motion to rescind a decision (made at a meeting of a committee within the past six months) cannot be moved unless:

- (a) written notice of the motion has been supplied to the proper officer before the rising of the meeting of the committee at which the original motion has been passed; and
- (b) oral notice has been given to the chair during the meeting of the committee at which the original motion was passed (and then placed in writing to the proper officer within fifteen minutes of the end of the rising of that committee meeting).

Notice required 15 minutes

CMR12.2

Motion similar to one previously rejected

A motion in similar terms to one that has been rejected at a meeting of the committee in the past six months cannot be moved unless the notice of motion is given in accordance with CMR 12.1 (motion to rescind a minute) above. Once the motion is dealt with, no one can propose a similar motion for six months.

CMR13

VOTING

CMR13.1

Majority

Any matter will be decided by a simple majority of those members voting and present *at the time the question was put.

**see also - OSR 4- Education representatives*

CMR13.2

Chair's casting vote

If there are equal numbers of votes for and against, the chair will have a second or casting vote.

CMR13.3

Recorded vote

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

CMR13.4

Right to require individual vote to be recorded

[This rule cannot be suspended]

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

CMR13.5

Voting on appointments

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

If there are two people nominated then there will be a vote and the person with the majority of votes will be elected.

CMR14 MINUTES

CMR14.1 Signing of 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 the accuracy.

CMR14.2 No requirement to sign minutes of previous meeting at extraordinary meeting *[This rule cannot be suspended]*

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.

CMR14.3 Form of minutes

Minutes will contain all motions and amendments in the exact form and order the chair put them.

CMR15 EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the **Access to Information Rules** (APR) in part 4 of this constitution or CMR 17 (disturbance by public).

CMR16 MEMBERS' AND CO-OPTEE'S CONDUCT

CMR16.1 Speaking at committees

When a member or a co-optee speaks at the committee they must address the meeting through the chair. If more than one councillor or a co-optee seeks to speak, the chair will ask one to speak. Other members and co-optees must remain silent whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

CMR16.2 Chair's Ruling

When the chair so requires during a debate, any member or cooptee speaking at the time must stop. The meeting must be silent.

CMR16.3 Member or Co-optee not to be heard further

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

CMR16.4 Member or Co-optee to leave the meeting

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

CMR16.5 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.

CMR 17 DISTURBANCE BY PUBLIC

CMR17.1 Removal of member of the public

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.

CMR17.2 Clearance of part of meeting room

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

CMR18 SUSPENSION AND AMENDMENT OF COMMITTEE PROCEDURES RULES

CMR18.1 Suspension

All of these **Committee Procedure Rules** (CMR) except CMR 13.4* and 14.2* may be suspended by motion on notice or without notice if at least one half of the whole number of members are present. Suspension can only be for the duration of the meeting.

** CMR 13.4 - Right to require and individual vote to be recorded
CMR 14.2 - No agreement to sign minutes of previous meeting if extraordinary.*

CMR18.2 Amendment

Any motion to add to, vary or revoke these **Committee Procedure Rules** (CMR) will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the committee.

OVERVIEW AND SCRUTINY PROCEDURE RULES (OSR)

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Rule	Reference
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OVERVIEW AND SCRUTINY PROCEDURE RULES

In these procedure rules use of the title “overview and scrutiny committee” means any overview and scrutiny commission/committee established by full Council or sub-committee appointed by an overview and scrutiny committee that is not a joint scrutiny committee. Where “select committee” is used, the rule applies to select committees appointed by the Overview and Scrutiny Management Board and any sub-committees.

OSR1

Who may sit on overview and scrutiny committees?

All councillors except members of the executive may be members of an overview and scrutiny committee. However, no member may be involved in scrutinising a decision in which they have been directly involved, other than by virtue of their involvement in a decision of Full Council

OSR2

Co-optees

- (1) All overview and scrutiny committees shall be entitled to appoint a reasonable number of non-voting co-optees.
- (2) Co-optees shall be drawn from groups or organisations or represent service users who have an interest in services whose overview and scrutiny falls within a committee’s specific remit.
- (3) Co-optees may be appointed either as standing co-optees, whose membership of a committee will be for the duration of the municipal year (except for statutory parent governor co-optees for whom the term of office is 2 years) or special interest co-optees - those appointed to assist a committee with its scrutiny of a particular matter.
- (4) All co-optees will be non-voting other than those identified in OSR 3 below.

OSR3

Voting co-optees / representatives

- (1) The relevant overview and scrutiny committee dealing with education matters shall include in its membership the following voting representatives:

- (a) 1 Church of England diocese representative;
- (b) 1 Roman Catholic diocese representative; and
- (c) 2 parent governor representatives.

a relevant overview and scrutiny committee in this paragraph is a committee whose functions relate wholly or in part to any education functions. Where the overview and scrutiny committee deals with other matters, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

- (2) Co-optees to the designated crime and disorder committee may have voting rights as determined by that committee.

OSR4

Meetings of overview and scrutiny committees

- (1) Each overview and scrutiny committee, except for the call-in sub-committee, will meet on at least 2 occasions per year and on not more than the maximum number occasions per year determined within their terms of reference.
- (2) There shall be at least one meeting of the designated crime and disorder committee per year.
- (3) An overview and scrutiny committee meeting may be called by the chair (in consultation with appropriate spokespersons of the other political groups represented) of the relevant overview and scrutiny committee, by any two members of the committee or by the proper officer if they consider it necessary or appropriate.

OSR5

Quorum

The quorum for an overview and scrutiny committee or select committee shall be as set out in the Committee Rules - CMR 8 in Part 4 of this constitution.

OSR6

Who chairs overview and scrutiny committee meetings?

- (1) The chairs of overview and scrutiny committees will be members of the Overview and Scrutiny Management Board (the Board) and shall therefore be determined as part of the political balance arrangements at the annual meeting for the ensuing municipal year.

OSR7

Work programme

- (1) The Board shall set the overall scrutiny work programme and each overview and scrutiny committee will be accountable to the Board for the setting and delivery of their work programmes. They will be responsible for providing updates and progress reports to the Board in the manner in which the Board determines. When drawing up work programmes, overview and scrutiny committees shall take into account wishes of members on that committee who are not members of the largest political group on the council.

In setting their work programmes, overview and scrutiny committees will have regard to the Council's strategic priorities and policies, including the policy framework and budget and spending plans and their impact on service delivery and outcomes for the people of Bristol. Specifically, they will take into account, the work programme of the executive and the content of the Mayor's Forward Plan, and shall consult with the Mayor

- (2) Select committees (which will be established by the Board) and sub-committees and member working groups established by any overview and scrutiny committee may, within their agreed terms of reference, decide on the direction which any investigation takes and the evidence which they consider. Any proposal by the sub-committee or select committee to vary its terms of reference must be considered by the Board and the appointing overview and scrutiny committee.

OSR8

Entitlement to place items on Agenda

- (1) Any member or co-optee of an overview and scrutiny committee shall be entitled to give notice to the proper officer that they wish an item relevant to the functions of the committee to be included on the agenda for the next available meeting.
- (2) Any member of the authority may refer to an overview and scrutiny committee of which they are not a member any local government matter which is relevant to the functions of that committee by giving written notice to the proper officer.
- (3) Any member of the authority who is not a member of the designated crime and disorder committee may refer to that committee any local crime and disorder matter by giving notice in writing to the proper officer.
- (4) On receipt of a notice under rule 8(1), 8(2) or 8(3), the proper officer will include the matter on the next available agenda of the relevant overview and scrutiny committee for consideration.

- (5) In considering whether to exercise the power in rule 8(2) or 8(3), the member must have regard to any guidance issued by the Secretary of State and any protocol issued by the council in connection with this power.
- (6) In considering whether or not to exercise any of its powers in relation to the matter referred under rule 8(2) or 8(3), the relevant overview and scrutiny committee may have regard to any representations made by the member as to why it would be appropriate to exercise any of its powers. If the committee decides not to exercise any of those powers in relation to the matter, it must notify the member of the decision and the reasons for it.
- (7) Where an overview and scrutiny committee exercises its power to make a report or recommendations on any matter referred to it by a member under rule 8(2) or 8(3) the committee must provide the member with a copy of the report and recommendations (subject to rule 11B).
- (8) The determination of whether or not a matter is a local government matter or a local crime and disorder matter shall be made by the proper officer.
- (9) The Board and the relevant overview and scrutiny committee shall respond to requests from the full Council and (if it considers it appropriate) the executive, to review particular areas of council activity as soon as the work programme allows. Where they do so, they shall report their findings and any recommendations back to the executive and / or the full Council.

OSR9

Policy review and development

- (1) The role of the overview and scrutiny committees in relation to the development of the council's budget and policy framework is set out in detail in the Policy and Budget Framework Procedure Rules (PBR).
- (2) In relation to the development of the council's approach to other matters not forming part of its policy and budget framework, an overview and scrutiny committee may make proposals to the executive for developments in so far as they relate to matters within its terms of reference.
- (3) Overview and scrutiny committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings,

commission research and do all other things that they reasonably consider necessary to inform their deliberations. Select committees and other bodies appointed by an overview and scrutiny committee may undertake such activity as necessary, to fully investigate the topic which they have been charged with reporting on.

- (4) Both may ask witnesses to attend to address them on any matter under consideration. Any advisers, assessors and witnesses may be paid a reasonable fee and expenses for doing so.

OSR10

Reports from overview and scrutiny committees

General

- (1) Where an overview and scrutiny committee makes a report or recommendations to full Council or the executive, except in relation to a local crime and disorder matter, the following rules apply:

The proper officer will prepare a formal report which may be published. Depending on the nature of the subject matter, the report will be submitted to the appropriate tier of the authority for consideration (strategic director; mayor/cabinet/executive or full Council) along with a written notice requiring that full Council or the executive:

- consider the report or recommendations;
- respond to the overview and scrutiny committee indicating what (if any) action full Council or the executive propose to take;
- publish the response, if the overview and scrutiny committee has published its report or recommendations;
- provide a copy of the response to the member if the overview and scrutiny committee provided a copy of the report or recommendations to the member under rule OSR 8(7);
- do all of the above within two months of receiving the report / recommendations or (if later) the notice.

Time limit - 2 months

- (2) Where an overview and scrutiny committee's proposals would require a departure from or a change to the agreed budget and policy framework, then the matter will be considered by the full Council.
- (3) It is the duty of full Council or the executive to which a notice is given under rule 10(3) to comply with the requirements specified in the notice.

Reports to NHS bodies

- (4) Where an overview and scrutiny committee makes a report relating to the planning, provision and operation of health services in its area, it may make a report and recommendations to a local NHS body, which body must respond in writing within 28 days of the request (or if this is not possible, as soon as reasonably practicable thereafter to a timescale agreed with the proper officer).

Statutory time limit - 28 days

Reports to Partners

- (5) Where an overview and scrutiny committee makes a report to a relevant partner authority (other than the Police and Crime Commissioner, the Chief Constable or health service body):
- (a) the overview and scrutiny committee may by notice in writing to the relevant partner authority (accompanied by the report / recommendations) require that the authority have regard to the report or recommendations in question in exercising their functions; and
 - (b) the relevant partner must comply with the requirement in the notice to have regard to the report/recommendations.

Reports relating to crime and disorder matters

- (6) Where the designated crime and disorder committee makes a report or recommendations to a responsible authority (including any part of the council) or cooperating person or body the council must provide the responsible authority or cooperating person or body with a copy of the report or recommendations with a written notice requiring that they:
- (a) consider the report and recommendations;
 - (b) respond in writing to the committee within 28 days of the date of the report or recommendations (or, if this is not possible, as soon as reasonably possible thereafter) indicating what (if any) action they propose to take;
 - (c) have regard to report or recommendations in exercising its functions.

Statutory time limit - 1 month

OSR 11

Reports from select committees

- (1) When a select committee has completed its final report:

- (a) it will submit its report and recommendations to the relevant overview and scrutiny committee for consideration;
 - (b) where the report relates to a service which is provided directly by or is supported by the city council, the appropriate senior officer(s) will then be invited to comment on the recommendations. Where it relates to a service which is supplied by an external agency, then that agency will be invited to comment;
 - (c) the relevant overview and scrutiny committee will then either:
 - (i) refer the report and any officer or external agency comments to the next appropriate meeting of the full Council for debate prior to referring it to the Mayor / cabinet / executive, non-executive committee, external agency or decision maker; or
 - (ii) refer the matter directly to the Mayor / cabinet / executive, non-executive committee, external agency or decision maker.
- (2) If an overview and scrutiny committee or select committee cannot agree on one single final report any councillor(s) may require that a note of dissent is included or a minority report is prepared and submit it for consideration by the full Council or Mayor / cabinet / executive, non-executive committee, external agency or decision maker with the majority report.

OSR12

Publication of reports, recommendations and responses

Where a report or recommendation of an overview and scrutiny committee or response of the full Council or the executive is published pursuant to OSR 11 or 12 and is provided to a member any confidential information or any relevant exempt information may be excluded in line with the provisions of section 21D of the Local Government Act 2000.

OSR13

Making sure that the views of scrutiny are considered by the executive

Every agenda for the cabinet / executive meetings shall include an item entitled '*Issues arising from overview and scrutiny*'. Any reference from an overview and scrutiny committee will either be reported via the appropriate reporting schedule or take the form of a detailed officer report which shall be included at this point in the agenda, within two months of the overview and scrutiny committee completing its report / recommendations.

Select committee final reports will form a separate agenda item.

Time limit - 2 months

OSR14

Rights to information

Information held by the council

- (1) In addition to their rights as councillors, members of overview and scrutiny committees have the additional right to documents held by the council, and to notice of council meetings as set out in the Access to Information Rules (APR) in part 4 of this constitution.

Information held by local NHS bodies

- (2) Where an overview and scrutiny committee is exercising its functions in relation to the planning, provision or operation of local health services, a local NHS body must provide it with any such information as the scrutiny commission may require in accordance with the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 or any legislation that supersedes it.

Provision of information by Partner Authorities

- (3) An overview and scrutiny committee may request that a partner authority provide it with information.

Crime and Disorder Matter

- (4) Where the designated crime and disorder committee makes a request in writing for information to a responsible body or co-operating person or body, that information must be provided in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009 or any legislation that supersedes it.

Flood Risk Management Authorities

- (5) A risk management authority must comply with a request made by an overview and scrutiny committee for information and have regard to reports and recommendations of an overview and scrutiny committee.

OSR15

Members and officers giving account

- (1) Where an overview and scrutiny committee or select committee considers decisions or actions taken in connection with the discharge of any council function falling within its terms of reference, it may **require** any member of the mayor and executive, the head of paid service and / or any strategic director or service 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) the performance of their duties;

and it is the duty of those persons to attend if so required.

- (2) An overview and scrutiny committee chair or select committee chair, in consultation with the spokespersons of the other political groups represented will decide where any member or officer should be required to attend an overview and scrutiny committee or select committee under this provision, and the proper officer will be advised accordingly. The proper officer shall inform the mayor/executive member or officer in writing giving at least fifteen clear working days notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the commission. Where the account to be given to the 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.

Notice required - at least 15 clear working days

- (3) Only Members of the overview and scrutiny committee may ask questions of the Mayor/executive member or officer called to give account.

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- (4) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee or select committee shall in consultation with the member or officer arrange an alternative date for attendance to take place within a maximum of five days from the date of the original request. In setting the dates the proper officer will take into account exceptional circumstances, ~~for example illness or planned holidays.~~

OSR 16

Attendance by others

- (1) An overview and scrutiny committee or select committee may invite people other than those people referred to in OSR 15 (members and officers giving account) above to address it, discuss issues of local concern and / or answer questions. It may for example wish to hear from residents, stakeholders, councillors and officers in other parts of the public sector and shall invite such people to attend.

Attendance is of course optional except as set out below.

- (2) Where an overview and scrutiny committee is exercising its functions in relation to the planning, provision or operation of local health services, it may require an officer of a local NHS body to attend before the committee to answer such questions as appear to be necessary for discharging its functions. The officer must attend, provided he or she has been given reasonable notice of the date of the meeting.
- (3) The designated crime and disorder committee may require the attendance before it of an officer or employee of a responsible authority or a cooperating person or body in order to answer questions. The officer or employee must attend, provided he or she has been given reasonable notice of the date of the meeting.

OSR17

What is Call-in and how does it operate?

Where non-executive councillors have evidence which suggests that the executive did not take the decision in accordance with the principles set out in Article 14 (Decision Making) of part 2 of the constitution, they may ask the proper officer to "call in" the decision for scrutiny.

- (a) When a decision is made by the executive or a key decision is made by an officer with delegated authority from the executive, or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the City Hall normally within two clear working days of the decision being made. Chairs and members of the relevant overview and scrutiny committee will be sent copies of the records of all such decisions within two clear working days, by the proper officer responsible for publishing the decision.
- (b) That notice will bear the date on which it was published and will specify that the decision will come into force, and may then be implemented, on the expiry of five clear working days from the date the decision was taken, unless the decision is '*called in*'.

- (c) During that period, at least five non-executive members may ask the proper officer to *call-in* a decision for scrutiny using the appropriate '*call-in*' pro forma. The proper officer will first satisfy themselves that the following requirements have been met:
- (i) the *call-in* notice has been received within the prescribed time scales;
 - (ii) the decision taker's decision has been properly identified and described;
 - (iii) the members seeking the *call-in* have identified those principles of Article 14 of the constitution which they believe have been breached.
- (d) If the requirements are met the proper officer will *call-in* the item and within ~~five~~seven clear working working days of the request, give notice as to the date on which the *call-in* will be considered by a call-in committee which will be held within 5 days of request for call in being approved by Proper Officer. If a debate at full Council is decided by the call in sub committee then this will be held within ten days at an extraordinary meeting of full Council or at the Lord Mayors discretion
- (e) The call-in committee will decide either:
- (i) to take no further action in relation to the *call-in*; or
 - (ii) to refer the decision back to the decision taker, setting out in writing, the nature of its concerns; or
 - (iii) to refer the matter for debate at full Council.
- (f) If the call-in committee:
- (i) meets on the date specified in the notice in (d) above but does not either refer the matter back to the decision maker or refer the matter to the full Council, then the decision will take effect on the date of the call-in committee's meeting; or
 - (ii) does not meet on the date specified in the notice in (d) above, then the decision will take effect on the first working day after that specified date.

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If it is agreed that the matter be referred back to the decision maker they shall then reconsider at their next scheduled meeting (or sooner in the event of urgency), amending the decision or not, before adopting a final decision.

- (g) If the matter is referred to the full Council and the full Council does not object to the decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the full Council does object, it has no locus to make decisions in respect of a executive decision unless it is contrary to the policy and budget framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the full Council will refer any decision to which it objects back to the decision maker, together with the full Council's views on the decision. The decision maker shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Mayor / cabinet / executive or under joint arrangements, then within seven clear working days of the full Council request, notice must be given of the date of the meeting to reconsider the decision.
- (h) If the full Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the full Council meeting or expiry of the period in which the full Council meeting should have been held, whichever is the earlier.
- (i) Decisions taken by a Neighbourhood Committee shall not be subject to call-in.

Call-In and Urgency

- (j) The *call-in* procedure set out above shall not apply where the decision being taken by the executive is urgent. A decision will be urgent if any delay likely to be caused by the *call-in* process would seriously prejudice the council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether, in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to *call-in*. The head of paid service and the monitoring officer (in consultation with the Mayor) must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the head of paid service, the consent of the chief financial officer shall be required, and in the absence of the monitoring officer, the consent of the deputy monitoring officer shall be required. Decisions taken as a matter of urgency must be reported by the relevant executive member to the next available meeting of the full Council, together with the reasons for urgency.
- (k) The operation of the provisions relating to *call-in* and urgency shall be monitored annually by the monitoring officer, and a report submitted to the full Council with proposals for review if necessary.

OSR18

The party whip

NB. Definition of the party whip:

“Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should they speak or vote in any particular manner.”

When considering any matter in respect of which a member of an overview and scrutiny committee or select committee is subject to a party whip the member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

OSR19

Procedure at overview and scrutiny committee meetings

- (a) In addition to the standard committee business items described in the Committee Rules (CMR) 1.1 and 2.1, ordinary meetings of overview and scrutiny committees shall include the following items on their agenda;
 - (i) any items raised by a councillor (under OSR 9) or by scrutiny co-optees;
 - (ii) items remaining in the committee's agreed work programme;
 - (iii) responses to reports of the overview and scrutiny committee; and
 - (iv) the business otherwise set out on the agenda for the meeting.
- (b) Where the overview and scrutiny committee or select committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at meetings which are to be conducted in accordance with the following principles:
 - (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and

- (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

OSR 20

Matters within the remit of more than one overview and scrutiny committee

Where a matter for consideration by an overview and scrutiny committee also falls within the remit of one or more other overview and scrutiny committee, the decision as to which overview and scrutiny committee will consider it will be resolved by ~~the Chair of the Overview and Scrutiny Management Committee proper officer.~~

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OSR 21

Mayoral question time

- i) Immediately before the four quarterly meetings of the Board, the Council will hold a Member Mayoral and Executive Question Time for members of Council only.
- ii) The Question Time will be chaired by the Chair of the Board or in his absence the Deputy Chair or by a member elected by the members to preside if neither is present.
- iii) The Question Time will last for no more than one hour.
- iv) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer by no later than 12 noon on the working day before the day of the meeting. Each question must give the name of the questioner. Copies of all questions will be circulated to all members and made available to the public attending the meeting by no later than one hour before the meeting.
- v) Questions will be asked in the order notice of them was received, except that the Chair of the Board may group together similar questions.
- vi) Members of Council shall be entitled to ask two questions and two supplementary questions. Questions must concern matters on the agenda of Board meeting.
- vii) A supplementary question must arise directly out of the original question or the reply
- viii) Replies to questions will be given verbally. If a reply cannot be given at the meeting (including due to lack of time) or if written confirmation of the verbal reply is requested by the questioner, a written reply will be provided within 10 working days of the meeting
- ix) The person presiding may rule out questions which in his opinion are defamatory, offensive or frivolous, or which require the disclosure of confidential or exempt information.

- x) The person presiding shall rule out questions that are not about a matter for which the local authority has a responsibility or which directly affect the city;

OFFICER EMPLOYMENT PROCEDURE RULES (OER)

CONTENTS

Rule	Reference
Appointment of head of paid service	OER3
Appointment of chief officers and deputy chief officers	OER4
Disciplinary action	OER6
Dismissal	OER7
Other appointments	OER5
Recruitment of head of paid service and chief officers	OER2
Recruitment and appointment	OER1

OFFICER EMPLOYMENT PROCEDURE RULES

PART I

1. "Head of Paid Service" should be construed to read "City Director" and "Chief Executive" for the purposes of the Joint Negotiating Committee for Chief Executives.
2. "Chief Officer" should be construed to read "Strategic Director", which falls within the purview of the Joint Negotiating Committee for Chief Officers.
3. "Deputy Chief Officer" should be construed to read "Service Director", which falls within the purview of the Joint Negotiating Committee for Chief Officers.

OER1

Recruitment and appointment

(a) Declarations

- (i) The council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing member of council or officer of the council; or of the partner of such persons.
- (ii) No candidate so related to a member of council or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by them.

(b) Seeking support for appointment

- (i) The council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the council. The content of this paragraph will be included in any recruitment information.
- (ii) No member of council will seek support for any person for any appointment with the council.

OER2

Recruitment of head of paid service and chief officers

Where the council proposes to appoint a chief officer and it is not proposed that the appointment be made exclusively from among their existing officers, the council will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be

appointed;

- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

OER3

Appointment of head of paid service

This process is subject to Part II of the Local Authorities (Standing Orders) (England) Regulations 2001.

~~(a) The full Council will approve the appointment of the head of paid service following the recommendation of such an appointment by a committee or sub-committee of the council. That committee or sub-committee must include at least one member of the executive; and~~

~~(b) The full Council may only make or approve the appointment of the head of paid service where the procedure set out in Annex 1 to these rules has been completed.~~ Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to that person.

OER4

Appointment of chief officers and deputy chief officers

This process is subject to Part II of the Local Authorities (Standing Orders) (England) Regulations 2001.

- (a) A committee or sub-committee of the council will interview for the posts of chief officers and deputy chief officers. That committee must include at least one member of the executive.
- (b) An offer of employment as a chief officer or deputy chief officer shall only be made where the procedure set out in Annex 1 to these rules has been completed.
- (c) The committee will be responsible for the appointment of chief officers and deputy chief officers, except those officers designated as follows:
 - Head of Paid Service

- Monitoring Officer
- Chief Finance Officer
- Returning Officer for local elections
- Electoral Registration Officer

(d) In the case of those appointments designated in (c) above, the committee will recommend to full council accordingly.

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OER5

Other appointments

(a) **Officers below deputy chief officer**

Appointment of officers below deputy chief officer (other than assistants to political groups) is the responsibility of the head of the paid service or their nominee, and may not be made by the Mayor or members of council

(b) **Assistants to political groups**

Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

(c) **Mayor's assistant**

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Appointment of the Mayor's Assistant shall be undertaken by the Mayor, with appropriate officer support.

(d) **Compliance with Equalities & Employment Legislation**

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Appointments of political advisors and Mayor's Assistant must comply with equalities and employment legislation.

OER6

Disciplinary action

~~(a) No disciplinary action, except as described in OER 6(b) may be taken in respect of the head of paid service, monitoring officer and chief finance officer except in accordance with a recommendation in a report made by a designated independent person under Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.~~

~~(b) The action mentioned in OER 6(a) above is the suspension of the officer on full pay for the purpose of investigating the alleged misconduct; any such suspension must terminate no later than the expiry of 2 months beginning on the day on which the suspension takes effect, unless the designated independent person directs that it may continue beyond that period.~~

~~(c)~~

Neither the Mayor or members of council will be involved in the disciplinary action against any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged

misconduct, though the council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of disciplinary action.

OER7 Dismissal

- (a) Neither the Mayor or members of council will be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to members in respect of dismissals.

- (b) ~~Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the dismissal of an officer designated as the head of the authority's paid service, as the authority's chief finance officer, or as the authority's monitoring officer, the authority must approve that dismissal before notice of dismissal is given to that person.~~ ~~Where a committee or sub-committee of the council is discharging, on behalf of the council, the function the dismissal of the head of paid service, a chief officer or deputy chief officer, that committee or sub-committee must include at least one member of the executive.~~

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- (c) ~~Where a committee or sub-committee is discharging the function in relation to the dismissal of the head of paid service, that dismissal must be approved by full Council.~~

- (d) Notice of dismissal of the head of paid service, a chief officer or a deputy chief officer must not be given until the procedure set out in ~~Annex 2~~ has been completed.

- (e) ~~In the case of any proposed disciplinary action relating to protected senior officers such as the Head of Paid Service, the chief finance officer and the monitoring officer, the council will appoint an independent panel at least 20 working days before the decision making meeting. The panel will consist of at least two designated independent persons who will be appointed in the following order:~~

~~an independent person appointed by the authority and who is an elector in the authority's area;~~
~~any other independent person who has been appointed by the authority; and~~

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finally, an independent person who has been appointed by another authority or authorities.

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(f) An investigation must be carried out prior to any final decision being made. In the event that it is concluded that there is a case to be heard, either of the following will apply:

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Where dismissal is a possible outcome the decision will be made by full council who must consider any advice, views or recommendations from the independent panel, the conclusions of any investigation and any representations from the officer concerned. The council is expected to fulfill the requirement for an appeal as part of the process by considering the representations made by the officer concerned.

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In all other cases the disciplinary hearing will be conducted by a politically balanced panel of three suitably trained elected members, one of which must be an executive member. The panel will have access to advice from Human Resources and Legal Services.

Annex 1

Appointment of head of paid service, chief officers and deputy chief officers

1. This procedure applies to the appointment of the head of paid service, chief officers and deputy chief officers (“relevant officers”) and has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) Regulations 2001.
2. In this procedure, “appointor” means, in relation to the appointment of a relevant officer, full Council, the committee, sub-committee or officer discharging the function of appointment.
3. An offer of an appointment as a relevant officer must not be made until -
 - (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
 - (b) the proper officer has notified every member of the executive of: -
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the Mayor on behalf of the executive to the proper officer; and
 - (c) either: -
 - (i) the Mayor has, within the period specified in the notice under subparagraph (b)(iii), notified the appointor that neither s/he nor any member of the executive has any objection to the making of the offer;
 - (ii) the proper officer has notified the appointor that no objection was received by him/her within that period from the Mayor; or
 - (iii) the appointor is satisfied that any objection received from the Mayor within that period is not material or is not well-founded.

Annex 2

Dismissal of head of paid service, chief officers and deputy chief officers

- ~~1. This procedure applies to the dismissal of the head of paid service, chief officers and deputy chief officers (“relevant officers”) and has been incorporated into these Rules, as required by the Local Authorities (Standing Orders) (England) Regulations 2001.~~
- ~~2. In this procedure, “dismissor” means, in relation to the dismissal of a relevant officer, full Council, the committee, sub-committee or officer discharging the function of dismissal.~~
- ~~3. Notice of the dismissal of a relevant officer must not be given by the dismissor until—~~
 - ~~(a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;~~
 - ~~(b) the proper officer has notified every member of the executive of:—~~
 - ~~(i) the name of the person who the dismissor wishes to dismiss;~~
 - ~~(ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and~~
 - ~~(iii) the period within which any objection to the dismissal is to be made by the Mayor on behalf of the executive to the proper officer; and~~
 - ~~(c) either:—~~
 - ~~(i) the Mayor has, within the period specified in the notice under subparagraph (b)(iii), notified the dismissor that neither s/he nor any other member of the executive has any objection to the dismissal;~~
 - ~~(ii) the proper officer has notified the dismissor that no objection was received by him/her within that period from the Mayor; or~~
 - ~~(iii) the dismissor is satisfied that any objection received from the Mayor within that period is not material or is not wellfounded.~~

6. STATUTORY OFFICERS AND PROPER OFFICERS

FULL COUNCIL HAS MADE OR APPROVED THE APPOINTMENTS SET OUT BELOW

Title / responsibility (+ statutory derivation)	Officer Appointed
Director of Children's Services (S18 Children Act 2004)	Strategic Director of People
Director of Adult Social Services (S6 Local Authority Social Services Act 1972)	Service Director Care and Support, Adults Strategic Director of People
Director of Public Health (Health and Social Care Act 2012)	Director of Public Health
Officer responsible for financial administration (S151 Local Government Act 1972)	Service Director Finance
Head of Paid Service (S4 Local Government and Housing Act 1989)	City Director
Monitoring Officer (S5 Local Government and Housing Act 1989)	Service Director, Legal and Democratic Services
Electoral Registration Officer (S8, (2A) Representation of the People Act 1983)	Service Manager, Statutory and Democratic Services
Returning Officer (S35 (1A) Representation of the People Act 1983)	Service Manager, Statutory and Democratic Services City Director
Statutory Scrutiny Officer	Service Director: Policy, strategy, communications

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Further appointments of proper officers shall be made by the Head of Paid Service in consultation with the Service Director Legal Services, except where legislation provides the appointment be made by full council or relevant director.

In the absence of the nominated proper officer, the role shall be carried out by their nominated deputy.

In the absence of any identified post holder, the proper officer shall be the Service Director Legal Services

Legislation		Responsibility	Proper Officer
Local Government Act 1972	Section 46	Transfer of securities	Service Director Finance
Local Government Act 1972	Section 83 (1) to (4)	Witnessing and receiving declarations of acceptance of office	Service Director Legal
Local Government Act 1972	Section 84(1)	Receiving a councillor's resignation	Service Director Legal
Local Government Act 1972	Section 88 (2)	Calling a full council meeting to elect a chair if there is a casual vacancy	Service Director Legal
Local Government Act 1972	Section 89 (1)	Giving notice of a casual vacancy	Service Director Legal
Local Government Act 1972	Section 100 except 100 (d)	Opening meetings to the public	Service Director Legal
Local Government Act 1972	Section 100 (d)	Listing background papers for reports and making copies available for the public to look at	Service Director Legal
Local Government Act 1972	Section 115 (2)	Receiving money due from officers	Service Director Finance
Local Government Act 1972	Section 146 (1)(a) & (b)	Making declarations and certificates about transferring securities	Service Director Finance
Local Government Act 1972	Section 191	Receiving applications under Section 1 of the Ordnance Survey Act 1841	Service Director Legal
Local Government Act 1972	Section 225	Depositing documents	Service Director Legal

Legislation		Responsibility	Proper Officer
Local Government Act 1972	Section 228 (3)	Making accounts available for councillors to look at	Service Director Finance
Local Government Act 1972	Section 229 (5)	Certifying photocopies of documents	Service Director Legal
Local Government Act 1972	Section 234	Authenticating documents	Service Director Legal
Local Government Act 1972	Section 238	Certifying byelaws	Service Director Legal
Local Government Act 1972	Section 248	Keeping a list of freemen of the city	Service Director Legal
Local Government Act 1972	Section 228	Accounts to be opened for inspection	Service Director Finance
Local Government Act 1972	Part V (a)	Access to reports, etc	Service Director Legal
Local Government Act 1972	Section 96(1) & (2)	Notice of pecuniary interests	Service Director Legal
Local Government Act 1972	Sections 100 B (2) & (7)	Circulation of reports and agendas and supply of papers to the press	Service Director Legal
Local Government Act 1972	Section 100 D (1) (a)	Background papers	Service Director Legal
Local Government Act 1972	Section 210 (6) & (7)	Exercise of residual charity functions	Service Director Finance
Local Government Act 1972	Section 100 C	Summaries of minutes	Service Director Legal
Local Government Act 1972	Schedule 12, Para 4 (2) (b)	Signing the summons to full council	Service Director Legal
Local Government Act 1972	Schedule 12 Para 4(3)	Being told where to send summonses to full council meetings	Service Director Legal
Local Government Act 1972	Schedule 14 Para 25	Certifying resolutions passed under this paragraph	Service Director Legal
Local Government Act 1974	Section 30 (5)	Giving notice that copies of an ombudsman's report are available	Individual appointed by Strategic Director, Neighbourhoods

Legislation		Responsibility	Proper Officer
Local Government (Miscellaneous Provisions) Act 1976	Section 41 (1)	Certifying copies of resolutions and minutes	Service Director Legal
Local Authorities Cemeteries Order 1977	Regulation 10	Signing exclusive burial rights	Individual appointed by Strategic Director Neighbourhoods
Representation of the People Act 1983	Section 67	Receiving declarations of election candidature	Service Director Legal
Representation of the People Act 1983	Section 82 and 89	Receiving election expense declarations and returns and holding them for the public to look at	Service Director Legal
Local Elections (Principal Area) Rules 1986	Rule 46	Keeping documents after an election and making them available for the public to look at	Service Director Legal
Local Government and Housing Act 1989	Section 2 (4)	Keeping the list of politically restricted posts	Service Director Legal
Local Government (Committees and Political Groups) Regulations 1990	Regulation 14	Notification of allocated or vacated seat	Service Director Legal
Local Authorities (Standing Orders) (England) Regulations 2001		Giving notice of appointments and dismissals at chief or deputy chief officer level	Head of Paid Service
Local Government Act 2000		Acting as proper officer for all responsibilities in the Local Government Act 2000 and subordinate legislation	Service Director Legal
Public Health Act 1936	Section 85 (2)	Serving a notice requiring action to deal with verminous people or things	Individual appointed by Director of Public Health
Public Health Act 1961	Section 37	Controlling verminous things	As above

Legislation		Responsibility	Proper Officer
Public Health (Control of Disease) Act 1984	Section 11	Being told about cases of notifiable disease or food poisoning	As above
Public Health (Control of Disease) Act 1984	Section 18	Getting information about cases of notifiable disease or food poisoning	As above
Public Health (Control of Disease) Act 1984	Section 20	Stopping of work to prevent disease spreading	As above
Public Health (Control of Disease) Act 1984	Section 21	Excluding children from school if they are likely to carry a notifiable disease	As above
Public Health (Control of Disease) Act 1984	Section 22	Asking for the names and addresses of pupils at a school or department of a school	As above
Public Health (Control of Disease) Act 1984	Section 31	Certifying the need to disinfect premises	As above
Public Health (Control of Disease) Act 1984	Section 32	Certifying the need to remove someone from an infected house	As above
Public Health (Control of Disease) Act 1984	Section 36	Issuing certificates to get an order to examine people believed to be carrying notifiable diseases	As above
Public Health (Control of Disease) Act 1984	Section 40	Getting a warrant to examine residents of a common lodging house	As above
Public Health (Control of Disease) Act 1984	Section 42	Certifying a common lodging house to be free from infection	As above

Legislation		Responsibility	Proper Officer
Public Health (Control of Disease) Act 1984	Section 43	Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except to be taken to a mortuary or immediately buried or cremated	As above
Public Health (Control of Disease) Act 1984	Section 48	Certifying that it would be a health risk to keep a body in a building	As above
Public Health (Control of Disease) Act 1984	Section 59	Authenticating documents about things they are responsible for	As above
Public Health (Infectious Diseases) Regulations 1988	Regulations 6, 8, 10 & 12	Reporting of infectious diseases; arrangements for vaccination/immunisation; divulging of confidential documents relating to infectious diseases	As above
Public Health (Aircraft) Regulations 1979 and Public Health (Ships) Regulations 1979		Functions of the "Medical Officer"	As above
National Assistance Act 1948	Section 47	Taking people in need of care and attention to a suitable place	Service Director Legal
National Assistance (Amendment) Act 1951	Section 1	Certifying the need for immediate action	Service Director Legal
Money Laundering Regulations 2003	Regulation 7	Being told about suspected money laundering	Service Director Legal
Housing Act 2004	Section 4	Complaint as to condition of residential premises	Individual appointed by Strategic Director Neighbourhoods
Food Safety Act 1990	Section 49(3)(a)	Authentication of documents, etc.	Individual appointed by Strategic Director Neighbourhoods
Building Act 1984	Section 93	Authentication of documents, etc	Individual appointed by Strategic Director Neighbourhoods

Legislation		Responsibility	Proper Officer
Building Act 1984	Section 78	Functions of the "surveyor"	Individual appointed by Strategic Director Neighbourhoods
Marriage Act 1949		Proper Officer for registrations	Service Director Legal
Births and Deaths Registration Act 1953		Proper Officer for registrations	Service Director Legal
Regulation of Investigatory Powers Act 2000		Designated person for authorising the acquisition of communications data	Licensing and Trading Standards Manager
Any legislation past or made before or during 1972		Any functions of "the Clerk of the Council" or the "Town Clerk" which is to be construed as a reference to the Proper Officer of the Council.	Service Director Legal
Any legislation past or made before or during 1972		Any function of the "Treasurer"	Service Director Finance